## The Scholars Programme

# I've Got the Power: What's Wrong with the Rule by One?

Key Stage 5 Programme

Pupil Name

Coursebook Designed by Sonia Cruz Dávila Tutorial Group





# **Course Rationale**

When we think about what the abuse of power may be, we normally imagine a person with authority making bad decisions or performing cruel acts (like a despot or dictator!). However, this is not the only way (maybe not even the most fundamental way!) in which power may be abused. In this course, we will explore a particular way in which our heads of government (namely, our presidents or prime ministers) may abuse their power.

We will call this particular way of abusing power "unilateral executive power" and will define it as "a form of arbitrary power exercised exclusively by the head of government and not meaningfully constrained by the constitution, its laws, or any other political actor or institution". As we will learn, this form of arbitrary power may allow our heads of government not only to exercise their power in potentially wrongful ways that violate our fundamental human rights, but also to make decisions and perform acts that are based on their personal choice, instead of on any accepted reason.

In the first tutorial, we will define what the executive is, what it does, and how it may abuse its power. In the second tutorial, we will distinguish between two different ways of constraining the exercise of power by the executive and will discuss whether they are successful in doing so. In the third tutorial, we will distinguish between the concepts of "domination" and "interference" and will discuss what kind of abuse of power the exercise of "unilateral executive power" may be. In the fourth tutorial, we will distinguish between the exercise of oppressive power and the exercise of "unilateral executive power" and will discuss what exactly makes each of them problematic. In the fifth tutorial, we will review what we have learned so far and will prepare for the final assignment!

In this course, you will develop argumentative, critical thinking and writing skills that will enable you to challenge common ways of thinking about the abuse of power and to defend your own ideas about what may be wrong with the exercise of oppressive power and the exercise of "unilateral executive power"!



Big Ben by Adi Ulici. https://unsplash.com/photos/0cpbRazqOaY

Front cover image: Power Struggles by Thomas Charters. https://unsplash.com/photos/zAi2ls48-MA

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# **Sample Tutorial Activity**



10 Downing Street by Jordhan Madec. https://unsplash.com/photos/AD5ylD2T0UY

### Odd One Out

- Look at the images on the following pages and take a minute to think: "Who is the executive?".
- Discuss your thoughts with the person sitting next to you and, together, write the name of the person portrayed below each picture.
- Finally, write what (or who) you think the executive is and what you think it (or he, or she) does.

All images taken from Wikipedia. https://en.wikipedia.org/wiki/Main Page









What (or who) is the executive? What does it (or he, or she) do?

#### The Legislative Power, the Executive Power & the Federative Power

- Read the definitions of "executive", "head of government", "head of state", "president", and "prime minister" in the glossary. (You may also have to look up the definitions of "legislature", "judiciary", "parliamentarism", "presidentialism", and "separation of powers".)
- Once you have done so, read the following fragment from John Locke's Second Treatise of Government. Underline the words that you don't understand and write notes as you go.
- Finally, answer the comprehension questions with the help of the person sitting next to you.

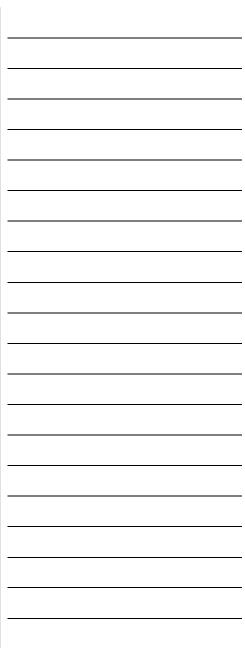
John Locke. Image taken from Wikipedia. <u>https://en.wikipedia.org/wiki/John Locke</u>

## CHAPTER XII

Of the Legislative, Executive, and Federative Power of the Commonwealth

§ 143. The legislative power is that which has a right to direct how the force of the commonwealth shall be employed for preserving the community and the members of it. But because those laws which are constantly to be executed, and whose force is always to continue, may be made in a little time, therefore there is no need that the legislative should be always in being, not always having business to do. And because it may be too great a temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws, to have also in their hands the power to execute them; whereby they may exempt themselves from obedience to the laws they make, and suit the law, both in its making and execution, to their own private advantage, and thereby come to have a distinct interest from the rest of the community, contrary to the end of society and government: therefore in well-ordered commonwealths, where the good of the whole is so considered, as it ought, the legislative power is put into the hands of divers persons, who, duly assembled, have by themselves, or jointly with others, a power to make laws; which when they have done, being separated again, they are themselves subject to the laws they have made; which is a new and near tie upon them, to take care that they make them for the public good.

§ 144. But because the laws, that are at once, and in a short time made, have a constant and lasting force, and need a perpetual execution, or an attendance thereunto; therefore, it is necessary there should be a power always in being, which should see to the execution of the laws that are made, and remain in force. And thus, the legislative and executive power come often to be separated.

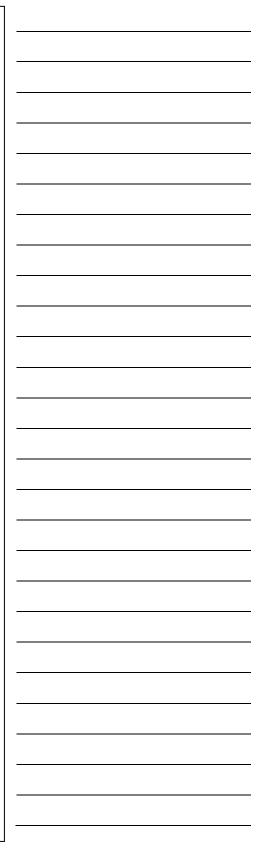




§ 145. There is another power in every commonwealth, which one may call natural, because it is that which answers to the power every man naturally had before it entered into society: for though in a commonwealth, the members of it are distinct persons still in reference to one another, and as such are governed by the laws of the society; yet in reference to the rest of mankind, they make one body, which is, as every member of it before was, still in the state of nature with the rest of mankind. Hence it is, that the controversies that happen between any man of the society with those that are out of it, are managed by the public; and an injury done to a member of their body engages the whole in the reparation of it. So that, under this consideration, the whole community is one body in the state of nature, in respect of all other states of persons out of its community.

§ 146. This therefore contains the power of war and peace, leagues, and alliances, and all the transactions with all persons and communities without the commonwealth; and may be called federative, if anyone pleases. So the thing be understood, I am indifferent as to the name.

§ 147. These two powers, executive and federative, though they be really distinct in themselves, yet one comprehending the execution of the municipal laws of the society within itself, upon all that are parts of it; the other the management of the security and interest of the public without, with all those that it may receive benefit or damage from; yet they are always almost united. And though this federative power in the well or ill management of it be of great moment to the commonwealth, yet it is much less capable to be directed by antecedent, standing, positive laws, than the executive; and so must necessarily be left to the prudence and wisdom of those whose hands it is in, to be managed for the public good: for the laws that concern subjects one amongst another, being to direct their actions, may well enough precede them. But what is to be done in reference to foreigners, depending much upon their actions, and the variation of designs, and interests, must be left in great part to the prudence of those who have this power committed to them, to be managed by the best of their skill, for the advantage of the commonwealth.



#### **Comprehension Questions**

1. According to Locke, what is the legislative power (§ 143)?

2. Why does Locke argue that "it may be too great a temptation... for the same persons who have the power of making laws, to have also in their hands the power to execute them" (§ 143)?

3. According to Locke, what is the executive power (§ 144)?

4. Why does Locke claim that the legislative power and the executive power should be separated (§ 144)?

5. According to Locke, what is the federative power (§ 145 - § 146)?

#### Think, Pair, Share

- Go back to your answers to questions 2 and 4. Do you agree with Locke that power may be abused if it is not separated into "legislative power" and "executive power"? If so, how exactly?
- Discuss the following questions with the person sitting next to you: How do you think that the executive power may be abused? Can you think of any real-life cases in which the executive power has been abused?
- Share your thoughts with the rest of the class. How do you think that the abuse of the executive power may be prevented?