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(بورڈ کے استعمال کے لیے)

Question # 1

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Explain the contribution of Aristotle regarding State and governance. Examine its relevancy in the present time.

Aristotle, a towering figure in the ancient Greek philosophy, made significant contributions to the understanding of the State and governance. His political philosophy is primarily expounded in his works "Politics" and "Nicomachean Ethics", where he delves into the nature of the state, the best form of governance, and the role of citizens. Aristotle's ideas on politics have had a profound and lasting impact, influencing political thought throughout history. Following are some of the key aspects/concepts in Aristotle's political philosophy:

- 1) Natural Social Hierarchy:

Aristotle posited that humans are political



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animals and naturally form communities for their mental benefit. He recognized a natural social hierarchy wherein some individuals are more suited for leadership than others. According to him, this hierarchy is not arbitrary but based on inherent qualities such as intelligence and virtue. Aristotle's emphasis on a natural social order resonates with the contemporary discussions on leadership qualities, competence and meritocracy.

In the present time, discussions on leadership and governance often revolve around the selection of competent leaders. The idea of a merit-based hierarchy, although not without its challenges, aligns with modern aspirations for effective and responsible governance.

2) Forms of Governance &

Aristotle extensively analyzed different forms of government, identifying three main types —



monarchy, aristocracy and polity - and their corrupted counterparts - tyranny, oligarchy and democracy. He argued that the best form of government is a mixed constitution, combining elements of monarchy, aristocracy and democracy. Aristotle's preference for a mixed government reflects a nuanced understanding of the strengths and weaknesses inherent in various political systems.

In the present context, discussions on the optimal form of government continue to be relevant. The idea of a mixed government has parallels with modern concepts of checks and balances, where different branches or institutions balance each other's power to prevent tyranny or abuse.

### 3) Rule of Law and Citizenship:

Aristotle stressed the importance of the rule of law in maintaining a just and stable political



order. He argued that citizens should be active participants in governance, with a shared responsibility for the well-being of the state. Aristotle's concept of citizenship went beyond mere legal status; it involved active engagement and contribution to the common good.

In the contemporary era, the importance of the rule of law and active citizenship remains paramount. Democratic societies emphasize citizen participation, and the rule of law is considered a fundamental principle for ensuring justice and protecting individual rights.

#### 4) Ethical foundations of Politics:-

Aristotle's political philosophy is deeply intertwined with his ethics. He believed that the purpose of the state is to facilitate human flourishing, and politics should be guided by ethical considerations. Value, according to Aristotle, is





crucial for both individual and

collective well-being.

In the present time, discussions about ethical governance and the role of values in politics persist. The integration of ethics into political decision making remains a relevant and challenging endeavor, especially in addressing complex issues that require moral discernment.

### 5) Education and the Polity:

Aristotle emphasized the role of education in shaping virtuous citizens, and consequently a just and stable state. He argued that the state should be involved in the education of the citizens to cultivate moral virtues and civic responsibility.



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In the contemporary world, debates about the role of education in shaping responsible citizens and promoting civic values persist.

### 6) Critique of Extreme forms:-

Aristotle was critical of extreme forms of government, such as tyranny and democracy. He recognized the dangers of unchecked power and the potential for the majority to oppress the minority in a pure democracy. Similarly, he warned against the abuses of power in a tyrannical regime.

In the present era, concerns about the pitfalls of unchecked power, whether in authoritarian regimes or in overly polarized democracies, resonate with Aristotle's warnings. Discussions about the balance between majority rule and protection of minority rights continue to shape



political discourse

7) Practical Wisdom in Governance:

Aristotle emphasized the importance of practical wisdom in governance. Leaders, he argued, should possess the ability to make prudent decisions based on a deep understanding of the particular circumstances they face.

In the contemporary political landscape, the notion of practical wisdom aligns with the importance placed on leadership qualities such as sound judgment, adaptability, and a nuanced understanding of complex issues.

Relevance in the Present Time:-

Aristotle's political philosophy remains relevant in the present time for



Several reasons. First, his emphasis on a natural social hierarchy and the importance of leadership qualities speaks to ongoing discussions about effective governance and the selection of competent leaders. Second, his analysis of different forms of government and his preference for a mixed constitution resonates with contemporary debates about the strengths and weaknesses of various political systems.

The importance Aristotle placed on the rule of law, active citizenship, and ethical considerations in politics aligns with modern democratic ideals. The ongoing discussions about the role of education in shaping responsible citizens also reflects Aristotle's insights. Moreover, his critique of extreme forms of government serves as a cautionary reminder in a world grappling with the challenges of both authoritarianism and the potential excesses of unchecked democracy.







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## Question

Is -the judicial review in Pakistan clearly at the expense of parliamentary sovereignty. Examine its relevance in the present time.

Judicial review, as the constitutional doctrine, plays a pivotal role in balancing and safeguarding the principles of democracy and the rule of law. In Pakistan, where the constitution is the supreme law of land, the concept of judicial review has been a subject of debate, particularly in relation to its ~~sub~~ impact on parliamentary sovereignty.

### Historical Context:

Pak's constitutional history has been marked by periods of military rule and democratic transitions. The judiciary has often been called upon to adjudicate



matters related to constitutional validity, leading to the evaluation of judicial review. Notably, - the landmark use case of Asma Jilani Vs Govt. of Punjab (1972) marked a significant moment in the establishment of - the judicial review in Pakistan.

## Judicial Review and Parliamentary Sovereignty:

Parliamentary Sovereignty is a cornerstone of parliamentary democracy, emphasizing the supremacy of the legislature in making & unmaking laws. However, judicial review empowers the judiciary to assess the constitutionality of legislative actions, potentially challenging - the notion of absolute parliamentary sovereignty. In Pakistan, Article 239 of the Constitution explicitly prohibits - the judiciary from questioning the validity of certain constitutional amendments. Nevertheless, - the judiciary has been actively engaged in reviewing



laws and executive actions, promoting decades about the limits of parliamentary sovereignty.

Relevance in the Present Time :-

1) Protection of Fundamental rights :-

Judicial review serves as a crucial mechanism for protecting fundamental rights enshrined in the Constitution. In contemporary Pakistan, issues such as freedom of expression, right to privacy, and access to justice often require judicial scrutiny. The judiciary's role in upholding these fundamental rights ensures that parliamentary actions align with constitutional principles.

2) Check & Balances

A democratic system thrives on the effective operation of checks and balances. Judicial review







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4) Preserving Rule of Law :-  
The rule of law is a fundamental principle that underpins a just and orderly society. Judicial review reinforces the supremacy of the Constitution and ensures that all exercises of State power, including those by the legislature, conform to legal norms. This in turn, strengthens the rule of law and contributes to the stability of the political system.

## Cons of Judicial Review :-

1) Erosion of Parliamentary Sovereignty :-

Critics argue that an excessive use of judicial review undermines the principle of parliamentary sovereignty. They contend that the judiciary should not interfere with the decisions of



elected representatives, as it may unduly limit the legislature's ability to enact laws in the best interest of the people.

## 2) Democratic Legitimacy

Some opponents argue that judges, who are not elected by the public, should not have the authority to overrule decisions made by elected representatives. They assert that such interference may compromise the democratic legitimacy of the legislative process.

In conclusion, the relationship between judicial review and parliamentary sovereignty in Pakistan is complex and dynamic. While the judiciary's role in reviewing legislative actions may be perceived by some as encroaching upon parliamentary sovereignty, it is essential



to recognize the proper constitutional framework within which this dynamic operates. The relevance of judicial review in the present time lies in its capacity to uphold fundamental rights, maintain check and balances, contribute to constitutional interpretation and preserve the rule of law. Striking a delicate balance between these objectives and respecting the democratic mandate of elected representatives is crucial for a constitutional democracy to thrive. As Pakistan continues its journey towards deeper democratic consolidation, a nuanced understanding of the interplay between judicial review and parliamentary sovereignty is imperative for the enduring strength of its constitutional order.