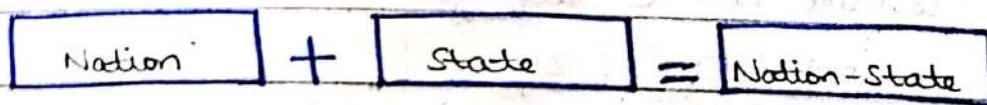


Q1. Write an essay on the development of modern nation-state. (CSS-2022)

Ans. I-INTRODUCTION: DEVELOPMENT OF MODERN NATION STATE



A nation-state is a combination of two words: "nation" and "state". It is a political unit where the state and nation are congruent. A nation-state emerges out of the evolution of stateless societies into tribal societies, city states/empires and colonial empires over the course of history. In the present world, the events like the Treaty of Westphalia, world war II and the disintegration of USSR led to the emergence of modern nation-states on the world map. Thus, nation-state is a significant concept for the survival of humanity.

II - THE NATION - STATE

a) Nation

A nation is a community of people formed on the basis of a combination of shared features such as language, history, ethnicity, culture and society.

Example: The Pakistani nation, American nation, Indian nation, etc.

b) State

The state is a community of people, occupying a definite territory, organized under a government, which is supreme over all persons and associations within its territory and independent of all foreign control or power.

Example: The 195 states of the world - United States, Afghanistan, Algeria, etc.

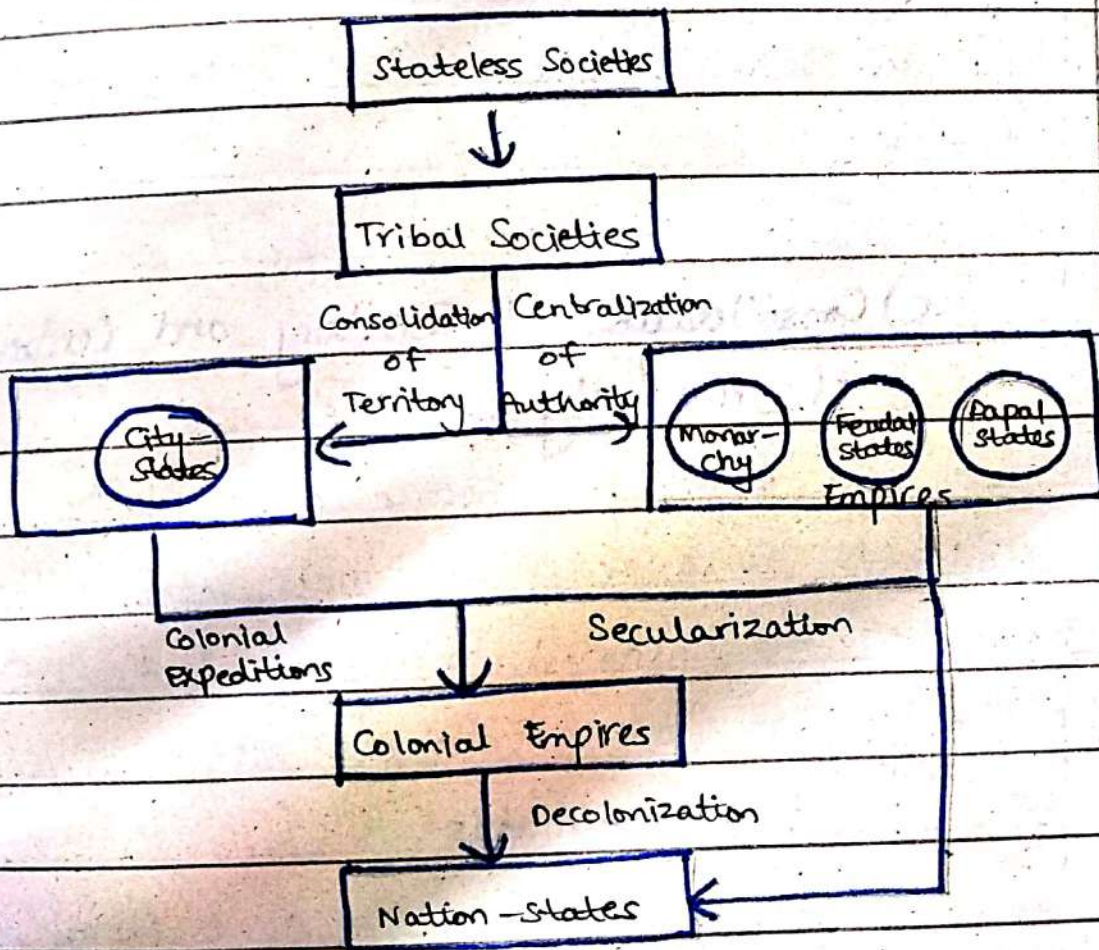
c) Nation - State

A nation-state is a homogeneous nation governed by its own sovereign state-

where each state contains one nation.

Example: Turkmenistan (state of Turk nation),
Japan (state of Japanese nation), etc.

III - DEVELOPMENT OF NATION-STATE



Evolution of Nation-State

a) Stateless Societies

From the obscure details, it was found that the earliest human society was matriarchal

in form. Then it shifted to patriarchy. Both these societies were stateless.

b) Tribal Societies

The regulation of various affairs like family, property, inheritance etc., led to the emergence of tribal societies where tribal chiefs exercised authorities.

c) Consolidation of Territory and Centralization of Authority

With the course of time, the territories consolidated as a result of wars, intermarriages, etc. These consolidated territories had a central authority. This led to either:

i) City-States

A city state is a small population of people having a sovereign authority.

Example: City-states of Italy, Greece, etc.

OR ii) Empires

Empire is an extensive group of states or countries ruled by Monarch, or feudals and papals.

Example: British empire, Mughal empire, etc.

d) Colonial Empires

The city-states and empires began colonial expeditions to expand themselves. During this process secularization also began and papal states lose their powers over emperors. Thus, the emperors became rulers.

Example: The Asian colonization

e) Nation-States

With the passage of time, decolonization began in colonized countries and nation-states started to emerge. In some cases, empires broke down (without ~~colonist~~ European style colonization) and resulted in nation-states.

Example: The freedom struggle in ^{Indian} subcontinent resulted in Pakistan and India. The break-down/dissintegration of USSR resulted in many nation states like Tajikistan, Turkmenistan, etc.

IV - DEVELOPMENT OF MODERN NATION-STATES

a) Treaty of Westphalia

i) Background

Two destructive wars were the major triggers behind signing the eventual Peace of Westphalia: The Thirty Years' War in the Holy Roman Empire and the Eighty Years' War between Spain and the Dutch Republic. These two wars resulted in severe economic and human losses.

ii) The Treaty

The Treaty of Westphalia granted religious tolerance to Lutherans and Calvinists in the Holy Roman Empire. It recognized Dutch independence, gave to France the provinces of Alsace and Lorraine, and ended the Thirty Years' War.

b) World War II

i) Background

World War II began in Europe in 1939, when Germany invaded Poland. Great Britain and France responded by declaring war

on Germany.

ii) The War

The war continued and once the Allied Armies defeated Germany, Europe was divided into spheres of influence with the Americans, British and French in Western Europe and the Soviets in Eastern Europe.

c) The Dissolution of USSR

i) Background

After World War II, the United States and its allies, and the Soviet Union and its satellite states began a decades-long struggle for supremacy known as the Cold War.

ii) The Dissolution

The dissolution of the Soviet Union was the process of internal disintegration within the Soviet Union (USSR) which resulted in the end of the country's and its federal government's existence as a sovereign state, thereby resulting in its constituent republics gaining full sovereignty in 1991.

V- CRITICAL ANALYSIS

A nation-state is a homogeneous nation governed by its own sovereign state - where each state contains one nation. Nation-states evolved over a course of history from stateless societies. Modern global political system is theoretically built around the notion of nation-states.

Empirically, it is due to the nation-state concept that we are living in the most peaceful period of time and the wars are much reduced. However, practically the idea of nation-states has never been taken to its logical conclusion because there still exists such nations like Kurds, Yazidis, etc., which do not have states of themselves.

VI- CONCLUSION

In a nutshell, a nation-state is a political unit where the state and nation are congruent. The evolution of stateless societies into tribal societies, city-states/empires, colonial empires resulted in ~~the~~ nation-state which further

developed into modern form. The current nation states on the world map have emerged from the treaty of Westphalia, world wars and the disintegration of USSR.

Q2. How far is it true to say that the origin of the state lies in force? Discuss critically the Theory of Force regarding the origin of state. (CSS-2019)

Ans. I-INTRODUCTION: THE RELEVANCE OF FORCE IN THE ORIGIN OF STATE AND THE THEORY OF FORCE

Force Theory of origin of state	=	War begot the king	=	Irrelevant in Present Times
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The force theory of the origin of states state that the origin and development of state are based on force (used by the strong over the weak). This theory might hold true in the case that ~~case~~ states can be captured by force, but they cannot survive

through coercion. Ultimately, the state's existence diminishes. History is full of evidences where force was used on states fruitlessly such as the British Colonization of India, the World War II by Hitler, the American intervention of Afghanistan and the Russian invasion of Ukraine. Thus, the relevance of the use of force in the modern world is futile.

II - RELEVANCE OF USE OF FORCE IN THE ORIGIN OF STATES

Force is not always the solution.

Virtually, force has been used by every state against another at some point of time. History is full of evidences where force was used for the state origin, but failed. Some examples are:

a) The British Colonization

European states infamously colonized many parts of the globe. The British colonization

of the Indian subcontinent was to exploit the natural resources and native populations of the areas they settled. However, the emergence of Pakistan and India in 1947 is the failure of the use of force by the British.

b) The World War II by Hitler

Adolf Hitler had an overriding ambition for territorial expansion. Hitler's invasion of Poland in 1939 drove Great Britain and France to declare war on Germany (World War II). The Allied Armies defeated Germany, the world was divided into US and USSR led blocks and in 1945, Hitler committed suicide.

c) The American Intervention of Afghanistan

The September 11, 2001 World Trade Center incident resulted in the ^{Global} War on terror. The war has exacerbated the effects of poverty, malnutrition, environmental degradation, security threats and other problems in

Afghanistan. Resultantly, ^{the} US withdrew its forces from Afghanistan on August 15, 2021, and the Taliban surged back to power after 20 years of war.

III - ANALYSIS OF THE FORCE THEORY OF THE ORIGIN OF STATE

a) The Force Theory of State Origin

The Force theory states that wars and aggression by some powerful tribe were the principal factors in the creation of the state.

Thus, the proponents of this theory rely on the oft-quoted saying "war beget the king" as the historical explanation of the origin of the state.

b) Analysis

In the present era, the force theory of state origin has lost its relevance due to:

1. The UN Charter's Article 2 which requires

member states to respect the sovereignty of other member states and to resolve disputes peacefully rather than the use of threats or force.

2. The alliance formation among states such as NATO, EU, SAARC, etc.

3. The organization of active military by states.

c) Examples

1. In the Syrian Civil war, when the opposition supporters took up arms, first to defend themselves and later to rid their areas of security forces, the government of Assad responded militarily. However, this war is still going on.

2. The Russian invasion of Ukraine in February 2022 was the use of unilateral force by Russia. It resulted in the disturbance of peace of the entire world. This unrest is also still going on.

IV - CRITICAL ANALYSIS

According to the force theory of the origin of state, the origin and development of states are based on the use of force. This theory holds true in ancient times i.e. during the 'tribal societies' consolidation of territories.

At that times, the member of the states willingly form states in order to protect themselves. However,

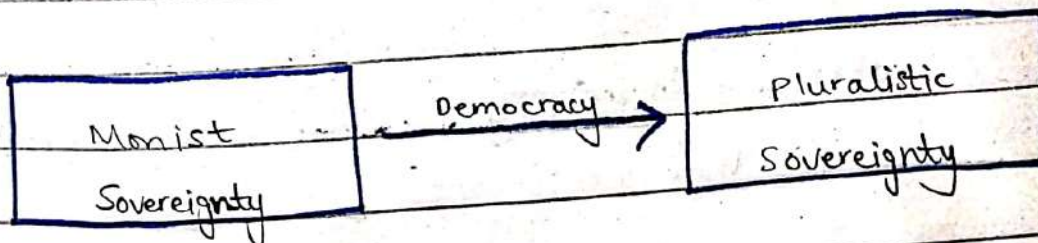
in the present era, the emergence of media, the increased rationalization of people, the coalition formation of states, the international organizations all protect any state and its members from the brutal/violent use of force by other states. Thus, the relevance of force theory of origin of states is now diminished and the unjustified use of force against any state is responded by the international community (mainly in the form of Sanctions)

V- CONCLUSION

In a nutshell, the force theory states that states originated and developed through the use of force. This theory has become irrelevant in the present era as force is not always the β solution. The use of force during the British colonization, the world war II, the American intervention of Afghanistan and others all resulted in losses of huge economy and precious lives.

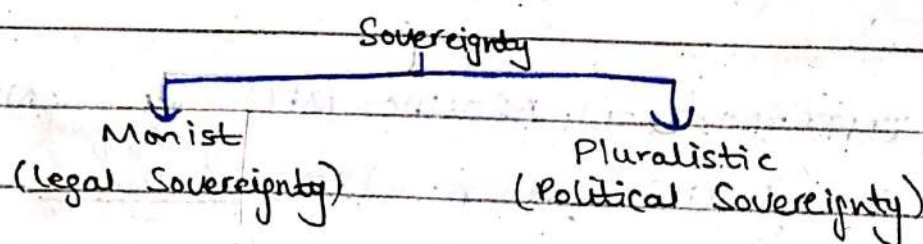
Q5. Why monist or absolute concept of sovereignty has been abandoned? Analyze legal concept of sovereignty. (CSS-2020)

Ans. I- INTRODUCTION: ABANDONMENT OF MONIST SOVEREIGNTY AND ANALYSIS OF LEGAL SOVEREIGNTY



Sovereignty is the supreme, unlimited and absolute power of the state. Two schools of thought exist on sovereignty i.e. monist (supports legal sovereignty) and pluralistic (supports political sovereignty). Monist sovereignty emerged as a result of treaty of westphalia but due to autocratic nature of monarchs, the democratic movements resulted in pluralistic sovereignty in which there is no single source of authority. Also the legal sovereignty is limited by certain moral, natural, human and constitutional limitations. Thus, pluralistic sovereignty is the most accountable and transparent form of sovereignty.

II - SCHOOLS OF THOUGHT ON SOVEREIGNTY



a) Monist Sovereignty

The monist view asserts that the state is the supreme authority - its sovereignty is absolute. This theory opposes the ~~authority~~ ^{authority}.

of churches, particularly the Catholic church. It is associated with the legal concept of sovereignty. Monist sovereignty was supported by Jean Bodin and Thomas Hobbes.

i) Legal Sovereignty

Legal sovereignty is the supreme and final law-making power, recognized by law and exercised by a determinate person or organ of the state.

Example: Sovereignty of Queen-in-Parliament in England.

b) Pluralistic Sovereignty

The pluralistic sovereignty was a reaction to monist sovereignty and rejects the notion of the state as a supreme authority.

It is associated with the political aspects of sovereignty. This concept is supported by Harold Laski and Robert MacLver.

i) Political Sovereignty

Political sovereignty is the

Sum total of the influences and forces in a state which stand behind the law.

Example: Power of the people, Army, priests, etc.

III- EVOLUTION OF MONIST SOVEREIGNTY AND ITS SHIFT TOWARDS PLURALISTIC SOVEREIGNTY

a) Evolution of Monist Sovereignty

During the Middle Ages in Europe, the Pope (head of the Catholic Church) ~~was~~ ^{had} the authority to crown kings, command armies, and set policies. Then ^{the} Protestant Reformation rejected the authority of the pope and many Catholic principles. This led to religious wars (Thirty Years War) which was ended by Treaty of Westphalia. It gave the state's power to emperor.

b) Causes of Shift to Pluralistic Sovereignty

i) To Reject Monarch's Autocracy

Absolute sovereignty leads to absolute power (autocracy) and hence the monarch has unlimited powers.

ii) To Recognize Moral Personhood of Citizens

The actions taken by the monarch were unchallenged. However, pluralistic sovereignty requires the actions of the state to be justified on moral grounds.

Example: Before COVID-19, any state could not issue ban on social gatherings without any justification.

iii) To Establish Rule of Law

The unjustified and unchallenged authority of the monarch violated the rule of law. According to pluralistic sovereignty:

1. No one should be punished except for breach of law.
2. There should be equality before law.
3. There must be protection of fundamental human rights and due processes.

iv) To Establish Democratic Values

The modern states are democratic states which are aligned with pluralistic sovereignty.

Example: According to EIU's measures of democracy, less than half of the world's population now live in a democracy of some sort.

IV - ANALYSIS OF LEGAL CONCEPT OF SOVEREIGNTY

The legal sovereignty is the legal authority to issue and enforce laws. No state can run without a legal sovereign (monarch or parliament). However, the concept of legal sovereignty is contested due to its certain limitations:

a) Moral limitations

legally the state ~~can~~ is competent to do everything, but in practice it cannot do many things.

Example: If the legislature decided that all blue-eyed babies should be "murdered". The preservation of blue-eyed babies would be illegal, but legislators must go mad before they could pass such a law and the subjects be idiotic before

they could submit to it.

b) Natural limitations

A legal sovereign cannot do what is naturally impossible.

Example: A sovereign cannot order that all babies delivered in a hospital must be boys.

c) Human Limitations

A sovereign is a human and has to deal with humans, so he/she cannot do certain things.

Example: A sovereign can make a law that all his subjects must work for 18 hours a day, but he cannot enforce it.

d) Constitutional and International law limitations

A legal sovereign has limitations in the form of constitutional and international laws.

Example: The Russian invasion of Ukraine was sanctioned and opposed by international community.

V- CRITICAL ANALYSIS

The monist sovereignty is associated with legal sovereignty and pluralistic sovereignty with political sovereignty. The monist sovereignty shifted from monarch to parliament in order to limit the autocratic nature of monarchy. The pluralistic sovereignty is democratic in nature and appears to be an ideal form of sovereignty. However, most of the times the will of the people (as in cases of protests) is suppressed by the use of force and the lawyers and courts also refuse to look beyond the legal sovereign. Thus, pluralistic sovereignty is ideal for ~~these~~ ~~states~~ ~~where~~ developed states and undesirable for developing countries whose people are deprived of their basic rights.

VI- CONCLUSION

In a nutshell, there are two schools of thought on sovereignty: the monist and pluralistic. The monist sovereignty shifted from

monarch to parliament in response to democratic movements. ^{Although,} The parliament is a legal sovereign but has certain limitations on it and is directed by people. Thus, pluralistic sovereignty is the ideal form of sovereignty in modern times.