

Midterm - 27.10.2024

Short Question: 2/3

Brought Question: 1/2

Constitution & Human Rights

⊗ Constitution:

- "Supreme Law" of the state.
- Rules and customs, either written or unwritten, by which a government is run.

⊗ Aristotle:

- Constitution is a way of life that the people has chose for life.

⊗ Lord Brice:

- A collection of rules according to which the power of the government, the rights of the government governed, and the relations between the two are adjusted.

⊗ A constitution is a set of fundamental legal-political rules that:

- i are binding on everyone in the state, including ordinary lawmaking institutions.

ii) concern the structure and operation of the institutions of government, political principles and the rights of citizens.

iii) are based on widespread public legitimacy.

iv) are harder to change than ordinary laws.

v) meet the internationally recognized criteria for a democratic system in terms of representation and human rights.

* Afghanistan didn't count the constitutions.

* Constitution is the intersection of Legal, Political and Social document.

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* Types of constitutions:

i) Written constitutions:

- is a formal document defining the nature of the constitutional settlement, the rules that govern the political system and the rights of citizens and governments in a codified form.

- U.S. & BD

② Unwritten Constitution:

- is the product of history.
- the result of a process in which many elements, like judicial decisions, precedents, usages and traditions have entered.
- ⇒ Great Britain - best example.
- ⇒ There is a dictum:
 - constitutions grows instead of being made.

Updated Dates:

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Quiz-2

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* Amend of Constitutions:

- first need $2/3$ in the parliament
- Then need ~~2/3~~ to take vote directly from public.
- ⇒ After that constitutions can be amended.

⊗ Nations adopt constitutions to establish a supreme law of the land, like laws of Babylon.

⊗ A legislature can pass a law one year and repeal it the next, but amending the constitution is made deliberately much harder.

⇒ Sweden - constitutional amendments must be passed by two successive legislatures with a general election in between.

⊗ Amending the U.S. constitution:

- approval of two-thirds of both the Senate and House of Representatives
- three-fourths of the state legislatures.
- amended only 17 times since 1791.

⊗ Constitution depends largely on the way it is interpreted.

- constitutions can be a fiction.

⇒ Constitution of the former Soviet Union.

⊗ Constitutionalism:

- limit the power of the government.
- people can't be subject to the arbitrary will of the rulers.
- promote general welfare

* Magna Carta:

- England's nobles forced the King John to sign in 1215. The Charter mainly limits the king's power and safeguards the nobles' rights. Over the centuries, however, it was used to promote democracy.

* Constitutionalism means:

- The government is not the controlling force of society but an instrument within it.

* Constitutions fulfill a variety of roles:

- i) Provides a symbolic function of putting in writing a statement of national ideals.
- ii) Formalizes the structure of government.
- iii) Attempt to justify the government's right to govern.

* Importance of a Constitution:

① A statement of National Ideals:

- it expresses ideals, values and goals. Preambles and list of rights are symbolic statements.

⇒ Preamble to the U.S. Constitution: 6 goal

- i) forming a more perfect union
- ii) establishing justice

- iii) ensuring domestic harmony
- iv) providing for the common defense
- v) promoting the general welfare
- vi) securing the blessing of liberty

② Formalizes the Structure of Government:

- blue print of who does what in government.
- defines the authority and limiting powers of each branch.

③ Constitution Establishes the ~~legim~~ legitimacy of government:

- legitimacy can be both symbolic and practical.

* In 1948, UN General Assembly adopted the Universal Declaration of Human Rights, a symbolic statement that most nations are reluctant to violate openly.

* The Universal Declaration states that minorities have the right to preserve their cultural uniqueness.

⇒ But there are lots of example that violates this statement.

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* The Declaration of Independence and the Bill of Rights in the U.S. :

- Right to life: Freedom of assembly, expression, religion, movement, political participation.

- Human Rights: Freedom from government mistreatment, arrest, torture, Jail.

- Civil Rights: The ability to participate in Politics and society.

⊗ America regards freedom of expression as a hallmark of any democratic nation.

⊗ Amendend I of the U.S. Bill of Rights:

- Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

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Political Parties

⊗ To spread out democracy, political parties are important.

⊗ A political party is an alliance of like-minded people who work together to win elections and control the government.

* Weber:

- political party is an organized group action intended to capture power.

* TB Bottomore:

- the groups with divergent interest from political parties.

* Political parties compete for:

- political power
- the ability to put their philosophies into effect.

* Political party has 3 components:

- leaders
- activists
- supporters

* Roskin:

- political parties have existed since the first decade of the new governments existence in America. Americans have always had ambivalent feelings about them.

* Five functions of Political Parties:

(i) A bridge between People and Government:

- major inputting devices, allowing citizens to get their needs and wishes heard by government.

⇒ In Bangladesh, only opposite parties are the bridge between people and government. Rulling party don't do anything good for people.

But in the west, rulling and opposite both parties criticise the government.

ii) Aggregation of Interests:

- Aggregate various interest group in one party.

⇒ In Bangladesh:

- Student group, doctor group, farmer group

- Student league, doctor league, farmer league.

⇒ In U.S.:

Democratic: workers, farmer, Catholics, Jews, and African American.

Obama: young, women, black, Hispanics, Asians.

iii) Integration into the Political System:

- Parties welcome new groups into their ranks, giving them a say in the formation of party platforms.

iv) Political Socialization:

- it's a training ground, for leaders.

- how to play the game, how

- how to speak in public.

v) Mobilization of Voters:

- in election campaigning parties mobilize

voters - thumping up interest and boosting turnout.

- Spread out money in BD.

vi) Organization of Government:

- winning party forms the government.

- In U.S. ~~win~~ winning parties appoints all new chambers leaders and committee chairpersons in the congress.

⊗ Party control of government in Britain is tighter than America.

⊗ Classifying party system:

- There are total 6 party system in total.

i) One Party System:

- single party controlling every level of government.

The leaders of such parties rationalize that they are still democratic because they represent what the people want.

- totalitarian or authoritarian regimes.

- former Soviet Union, China

Advantage: political stability

~~Disadvantage~~!

Disadvantage: voice of people is not heard.

ii) Dominant Party System:

- opposition parties in dominant party systems, contest elections, but do not have a chance.
- well organized
- offers many inducements - such as job and payoffs (officials only)
- controls media

⇒ In Bangladesh, Hawina's regime was almost a dominant party system.

⇒ Putin's United Russia Party

⇒ Japan's Liberal Democratic Party

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