

# FACULTY OF JURIDICAL SCIENCES

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# Lecture-19



#### Theories of the state: Pluralist

The Pluralist view of the state is distinct from the perspective of Marxist. The Pluralist does not hold that the state is essentially contradictory in nature, as the Marxist and the Elitist schools of thought consider. Instead, the Pluralist view of the state that it is neutral in nature. It is also supposed that the state is vulnerable to numerous influences from various groups in the society. The modern state is not only dominated by one class, that is the capitalist or the bourgeoisie class, which dominates the political power, as believed by the Marxist philosophy. The modern state is a type of framework wherein interests of the society can be reunited.

In simple term, Pluralism is an influential protest against the monistic theory of sovereignty which endows the state with supreme and unlimited power. Pluralist theories indicate that political power should be regarded as analytically distinct from economic power and, in contrast to elitists, power is not concentrated in the hands of a single group, but widely dispersed among a variety of groups and actors. The exponents of Pluralism are Harold Laski, J.N. Figgis, Ernest Barker, G. D.H. Cole, A. D. Lindsay, Duguit, MacIver and others. Pluralists stated that sovereignty resides not with the state but it resides with many other institutions. There exist many social, political, cultural and economic institutions in society and many of these institutions are prior to the State. For example, Family and Church are prior to the State.

According to the Pluralist view, the notion of the state is that there can be various sources of political power. Therefore, a single group do not have monopoly of political power. Although the capitalist class can have a very strong position in the society, they cannot however have complete dominance over the working class, as anticipated by the Marxists. The proletariats can extend their power through labour unions or trade unions. According to the Pluralists, since the capitalist class cannot do without the labour class, the working class also exerts a strong influence on the capitalist class. The modern state is not actually a tool by which one class can control over the other class. It is rather a framework which helps in the reconciliation of diverse society interests (Schwarzmantel, 1994).

Pluralists detailed that the State is not only the highest institution. On the contrary, like other institutions, the State is also one of the institutions of society. There the State does not reserve the authority to exercise autonomy according to his will. Sovereignty is not his private property. The Pluralistic state is "simply a state in which there exists no single source of authority". According to Pluralists, sovereignty is not indivisible and exclusive". One the opposing statement is that it is a diversity in its essence and manifestation, it is separable in two parts and should be divided".

A.D. Lindsay has very pertinently remarked in this connection. "If we look at the facts it is clear enough that the theory of sovereign state has broken down". Professor Laski believed that "it is impossible to make the legal theory of sovereignty valid for political philosophy". He thought that "it would be lasting benefit to political science if the whole concept of sovereign was surrendered". Krabbe indicated that the "notion of sovereignty

must be expunged from political theory". Although Barker stated that "We see the State less as an association of individuals in a common life; we see it more as an association of individuals, already united in various groups for a further and more embracing common purpose". These associations have an inner life which is at least as autonomous as that of the state.

## **Development of the Pluralistic Theory:**

The pluralistic theory devised by Otto V. Gierke through his writings. According to Professor R.N. Gilchrist, "The germ of Pluralism is to be found in the work of the German Jurist, Von Gierke (1844-1921) whose immense work on the legal theory of corporation, part of which was interpreted, with a sympathetic introduction, by the English Jurist, F.W. Maitland, in his "Political Theories of Middle Ages" (1900). It gave an incentive to the idea of companies as legal entities, with a life of their own independent government"

Many thinkers opined that the theory of pluralism devised in the last quarters of the nineteenth century and developed in the start of the twentieth century, yet its background can be traced in the Medieval Age. In Medieval Age, the organisation of the State in Europe was loose and the church, vocational associations and Guilds had vital role in society. In sixteenth and seventeenth century, national sentiment gathered force in Europe and as a consequence national states developed. These national states became influential and all the powers, in these states, were centred with the ruler. In due course of time, these national states faced rebellion and public-movements and the result was the birth of democracy.

In Democracy, the authority of the ruler was limited, the cabinet became more powerful but the state remained sovereign and supreme. With the arrival of the Welfare State, there was rapid increase in the functions of the State and there remained no sphere of life with which the State did not interfere, the sovereign and the supreme state also faced revolt and reaction. This reaction against the sovereign and supreme state resulted into the emergence of pluralism.

The Pluralist Model: Types of Groups

There are two types of groups within the pluralist model that include insider groups, which tend to be more powerful, and outsider groups.

Insider groups are well established and are able to work diligently with the chosen officials in government because of their position within the community. The people in these groups tend to have similar views to the government in power, which may not always be a positive factor.

Insider groups include business groups that concentrate their efforts on issues directly affecting business interests (in the U.S., the American Petroleum Institute works on behalf of all oil companies, as an example.).

Insider groups also include labour groups that promote policies that benefit workers in general and union members in particular, Agricultural groups that consist of general and specialty farm associations, Professional groups that have lobbying associations to promote the interests of their members.

Outsider groups are observed as less dominant. Characteristically, members of outsider groups have less access to elected government officials. Their groups are more recently established, which could be a sign of weakness.

Outsider groups include grassroots activism that may hold marches and rallies to bring attention or action for their cause, political Action Committees (PACs) that filter money to support specific candidates for office.

Although the pluralist model rotates around the theory that power is equally dispersed, criticizers are quick to indicate that this is not always the case. Many critics view the pluralist model as a form of the 'good old boys' network in which membership is based on class or ethnicity.

Pluralists Dunleavy and O'Leary recognized the three main pluralist views of the state. They are as follows:

**The Weathervane model:** The states direction echoes public opinion and the demands of pressure groups. This means that state policy is based on the concerns and interests of society.

The neutral state model: The state is perceived as the neutral or impartial arbiter who acts in the public's interests. This arbiter compromises between the demands of different pressure groups and makes sure that even the weakest groups are heard. These demands are then evaluated in terms of what is best for society. It is dissimilar from the Weathervane model because it is more active in that it listens to a range of different views then makes decisions in the public's interest.

**The broker state model:** This model visualizes groups within the state as having their own interests and concerns. Although, state officials may negotiate with a number of interests groups and can develop compromises with conflicting demands, most policies tend to reflect the concerns of the state officials themselves.

## **Factors responsible for the development of Pluralism:**

- The individuals put emphasis on the lessening of the powers of the State. The Pluralists also followed suit. But the main point of difference between the individualists and pluralists is that the individualists laid emphasis on the rights and freedom of the individual whereas the pluralists laid emphasis on the rights and freedom of the associations of the individuals and guilds.

- Both the individualists and pluralists laid emphasis on the need of cooperation between the state and other associations for promoting the common welfare.
- In the modern age, all the states of the world are inter-dependent on one another in one way or the other and, therefore, the need of limiting the sovereignty of the state is felt these days.
- Many intellectuals like German Jurist Otto Von Gierke (1844-1921), F.W. Maitland, famous English Jurist, J.N. Figgis and others have debated that the Churches and Guilds possessed internal freedom and were party to sovereignty in the Medieval Age.
- Anarchism and Guild Socialism laid more emphasis on the confinement of the sovereignty of the state and this gave motivation to Pluralism.

The pluralist model can be simply described as employee organizations and trade unions. Since organizations and trade unions have the power over the government, the politicians, trade unions, businesses and the proletariat have a share in the state power. The Pluralist view affirmed that the power is distributed among the government, the organizations and the labour unions as well, proving once again that the neutrality of the state is also valid.

It is appraised that pluralists visualize the state as a mechanism which signifies all the interests of every member of the state and it works because it is not possible for the political process to directly represent the views of every single member of society, as modern societies are little complex. Therefore, a plurality of pressure groups acts as an evocative voice for all members of society.

#### **Criticism of Pluralism:**

The pluralist theory is criticised for being too expectant about the State and the government. The State cannot act as an truthful broker as it is impossible to govern without using power and without favouring certain power and political groups.

The theory of the pluralistic state has been critiqued by a number of political philosophers on the following grounds:

- The State is needed to control various types of institutions existing in society. It is the sovereign state that brings about unity and controls all the associations existing in society. Gierke, Barker, Miss M.P. Follet and Figgis and many other advocates of Pluralism have to realise the need of the State for this purpose.
- If sovereignty is divided among various associations existing in society, this division will lead to the devastation of sovereignty. As a result, chaos will prevail in society and there will be turmoil.

- Several pluralists believe that law is superior to the state and the State is controlled by law. But this hypothesis is incorrect because laws are outlined by the state.
- It is a mere illusion and not a reality that other associations are equal in status to the State.
- Laski, main supporter of Pluralism, has also gone to the extent of condemning Pluralism and stated that it has not closely studied the different sections of society.
- If sovereignty is divided among various associations existing in society, these associations will be so dominant that it would be difficult for the State to have a control over these associations. This will augment numerous problems in the State.
- If these associations are reassigned limited sovereignty, society will worsen and mutual disputes will arise.
- State is needed for guarding people from the excess of associations.

# MCQ

1.	External aspect of sovereignty was fully devel A.John Austin C.Bodin E. Plato	oped by: B.Grotius D.Hobbes
2	. Name of John Austin in the development of so A.Internal aspect C.Legal theory E. No theory	overeignty is associated with:  B.External aspect  D.Philosophical theory
	.Who of the following said that strictly speaking sovereignty is an internal power, pick tp?	
	A.Gettell	B.Gilchrist
	C.John Coulhon	D.Liber
	4. Which of the following is not an essential characteristic of sovereignty?	
	A.Permanence	B.Exclusiveness
	C.All comprehensiveness E. Indivisibility	D.Wealth
. 5. Who of the following said that sovereignty is an entire thing?		an entire thing?
	A.John Coulhon	B.Dicey
	C.Sir Henry Maine	D.Laski