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## WHO WAS MONTESQUIEU?

Montesquieu was a French judge, jurist and political philosopher, born on 18 Jan 1689. He lived in England from 1729 to 1731 and based his exposition on the English constitution of early eighteenth century.

## THEORY OF TRIAS POLITICA:-

The term "trias politica" or "separation of powers" was coined by Montesquieu. He followed the attempts of Aristotle and Lock in dividing the power of government. The theory says that: "In order to prevent the abuse of powers, the power of government should not be left entirely to one body or person; instead it should be separated or divided in some way." He divided the power of government into three (03) major functions.

- i) The Legislative
- ii) The Executive
- iii) The judiciary

## MAIN FUNCTIONS OF SEPARATION OF POWER:-

The doctrine of separation of power is inseparable from democracy.

- A person forming a part of one organ should not be the part of other organ.
- one organ should not interfere with the functioning of the other organ.
- one organ should not exercise the function belonging to other organs.

## WHY IT IS IMPORTANT TO HAVE SEPARATION OF POWERS

It is important to have separation of power because the three main

organs of the government. and separation of power must be free in democracy to exercise his power, the three organs should not interfere in each other's working so, they must be kept separated for exercising their power. But the 03 organs can not be segregated from each other because they are interdependent, they have different roles and powers to exercise and to ensure effective governance.

## ADVANTAGES OF THE THEORY

### TRIAS POLITICA:-

Following are some of the advantage of the theory trias political given by Montesquieu.

#### a) Protection of Liberty and Rights:-

Theory of separation of powers protects the liberty and rights of individual. It also protect from dictatorship and oppression.

## b) Increase in Government's efficiency:-

As powers are distributed among the government and the departments, these departments gain deep knowledge of the matters they deal with which increases the efficiency of departments and government.

## c) Limited Government:-

As powers are distributed among different departments, these departments enjoy only limited powers. cannot interfere in the powers and functions of other department.

## d) Prevents Abuse of power:-

Separation of powers accompanied by checks and balance is an effective check against abuse of power and arrogance of people.

## e) Prevents tyranny:-

It prevents the tyranny of any one pillar as every department has to

deal with its own affairs. Judiciary can't make laws and legislature can't interpret the law or judicial review.

## DISADVANTAGES OF THE THEORY TRIAS POLITICA:-

This theory, though accepted by most countries, has not escaped criticism. The theory has been criticized on the following grounds.

### a) Inequality of powers:-

This theory is based on the principle of equality of powers, but this principle is flawed. In the parliamentary system, the legislature which represents the people is most powerful while the executive is most powerful in the presidential system.

### b) Not the sole factor of liberty:-

Separation of powers may contribute to liberty, but it is not the only factor of liberty.

liberty also depends on psyche of people, their political awareness, customs and traditions etc.

### c) Disturbed Balance:-

The government department, executive, performing various important functions i.e. planning of execution of laws, security, and welfare, which demand not much separation of power but fusion of power. All these made executive very powerful than remaining two branches.

### d) Administrative complications:-

Separation of powers results in administrative complications. It becomes difficult to forge co-operation, coordination and harmony among the organs of government. The smooth working of modern governments demand not so much separation of powers.

### e) Confusion and Deadlock:-

Separation

of power leads to jealousy, suspicion and friction among the organs of government. While producing disharmony and confusion, it may paralyze the administration. As a result administration often fails to take quick decisions.

## IS AN ABSOLUTE SEPARATION OF POWER POSSIBLE:-

Separation of power is a feature associated more with the presidential system of government. In a typically parliamentary system, fusion of power is more common. In fusion of power the elected legislature is supreme, while the other branches are subordinate to it. In separation of power each branch enjoys a considerable degree of independence from the other branches. As all three branches are interlinked with each other, an absolute power is not possible especially in parliamentary system.

## WHY MONTESQUIEU IS CALLED ARISTOTLE OF 18<sup>TH</sup> CENTURY:-

Montesquieu

~~Aristotle~~ is called Aristotle of the 18<sup>th</sup> century due to the following reasons.

1. He applied the Aristotelian method of inductive and historical tradition as Dunning says, "The method applied by Montesquieu in the solution of the problem is that of Aristotle". Hence, he may be justly regarded as the Aristotle of the 18<sup>th</sup> century.
2. He paid attention to the influence of the physical environment on social institutions and life of men like Aristotle.
3. Both Aristotle and Montesquieu classified several types of government on the basis of the number and the way in which these are used i.e. Monarchy, Republic & Despotism.
4. Montesquieu follows Aristotle by saying that law of society gives it peculiar and particular character as Aristotle said long ago, that constitution determines the life and character of its people.



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## INTRODUCTION:-

Aristotle, famously referred to as the father of political science, laid the bricks of the subject. He gave political thoughts about state, man, relation between state and man and classification of governments and constitutions.

## ARISTOTLE: FATHER OF POLITICAL SCIENCE:-

Aristotle was the first man to distinguish between various branches of knowledge. According to Aristotle, political science is a master science. He considers political science as a master-art because, unlike other sciences that serve as a means to an end, political science pertains to the ends of human existence in itself. Following are

the Aristotle's contribution to the history of political thought.

## ARISTOTLE AND HIS VIEWS

### ON STATE:-

Aristotle views the state as natural. According to him state is a necessary condition for all human. Like Plato, he doesn't differentiate between state or society. According to Aristotle state is a necessary condition of a good life. He perceived state as natural for humans because according to him, there is no difference b/w an animal or human being other than that humans have desire and a sense of living a good life. "The state came into existence for the sake of life and continues to exist for the sake of good life."  
(Aristotle).

# ARISTOTLE AND HIS VIEWS

## ON MEN:-

Aristotle believes that man is a political animal. This analogy is intriguing because it does not only consider man to be a social animal but also interprets him as a political being. According to him all living beings exist in society within a group therefore they are social animals. However, it is only the quality of human being to aspire for a good and qualitative life. He says, "he who does not live in a state or who does not need a state is either a beast or a god."

## STATE AND ITS RELATION

### WITH MAN:-

Aristotle is known for his dictum that state is prior to man. Chronologically, it is a

man who appears before the state. It is the state that makes human being capable of completing their needs and fulfilling the objective of good life. Aristotle draws a relation between organ and organism in such a way that as each organ of living being performs different responsibilities in <sup>body</sup> society. The body consists of different different organs, similarly the state ensures the communion of various individuals, where the division of labor ensures co-operation and harmony in society.

## ARISTOTLE AND HIS CLASSIFICATION OF GOVERNMENTS & CONSTITUTIONS.

Aristotle was troubled by the instability that existed in Greek 'city-states' governments. He classified his constitution on the basis of following 02 factors.

## 1. Number of individuals ruling the state:-

To know about the quality of rule, type of rule, he set the factor of number of rulers of the state. Either it is one person ruling the state, a few individuals or it is a rule of many.

## 2. The intent of the ruler or rulers:-

Whether the ruler is ruling for his state's interest (known as a normal form of government) or whether the ruler is looking after his self-interest (known as the perverted form of government).

## Aristotle's classification of Government:-

# of rulers	Public interest	self interest
The one	Monarchy	Tyranny
The few	Aristocracy	Oligarchy

The Many

Polity

Democracy

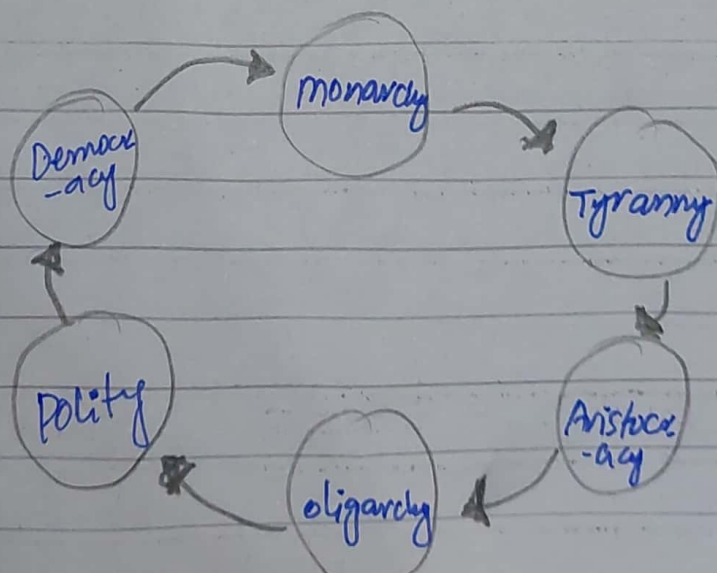
- If it is the rule of one, then it would be ~~Aristocracy~~ <sup>monarchy</sup> in an ideal government or it would be despotism or Tyranny in a perverted form.
- If the rule is by few it would be aristocracy in an ideal form of government or oligarchy in a perverted form.
- If the rule is by many, it would be polity or constitutional govt as the ideal form of ~~democracy~~ government and interestingly, Democracy is a perverted form.

## ARISTOTLE'S CYCLE OF FORMS OF GOVERNMENT:

Aristotle has provided cycle of change of governments over time. Kingship, a normal form of government

turns to tyranny when there is absence of control over the monarch's power. Tyranny leads to a rebellion or a revolution by a few individuals who establish an aristocracy. Aristocracy can deteriorate and turns into an oligarchy, the perverted form.

With time, a greater many rebels against oligarchy supersede it with polity. Polity further decays into democracy when the many rulers begin to seek their self-interest. In the end, a single individual who seems virtuous establishes a monarchy, and the progression of ideal form and perverted form continues in a circular motion.



## CONCLUSION:-

Aristotle gave the concept of mixed constitution, state, man and state, views about man, and his cycle of form of governments and many more. He tried to give a solution of stable form of government - by the combination of rule of few and rule of many. Aristotle has made great contributions in the history of political thought and many of the philosophies and rules today ~~were~~ are the result of his policies, thoughts and work.