

# What Are the Four Most Widely Held Theories That Attempt to Explain the Origin of the State?

By Susan J. Henrichon

The question about what is the origin of the state has been discussed for centuries. In the historical and philosophical arena, this question is a debated issue among scholars. With no concrete evidence to support any of the proposed theories, it remains as speculation. All of the most accepted theories of the origin of the state do agree that the state must have certain basic elements: territory, population, government and sovereignty.

## History of Force Theory

The history of force theory proposes that the origin of state is developed through the use of force. One person or a small group of people claim control over the population in a specific area by force. Once the rule is well established, the state is established. This theory is generally a result of war. As an example, Adolf Hitler and his control over Germany led to the attempted control of Europe as well as the mass genocide of the Jewish population during the Holocaust.

## Evolutionary Theory Government

This theory purports that the state evolved over time starting with the primitive family. One person in the family was determined to be the leader of the family. On a primitive level, a basic evolutionary theory government was formed. Over decades, the family became a clan and a clan became a tribe. The state was then identified when the tribe settled in a designated area and claimed it as their own. Native American tribes are an example of primitive families that formed as tribes and selected a chief to be the leader of this family.

## **Divine Right Theory**

The divine right theory holds that God created the state and gave certain individuals of royal birth the divine right to rule. Since God divinely ordained its rulers and they were accountable to God, the population obeyed the ruler as they were required to obey God. This theory existed in many countries such as England and Europe throughout the Middle Ages and helped lead to the religious-based conquests of other lands.

## **Social Contract Theory**

In the final theories of state development, social contract theory shows that a specific population within a given designated area gave up as much power to a government as needed to promote the well-being of all. Specifically, in social contract theory, the community population and the leader have a contract. The state has power and authority over the territory while the community receives certain services such as a safe, crime-free area in which to live and keep their rights protected. This theory was developed in the 17th and 18th centuries by philosophers such as Thomas Hobbes, John Locke and Jean Jacques Rousseau. The United States (U.S.) political system is based on the social contract theory.

# Theories of the State

## Franz Oppenheimer

This treatise regards the state from the sociological standpoint only, not from the juristic — sociology, as I understand the word, being both a philosophy of history and a theory of economics. Our object is to trace the development of the state from its socio-psychological genesis up to its modern constitutional form; after that, we shall endeavor to present a well-founded prognosis concerning its future development. Since we shall trace only the state's inner, essential being, we need not concern ourselves with the external forms of law under which its international and intra-national life is assumed. This treatise, in short, is a contribution to the philosophy of state development; but only in so far as the law of development here traced from its generic form affects also the social problems common to all forms of the modern state.

With this limitation of treatment in mind, we may at the outset dismiss all received doctrines of public law. Even a cursory examination of conventional theories of the state is sufficient to show that they furnish no explanation of its genesis, essence and purpose. These theories represent all possible shadings between all imaginable extremes. Rousseau derives the state from a social contract, while Carey ascribes its origin to a band of robbers. Plato and the followers of Karl Marx endow the state with omnipotence, making it the absolute lord over the citizen in all political and economic matters. The Manchester school, on the other hand, going to the opposite extreme of liberalism, would have the state exercise only needful police functions, and would thus logically have as a result a scientific anarchism which must utterly exterminate the state. From these various and conflicting views, it is impossible either to establish a fixed principle, or to formulate a satisfactory concept of the real essence of the state.

This irreconcilable conflict of theories is easily explained by the fact that none of the conventional theories treats the state from the sociological viewpoint. Nevertheless, the state is a phenomenon common to all history, and its essential nature can only be made plain by a broad and comprehensive study of universal history. Except in the field of sociology, the king's highway of science, no treatment of the state has heretofore taken this path. All previous theories of the state have been class theories. To anticipate somewhat the outcome of our researches, every state has been and is a class state, and every theory of the state has been and is a class theory.

A class theory is, however, of necessity, not the result of investigation and reason, but a byproduct of desires and will. Its arguments are used, not to establish truth, but as weapons in the contest for material interests. The result, therefore, is not science, but nescience. By understanding the state, we may indeed recognize the essence of theories concerning the state. But the converse is not true. An understanding of theories about the state will give us no clue to its essence.

The following may be stated as a ruling concept, especially prevalent in university teaching, of the origin and essence of the state. It represents a view that, in spite of manifold attacks, is still affirmed.

It is maintained that the state is an organization of human community life, which originates by reason of a social instinct implanted in men by nature (Stoic Doctrine); or else is brought about by an irresistible impulse to end the "war of all against all," and to coerce the savage, who opposes organized effort, to a peaceable community life in place of the antisocial struggle in which all budding shoots of advancement are destroyed (Epicurean Doctrine). These two apparently irreconcilable concepts were fused by the intermediation of mediaeval philosophy. This, founded on theological reasoning and belief, developed the opinion that man, originally and by nature a social creature, is — divided into innumerable tribes that fight to the hilt until they unite peaceably as a state.

The state is a social institution, forced by a victorious group of men on a defeated group, with no other purpose than the economic exploitation of the vanquished by the victors.

This view is utterly untenable. It confuses the logical concept of a class with some subordinate species thereof. Granted that the state is one form of organized political cohesion, it is also to be remembered that it is a form having specific characteristics. Every state in history was or is a *state of classes*, a polity of superior and inferior social groups, based upon distinctions either of rank or of property. This phenomenon must, then, be called the "state." With it alone history occupies itself.

We should, therefore, be justified in designating every other form of political organization by the same term, without further differentiation, had there never existed any other than a class state, or were it the only conceivable form. At least, proof might properly be called for, to show that each conceivable political organization, even though originally it did not represent a polity of superior and inferior social and economic classes, since it is of necessity subject to inherent laws of development, must in the end be resolved into the specific class form of history. Were such proof forthcoming, it would offer in fact only one form of political amalgamation, calling in turn for differentiation at various stages of development, viz., the preparatory stage, when class distinction does not exist, and the stage of maturity, when it is fully developed.

Former students of the philosophy of the state were dimly aware of this problem. And they tried to adduce the required proof that, because of inherent tendencies of development, every human political organization must gradually become a class state. Philosophers of the canon law handed this theory down to philosophers of the law of nature. From these, through the mediation of Rousseau, it became a part of the teachings of the economists; and even to this day it rules their views and diverts them from the facts.

This assumed proof is based upon the concept of a "primitive accumulation," or an original store of wealth, in lands and in movable property, brought about by means of purely economic forces; a doctrine justly derided by Karl Marx as a "fairy tale." Its scheme of reasoning approximates this:

Somewhere, in some far-stretching, fertile country, a number of free men, of equal status, form a union for mutual protection. Gradually they differentiate into property classes. Those best endowed with strength, wisdom, capacity for saving, industry and caution, slowly acquire a basic amount of real or movable property; while the stupid and less efficient, and those given to carelessness and waste, remain without possessions. The well-to-do lend their productive property to the less well-off in return for tribute, either ground rent or profit, and become thereby continually richer, while the others always remain poor.

These differences in possession gradually develop social-class distinctions; since everywhere the rich have preference, while they alone have the time and the means to devote to public affairs and to turn the laws administered by them to their own advantage. Thus, in time, there develops a ruling and property-owning estate, and a proletariat, a class without property. The primitive state of free and equal fellows becomes a class state, by an inherent law of development, because in every conceivable mass of men there are, as may readily be seen, strong and weak, clever and foolish, cautious and wasteful ones.

This seems quite plausible, and it coincides with the experience of our daily life. It is not at all unusual to see an especially gifted member of the lower class rise from his former surroundings, and even attain a leading position in the upper class; or conversely, to see some spendthrift or weaker member of the higher groups "lose his class" and drop into the proletariat.

And yet this entire theory is utterly mistaken; it is a "fairy tale," or it is a class theory used to justify the privileges of the upper classes. The class state never originated in this fashion, and never could have so originated. History shows that it did not; and economics shows deductively, with a testimony absolute, mathematical, and binding, that it could not. A simple problem in elementary arithmetic shows that the assumption of an original accumulation is totally erroneous, and has nothing to do with the development of the class state.

The proof is as follows: All teachers of natural law, etc., have unanimously declared that the differentiation into income-receiving classes and property-less classes can only take place when all fertile lands have been occupied. For so long as man has ample opportunity to take up unoccupied land, "no one," says Turgot, "would think of entering the service of another"; we may add, "at least for wages, which are not apt to be higher than the earnings of an independent peasant working an un-mortgaged and sufficiently large property"; while mortgaging is not possible as long as land is yet free for the working or taking, as free as air and water. Matter that is obtainable for the taking has no value that enables it to be pledged, since no one loans on things that can be had for nothing.

The philosophers of natural law, then, assumed that complete occupancy of the ground must have occurred quite early, because of the natural increase of an originally small population. They were under the impression that at their time, in the 18th century, it had taken place many centuries previous, and they naively deduced the existing class aggroupment from the assumed conditions of that long-past point of time. It never entered their heads to work out their problem; and with few exceptions their error has been copied by sociologists, historians, and economists. It is only quite recently that my figures were worked out, and they are truly astounding.

"Everywhere we find some warlike tribe of wild men breaking through the boundaries of some less-warlike people, settling down as nobility and founding its state."

Apply the same process to countries less densely settled, such, for example, as the Danube states, Turkey, Hungary, and Russia, and still more astounding results will appear. As a matter of fact, there are still on the earth's surface, 73,200,000,000 hectares (equal to 180,880,416,000 acres); dividing into the first amount the number of human beings of all professions whatever, viz., 1,800,000,000, every family of five persons could possess about 30 morgen (equal to 18½ acres), and still leave about two-thirds of the planet unoccupied.

If, therefore, purely economic causes are ever to bring about a differentiation into classes by the growth of a propertyless laboring class, the time has not yet arrived; and the critical point at which ownership of land will cause a natural scarcity is thrust into the dim future — if indeed it ever can arrive.

As a matter of fact, however, for centuries past, in all parts of the world, we have had a class state, with possessing classes on top and a propertyless laboring class at the bottom, even when population was much less dense than it is today. Now it is true that the class state can arise only where all fertile acreage has been occupied completely; and since I have shown that even at the present time, all the ground is not occupied economically, this must mean that it has been preempted politically. Since land could not have acquired "natural scarcity," the scarcity must have been "legal." This means that the land has been preempted by a ruling class against its subject class, and settlement prevented. Therefore the state, as a class state, can have originated in no other way than through conquest and subjugation.

This view, the so-called "sociologic idea of the state," as the following will show, is supported in ample manner by well-known historical facts. And yet most modern historians have rejected it, holding that both groups, amalgamated by war into one state, before that time had, each for itself formed a "state." As there is no method of obtaining historical proof to the contrary, since the beginnings of human history are unknown, we should arrive at a verdict of "not proven," were it not that, deductively, there is the absolute certainty that the state, as history shows it, the class state, could not have come about except through warlike subjugation. The mass of evidence shows that our simple calculation excludes any other result.

### *The Sociological Idea of the State*

To the originally, purely sociological, idea of the state, I have added the economic phase and formulated it as follows:

What, then, is the state as a sociological concept? The state, completely in its genesis, essentially and almost completely during the first stages of its existence, is a social institution, forced by a victorious group of men on a defeated group, with the sole purpose of regulating the dominion of the victorious group over the vanquished, and securing itself against revolt from within and attacks from abroad. Teleological, this dominion had no other purpose than the economic exploitation of the vanquished by the victors.

No primitive state known to history originated in any other manner. Wherever a reliable tradition reports otherwise, either it concerns the amalgamation of two fully developed primitive states into one body of more complete organization; or else it is an adaptation to men of the fable of the sheep that made a bear their king in order to be protected against the wolf. But even in this latter case, the form and content of the state became precisely the same as in those states where nothing intervened, and which became immediately "wolf states."

The little history learned in our school days suffices to prove this generic doctrine. Everywhere we find some warlike tribe of wild men breaking through the boundaries of some less-warlike people, settling down as nobility and founding its state. In Mesopotamia, wave follows wave, state follows state — Babylonians, Amorites, Assyrians, Arabs, Medes,

Persians, Macedonians, Parthians, Mongols, Seljuks, Tartars, Turks; on the Nile, Hyksos, Nubians, Persians, Greeks, Romans, Arabs, Turks; in Greece, the Doric states are typical examples; in Italy, Romans, Ostrogoths, Lombards, Franks, Germans; in Spain, Carthaginians, Visigoths, Arabs; in Gaul, Romans, Franks, Burgundians, Normans; in Britain, Saxons, Normans. In India wave upon wave of warlike clans has flooded over the country even to the islands of the Indian Ocean. So also is it with China. In the European colonies, we find the selfsame type, wherever a settled element of the population has been found, as for example, in South American and Mexico. Where that element is lacking, where only roving huntsmen are found, who may be exterminated but not subjugated, the conquerors resort to the device of importing from afar masses of men to be exploited, to be subject perpetually to forced labor, and thus the slave trade arises.

## THE STATE AND ITS ELEMENTS

### Definitions:

The state is the most universal and most powerful of all social institutions. The state is a natural institution. Aristotle said man is a social animal and by nature he is a political being. To him, to live in the state and to be a man were identical.

The modern term 'state' is derived from the word 'status'. It was Niccolo Machiavelli ( 1469 - 1527) who first used the term 'state' in his writings. His important work is titled as 'Prince'.

The state is the highest form of human association. It is necessary because it comes into existence out of the basic needs of life. It continues to remain for the sake of good life.

The aims, desires and aspirations of human beings are translated into action through the state. Though the state is a necessary institution, no two writers agree on its definition.

To Woodrow Wilson, 'State is a people organized for law within a definite territory.'

Aristotle defined the state as a 'union of families and villages having for its end a perfect and self - sufficing life by which it meant a happy and honourable life'.

To Holland, the state is 'a numerous assemblage of human beings generally occupying a certain territory amongst whom the will of the majority or class is made to prevail against any of their number who oppose it.'

Burgess defines the state as 'a particular portion of mankind According to Sidgwick. 'State is a combination or association of persons in the form of government and governed and united together into a politically organized people of a definite territory.'

According to Garner, 'State is a community of people occupying a definite form of territory free of external control and possessing an organized government to which people show habitual obedience.'

Prof. Laski defines 'state as a territorial society divided into government and subjects whose relationships are determined by the exercise of supreme coercive power.'

## **Elements:**

From the above definitions, it is clear that the following are the **elements of the state** :-

### ***Physical bases of the State***

1. **Population**

2. **Territory**

### ***Political bases of the State***

1. **Government**

2. **Sovereignty**

#### **Population :**

It is **the people** who make the state. Population is essential for the state. Greek thinkers were of the view that the population should neither be too big nor too small.

#### **Territory :**

There can be **no state without a fixed territory**. People need territory to live and organize themselves socially and politically. It may be remembered that the territory of the state includes **land, water and air - space.**

The modern states differ in their sizes. Territory is necessary for citizenship. As in the case of population, no definite size with regard to extent of area of the state can be fixed. There are small and big states.

In the words of Prof. Elliott 'territorial sovereignty or the Superiority of state overall within its boundaries and complete freedom from external control has been a fundamental principle of the modern state life'.

#### **Government :**

Government is the third element of the state. There can be **no state without government**. Government is the **working agency of the state**. It is the **political organization** of the state.

Prof. Appadorai defined government as the agency through which the will of the State is formulated, expressed and realized.

According to C.F. Strong, in order to make and enforce laws the state must have supreme authority. This is called the government.

## Sovereignty:

The fourth essential element of the state is sovereignty.

The word 'sovereignty' means supreme and final legal authority above and beyond which no legal power exists.

The concept of 'sovereignty' was developed in conjunction with the rise of the modern state. The term Sovereignty is derived from the Latin word superanus which means supreme. The father of modern theory of sovereignty was Jean Bodin (1530 - 1597) a French political thinker.

Sovereignty has two aspects:

- 1) Internal sovereignty
- 2) External sovereignty

Internal sovereignty means that the State is supreme over all its citizens, and associations.

External sovereignty means that the state is independent and free from foreign or outside control.

According to Harold J. Laski, It is by possession of sovereignty that the state is distinguished from all other forms of human association.

## State and Society

The society consists of a large number of individuals, families, group and institutions. The early political thinkers considered both state and society as one. State is a part of society but is not a form of society.

Prof. Earnest Barker in his book entitled 'Principles of Social and Political Theory' clearly brings out the difference between state and society under three headings. They are,

1. Purpose or function
2. Organisation and structure
3. Method

From the point of view of purpose the state is a legal association, which acts for the single purpose of making and enforcing a permanent system of law and order.

But society comprising of a plurality of associations, acts for a variety of purposes other than legal.

These purposes are

1. Intellectual
2. Moral
3. Religious
4. Economic
5. Aesthetic and
6. Recreational

The membership of the state and society are the same. But they differ as regards purpose. The state exists for one great but single, purpose; society exists for a number of purposes some great and some small, but all in their aggregate deep as well as broad.

From the point of view of organization the state is a single organization - legal, whereas society comprises within itself many organizations.

As regards method as pointed out before the state employs the method of coercion or compulsion, society employs method of voluntary action.

The purposes for which society exists makes the persuasive methods necessary and the multiplicity of its organization give ample opportunity to the members to relinquish one association and join another in case coercion is ever attempted.

#### **State and Nation:**

The word 'nation' is derived from the Latin word 'natio' which means birth or race. The terms nation and state are used as synonym.

According to Leacock, a nation is a body of people united by common descent and language.

But the modern writers do not emphasize the racial aspects so much as the psychological and spiritual. It has acquired a political meaning in the recent times.

People who share common ideas and naturally linked to gather by some affinities and united are now called a nation. In the case of state feeling of oneness is not necessary as in the case of the four elements constituting the State.

### **State and Government:**

Government is often used with the 'state' as synonym.

But both the government and the state are two different entities. There are differences between the state and the government.

#### **State**

1. State consists of population, territory, government and sovereignty.
2. State possesses original powers.
3. State is permanent and continues forever.
4. State is abstract and invisible.

#### **Government**

1. Government is part of the state.
2. Powers of the government are derived from the state.
3. Government is temporary. It may come and go.
4. Government is concrete and is visible.

### **Branches of Government:**

#### **1. Executive:**

It is one of the three branches of government as given above.

State functions through the executive, the namely the government. It is the duty of the executive or enforce the laws passed by the legislature.

The executive who exercise real power is the real executive. The executive who has nominal power is the normal executive.

#### **Powers and functions of executive are :**

1. Enforcing law
2. Maintaining peace and order.
3. Repelling aggression.
4. Building friendly relations with other states

5. When necessary to wage war to protect the country.
6. Making appointments to higher posts.
7. Raising money and spending them.
8. Convening the sessions of the legislature and conducting business.
9. Issues ordinances whenever the legislature is in session.
10. Implement schemes and projects to improve the social and economic conditions of the people.
11. Power to grant pardon, reprieve or remission of punishment.

## 2. Legislature:

The legislature is the law making branch. The legislature has an important role in the amendment of the constitution. The legislature is a deliberative body where matters of social, economic and political concerns are discussed, debated and decided.

The British parliament is said to be 'the mother of parliaments'. It is the oldest legislature in the world.

According to Prof. Laski, law-making is not the only function of the legislature but its real function is to watch the process of administration to safeguard the liberties of private citizens.

National Assembly as the Lower House.  
Senate as the Upper House

The functions of legislature are

- a) Enact laws
- b) Oversee administration
- c) Pass the budget
- d) Hear public grievances
- e) Discuss subjects like
  - 1) Development plans
  - 2) National policies
  - 3) International relations.

### 3. Judiciary:

Judiciary is the third important organ of the government machinery. Its main function is to interpret laws and administer justice.

Lord Bryce has said that there is no better test of excellence of government than the efficiency of its judicial system. The welfare of citizens depends to a larger extent upon the judiciary.

Judiciary is one of the pillars of democracy. Its interpretation ensures justice, equality and liberty to all its citizens. An independent and impartial judiciary is an essential feature of a democratic setup.

According to Justice Hughes, 'we are under a constitution, but the constitution is what the judges say it is'.

#### Functions of Judiciary:

1. Administration of justice.
2. To determine what is law and what is the scope and meaning of it. Interpretation of constitution and law
3. To give advisory opinion on matters referred to it.
4. To issue order or writs for the purpose of preventing violation of rights and law
5. To act as a guardian of the constitution