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Concept of State - State / Provinces & Units

- It is a political organisation.
- State links individuals to groups & organisations, establishes balance & reconciliation bet individual & groups
- State - nation / gov / society
 - ↳ regarded as neutral, necessary & universal constitution
- Greek definition,
State - Sense of polis / city state

Romans - civitas

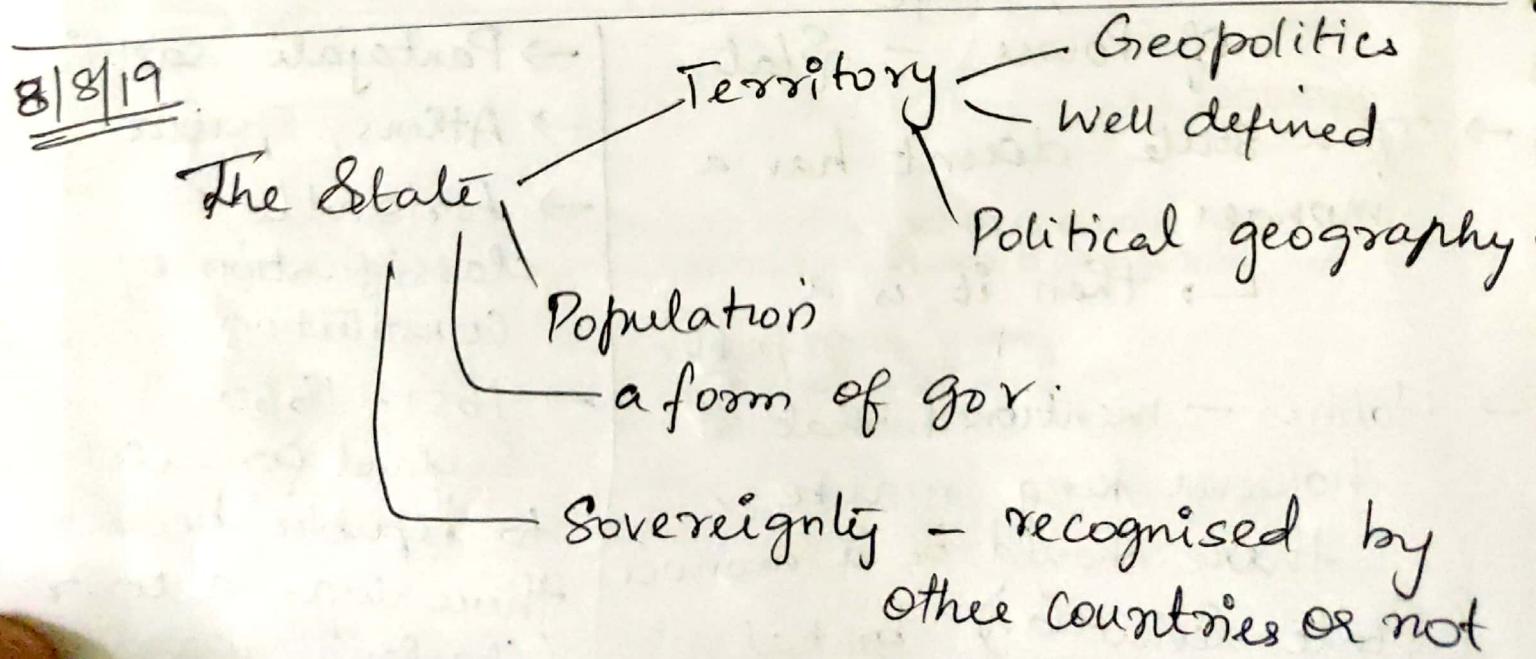
French - republic

Italy - La Stato (State is a power system)
(Power which has authority over man)

- International law
 - min standards a state should follow
- Domain / Shape / Range of Power - State
- If a state doesn't have a monœc.
 - ↳ then it is a republic
- Hobbes - mentioned that however king maybe, there should be a monœc.
(State levitation) brutal, nasty, short.

- Pantajali sastri
- Athens, Sparta
- Aristotle classification of constitution
- 1651 - 1660 England converted to republic because there was a war (Charles I was executed)

- Louis XVI - Citizen as a republic of France.
- R2P - responsibility to protect
- Hobbes - book: Leviathan.
- Treaty of Westphalia - removed religions
- Locke 1604 - liberalism
- the french revolution
- Rousseau
(The Social Contract)
- Montaigne
- Life, liberty, property / pursuit of happiness - to every citizen
- Civil Society - Member - Religion



→ John. McKindie — Heartland Theory

(based upon where you are located) e.g. Russia (if u are in the heart of the country, u have control over others)

→ Alfred T Mahan — Power of the Sea
e.g. England (high seas)

The State — Marxist (how they see)

└ Fedrick Engels

└ withering away of the State

① Economic substructure — determining Political, Economic & cultural superstructure

② Class-war — between Capitalist
└ Proletariate

③ Content

④ Means of Production — Nationalisation

⑤ State — withering away (where the
arrows now point to run the gov)

The Nation — Intangible.
— Emotional.
— related to heart
(language, Religion,
ethnicity, history)

Nationalism
is based
on territory

Natio
(Greek) — to be born.

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- Max Weber — prestige community
- Clifford Geertz — Political boundaries
(anthropological perspective) Ethnic boundaries
- Africa — 2/3rd suffering from civil war.

Diff nationality
living
together

India — A nation without nationalism

→ Italians
formed - Roman, Teutons, Arabs, . . .
by

→ France: William & Mary (France)
^(Dutch)
were made King & Queen.

→ 1971 — language has taken over religion
Bengali speaking Muslims
(Bangladesh)

→ Zionism - a country for jews

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→ Can there be a nation without a State?

e.g.: TIBET → it's a nation & a religion
(came to India in 1959)

1962 - China invaded us

Buddhism - a active non-violence.

KURDS - found in Turkey
large in Iraq.

A nation without a State

Catalonia - } a state

BASQUE - } in Spain, trying to be independent

→ Brief History - Nationalism

Intensive feeling of becoming a nation - Nationalism

3000 BC - Sumerians - city-states

(umma, lagesh. - States)

Any louder dispute

will be referred as the

3rd party arbitrator.)

* Greece - city-state (collapsed)

(Philip Macedon wanted to expand)

Palestine -
a very long
time without a
State.
(Observer UN)

Athens — Sparta . (had intense
↳ Pericles nationalist feelings)

ORATION

Roman — Powerful

↳ 476 AD (Book : Edward Gibbons,
nationalism Rise & fall of Rome)
& multi nationalism
(people and conquer
had diff. opinion)

476 , 976 AD — Part of Europe — Roman Empire

↳ Eastern Europe ; Dyzantine

1453 — Fall of constantinople.

1453 — 1923 — Arabs.

(State
was under the
Khalifa — Caliphate)

Europe — Ethnic Pluralism

- Several conquests .
- Marriages .

First Modern Nation States } - Spain, France and England.

→ 2nd variety of Nationalism:

1776 - American War of Independence. (heterogeneous nationalism)

1789 - French Revolution. (homogeneous nationalism)

1607 - Virginia (First colony)
(tobacco)

WASP - White Anglo-Saxon Protestant
(in US) (13 colony)

1770 - British gov started to taxing Europeans.

New immigrants - Slovaks, Croats, slaves.
(Search of freedom)
(non-catholics - non-protestants)
(self evident)

American motto now } In God we trust.

before - life, liberty,
pursuit of happiness.

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①

Rome - city - State

Multi-nationalism

476 AD - Fall of Rome.

Holy Roman Empire.

Eastern Roman Empire] - Byzantium
1453.

Arab Empire — 1453 - 1923.

Religion State - Khalifa.

② Homogeneous

& Heterogeneous Nationalism

American war
of independence.

french revolution

life, liberty
& pursuit of
happiness.

③ 3rd variety

1870 — unification of ~~the~~ Italy
unification of German.

1815 — Napoleon was defeated

continental system (asked all European countries to close all the ports to the British ships)

1806 — Holy Rome Empire was all came to an End.

Prussia — confederation (a system where a state can come in and go out)

— Federation (a state was difficult to go out)

1951 — (introduction of federation in India)

— Compulsory of 11 Provinces to join federation

— Instrument of Accession (sign to join defence, foreign affairs,) federation

Sovereignty → supreme power.
Sovereign → power to rule.

→ Jews has the concept of Covenant
(history of Judaism).

- ↳ all about Law.
- ↳ 613 laws.

↳ Jews are called

people of covenant

Covenant (bet two unequal parties) → people of covenant

Parties Contract- (bet 2 equal parties)
(simple & has conditions)

→ Parliament

→ Sovereignty

↳ god/—king / Queen .
goddess .

→ Definition

→ Hobbes — lies with the ruler.

→ Locke & Rousseau } No more with the ruler.
 } People are rational
 State is supreme.

- Is sovereignty absolute?
Purality of sovereignty?
- NATO (each country need not have military)
↓
military pact.
(mainly to check communism)
- ↓
they divided sovereignty
↓
Started 'WARSAW PACT'.
- If it is absolute — then the country is leading to dictatorship.
→
↓
Mass Human Right violation

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- Supreme power.
- Rule — Law maker
 - Law implementor
 - Religious
 - ensure life liberty
- Jean Bodin — In every independent community French writer the ruler can be one/ several.

→ Laws - National Natural Laws. | cannot be
 └ Human laws. | Abrogated

PVT property
considered as
sacred right.

↳ Economic Independence.

→ Austin — Province of Jun'sprudence.
undivisible, unlimited
and should be located
His commands are the laws.

→ legal : law makers.
policy : sovereign

Political Sovereignty

people
who
are
making
the

→ Law - customs & convention }
- Usages - procedences } Force
of laws

- State - Religious - Trade unions
- ~~the~~ first among the equals.
(or) equal among equals.
- Can sovereignty be divided? *
- Raised by American writers by gov.
- US → 1776 - 1860 (election)
 - Slavery be made legal
 - State was divided based on slavery.
- Indivisible by American civil war (1861-65)
- 11 ^{southern} states confederates and left the (North Carolina)
- Civil war } Jan 1, 1863
 - "slaves are free" } Lincoln
 - "US is not a collection of semi-independence"

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- 1860-65 Civil War.

- Sovereignty

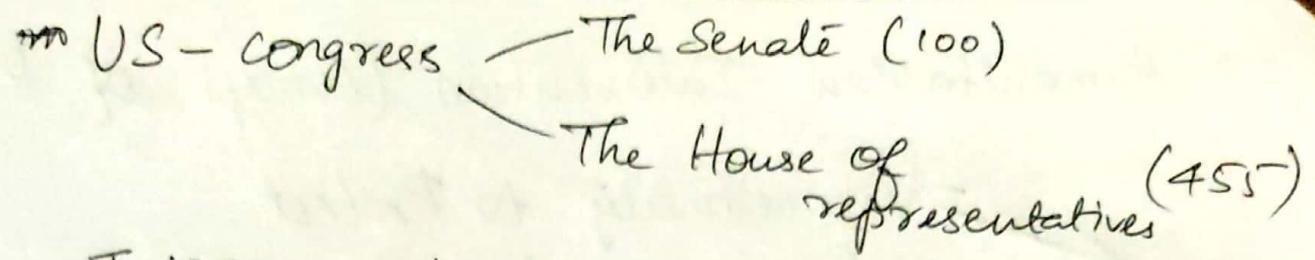
Political.

legal.

body that amends constitution

Sovereignty

A body that has the power to amend the constitution



- Judiciary - declares - laws are null & void.
Judicial Review.

legislative (to make laws)	executive (to implement laws)	Judicial. (to check whether the laws are within)
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- UK (S lies with the Queen in Parliament)

Texas in ~~total~~
while - union is indistructable.

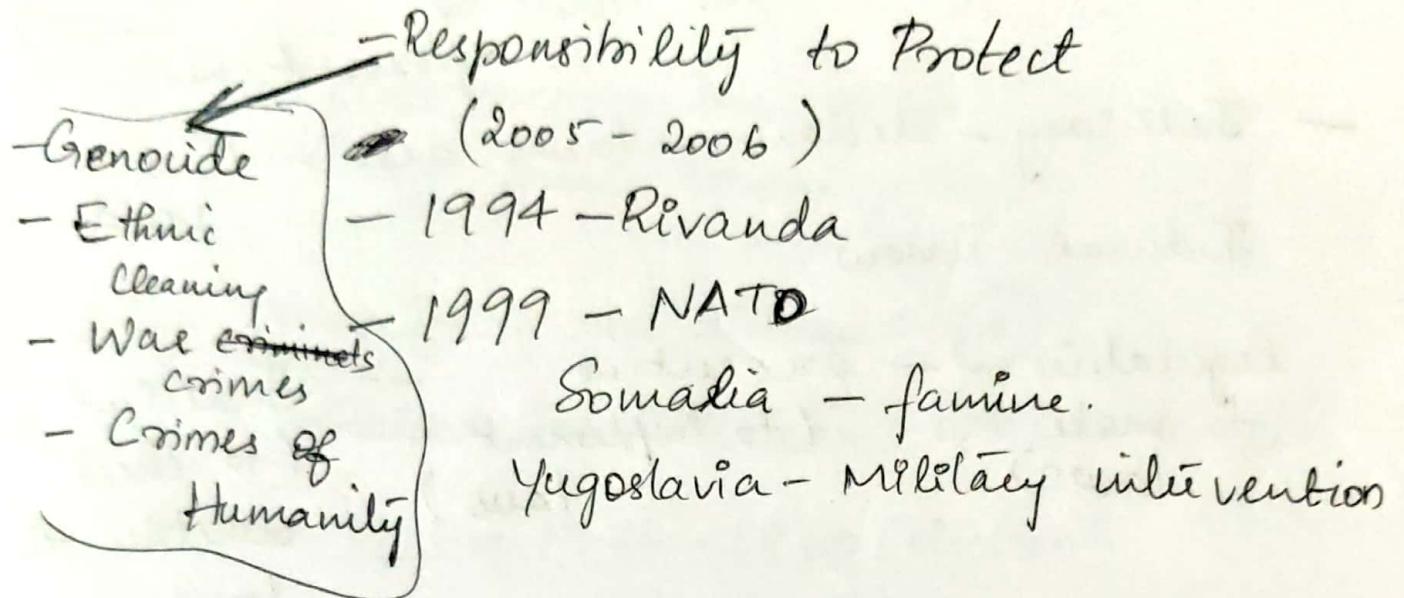
- President in U.S. — outside in congress.
(freedom for liberty) — cannot declare a war.
↓
appointment — Senate confirmation

→ International law

- the rights of states & not individuals.
- International law (countries)
↳ International HR law (people)

- 1983
1984 - IPKF India

→ Humanitarian Intervention (concept of R2P)



- Dec 9, 1948 — UN genocide association
- Dec 10, 1948 — UNGA — UDHR
(universal declaration of human rights)

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Equality

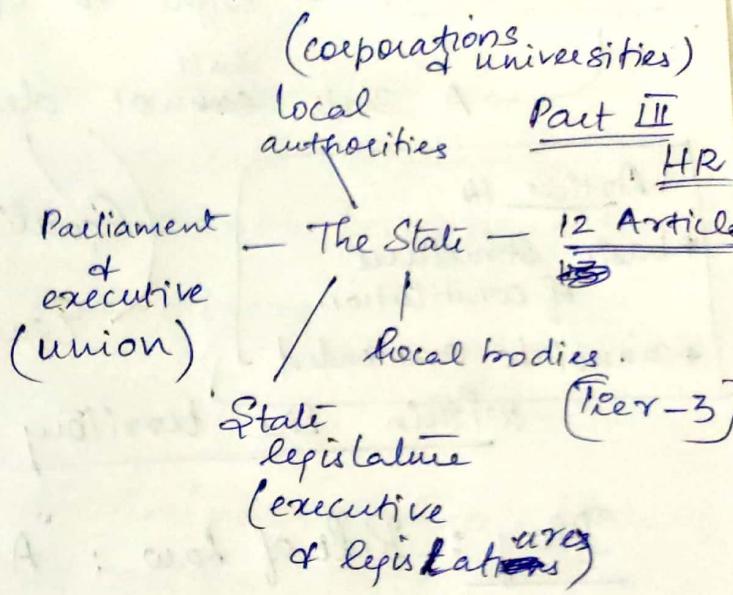
→ French Revolution (propagate the idea of liberty)

American Declaration of Independence — "All Men are equal".

1948 — UDHR — Article 7 = Modern constitution
~~1948-1950~~

of R2P)

1946-50 Article 14



Defines.
Article 13 — What is law?

All the notifications, laws, bylaws with the force of law.

368 Law - constitutional amendments

Exception case

Kolatkar case

367 laws made under 368,
If it takes away rights of ppl,
it can be declared null/void.

Article 14-18 - Right to Equality

A State ~~cannot~~ deny anyone.

Shall

Article 14

- * basic structure of constitution
- * cannot be amended

Equality before law (UK)
Equal protection of law (USA)

within the territory of India

Dicey: Rule of law : "All are equal before law".

Lex Supramos : Need more than human law.
law is for social control.

Rule of Law

↳ Absence of privileges.

↳ Common law court.

↳ Negative ~~judges~~ fit.

↳ law applied equally ~~in~~ ~~for~~ ~~in~~ for circumstances all same

Concept of Equality — cannot be confined
(EP Royappa case)

- Dynamic one.
- Several dimensions.
- cannot be captured
- Arbitrariness.
(Violation of article 14)

Article 15 — no discrimination, Race, Place of Birth, religion, caste, sex,
- People should not be discriminated by their property

Class 1) The state shall not discriminate

Class 2) The state & citizen shall not discriminate

Class 3) Women & children — special protection

Class 4) 1st constitution amendment
— Champakkam.
Durraigappan.

1951 — Reservation for socially, economically & educationally, backward ppl.