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PLURALIST THEORY
OF SOVEREIGNTY

THE CLASSICAL THEORY OF sovereignty, as enunciated by various thinkers from Jean Bodin (1530-96) to John Austin (1790-1859), gave the best description of the legal character of sovereignty. It held sovereignty as absolute, perpetual, universal, inalienable and indivisible. It envisaged a single sovereign in the state—a person or a body of persons. It is, therefore, described as the monistic theory of sovereignty.

When this monistic theory is applied to the political field, it gives rise to many problems. In the political sphere, the state is represented by government which claims sovereignty on behalf of the state. When the relationship between individual and the state is defined in terms of sovereignty, it postulates the unlimited authority of the state over individual which implies unlimited political obligation. In other words, the idea of the supreme, absolute and unlimited authority of the state reduces individuals to the status of dumb-driven cattle who have to follow the dictates of the state. In actual practice, these dictates are issued by the government consisting of human beings who may be wise or foolish, benevolent or selfish, virtuous or brutish—but in no case perfect, divine and infallible. Thus, the theory of sovereignty in the political sphere implies complete subordination of one set of individuals to another set of similar individuals. The pluralist theory of sovereignty seeks to resolve this dilemma.

GENESIS OF THE PLURALISTIC THEORY

The form of sovereignty as developed from Jean Bodin to John Austin was generally regarded as an essential attribute of the modern state till the nineteenth century. Accordingly, it was almost universally admitted that the state is superior to all other human associations in society because sovereignty is exclusive to the state. This implied immense expansion of the powers of the state. This idea was enshrined in the organic theory of the state which glorified the state as the fountain of all moral and social values. The juristic theory went to the extent of evolving a juristic personality of the state.

ORGANIC THEORY OF THE STATE

In this metaphorical expression, the state is compared to an organism or a living body, and individuals are regarded as its organs. An individual separated from the state loses his existence and identity like an organ severed from the body.

However, the socialists—especially, Marx and Engels—had demonstrated in the nineteenth century itself, how the economic interests of the dominant class exclusively determined the policy of the state. The rise of capitalism combined with the theory of the absolute state posed a real threat to freedom in society. Many a thinker expressed serious concern at this state of affairs.

J.N. Figgis (*Churches in the Modern State*; 1913) saw clearly that the ascendancy of the absolute state in his own day was directly linked to 'the horror of that very economic and industrial oppression which is the distinctive gift of modern capitalism to history'. Besides, in the twentieth century, there was an all-round development of social sciences which promoted new theories regarding the nature of the state. Modern psychology exploded the myth of a personality of the state which was earlier used to exalt the state and its sovereignty. Modern sociology, again, demonstrated that the law is the product of prevailing social conditions, not an expression of the commands of the sovereign. This led several modern thinkers to realize that the state is only a partial manifestation of the social nature of man, with a defined sphere of activity. It cannot be treated as an all-comprehensive institution encompassing all aspects of the social life of man as the classical theory of sovereignty had postulated. This gave rise to the pluralistic theory which launched a systematic attack on the doctrine of state-sovereignty.

In short, the pluralist theory sought to redefine the nature of the state as one of the several associations of human beings operating in society to secure the multifarious interests of individuals. In view of this, it envisaged a new role for the state as an arbiter over conflicting claims of different associations. It also repudiated the exclusive and absolute claim of the state to an individual's allegiance; it insisted that the state should compete with other human associations to establish its claim to superior authority.

It is significant that the pluralist challenge to state-sovereignty coincided with the conditions created by the First World War (1914-18). During war-time the state required its citizens to sacrifice everything—including their near and dear ones, even their own lives—for the sake of the state. The people did make untold sacrifices, yet this state of affairs prompted an inquiry into whether the state was logically entitled to make such enormous demands. There were men, known as 'conscientious objectors', who claimed that their conscience urged them to oppose bloody war as a means of settling human disputes. Moreover the policy of war was determined by the men in power who were as imperfect and fallible as any other human beings. A little folly on their part could escalate war and bring untold suffering to the citizens of the state. How, then, could the absolute authority of the state be taken for granted?

Harold J. Laski (*A Grammar of Politics*; 1938) enumerated two important factors which prompted the pluralist attack on sovereignty of the state

(a) In the first place, the state claimed legal omnipotence; and it claimed the allegiance of its citizens on the ground that it represented the total interest of the society within its territorial jurisdiction. The pluralists pointed out that the society within its territorial jurisdiction. The pluralists pointed out that legal omnipotence was a purely formal concept often invalid in fact; and they argued that however majestic and powerful, the state, in fact, was only one of many associations in society, that, in experience, there were always limits to powers, and these were set by the relation between the purpose the state sought to fulfil and the judgment made by men of that purpose;

(b) In the second place, the pluralist doctrine was derived from the realization that the state's claim to pre-eminence always means, in fact, the sovereignty of a government composed of fallible men whose intentions alone are not a sufficient justification for so vast a claim. There went into the making of pluralism an historic analysis derived from the conflict between churches and the state, between trade unions and the state, between, as in the case of the conscientious objector to military service, the individual and the state.

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THE PRINCIPLES OF PLURALISM

According to *A Dictionary of the Social Sciences* (ed. Julius Gould and William L. Kolb; 1964), 'political pluralism refers to those doctrines . . . which assert that certain groups in society (e.g. family, church, union, local government) embody important social values prior to and independent of their authorization or approval by the state'. Pluralistic theory of sovereignty is broadly based on this concept of political pluralism.

The Pluralistic Nature of Society

The pluralist theory is marked by a shift in focus from the legal to the sociological character of the state. It recognizes the role of several associations in society, formed by men in pursuance of their multifarious interests. Some of these associations have been in existence prior to the origin of the state itself; some of them exist independent of the state, that is, they are neither created, nor sponsored, nor maintained, nor even regulated by the state. Sociologically speaking, the state is but one of these associations, standing side-by-side with them, not above them. Such associations include the church and other religious organizations, trade unions, cooperative societies and chambers of commerce, and so many voluntary associations devoted to education, cultural and scientific pursuits. All these associations embody some social value, means of satisfying some needs and other worthwhile pursuits.

Pluralists hold that it is morally preferable for individuals to be associated politically with a wide range of associations in pursuance of their interests. These groups provide them with an opportunity to make use of their creative abilities and to seek self-fulfilment in various spheres of life. No outside agency, not least the state, should interfere in their functioning unless their activities are required to be regulated in the interest of public order, public safety or public morality.

Role of the State as Coordinator

When there are several associations in society to take care of the varied interests of individuals and for the fulfilment of their personality, what is then the nature and role of the state? According to the pluralist standpoint, the state does not exist above these associations. In fact the state, as society politically organized, cannot be conceived as distinct from these associations. To be sure, the state itself is an association of associations. As an association coordinates the activities of its members, so the state co-ordinates the activities of these associations in society. It is a means of resolving the conflicting claims of these associations, by evolving a common basis of their functioning, not by imposing its own will or regulations on them, but by harmonizing and coordinating their several interests so as to secure the 'common good', the 'common interest', or the 'public interest'. This role of the state is essential for the maintenance of order in society.

It is significant that the pluralist theory seeks to curtail or limit the absolute authority of the state as against the theory of state-sovereignty. It does not seek to abolish the state itself as anarchists do. The pluralists postulate some recognized functions of the state. For instance, the functions of maintaining internal order and security, defence from external enemies and enforcement of voluntary contracts should be left to the state unless a contract is deemed to be void on moral grounds!

The State Must Justify its Claim to Authority

As the state is only one of the associations in society intended to serve the interests of society, its claim to superior authority cannot be taken for granted. The state enjoys a privileged position in the sense that its jurisdiction is compulsory over all individuals and associations within its fold. It is equipped with coercive powers so that it can punish those who ignore or defy its commands. These characteristics do not automatically establish the superior authority of the state. On the other hand, they postulate a higher moral responsibility on the state. The pluralists require the state to justify the exercise of its special powers.

The state, as an association of associations, is required to secure the 'common interest' or the 'public interest' by harmonizing the interests of all associations operating in society. Some of the associations might be more organized and more vocal than others; some of the vulnerable sections in society might be devoid of any organization! Some of the interests might be well-represented in the assemblies, or impressed upon the state through various investigatory commissions, through special delegations, or through mass movements, demonstrations and rallies; others might be dormant and hardly noticed. Theoretically, the state is expected to ensure that all interests are given due weightage while seeking their coordination in pursuance of the common interest. The state, as an arbiter of conflicting claims, must demonstrate that it is not dominated by any special interest or 'vested interests' while exercising its authority; otherwise it would betray the confidence reposed in it. As Benn and Peters (*Social Principles and the Democratic State*; 1975) have insisted: 'The state must not be allowed to fall into the hands of men concerned only for the interest of a limited group. It must be sensitive to all, without succumbing to any one or any limited coalition of interests.'

This is the most delicate and difficult task of the state. It will be recalled that even the Marxian attack on the state is based on the argument that the capitalist state and its predecessors have been instruments of serving the interests of the dominant class at the expense of the dependent class!

Decentralization of Authority

The pluralists do not extend unconditional acceptance to the sovereign authority of the state. They do not accept the state as a *Leviathan* (a sea-monster) as imagined by Thomas Hobbes (1588–1679). They repudiate monopoly of the state on the allegiance of all individuals and require that the state should justify its claims to allegiance on moral grounds. They argue that expansion of the authority of the state undermines democracy and liberty of the individual and that concentration of authority in the state erodes administrative efficiency. The complexity of the economic and political relations of the modern world cannot be dealt with by a monolithic view of the state. They, therefore, argue that the management and control of society should be shared by several associations in proportion to their contribution to the social good.

The pluralistic theory, therefore, advocates reorganization of the state through a set of institutions guaranteeing its effective limitations, such as workers' and consumers' unions, which should serve as countervailing powers in the state.