

**SUBJECT: POLITICAL SCIENCE I**

**COURSE: BA LLB SEMESTER I**

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**MODULE: MODULE IV, THEORIES OF THE ORIGIN OF STATE**

### **PATRIARCHAL THEORY**

Family is the foremost constituent of society as it is the oldest of all human institutions and playing important role in the evolution of state. **Aristotle** says, “the state is the natural expansion of the family”. According to **Leacock** “First, the house hold, then patriarchal family, then, the tribe or persons of kindred decent and family nation – so emerged the social series created on this basis”.

**Sir Henry Maine** (1822 – 88) the chief supporter of the Patriarchal theory has stated, “The elementary group in the family, connected by common subjection to the highest male ascendant: the aggression of families form gents or house: the aggression of house make the tribe – the aggression of tribes consist the common wealth”. In brief, state is the extension of family, the head of the state is the father; people consist of his children. To strengthen his view, he cited the examples from ‘Old Testament’, the Brotherhoods of Athens, the Patria Potestas of Rome, and the Indian joint family system, further he added, “the eldest male parent – the oldest ascendant was absolutely supreme in his house hold and his domination extended to life and death and was as unqualified master for his children and their houses, for his wives” . Thus, the Patriarchal theory was established on the principle of three features

- i. Male kinship
- ii. Permanent Marriage and
- iii. Paternal authority

Another important supporter of this theory was **Aristotle**. According to him- “Just as men and women unite to form families, so many families unite to form villages and the union of many villages forms the state which is a self-supporting unit”.

### **Criticism:**

The patriarchal theory as the origin of the state is subjected to the following criticisms:

In the first place, the origin of the state is due to several factors like family, religion, force, political necessity, etc. So by identifying the origin of the state with family, one makes the same fallacy as taking one cause instead of several causes. To say in the words of **J. C. Frazer**- “Human society is built up by a complexity of causes.”

In the second place, the theory is incorrect, because in the opinion of several critics the primary social unit was a matriarchal family rather than a patriarchal family. According to **Meclennan**, **Morgan** and **Edward Jenks** who are staunch supporters of the theory, the matriarchal family and polyandry were the basis of the state.

The kinship through the female line in primitive society was responsible for the growth of the state. The process was that polyandry resulted into matriarchal society and the matriarchal society led to the state.

In the third place, the patriarchal theory is built on the wrong premise that the patriarchal family was the origin of the state. **Edward Jenks** suggested the correct theory that tribe rather than family was the beginning of the state, on the basis of his studies in Australia and Malaya Archipelago.

In the fourth place, Sir Henry Maine over simplified the origin of the state by attribution it to the family alone. It is because of this over simplicity that the theory has to be rejected as untenable. The authority of the father over the children is only temporary, because his authority ends when the children grow in age. But the authority of the state over the population is perpetual.