

# The legal criteria for a statehood politics essay



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The legal criteria for statehood are not obvious. A document that is often quoted on the matter is the Montevideo Convention of 1933, Article 1 states: The State should, as a person of international law have the following qualifications: (a) a permanent population, (b) a defined territory, (c) state and (d) ability in relations with other states in force.

In article 3 very clearly states that, regardless of the rule of recognition by other states. This is the declarative theory of statehood. While the Montevideo is a regional American convention and has no legal effect outside America, but some saw it as an accurate statement of customary international law.

On the other hand, Article 3 of the Convention by the proponents of the constitutive theory of statehood, in which a state exists only insofar as it is recognized by other countries attacked. Which theory is correct is a controversial topic in international law. An example in practice was the collapse of the central government in Somalia in the early 1990s: the Montevideo Convention would mean that the state of Somalia no longer existed, and later declared Republic of Somaliland (comprising part of the so-called "former" Somalia) may meet the criteria for statehood. But the self-proclaimed Republic is not achieved the recognition by other states.

The domestic point of view

order viewed from the perspective of a single nation, the state of a centralized organization of the whole country. The investigation of this dimension to emphasize the relationship between the state and its people.

The English philosopher Thomas Hobbes argued political, that attack is a

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versatile civil war in which life was to avoid “ nasty, brutish, and short,” individuals inevitably result many of their rights – including the other – the “ Leviathan,” a unified and centralized state. In this tradition, Max Weber and Norbert Elias defined the state as an organization of people who have a monopoly on legitimate violence in a given geographical area. In this tradition, the state differs from the “ government”: the latter refers to the group of people to make decisions for the state.

For Weber, this was an “ ideal type” or model or pure case of the state. Many institutions that have been called “ states” do not live up to that definition. For example, a country like Iraq (in June-July 2004) are not as real a condition as the ability to use could be seen of violence shared between the U. S. occupying forces and various militias and terrorist groups, while the safety and order not maintained. The official Iraqi government military and police had very limited power of his own. (This situation was called, that failed by a “ State.”) The official Iraqi government’s sovereignty was also missing because of the important role of U. S. dominance.

One of the fundamental characteristics of a state’s regulation of property rights, investment, trade and commodity markets (in food, fuel, etc.), usually with its own currency. Although in many countries (by their own decision-making) are increasingly cede these powers to block devices, such as trade North American Free Trade Agreement, European Union, it is always controversial to do so, and opens the question of whether these blocks are in fact simply larger states. The study of political economy, which developed into the modern study of economics, deals with these specific issues in detail.

However, although conditions are often in this manner but it influences much stronger in relation to international organizations or to other states than the lower (are substate) political subdivisions of the rule. But the trend is the moment of the power of super-state levels of government to increase and there is no evidence for this increase in sight. Many (especially those that constitutional theories of international law against lean) so as outdated the idea of sovereignty, and see the state as only the main political subdivision of the planet.

### Philosophies of the state

Different political philosophies have different views on the state as a domestic organization monopolizing force. In modern times, these philosophies emerged with the rise of capitalism, with the (re) fell as a separate establishment of the state and central sector of society.

Philosophers like Thomas Hobbes, John Locke and Jean-Jacques Rousseau pondered questions about the ideal and the actual role of the state. Today there are four major philosophies of the state: liberalism, conservatism, Marxism and anarchism.

Several of these philosophies are using some form of social contract theory, that should be the role of the state (or) to follow the will of the people and to serve their interests as they define it, is not insured.

In the broadly-defined liberal thought, the state should respond to the public interest to bring the interests of the whole society, and in line with those of the individual. (This job seems best achieved by a democratically controlled state, but different kinds of liberalism and share different meanings of the

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word “ democracy.”) The state provides public goods and other forms of collective consumption, while preventing individuals free-riding (with the benefit of collective consumption without pay) by making them pay taxes.

Within this school there are a variety of different views, ranging from social to modern free-market libertarianism, New Deal, or liberalism. The main debate along this line relates to the ideal size and role of the state. While libertarians argue for a small or “ minimal” state, which protects just property rights and enforces individual contracts, the New Deal or social liberals that the state has to play a more positive role, given the problems of market failures and crass inequalities in the distribution of income and wealth within a capitalist system. In general, almost no liberals see the state as currently live up to the philosophical ideal, and therefore argue for the change in one direction or another.

The views of the social liberals of the state are largely shared by the social democrats and democratic socialists.

In the Marxist school of thought is the most important role of the state in practice to use force to defend the existing system of class domination and exploitation. Under such systems as feudalism, the lords used their own armed forces to use their vassals. Under capitalism, on the other hand, the use of violence in a specialized organization, the capitalists’ class monopoly of ownership of the means of production protects is centralized, so that the exploitation of those without such ownership. In modern Marxist theory, such a class domination can coincide with other forms of domination (such as patriarchy and ethnic hierarchies).

In addition, in Marxist theory, class and other forms of exploitation through the establishment of a socialist system, a democratic state must be involved to be abolished. This state is dying slowly “, as people take more and more power into their own hands and representative democracy turned slowly in a direct democracy. Once the process is complete, the communist social order was achieved and the state no longer exists as a separate entity from the people. So the ideal condition for the state in Marxist theory, the same as in anarchist theory: Ideally, the state would not even exist.

In some conservative thinking, the existing structure of tradition and hierarchies (of class, patriarchy, ethnic dominance, etc.) than for the benefit of society overall. So, in a way that you accept these conservatives are some ideas from both the Marxist and the liberal schools of thought, but seeing it in a different light: the state forces people in the class and other types of power to accept, but this should be seen as good for them. (They are like free riders if they rebel.) Finally, as with the liberals, the state is, as seen, always present and / or “ natural.” “ Death” will never happen.

In anarchist thinking, the state is nothing more than an unnecessary and exploitative segment of society. Totally rejecting Hobbes’s ideas, anarchists argue that if the state and its restrictions on individual liberty were abolished, people could figure out how to work together peacefully – with the individual creativity would be released. The rejection of the Marxist perspective of hope, the anarchists, which may precede the death of the State and is – or with – the elimination of non-state forms of rule.