



What's the Party Like? The Normative Status of the Political Party in South Asia



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Current commentary in legal and political philosophy conceptualises political parties either as private organisations, immune from legal regulation in their internal affairs, or as quasi-public institutions, where the state may justifiably mandate certain internal regulations. I argue that, in jurisdictions with anti-defection laws, neither conception accounts for the normative status of the political party. Instead, the party ought to be conceptualised as a legislative actor. This paper then examines how conceptualising the party in this way can affect the way in which we understand the relationship between the law and a party. I explore three possible avenues of legal regulation of parties: the process of candidate selection, the selection of party leaders, and interaction between a party and its parliamentary wing. I argue that conceptualising the party as a legislative entity has the most salient implications for the third of these: the interaction between the extra-parliamentary organisation and the parliamentary party.

Udit Bhatia is a Junior Research Fellow in Politics at Jesus College and Lecturer in Political Theory at Lady Margaret Hall, University of Oxford. His research interests lie at the intersections of democratic theory, social epistemology and constitutional law. He is currently working on the ethics of partisanship and the regulation of political parties.

All are welcome

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