

Lesson Four

Separation Of Powers

The hypothesis which states that the functions of the government should be performed by different bodies and each department should be limited to its own sphere of action, without interfering in each other and that it should be independent within that sphere, is called Theory of Separation of Powers. The Theory of Separation of Powers clearly divides powers into three organs of the government and believes in decentralization of power and thus maintaining the liberty of people.

The classic definition of the Theory of Separation of Powers is explained by Montesquieu. This French political thinker had exposed his political thinking in his book, The Spirit of Laws, which was published in 1748. He stressed that there must be Separation of Powers if liberty of the people is to be safeguarded. Montesquieu insisted on intimate relation between liberty and Separation of Powers. He said that power should be checked, if law is to endure. The famous statement of Montesquieu stands for complete Separation of Powers, which he explained in the following points:

- When the legislature and executive power are united in the same person or in the same body of magistrates, there can be no liberty because it may turn tyrannical and enact tyrannical laws and execute them in tyrannical manner.*
- There is no liberty if the judicial power is not separate from the legislative and executive. If it was joined by the legislative, the life and liberty of the subject would be exposed to arbitrary control for the judge, who would then be the legislator. If it joined with the executive then the judge might behave with violence and oppression.*
- If all three organs were joined together in one combined power then there would be concentration of power in one person or body of persons. This would virtually end all liberty and result in despotism of that person or body.*

1. Comprehension Questions :

- 1. What is the main idea of the Theory of Separation of Powers?*
- 2. According to Montesquieu, why is it dangerous to combine the legislative and executive powers?*
- 3. What does Montesquieu say will happen if the judicial power is not separate?*
- 4. What is the result of concentrating all three powers in one body?*
- 5. How does the separation of powers help protect liberty?*

2. Grammar Activities :

1. Identify the tense of the following sentence:
“Montesquieu insisted on intimate relation between liberty and Separation of Powers.”
2. Choose the correct form:
If the judicial power ____ (join / is joined / joins) with the executive, it may lead to oppression.
3. Turn the following sentence into passive voice:
The legislature makes laws.
4. Find and correct the grammar mistake in this sentence:
“There is no liberty if the judicial power are not separate.”
5. Combine the two sentences using "because":
 - Power should be divided.
 - It prevents tyranny.

3. Vocabulary Activities

1. What does the word *“tyrannical”* mean in the text?
 - a) fair
 - b) cruel and oppressive
 - c) legal
 - d) weak
2. Find a synonym in the text for the word *“despotism.”*
3. What is the opposite of *“liberty”* as used in the passage?
4. Give the meaning of the word *“endure”* in the phrase *“if law is to endure.”*
5. Use the word *“arbitrary”* in a new sentence of your own.

4. Translation Activities

Translate the following sentences into Arabic:

1. The Theory of Separation of Powers divides the government into three organs.
2. Montesquieu believed that liberty cannot exist without separation of powers.
3. If all powers are joined in one body, it will lead to despotism.
4. The judiciary must be independent to ensure justice.
5. Power should be checked, if law is to endure.