

APPOLO STUDY CERNRE

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THE STATE AND ITS ELEMENTS

Definition

Woodrow Wilson:

- "State is a people organized for law within a definite territory."

Aristotle:

- Aristotle defined the state as a "union of families and villages having for its end a perfect and self-sufficing life by which it meant a happy and honourable life".

Holland:

- The state is "a numerous assemblage of human beings generally occupying a certain territory amongst whom the will of the majority or class is made to prevail against any of their number who oppose it."

Burgess:

- Defines the state as "a particular portion of mankind viewed as an organized unit."

Garner:

- “State is a community of people occupying a definite form of territory free of external control and possessing an organized government to which people show habitual obedience.

Laski:

- “State as a territorial society divided into government and subjects whose relationships are determined by the exercise of supreme coercive power.”

Prof, Elliot:

- “Territorial sovereignty or the superiority of state overall within its boundaries and complete freedom from external control has been a fundamental principle of the modern state life”.

Prof. Earnest Barker:

- Prof. Earnest Barker in his book entitled “Principles of Social and Political Theory” clearly brings out the difference between state and society under three headings. They are,
 1. Purpose or function
 2. Organisation and structure
 3. Method

Justice Hughes:

- “We are under a constitution, but the constitution is what the judges say it is”.

Functions of Judiciary:

- Administration of Justice.
- To determine what is law and what is scope and meaning of it.
- To give advisory opinion on matters referred to it.
- To issue orders or writs for the purposes of preventing violation of rights and laws.
- To act as guardian of the constitution.

The Concept of Sovereignty

Introduction

Aristotle:

- We find that the term sovereignty is the product of modern political thinking but the idea goes back to the time of Aristotle who referred to it as the “supreme power” of the state.

Jean Bodin:

- Jean Bodin who developed for the first time the theory of sovereignty systematically in his book “Six Books on the Republic”.

Jean Bodin:

- Jean Bodin defined sovereignty as “absolute and perpetual power of commanding in a state. It is supreme power over citizens and subjects unrestrained by law”.

Laski:

- According to Laski sovereign is “legally supreme over any individual or group. It possesses supreme coercive power.”

Austin:

- “If a determinate human superior, not in the habit of obedience to a like superior, receives habitual obedience from the bulk of a given society that determinate superior is sovereign in that society and that society (including superior) is a society political and independent.” To Austin in every state there exists an authority to whom a large mass of citizen show compliance. This authority is absolute, unlimited and indivisible.

Aristotle

- “Constitution is the way in which, citizens who are the component parts of the state are arranged in relation to one another”.