

State

Theories of origin of state

BA Part-1 (Political Science)
Subsid. Paper
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State and its origin

- So far we 've come to know what is state and what it does. Now the question arises in one's mind as to how and when exactly the state originated.
- Unlike natural Science we cannot be certain and exact in estimating out the date of origin of the state.
- It, therefore, compels us to know the various propositions regarding the origin and hence so many theories telling their own ways.

Important Theories of the Origin of State

- Divine origin theory;
- Force Theory;
- Patriarchal Theory;
- Matriarchal Theory;
- Social Contract Theory;
- Historical/Evolutionary theory; and
- Marxist Theory

1. Divine Right Theory

- The State, its advocates maintain was created by God and governed by His deputy or vicegerent.
- He (God) sent His deputy to rule over them.
- The ruler was a divinely appointed agent and he was responsible for his actions to God alone.
- As the ruler was the deputy of God, obedience to him was held to be a religious duty and resistance a sin.

Divine right theory...

- Nobody could limit his will and restrict his power.
- His word was law and his actions were always just and benevolent.
- To complain against the authority of the ruler and to characterize his actions as unjust was a *sin* for which there was divine punishment.

Evaluation

- This theory is so enunciated, believed in and accepted, thus, implied:
- i) That God deliberately created the State and this specific act of His grace was to save mankind from destruction.
- ii) God sent his Deputy or Vice-regent to rule over mankind.

Criticism

- The divine rights of kings /Monarchy is divinely ordained and the King draws his authority from God.
- Monarchy is hereditary and it is the divine right of a King that it should pass from father to son.
- The King is answerable to God alone and resistance to the lawful authority of a King is a sin

2. Force Theory

- It emphasizes the origin of the State in the subordination of the weak to the strong.
- A person physically stronger can capture and enslave the weak. Having increased the number of his followers, over whom he exercised undisputed authority, he became a tribal chief.

Force Theory...

- The powerful conquered the weak - this process of conquest and domination continued till the victorious tribe secured control over a definite territory.

Implications Of The Theory Of Force:

- I) Force is not only a historical factor, but is present essential feature of the State
- ii) The States were born of force only

Force Theory

- iii) Power is their justification and raison d'être
- iv) The maintenance and extension of power within and without is the sole aim of the State.

3. Social Contract Theory

- It postulates a state of nature as the original conditions mankind and
- The state of nature was not an organized society. Each man living therein led a life of his own, uncontrolled by any laws of human imposition.
- Social Contract is a Voluntary agreement made amongst individuals through which an organized society, or State, is brought into existence.
- Hobbes, Locke Rousseau as original thinkers and revived by John Rawls in modern times.

Elements of Social Contract Theory

- The image of a hypothetical stateless society, i.e. a state of nature is established. Unconstrained freedom means that life is 'solitary, poor, nasty, brutish and short'.
- Individuals therefore seek to escape from the state of nature by entering into a social contract, recognizing that only a sovereign power can secure order and stability.
- The social contract obliges citizens to respect and obey the state, ultimately in gratitude for the stability and security that only a system of political rule can deliver.

Thomas Hobbes(1588-1679)

- An English Philosopher, who subsequently became tutor of the Cavendish family. Writing at a time of uncertainty and civil strife, precipitated by English Revolution, Hobbes developed the first comprehensive theory of nature and human behaviour since Aristotle.
- His classic work ***Leviathan(1651)*** discussed the grounds of political obligation and provided a defence for absolutist government.

Thomas Hobbes

- The State of Nature: characterized as the *pre-social* phase of human nature “the liberty that each man has to use his own power for the preservation of his own nature.” Man not at all social, indeed “nothing but grief in the company of his fellows”- all being almost equally selfish, self- seeking, egoistic, brutal and aggressive.

The Contract: Agreed to surrender their natural rights into the hands of common superior and to obey his commands. A contract binding each and all to unquestioning obedience to a sovereign could really establish a stable commonwealth.

John Locke

- The State of Nature: It was pre-political and not pre-social. Man was neither selfish, nor self-seeking, nor aggressive. Men were equal and free to act as they thought fit, but within the bounds of the law of nature.
- Need for Civil Society According to Locke, this “ill condition” was due to three important wants which remained unsatisfied in the state of nature: i) The want of an established, settled, known law ii) The want of a known and indifferent judge, and iii) The want of an executing power to enforce just decisions.

Locke...

- The social contract was no more than a transfer of certain rights and powers so that man's remaining rights would be protected and preserved. The contract was for limited and specific purposes and what was given up was transferred to the community as a whole and not to a man or to an assembly of men.
- Two Contracts:
 - i) A Social Contract which brought into being the civil society or the State.
 - ii) A governmental contract when society in its corporate capacity established a government and selected a ruler to remove the inconveniences, which necessitates the formation of the civil society or the State.
- Locke recognized the existence of 3 powers in the civil society or the State: legislative, executive and federative.

Jean Jacques Rousseau(1712-78)

- The State of Nature: man in this state of nature was a “noble savage” who led a life of primitive simplicity and idyllic happiness. He was independent, contented, self- sufficient, healthy, and fearless and “without need of his fellows or desire to harm them.”
- Emergence of Civil Society: individuals became a collective unity – a society “puts his person and all his power in common under the supreme direction of the general will and in our corporate capacity we receive each member as an indivisible part of the whole.”

General Will: only **one contract** - social and political The individual surrendered himself completely and unconditionally to the will of the body of which he became a member. The body so created was a moral and collective body and Rousseau called it the General Will.

The unique feature of the General Will: It represented collective good as distinguished from the private interests of its members. It was the will of all the citizens when they were willing not their own private but the general good. all citizens willing the best interests of the community and its lasting welfare, it must it must be sovereign.

- **General Will-** the genuine interest of a collective body, equivalent to the common good; the will of all, provided each person acts selflessly.
- Rousseau's writing(Emile and The Social Contract) reflect a deep belief in the goodness of 'natural' men and the corruption of 'Social Men'.

4. Patriarchal Theory

- **Patriarchy** literally means 'rule by the father'. The domination of husband-father within the family, and the subordination of his wife and children.
- However in general sense the term is used to denote the 'rule by men', drawing attention to the totality of oppression and exploitation to which women are subjects.
- It is a key concept in radical Feminist analysis, that it emphasizes that gender inequality is systematic, institutionalized and pervasive.

4a. Patriarchal Theory

State is an enlargement of the family. Originally, the family consisted of a man, his wife and children. The father was the head of the family and his control and authority was complete in all respects over all its members.

When his children married there was expansion in the original family and it led to the establishment of new families. But the authority of the father and head of the original family remained unabated as before all lived and functioned under the recognized authority of the senior living male member of the original family.

With the lapse of time many members withdrew from the parent tribe and settled in new lands in search of their living. SIR HENRY MAINE'S is the original proponent of this theory.

4b. Matriarchal Theory

Mc Lennan, Jenks and Morgan are the notable exponents of the Matriarchal Theory.

They reject outright the proposition that the patriarchal family was the earliest form of society. Kinship could only be traced through mother, matriarch.

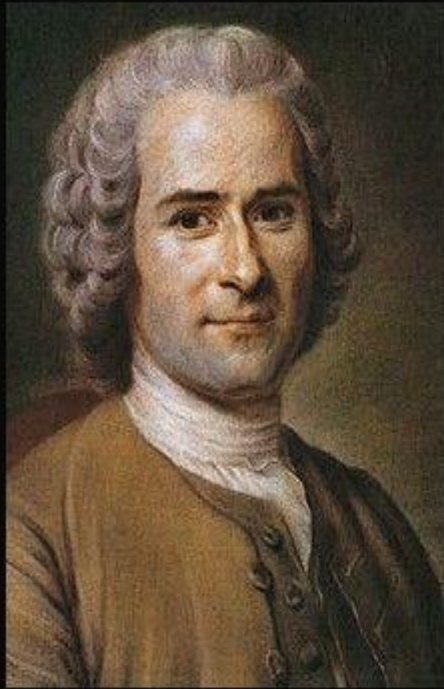
The advocates of this theory maintain that patriarchal family is possible where either the monogamous or the polygamous institution of marriage exists. The earliest form of marriage was polyandry, one wife having several husbands.

“the credit of having discovered the clan, a maternally organized, hereditary and unilateral unit, unilateral because children traced this system belonged to the clan of their mother, without regard to the clan of their father.”

5. Historical or Evolutionary theory

- It explains that the State is the product of growth, a slow and steady evolution extending over a long period of time and shaping itself into the complex structure of a modern State.
- Important Factors of rise and growth of the State: i) Kinship ii) Religion iii) Property and Defense iv) Force v) Political Consciousness.
- All these factors cumutatively led to the growth of the idea of state in modern times.

In lieu of conclusion...



Man is born free, but everywhere he is in chains.

(Jean-Jacques Rousseau)