**THE STATE**

State – a group of groups of people, permanently occupying a territory, independent of foreign rule, and having an organized government.

THEORIES OF STATE ORIGIN

**The Divine Right Theory**

* The dev’t of kingship among the ancient Hebrew who were also military leaders brought about the outlines of a formal state.
	+ There were subalterns who were charged of aiding the kind in various activities of the “state”.
	+ This pattern of dev’t may be applied to the origins of all the world’s ancient and great civilizations.
	+ The most viable form of the “state” was the ancient monarchy supported by royal bureaucracy.
	+ The king became the kingdom’s counterpart to the family head and the tribal patriarch among his subjects. Thus, the marks of the “state” were absolute centralized authority, formalized hierarchy, specialization of task in the performance of public duty, and written instead of oral communication.
	+ The institution of kingship required that the king’s role was legitimate in the minds of his subjects. To give legitimacy to his actions, there was a need to construct a theory which merged politics with religious belief – a doctrine which gave a more powerful and persuasive sanction for kingship – that of divine will.
* The Divine Right Theory is considered as the oldest of the seven theories of State origin.
	+ The state was created by God
	+ The authority to govern the people was ordained by God upon rulers who were regarded as of divine descent
	+ To challenge the leader was to challenge God’s authority
	+ It was dominant up to the end of the middle ages.
	+ “The king does no wrong.” [during the Protestant Reformation]
	+ Absolute rule of kings opposed by popes quoting Apostle Paul in Romans 13
	+ The absolutism of kings who claimed divine authority was questioned. It bound the king to the laws of God and the laws of nature.

**The Social Contract Theory**

* Became popular during the seventeenth and eighteenth century.
* Explained that the state was formed by means of a social contract of men who lived in a state of nature.
* “state of nature” – men lived together without any super-body to establish peace and order and settle conflicts
* Three well-known versions are those of Thomas Hobbes, John Locke and Jean Jacque Rousseau

*The Social Contract Theory of Thomas Hobbes*

* Hobbes viewed man in a state of nature as despicable, nasty and brutish.
* He wrote at the time of the English civil wars, particularly in during the Stuart Restoration in 1660.
* He believed that the conditions of man’s life is comparable to those prevailing in the jungle. (Survival of the fittest)
* The despicable world is always in a state of war and men living in it are always in continual fear of each other. Men are so naturally mean and aggressive that only the strongest power in a state can hold and check men’s violent impulses.
* Thus, man’s desire for self-preservation, order and peace could be attained only if they surrendered all their natural rights and submitted their will to an absolute sovereign monarch, the great ***Leviathan*** (the mortal God) > absolute monarchy.
* George H. Sabine and Thomas L. Thorson believed that Hobbes’ theory is equally workable in any modern government that needs to preserve order, peace and security. They opined that in Hobbes’ political and social philosophy, sovereignty is indivisible and inalienable in the sovereign ruler, who personifies the state.
* The need to keep the peace in a civil society by a sovereign ruler whose authority is inalienable and indivisible is **sine qua non** to the protection and promotion of the welfare of citizens.
* Hobbes’ “social contract” was not really a special contract, since there was no contract or covenant between the ruler and the subject.

The Social Contract Theory of John Locke

* John Locke believed that men were rational beings and could make use of natural law for their own good. But they needed the state to maintain peace and order, provide them with essential services, and settle their quarrels and conflicts. Thus, a social contract wherein they voluntarily consented, they create the state for the purpose of promoting and preserving their natural rights to life, liberty and property.
* Men in a state of nature could make use of their perfect freedom for their own good, since they were reasonable men. He wrote:

*Though this be a state of liberty, yet it is not a state of license… The state of nature has a law of nature to govern it, which obliges everyone; and reason , which is that law that teaches all mankind who will but consult it, that being all equal and independent, no one has a right to harm another in his life, health, liberty or possessions.*

* Locke’s social contract favoured men quitting the state of nature to form themselves into a civil society.
* The government is seen as a trustee which protects and preserves people’s rights.
* When government no longer served the citizens’ interests and welfare, it might be resisted or overthrown.
* Men should retain their natural rights in civil society and that political powers or sovereignty should not be assigned to the monarch, but to the people’s representatives in parliament who should be supreme.
* Legislative power 🡨 doctrine of popular sovereignty 🡨 the people had the supreme power to change (peace revolution or election)
* Puts in perspective the parliamentary democracy of limited government
* Reason for favouring a civil government to impose upon men some restriction of gov’t authority 🡪 men after all were not impartial judges of their friends’ shortcomings. (human frailties could lead to abuses of power)

The Social Contract of Rousseau

* Jean Jacques Rousseau’s ***Social Contract*** was published in 1762
* Emphasized the theory of general will
* Rousseau conceived a social community (the “true state”) as the rightful substitute for anarchy in a state of nature
* “general will” – shared by every member who would be stronger and freer than an individual living independently in a state of nature and those who opposed shall be compelled by the whole body
* State – completely and directly democratic
* Free gov’t was a direct democracy in which the citizens actually participated in a town meeting to perform the functions of gov’t
* All citizens have equal right to participate in the making of laws and in the decision-making
* Popular participation = participatory democracy and that “the government is legitimately only insofar as it operates according to the principles of popular sovereignty.”
* Government is merely an agent with delegated powers
* Rousseau’s direct democracy may not be practicable on a national scale
* According to Alfred de Grazia, Rousseau’s theory of social contract has gained many adherents among advocates of Jeffersonian democracy.
* But totalitarian leaders in contemporary times abuse it, by transgressing against individual rights in the name of the “general will.”

**The Force Theory**

* The state came into existence out of conquest, force or coercion
* Also called the “might makes right” doctrine
* Before the state existed there were always leaders strong enough to assert their leadership and power 🡪 the seat of sovereign powers
* History:
	+ Strong and mighty conquerors has succeeded in consolidating territories into empire-states
	+ The Roman Empire
	+ The ancient empire-states in Asia Minor
	+ Late 19th century, Germany – where a school of thought which espoused the idea that force was the essence of the state
	+ This credo had a strong resurgence during the two World Wars when German nationalism reached its peak
	+ Hitler once said, “Only force rules. Force is the first law.”
	+ Political Philosophers of the ancient, middle and modern ages as what made up the state
	+ Without power to enforce the law and will of the sovereign, there would be no state, no government, no stability and no security
	+ Thrasymachus of ancient Greece had the highest regard for rulers who knew how to get power and how to keep it = Niccolo Machiavelli of early 16th century and of Thomas Hobbes of the early 17th century
	+ “effective power is, of and by itself legitimate. Whoever in fact has the power to rule can also legitimately claim to have the authority to rule.” - Hobbes
	+ Consequence of this view:
		- this view is only as effective as the ability of the sovereign ruler to maintain and keep his power to enforce his will on his subjects
		- it paves the way to international power game between sovereign states competing for a superior position in international politics
	+ Power legitimizes itself no matter how wrong and unjustified this power is in democratic parlance

**The Natural Theory**

* That the state was a natural institution and not an abstract or artificial being.
* A natural system that unified its citizens
* As part of the state, men were not self-sufficient without it
* In Aristotle’s view, man living without the state was either a god or a beast
* The state is just like a living organism which is natural because is that the capacity to grow, develop and attain a fully civilized life
* The state is man writ large
	+ Also called the organic theory referring to the perspectives of the ancient Greeks that the state is “man writ large”
	+ The undertaking of its nature is derived from biological and social studies rather than engineer structuring
	+ The state is likened to a man as a living body composed of several organic parts
		- Suffering of a small part is suffered by the whole body = whatever form of pain or suffering a group of people have in a state affects the whole state
		- Rooted from the interest and needs of individuals
		- These aspirations had been progressively met by the family, the clan, the tribe, the nation and finally, “by the complete community of social existence that was best expressed by the state.”

In the Philippines:

* + State might have originated from the pre-Spanish barangay with a *pangulo* called the *datu*
	+ Every person born in the barangay became an organic part of the barangay “through socialization in the customs, traditions, and practices of the barangay.”
	+ Person from other barangays (prisoners of war or had voluntary joined were incorporated into the barangay through socialization.

**The Patriarchal Theory**

* Sociologists and anthropologists maintain that the state arose through a process of evolution
* The state evolved from the smallest unit of society – the family

Family 🡪 clan 🡪 tribe 🡪 nation 🡪 state

*Clan - a group of closely related families headed by a chieftain*

* Robert Lowie in The Origin of the State, proposed that the complexity of social life under state rule could be explained from a simple origin – an institution that contained the seed which eventually flowered into the fully formed state.
* In the Philippines,
	+ Filipinos established for themselves a simple form of political institution called the balanghai (hispanized later on as barangay)

**The instinctive Theory**

* The state was created because of the natural inclination of men towards political association
* A social being by nature, man associated himself with other men for self-preservation and security
* Aristotle – an early exponent of this theory
* Hobbes incorporated it in his psychology of man’s rational self-preservation
* If men were antisocial, no gov’t could have been formed to promote security and economic well-being. And it was reason that regulated motives which alone made society possible.
* Aristotle and Edmund Burke
* the view that the state is an evolving social organism
* Reason is the one attribute that distinguishes man from all other animals
* The state is good because it is essential
	+ to develop man’s rational being
	+ to enhance his political involvement
	+ to maximize citizens’ participation in politics

**The Economic Theory**

* The state developed out of man’s economic wants.
* Man in isolation could not procure all the necessary things that he needed 🡪 Man cannot be an “island” 🡨- exchange of goods and services and led to societal existence 🡪 the state was formed
* Influenced by Plato
	+ societies arose out of the needs that could be satisfied only if men cooperated with one another
	+ Conceived that the state as a social system of services in which the members both gave and received not only for their mutual benefit but also for the general well-being of the community

 Elements of a State

1. People – A state must have a group of people constituting its membership. There is no definite rule governing the number of inhabitants which a community must have in order to be entitled to recognition; however, the requirements of international existence demand that there be a sufficient number of them to sustain life and to enable it to fulfil its international obligations.

Culture characterizes the people of the state and aids in political and/or governmental undertakings.

1. Territory – Every state must have a territory. This constitutes all the land and water within its external boundaries, the sea, within a three-mile limit of its shores, the bays and estuaries and islets bordering its coast. The State must exercise full control of its territory.

*Note: The State may have territorial quarrels with neighbouring countries and cannot exercise full control of its territory. However, this does not mean that a given territory isn’t a State.*

1. Government – Every state must have a government, a government which is the aggregate of authorities that rule society and must be obeyed by its people.
2. Sovereignty – This is a supreme and independent power of the state to manage its internal affairs and to be free from external control.

Two features:

* Internal sovereignty – the complete power to rule over the people in the state

External sovereignty – the freedom from foreign rule