

#063

Section - A

Evaluate the theory of the "separation of powers" proposed by Montesquieu. How have modern political system interpreted and implemented this doctrine

Introduction:

Montesquieu was born in Bordeaux of France in 1689. His actual name was Charles Louis de Secondat. He got education in law and philosophy. After the death of his uncle Baron de Montesquieu, he was the head of the parliament in Bordeaux of France. He was influenced by the the Liberty of England. He criticized the exceptional wealth of the French. He described the Relativity of human nature, kind of law, form of government, separation of power, liberty in his famous writing "On the spirit of Law". His theory have influenced in modern world politics such as on the political institutions, globalization, religious institution. U.S, U.K, France, Pakistan influenced by his theory.

Montesquieu theory

Montesquieu was a great philosopher. He was **affected** by the rational liberty of France at that time. He was influenced by the liberty of Englishmen and constitutional machinery of England. It was the history of Roman and the English institutions which was the content of his political philosophy.

Relativity of Human (nature) institutions:

There is uniformity and diversity in the human institutions. It is done by the law of nature. Human being makes law, for self-preservation, peace and security. Every institution is the society make laws. They are diverse in nature.

Montesquieu form of govt:-

The classification of Montesquieu form of govt is based on the how many politicians hold the power & how they exercise the power in the institutions. He gave the basic principle regarding the government that by nature peculiar structure, location and manner exercise the sovereign power and by principle, human passion make it act.

Religion and the size of state:-

When the size of state is changed, the

form of government will also be changed. In small state, **Real democracy** was best for it. In France, at that time, Monarchy would be best. since larger state have despotic form of govt which would be declared as worse form of government. To prevent small states to be absorbed in larger state, the concept of Federation was adopted. Federation form of government adopted by the U.S government, to ensure liberty, which Montesquieu valued so highly.

Concept of Liberty:

The most significant contribution of Montesquieu is his conception of liberty. He described about absolute liberty and Relative liberty. Absolute liberty in which you can do whatever you want. there is no restriction of law. But in relative liberty, you can do but under the law, you can't violate the law. so, you have liberty but under the law.

Separation of Power to ensure the liberty of individual/institutions.

Liberty lies under the laws, not the

subjugation of person. He influenced the liberty of England in which all the institutions ensure the liberty of individuals and institutions under the law and control. Separation of power can be achievable, when executive, legislature judiciary do their work in their respective domain. They can connected with each other but they have no right to dominate to one another.

Geography influenced the physical phenomenon of national life:-

Montesquieu described the physical conditions such as social, economic, religious and political influenced by the geography of that state.

Intellect and passion vary with the change of climate. There is direct relation with the climate and liberty.

State and the church:-

Montesquieu was secular in his attitude towards the church. He said that church is the department of state. He considered church play important role to build the nation morally but it should be ensure the

the liberty and power of government and people.

Montesquieu theory related to Modern politics:-

Montesquieu theory necessary for the globalization:-

In the globalization, there is diversity in the nature of society, culture, religion, institution. It is necessary to accept the diversity and uniformity of that society.

So, there is need to make laws to manage this system. Because individuals make laws for liberty, security and self-preservation.

Liberty is necessary but under the rule of law:

Montesquieu valued the liberty. But liberty must be under the rule of law.

It is not a good way that every man in the state do whatever they want.

They do not take participation in those events which are against the sovereignty of state. They do not violate the rules of cyber security.

Separation of power is important for the integrity of state:

There are three institutions; Executive, Legislature,

judiciary. Every institution ~~shall~~ must perform their work but in their respective domains.

In Pakistan, according to the 1973 constitution, Every institutional body is separated from each other. They can work independently. Prime Minister (executive) runs the body of the state, legislature → interpret the law and judiciary have checks and balance on the state.

Conclusion :-

Montesquieu was a great philosopher. He described the importance of liberty, separation of power, role of government, form of government and the role of church in state. Montesquieu's theory has great influence in U.S, U.K, France, Pakistan. His theory also implemented in the contemporary world. If the state adopts his theory in actual way, it can be beneficial for the state affairs.
