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Theory of Origin of State

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ABSTRACT

Generally, the State is often referred to as "society politically constituted." A society is a community of individuals who live together and establish strong ties to meet their basic requirements. That could take place on a physical, emotional, mental, or spiritual level. It is impossible to ignore the existence of social organizations such as clans, tribes, communities, villages, religious institutions, educational establishments, workplace associations, etc. The network connection of interpersonal connections based on kinship, language, culture, common values, and territorial affiliations forms society up. Social interactions are regulated by mutual understanding, convention, courtesy, morality, agreement, and even contract.

I. INTRODUCTION

The state hasn't been given a universally agreed-upon definition, and diverse authors have occasionally given it their spin. The state is characterized by Machiavelli as "the power which has influence over mankind" in his book *The Prince*. Despite the differences in opinion among its authors, the majority of them concur that the state consists of three things: its citizens, its territory, and its administration. Regarding the fourth component—sovereignty—disagreement became pronounced. But the fundamental idea of political philosophy is the idea of the state. A social institution, the state develops in line with the socioeconomic circumstances of the community. The only aspect of the broader societal structure is the state. A specific segment of society that is politically organized for the protection and advancement of its shared interests.

The state was founded primarily as a result of political consciousness. In his well-known book *The Modern State*, R.M. MacIver (1882-1970) wrote: "There are social formations, such as the family, church, or club, which do not owe their birth or inspiration to the state; social forces, such as custom or competition, which the state may protect or modify, but surely does not create; and social motives, such as friendship or jealousy, which develop relationships too intimate and personal to be controlled by the big engine of the state.". The State, in a nutshell, controls men's notable exterior interactions in society. A territorial civilization, divided into a state and its citizens and claiming superiority over other associations within its designated physical region

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is what Harold J. Laski (1893–1951), a British political philosopher, defines as a state in his literary work *An Introduction to Politics* (1931).

Aristotle, who lived from 384 to 322 BCE, described the state as "an alliance of families and villages for the goal of establishing a perfect and self-sufficient existence." According to Salmond, a state is "an association of human beings founded for the realization of particular purposes by certain means, the ends being a defense against external foes and the maintenance of peaceable and ordered relations within the community itself." According to J.L. Brierly, a state is "an institution, that is to say, a system of relations that men construct among themselves as a way of obtaining certain ends, of which the most essential is a system of order within which their activities can be carried out.

II. ESSENTIAL OF A STATE

- 1. POPULATION:** The inhabitants of the state make up the human association known as the state. A state's population is a crucial component. A state cannot exist without its citizens because they are the state's foundation. The state is a product of the people. They also control the government, live on the land, and maintain the resources.
- 2. SOVEREIGNTY::** The main characteristic that sets the state apart from other organizations is its sovereignty. Technically speaking, there cannot be a state without territory. The most important component and feature in the creation of a state is sovereignty. Without both internal and exterior sovereignty, no state can exist.
- 3. GOVERNMENT:** The political and executive branch of a state is the government. The state's government is how it functions. The state is a more general term that includes all of its residents. The totality of a state's parliamentary, executive, and judicial actions is its government. (Chapters to follow will explore their roles.) Internal organizations and sub-state governing bodies at the municipal and regional levels are also included, including in India's Municipal Corporations, Municipal Councils, Panchayats, and Gram Sabhas.
- 4. TERRITORY:** territorial institution is a state. According to both domestic and international law, a state has a physical identity based on its fixed territory and people. As a legal and political community of people, a state's duties must initially be carried out within a certain geographical area. A country or government can exercise state sovereignty over a territory if it owns and controls it.

III. EMERGENCE OF THE STATE FROM SOCIETY

When a community is regulated by a uniform set of norms, and ordinances and submits to

sovereign power, it is considered to be a State. The State satisfies the requirement of a societal political entity to achieve the purpose of common living. This is the conclusion we infer from Aristotle's (384–322 BCE) notable quotations from his work *Politics*, wherein he observed that "Human being is a social animal; Man is a political animal." In this manner, society shapes the State. The main organization is the Society. To maintain social order, a State is created to regulate individual political activity. Rather than the other way around, the State relies on society for its vitality.

IV. THEORIES ON THE ORIGIN OF STATE

(A) Theory of kinship

The kinship theory of state building is backed by sociological evidence. Aristotle has been the initial proponent of this notion (384-322 BCE). Aristotle states in his work *Politics*: "Society of many families is titled a village, and a village is most naturally constituted of descendants of one family, the children and the children's children..., for every family is administered by the elder, as are the branches thereof, on account of their relation thereto, and when several villages so thoroughly unite themselves as to in every respect to form but one society, that society is state and contains in itself whatever which the other societies possess." In other words, at first, the family served as the basic building block of civilization. Members of the family were linked by their kinship and blood ties, and they all acknowledged the family head as the family's supreme authority. The kinship sign was the name of the shared ancestor. The State was founded by the society, which was founded by kinship. New families were created as a result of family growth, and clans were created as a result of the proliferation of families. Clans grew larger, which led to the emergence of tribes and, eventually, the state. Family rules, authority, and submission are thought to be the foundation of governance. This viewpoint is supported by R.M. MacIver's (1882-1970) works, which claim that the essential elements of government are restraints and regulations. The family is where the foundation of government is first observed. Regarding the nature of kinship, there is disagreement among scholars.

(B) Patriarchal Theory:²

The Patriarchal Theory holds that the eldest male descendant of the family played a significant part in the formation and growth of the State. Sir Henry Maine provides evidence in favor of the patriarchal theory (1822-1888). Maine argued in *The Spirit of Laws* (1861) that the family

² Kinship, Formal Models of Dwight Read, in *International Encyclopedia of the Social & Behavioral Sciences* (Second Edition), 2015 J. W. Powell: "The Patriarchal Theory" (DOI: <https://www.science.org/doi/10.1126/sciencens-5.116.345>) kinship, available at <https://www.britannica.com/topic/kinship>

was the foundation of the state, and that the unbridled autocracy of the family head was the source of the state's legal system's legitimacy (*patria potestas*).

Under *patria potestas*, the family's eldest male parent held absolute power over the rest of the family and the house. He strengthened family ties via polygamy and established familial ties bondage among the people to establish a state. Families gathered together to build communities, and settlements expanded tribes or clans were eventually created out of villages to create states.

(C) Matriarchal Theory:

Political theorists like McLennan (1827–1881) and Edward Jenks provide evidence in favor of the matriarchal theory (1861-1939). They claimed that there were no patriarchal families in the prehistoric eras. The highest position in the home was held by polyandry, which is when a woman has multiple spouses. According to McLennan, the *materfamilias* (mother, who serves as the family's head) are the *martin potestas* (mother, who serves as the last authority) when it comes to the ownership and disposition of the family's property. From his research on aboriginal tribes in Australia, Edward Jenks illustrates this procedure. The tribes of Australia were grouped into something called totem groups. The totem groups were grouped by a shared symbol, such as a tree or an animal, rather than being arranged according to blood connections. One totem men group would wed every woman of their generation who belonged to a different totem group. Thus, polyandry and polygamy were both parts of the marriage system. In these situations, kinship and fatherhood could not be established, but pregnancy was a fact. According to Edward Jenks, the matriarchal culture gave way to the patriarchal society with the passage of time and the advent of pastoral human civilization.

(D) Divine Theory

According to the Divine Theory, the state is founded and administered by God, a superhuman power, the King acting as his representative, and the religious texts. In the same way that God created inanimate items like plants, animals, trees, rivers, hills, and other inanimate things, God also created the state with a specific goal in mind, namely the peace, safety, and preservation of all living things on this planet. Political theorists such as James I (1566-1625) and Sir Robert Filmer endorsed this hypothesis (1588- 1653). This notion suggests that people should submit to and follow a clear leader who has a high moral standing comparable to God. The state functions are given moral character by this view. The appeal of living under the rule of laws backed by religious sanctions for the primitive man a monarch. The beginning of political authority received a divine sanction, according to the Hindu, Christian, Muslim, Jewish, and

many other global religions.³

In Hinduism, monarchs Rama and Krishna were regarded as divine beings who had taken human form. The Islamic nations likewise work to maintain God (Allah) as the supreme ruler on earth. Political theory's beginnings were also attributed by Christianity to God's will.⁴

(E) Social Contract Theory

According to the Social Contract Theory, the formation of a State was the result of the people's joint consent and agreement. Three political philosophers—Thomas Hobbes from England, John Locke from England, and Jean-Jacques Rousseau from France—proposed this notion. They believed that people joined into a social contract to leave behind the pre-political state of society. These ideas formed the cornerstone of contemporary democracy. According to this idea, the political authority must be obeyed, and the people's agreement constitutes the source of all political power. Mankind's pre-political state was referred to as the state of nature.

i. Thomas Hobbes:

The foundation of the state is explained in the literary work *Leviathan* by the English political philosopher (1588-1679). He explains that before a civil state emerged, humans lived in a natural state. Hobbes introduced the idea of a state of nature in his thesis, which he defined as the pre-social stage of human nature. They had to fight nature every day for their very existence. Nature was in an unrestrained state of capability and self-interest. Every man was an enemy of every other man, and life was "solitary, poor, brutal, brutish, and short."

According to R.G. Gettle, Hobbes established the all-powerful sovereign because he thought that without it, society could not sustain law, order, peace, and security. Hobbes denied the populace the ability to overthrow the ruler. Hobbes only permitted people to defy the rules when the ruler denied them the right to self preservation or when the monarch was defeated and ceded power to a new Emperor. A change in the government, in Hobbes' opinion, entailed the destruction of the State. As a result, he did not uphold the political institution's distinction between the state and government.

ii. John Locke:

In his book *Two Treatises of Government*, John Locke (1632–1704) argued that nature was not

³ Bodhendra Kumar: *THE THEORY OF THE DIVINE ORIGIN OF THE STATE* (Thesis, AMU) Metrical Theory, available at <https://sites.google.com/site/stressbyjsandcv/metrical-theory>

⁴ Summary of Social Contract Theory by Hobbes, Locke and Rousseau, available on https://www.researchgate.net/publication/261181816_Summary_of_Social_Contract_Theory_by_Hobbes_Locke_and_Rousseau

David Antonini :*Social Contract Theory* (2018) (thesis, University of Waterloo)

in a state of war but rather one of peace, natural rights, preservation, goodwill, and mutual aid. In Locke, there was no such thing as politics. People possessed rights and liberties and were social beings. The three rights of life, liberty, and property were guaranteed by the natural order. Nature was in an uncomfortable state. Because each person had to choose for themselves how the natural law applied to them and how to apply it without the assistance of any other authority, life was inconvenient. The State of Nature lacked the tools necessary to uphold peoples' inherent rights. To maintain this situation, two contracts were made: social and governmental. Civil society was created as a result of the social contract, and the government was established as a result of the governmental contract.

Individuals made a social agreement to give up their inherent rights in return for civil rights. The establishment of a State-based system of law and justice was the result of a governmental agreement between the people and the ruler. Being a party to the agreement, the ruler was obligated to abide by its provisions. Locke, in contrast to Hobbes, attributes the legitimacy of the government to the consent of the people. In terms of the rulers, their powers, responsibilities, and terms of office, Locke introduced the idea of limited government. He supported a constrained monarchy. The King served as the people's trustee. The populace may rise out in revolt against the monarch if they feel that he has abused his authority and violated their confidence.

iii. Jean Jaques Rousseau

(1712–1778): claimed that "the general desire of the people" was what gave rise to the establishment of the state. In his book *The Social Contract*, Rousseau characterized the natural world as blissful and joyful place. Life grew unpleasant with the passage of time, population growth, and discrepancy in wealth and power. Happiness and simplicity vanished. Then, people began to establish their relationships based on reliance and collaboration. To protect their natural rights without surrendering to or deferring to any rulers or authorities, they joined into a "social compact." People gave over their rights to the General Will, of which they were a part; as a result, they shared rights even after they were transferred. A new power regulated people on an individual basis. There is no room for rebellion in his idea if direct democracy is practiced in the name of the general will (common good) of the populace. There are some common ways in which this idea is attacked. First, those who had no understanding of political power or civil rights could not, at any one time, engage in an accord and begin leading a collectivized civil life. Second, if a society's members have agreed that a state should exist, the previous agreement may be replaced by a new one in the members' best interests. A condition that is mechanically

derived would therefore live in perpetual fear of becoming unstable.⁵

Relevance In Today's Time

It is crucial that this very aspect leads to the development of sovereignty among both governments and individuals, as we have seen, the social contract theory is based on the idea that morality offers people equality. Therefore, it shouldn't be considered unimportant. From a religious and historical standpoint, it is believed that God is the source of all sovereign power. Needleman Adam was created by God, who also gave him power. Upon Adam's passing, his oldest son generation after generation, when the chosen Israelites assumed power and did so In the Bible, heirs controlled numerous nations. King David was God's choice, because of which his 910lineage may be seen. Not the weak, but other sovereign individuals transfer power. Political and 11sovereignty are related! Thomas Hobbes' works, his theories presumed that patriarchal leadership authority transferred from fathers to their children, providing justification for the growth of sovereign powers and establishing their worth for them. This is so that whoever feels sovereign can put the theory into practice since it promotes equality. These theories contributed to the creation of modern civilization and formed a part of it. The best illustration of this is the emergence of democracy. Modern liberals and social democrats increasingly consider social democratic republics as the optimal kind of government. The government operates under the tenets of justice, equality, and empowering its citizens. It is believed that the state is essential for fostering social progress and economic development among its citizens.

V. CONCLUSION

A community qualifies as a State when it is governed by a shared set of laws, rules, and regulations and submits to a supreme authority. The State meets the necessity for societal political organization to accomplish the goal of communal existence. This is what we infer from Aristotle's (384–322 BCE) famous quotations from his work *Politics*, in which he noted that "Man is a social animal; Man is a political animal." In this way, society shapes the State. The main organization is the Society. To maintain social order, a State is established to control individual political action. Instead of the other way around, the State depends on society for its survival. The theory of kinship on the origin of State is based on sociological facts. Kinship created society and society in turn created the State. With the expansion of family arose new families and multiplication of families led to the formation of clans. Theory of Kinship Patriarchal Theory, Matriarchal Theory finds support from political thinkers like McLennan

⁵ John Locke, *Second Treatise of Government* (1690, England)

(1827-1881), and Edward Jenks (1861-1939). Divine Theory, Social Contract added moral and social character to state functions. The Social Contract Theory traces the existence of the State to the mutual agreement and mutual consent of the people, to form a State. This theory established the obedience to political authority and that ultimate political authority rested with the consent of the people. The pre-political condition of mankind was described as the state of nature. To evade the state of nature, and for securing their natural rights of life, liberty and property as civil rights, individuals entered into a social contract to establish a state.
