

Part II

Section-A.

Q No 2 Evaluate - the theory of the "Separation of Powers" as proposed by Montesquieu. How have modern political systems interpreted and implemented - his doctrine:-

Introduction:-

Montesquieu, a famous political philosopher discussed in his book the concept of the separation of the Powers and Check and Balance System. He said the UK people are free and happy because their government have the separation of Powers between the legislature, executive and judiciary. The concept of check and balance prevails on the separation of Powers and his concept is implied in USA, India and also in Pakistan.

Montesquie idea of separation of Power:-

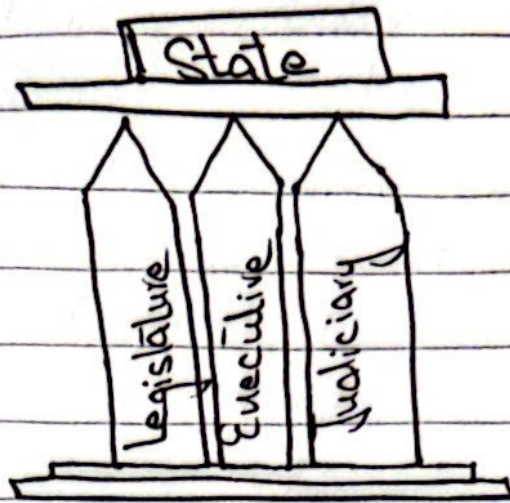
Background:-

Montesquieu was a French philosopher and was against of the Monarch system of the France. He visited the UK and observed the happiness and liberty enjoyed by the People of the UK. He wrote in his book, the separation of Power between the judiciary, legislature and the executive. It is important for the progress of the Country to give the separation of Power to each system.

Three -functionaries of -the government:

Montesquieu explained that there are three important functionaries in the working of the government. Executive, which is responsible to execute the laws - legislature, which give laws and give amendment and the judiciary which interpret the

Law -



Imbalance of Power of any of the
functionary will lead to destabilization
of the state:

If the Power of each is not
 equally separated among the
 three functionaries of the state,
 there will be injustice and
 destabilization of the state
 legislature and executive
 if work without the judiciary
 then there will be tyranny
 as they will themselves
 make laws and execute the
 laws without fear of the
 judiciary.

If there will be no executive,
 then the legislature and judiciary
 will not be able to execute
 the laws. Without legislature,
 there will be no amendments, no
 new laws and executor and
 judiciary will be in a abominable
 form. Hence, the separation of
 Powers is very important.

Functions of three branches of government:

a) The legislative branch:-

legislative branch of
 any government is responsible for
 drafting, debating and passing
 laws or legislation. This branch
 is elected by the people
 themselves in any democratic
 government. This branch should
 be separated from the rest
 to make it run properly.

Thomas Jefferson, founding
 father of the United States

- father of the United States, has rightly praised Montesquieu in the following words.

"Montesquieu has given us the spirit of laws; he has enabled us to form a better system of legislation, and to correct the errors and prejudices which we had contracted."

b) The executive branch:-

The branch brings the legislation into reality. This branch is either headed by the Prime minister or president depending upon the form of government. Montesquieu says that such functionalism would bring efficiency and accountability to the government.

c) The judicial branch:-

This branch interprets the laws if they are passed or working in accordance with the constitution. Because the Constitution has the highest regard in any democratic

The scrutiny of the laws is necessary

Modern Political systems interpreted and implemented his doctrine:-

Modern Political systems of India, USA and Pakistan, the concept of Separation of Powers is Practised.

Modern Political systems of many countries followed the separation of Power concept of the Montesquieu. India, Pakistan and USA are

the examples where the Montesquieu concept of separation of Powers and check and balance system is implemented

USA, a perfect example of "Separation of Power" Concept:-

In USA, the Montesquieu concept of separation of Power of three branches of government is practised.

Legislative Power:-

In USA, the Congress is the legislative body.

Consists of lower house and the Senate. It is responsible for the making of the laws for the government. If the President (which is executive body in the USA) veto the law passed then the legislative body with the 2/3rd majority can veto the President's statement of not passing the law.

Executive System of USA:-

The President is the executor in the USA, who is responsible to implement the laws of the legislature by ordering institutions if he not liked the law then has the power to veto it.

Judicial System of USA:-

The judicial system can take the judicial review of any passed law whether the law passed is in accordance with the state

or not, it interpret the law.
It can call the executive
and legislator to account for
their act.

Check and Balance Concept:-

Montesquieu has also given
the check and balance concept
which is that all these three
powers of the government should
do check and balance on
another, so that no one hold
the more power and smoothly
the work of the state
continue.

In Pakistan, the Separation of Power Concept:-

In Pakistan, Montesquieu
concept of separation of power
of three branches of government
has implemented from
the time of independence.
Three branches work independently
without the pressure of the
other.

Prime minister as a executor:-

In Pakistan, the laws in the countries are enforced on the advice of the Prime minister.

Legislative body:-

Bicameral legislature divided into upper body senate and lower body national assembly. National Assembly and senate make the laws for the country.

Judiciary body:-

Supreme Court is the judiciary body of Pakistan. It interprets the laws formed by the legislative.

Criticism:-25th amendment.

The 25th amendment in the 1973 Constitution has been blamed for removing the suo motu powers of the judiciary system which

- Complete monarch

removes the power of the action of the judiciary against any law passed. Moreover the selection of the judge of the Supreme Court has indirectly gone in the hands of the Prime Minister which disrupts the check and balance system of the Country.

Critical Analysis:-

Montesquieu. Concept of Separation of Power in his book "A spirit of law" was good initiative for the good and balance working of the branches of the government.

He misinterpreted the concept of Separation of Power in UK. His actual theory/practice was in USA not in UK.

Conclusion:-

Separation of Powers of the three branches of government is an efficient

way for - the good working of
the Country - There must be the
check and balance of each
branch on - the other - for the
smooth running of the state as
seen in - the UK.

Q No 4

Critically assess - the - theory of
"Social Contract" as put forth
by Hobbes, Locke and
Rousseau. Which of - these - thinkers
provides the most practical
and relevant - framework for
understanding - the legitimacy
of Political authority in modern
states?

Introduction:-

The social contract theory
states - that - there exist a
contract between the people
and - the government - to
coexist. The - three important
philosophers of social contract

Theory are Thomas Hobbes,
John Locke and Rousseau. Three
discussed the Contract of people
with the government where Hobbes
support unilateral contract, John
support bilateral and Rousseau
support the multilateral contract.
Theory of Social Contract as
put forward by Thomas Hobbes
State of nature:-

Thomas Hobbes says
that before the state of law,
there was the state of nature
where there was no law to
follow. Human nature was brutal,
each person was busy in
conflict with other. Man nature
was so brutal, selfish and
cruel that there was no
safety of life.

Unilateral Contract:-

Due to the brutal
nature of the humans and
murders of the humans people

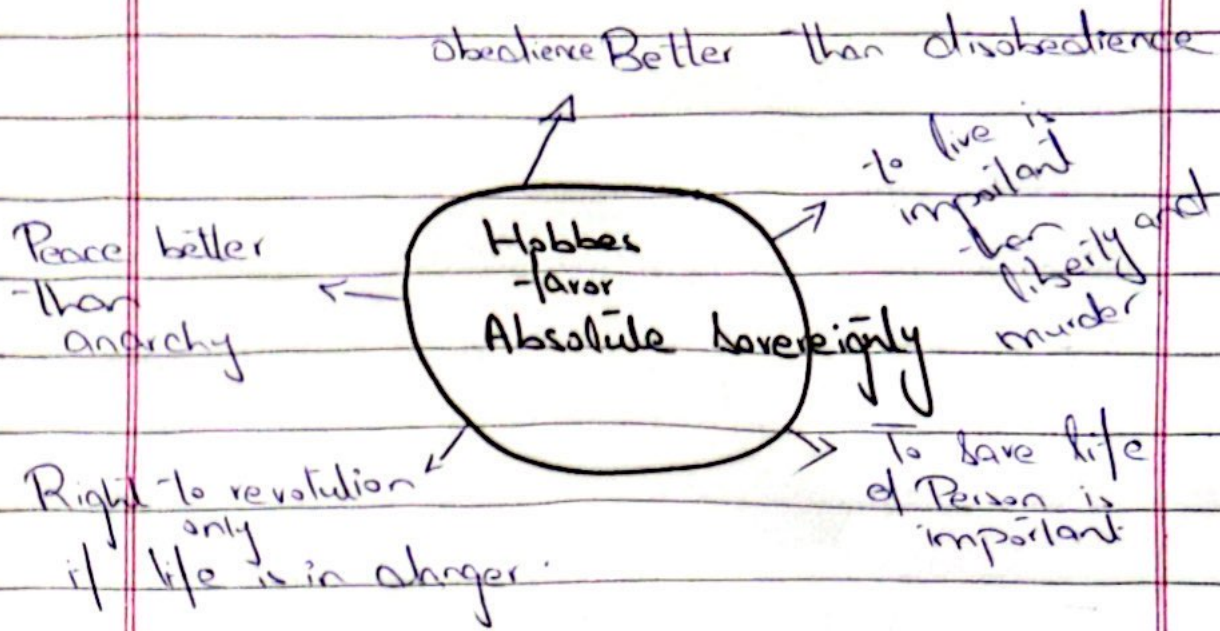
More Compact to do the agreement with the government. The contract was unilateral in which all of the liberty of the people surrender for the safe guard of life by the government. Unilateral contract was signed between the government and the people.

Form of Government:-

The Government formed by this unilateral contract is the government of 'Absolute sovereignty' where the leader has full power of the state of the people.

Doctrine:-

In his book "Leviathan" the theory of absolute sovereignty was given. Hobbes says that absolute sovereignty is the way of creating peace in the country.



John Locke:-

State of nature:-

John Locke says - that the human nature was very-friendly. People are cooperative, good will is in them. Their peaceful nature change because of three things

1. Law of nature was not definite.
2. There was no judge.
3. No authority to administer the people.

Bilateral Contract:-

John Locke says - that there happen the two contracts, one contract was

between the masses and the other contract was between the people and the government. So bilateral contract was signed to administer the laws in them.

Form of Government:-

Due to the bilateral contract, the form of government formed has the limited sovereignty. In it, some of the liberty or authority is given to the state to protect them but not all of the power is given to the government.

Doctrine

John lock give the theory of the limited sovereignty, in which people enjoy the liberty, right to property but surrender some of their liberty to be control by the government.

Rousseau:-State of nature:-

According to Rousseau, in the state of nature when there were no rules, people enjoyed their liberty. People were free, happy and peace loving. They were living a good life.

Two things changed the nature of people:-

- 1 The population growth
- 2 love of property

Form of Government:-

Due to the change in people, their form of government is Popular Sovereignty which means All people are rulers. They will put their authority to popular will and general will.

Multilateral Contract:-

The contract formed is multilateral contract. No of contracts signed between the masses

Contract

through means of

and the government.

Doctrine:

Theory of Popular Sovereignty is given by the Rousseau.

In it all power is of the people. General Will of the people will decide the status of the government.

Practical theory for understanding the legitimacy of Political authority in modern states.

Comparison of three social Contract theories:

Thomas Hobbes:

Thomas Hobbes theory of absolute sovereignty is less practical theory for understanding the legitimacy of Political authority in modern states as compared to John Locke and Rousseau.

Reason:-

Complete monarch

system with no liberty to the people is not practicable in most of the states as the popular will of the humans is more practiced.

John Locke theory for understanding the legitimacy of Political theory of modern states:-

John Locke talk of the rights of the people. He not has given the full right to the government as the people have the rights of everything.

Basic human rights - freedom and limited government.

John Locke talk of the freedom of basic human rights and the limited government authority is the most practicable in the modern world.

Examples of John lock states:

- American Revolution and
- the United nations independence

are the examples of the
 John Locke theory
 Rousseau theory practicable in
 modern states.

Popular Will:-

Rousseau theory of the
 popular will, - theory which states that
 the government will work according
 to the will of the people -
 It is more popular and practicable
 in the modern states as
 democracy idea is prevalent in
 all states.

Geneva is an example.

Critical Analysis:-

The Social Contract theories
 given by the three philosophers
 Thomas Hobbes, John Locke and
 Rousseau are implemented
 according to the conditions of
 each country.

In China and North
 Korea - there is complete
 absolute sovereignty and people

are happy.

Conclusion:-

As the three philosophers Hobbes, John lock and Rousseau talked of the form of the government more suitable in the countries according to their thinking and the situations of that time.



Section - B

Q No 8.

Examine the relationship between democracy and Capitalism. Is Capitalism inherently supportive of democracy, or vice versa?

Argue.

Introduction:-

Capitalism is a politico-economic ideology that supports private ownership of property. Democracy is the idea that a system of government works at the behest of the people. Democracy and Capitalism supports each other.

by attending for political liberty, freedom of Speech, economic independence and individual choice. However, both ideologies clash with each other due to the existence of the unequal political power owing to the money and the representation of the interests of the Capitalist class as the interests of the Common people.

What is Capitalism:

Capitalism is an economic and political ideology whose central institution is market, a theoretical construct in which individual reveal their preferences, compete with one another, and exchange goods and services. Government has little role to play in this scheme. In Capitalism, the resources or means of production are owned by a private owner. The Commodities that are sold through means of

Means of production help gain profit. This profit is owned by a private owner. The commodities that are sold help in gaining benefits. The planning functions set the parameters of a capitalist state.

- 1) Private Property allows people to own tangible assets such as land and houses, stocks and bonds.
- 2) Freedom to choose about consumption, production and investment. Disqualified customers can buy different products, workers can leave their jobs for better pay, investors can pursue more attractive ventures etc.
- 3) Creating a monetary system, defining property rights and enforcing contracts to facilitate the system of exchange.
- 4) Prohibiting monopolization or price fixing, that might destroy

- 5) Providing a substitute for market competition in situations that permit only one producer.
- 6) The limited role of the government is to protect the rights of citizens and maintain an environment that facilitates the proper functioning of the state.

Relation between Capitalism & Democracy.

Convergence of both systems:-

Capitalism and democracy share several fundamental commonalities and historical parallels exist in the simultaneous emergence of these systems.

- 1) Just as Capitalism looks to the individual choice of consumers as the keystone of the economy, democracy depends on individual choice as the source of political decision making.
- 2) Both nations have roots in human rationality and self interest.

and thus rely on individual
- freedom and autonomy as the
means of achieving the objective.

c) Capitalism has a functional
relationship with democracy. The
independence of persons is
crucial to a voting system.
This independence is preserved
by the private property.

d) In both, people have greater
degree of independence from
the state.

c) Capitalism and democracy are
also generally assumed to be
the best systems in the
liberal world order of the
21st Century.

Divergence of both systems:-

a) Unequal distribution of Political
Power:-

Unequal distribution of
Political Power favors businessmen
and corporations. A founding
principle of democracy

↳ the presence of equal opportunity in Politics.

↳ ultimately, the economic position should not be a relevant qualification for voting. But under Capitalist system, more business more power more rights.

b) Influence of money in Political decision making.

Corporations fund political Campaigns, Corporations expect Political preferences in exchange for funding. This breaks democracy. Indirectly, rich people are influencing the Political decision making.

Analysis:

Capitalism cannot be supportive of democracy as it empowers the rich people to do what they want to. In country like Pakistan, it is a common practice that the rich people do influence each branch

is - the presence of equal opportunity in Politics.

In democracy, the economic position should not be relevant qualification for voting. But under Capitalist system, more business more power more right.

b) Influence of money in Political decision-making.

Corporations fund political Campaigns, Corporations expect Political preferences in exchange for funding. This hinders democracy. Indirectly, rich people are influencing the Political decision making.

Analysis:

Capitalism cannot be superior of democracy as it empowers the rich people to do what they want to. In country like Pakistan, it is a common practice that the rich people do influence each branch

branch of the government according
to their will.

Conclusion:

Capitalist and democracy
do have their relation in having
independence and liberty of the
individual. But the use of money
in acquiring money and influencing
the Political government makes
Capitalist unsupportive of the
democratic system.

