

2.The Popular Theories of Origin of state **(Not to be cited. For students use only)**

Numerous theories with regard to the origin of the state are offered. These include the divine origin theory, the force theory, the theories, the social contract theory, the theory, and the theory. Notable these and ones which are being discussed are the social contract theory, the theory and the theory relating to the origin of the state

1. The Social Contract Theory

A clear-cut and elaborate expression of the social contract theory of the origin of the state is associated with Thomas Hobbes and John Locke, both from England of the 17th century and Rousseau, from France of the 18th century. The theory holds that the state is the result of man's deliberate intentions expressed through a pre-civil and prepolitical period, called the state of nature. The theory, therefore, assumes that there existed a time when there was no and that people lived in the state of nature, meaning thereby a situation when people lived without law, without authority and without government. Hobbes, Locke and Rousseau classified the human society living in two eras: the era of the state of nature, and the era of political society. They all say that the contract for having the state was concluded by the people in the state of nature. It was after the conclusion of the contract that people left the state of nature and entered into political society. Contract, therefore, is the dividing line. What the three philosophers, the contractualists, convey to us is that in the state of nature, men lived without authority and that in that state of nature, they felt the need of the state, state's necessity and, therefore, the contract among them and state's appearance after the contract. It is after the appearance of the state that the distinction between the ruler and the ruled could be made; and the emphasis on state authority or powers of the state came to be laid. There is no agreement among the contractualists on various issues. For example, what was the state of nature, how was the condition of man, why the contract was made, what was the contract, what type of state appeared after the contract -are questions on which the contractualists differed drastically. On what they were to agree is that there was a kind of law in the state of nature, called the natural law; men did possess natural rights. But with regard to the outcome of the contract, Hobbes propounded an omnipotent state, absolute sovereignty; Locke advocated a limited state, political sovereignty; Rousseau talked about a democratic state based on his theory of general will, popular sovereignty. The social contract theory has been condemned by critics on grounds of bad history, bad law and bad philosophy. It was a bad history in so far as there is no proof of the conclusion of contract ever been made. It was a bad law in so far as the contract

once was irrevocable - permitted entrance and prohibited exit. A one-way traffic sort of contract and therefore, legally invalid. It was a bad philosophy in so far as political can never be the result of any one moment as the contractualists make us believe so. importance of the social contract theory however, cannot be overlooked, at least on two grounds: (1) it served as the basis for modern democracy by declaring the state as the product of people's consent (2) it condemned the divine origin theory as obsolete and provided an alternative theory of the origin of the state.

2. The Historical /Evolutionary Theory

The theory of the origin of the state, also the liberal theory of the origin of the state, is more or less a correct explanation as to how the state originated. According to it, the state is a historical growth or the result of gradual evolution. is a continuous development, always in the process of evolution. Burgers rightly puts the point: "It (the state) is the gradual realization ... of the universal principles of the human It is futile to seek to discover just one cause which will explain the origin of all states. The state must have come into existence owing to a variety of causes, some operating in one place and some . in other places. Whatever it is, the State is not the deliberate creation of any more language is a conscious invention. Political conscious must have taken a very long time to develop and the primitive state must have grown with the of this consciousness. Garner also argued: "The state is neither the handiwork of God, nor the result of superior physical force, nor the creation of the compact, or a mere expansion of the families. It is the of a gradual process of social development out of grossly imperfect beginnings.' 'Like every other social institution', says, 'the state arose from many sources and under various and it emerged almost The factors responsible for the gradual formation of the state include: (i) social instinct, the instinct which compels man to live in the society, without which he is either a beast or a god, and the one through which man is able to develop his faculties (ii) kinship or blood relationship. Maclver said: 'Kinship creates society, and society, in turn, creates state'. It was the most important bond of union. But it alone was not the factor which led to the formation of the state. People had developed a common consciousness, common interest and common purpose, relationship, must have, with great difficulty, given place to social relationship (iii) Religion is said to be another important factor in the creation of social consciousness. says that kinship and religion were simply two aspects of the same thing. Common worship was even more essential than kinship in accustoming early man to and discipline and in developing a keen sense of social solidarity and cohesion. (iv) Force might not have been the sole factor in I the making of a state, but it cannot be denied that it must have contributed its

worth in making and expanding the state as one factor. Force translates weakness into subjugation; subjugation into unity, and unity into strength (v) Economic activities too played an important role in the formation of the state as another factor. These led to the rules and procedures relating to production, exchange, distribution and consumption together with the property rights as enacted through laws at a subsequent stage of development. (vi) Another potent factor in the development of the state is political consciousness. As a term, political consciousness means many things put together. Love for the land where people reside; desire to protect the land; need for order and protection; social relationship; promoting political relationship; feeling that the territory be expanded; wars and conquests; powers and struggles for power, the triumph of the political idea of power; and loyalty towards the system. All these grow and evolve with time: the political organisation, the state's roots gaining strength and the beginnings, shaping and reshaping into the complex and creating sort of the state. Argument can be put as a conclusion: the state is 'a gradual and natural It is neither the gift of divine power nor the deliberate work of man. Its I beginnings are lost in that shadow of past in social institutions arising, and its development has followed the general laws of growth.

3. The Marxian Theory

The best exposition of the of the origin of the state is given by Frederick in his book *Origin of the Family, Private Property and says: 'The State is, therefore, by no means a power forced in society from without, just as little is it the reality of 'the ethical idea', 'the image and reality' of reason', as maintains. Rather, it is a I product of society at a certain stage of social development: it is the admission that this society I has become entangled in an insoluble contradiction with itself, that is into irreconcilable antagonisms, classes with conflicting economic interests, might not continue themselves and I society in sterile struggle, a power seemingly standing above society became necessary for the purpose of moderating the conflict, if keeping it within the bounds of 'older' and this power, arisen out of society, but placing itself above it and increasingly alienating itself from it, is the state.'* tells us that the state is not a natural organisation. It has, he says, not existed from all eternity and there have been societies that did without it. The state became a necessity at a certain stage of social development that was a consequence of the cleavage of society into two contending classes.

Accordingly, the state is the product of antagonistic classes and it is of the I 54 , economically dominant class, for its welfare and against the interests of those means of production. The thesis is that with the emergence and growth private ownership , of the means of production, antagonistic classes arose, and the state emerged for the possessing class and against the non-possessing class. Engels, therefore, concludes: 'The state is, as a rule, the state of the most powerful, economically dominant class which, through the medium of the state, becomes

also the politically dominant class and thus acquires new means of holding down and exploiting the oppressed class. Thus the state of antiquity was above all, the state of the slave-owners for the purposes of holding down the slaves, as the feudal state was the organ of the nobility for holding down the peasants, serfs and lords men, and the modern representative state is the instrument of exploitation of wage labour by capital'. The major aspects of the theory of the origin of the state can be, briefly, summed up as under: 1) The state appears because the antagonistic classes appear; these classes appear because the private ownership of means of production appears. 2) The state is the class society and came at a definite stage of social development. 3) The state, as a class institution, is of the economically dominant class, of the slave-owners, or of the feudal lords and at present is of the capitalists. 4) The state means public power, the legal right to use force. 5) The state power works through its apparatus: bureaucracy, police, courts, jails and the like. 6) For the public power work effectively and the state obtains the right to tax people, raise loans, and possess property. The theory of the origin of the state suffers from over simplification. That the state should have arisen as a result of class society and class antagonism and that these classes arose because of the private ownership. The means of production are not as much an explanation of the origin of the state as is an effort to project the state as a class institution and, therefore, a partisan one, exploiting the non-possessing class. That the state has been an oppressive institution, always so is too much to believe.

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