SUBJECT: POLITICAL SCIENCE I

COURSE: BA LLB SEMESTER I

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MODULE: MODULE IV, THEORIES OF THE ORIGIN OF STATE

THE ORIGIN OF STATE

Analysis of the theory of Social Contract by Jean Jacques Rousseau

- Jean Jacques Rousseau was a French philosopher who gave a new interpretation to the theory of Social Contract in his work "*The Social Contract"* and *" Emile"*. According to him, social contract is not a historical fact but a hypothetical construction of reason.
- Prior to the Social Contract, **the life in the State of Nature was happy and there was equality among men.** As time passed, however, humanity faced certain changes. As the overall population increased, the means by which people could satisfy their needs had to change. People slowly began to live together in small families, and then in small communities. Divisions of labour were introduced, both within and between families, and discoveries and inventions made life easier, giving rise to leisure time. Such leisure time inevitably led people to make comparisons between themselves and others, resulting in public values, leading to shame and envy, pride and contempt. Most importantly however, according to Rousseau, was the invention of private property, which constituted the pivotal moment in humanitys evolution out of a simple, pure state into one, characterised by greed, competition, vanity, inequality, and vice. For Rousseau, t**he invention of property constitutes humanity's 'fall from grace' out of the State of Nature**. For this purpose, they surrendered their rights not to a single individual but to the community as a whole which Rousseau termed as general will.
- According to Rousseau, the original freedom, happiness, equality and libertywhich existed in primitive societies prior to the social contract was lost in the modern civilisation. ***Through Social Contract, a new form of social organisation- the state was formed to assure and guarantee rights, liberties freedom and equality.*** The essence of the Rousseaus theory of General Will is that State and Law were the product of General Will of the people. State and the Laws are made by it and if the government and laws do not conform to general will, they would be discarded. While the individual parts with his natural rights, in return he gets civil liberties such as freedom of speech, equality, assembly, etc.
- The **"General Will"**, therefore, for all purposes, was the will of majority citizens to which blind obedience was to be given. The majority was accepted on the belief that

majority view is right than minority view. Each individual is not subject to any other individual but to the general will and to obey this is to obey himself. His sovereignty is infallible, indivisible, unrepresentable and illimitable.

- Thus, Rousseau favoured people's sovereignty.His natural law theory is confined to the freedom and liberty of the individual. For him, State, law, sovereignty, general will, etc. are interchangeable terms. Rousseaus theory inspired French and American revolutions and given impetus to nationalism. He based his theory of social contract on the principle of "**Man is born free, but everywhere he is in chains".**

MARXIST THEORY OF ORIGIN OF STATE

Marx, Engels and their supporters (particularly Lenin) had no faith on the social contract theory as the origin of state. They have observed the origin from a materialistic' viewpoint which emphasises that though the state is the formation of man, behind this there is no emotion, idea but the influence of material conditions which they termed as economic conditions.

They have divided the development of society into old communist social system, slave society, feudal society and industrial society. In the old communist society, there was no state because there was no existence of private property. The system of private property worked as a potential cause of the rise of state. The owners of private property felt insecurity as to its protection and they felt the requirement of a super power which could provide protection eventually.

1. As soon as there was private property, two classes of men there appeared such as one was the owner of property and the other was without property.
2. The conflict between them became prominent. Property owners wanted to subjugate the other class.
3. Property owners formed a force within the society and this force ultimately assumed the status of state.

Marx and Engels have established that the state for all practical purposes, was set up in the slave society. Because in the slave society, there were mainly two classes, the owners of slaves and the slaves themselves. The owners of the slaves required an organisation to control and dominate slaves.

Engels in his The Origin of Family, Private Property and State has intricately analysed the origin and development of state. The state is not something originated from the society. It is the product of society. It is quoted that "The state is, by no means, a power forced on society from without Rather it is a product of society at a certain stage of development".

People living in society laid the foundation of state for the realisation of their class interests. Engels in this book has firmly stated that the interests of the owners of property are at

completely opposite to those who are not the owners; because of this there were rattles of interests between these two classes and the interests were irreconcilable.

Simultaneously, there developed a hostility between these two classes and again this antagonism could not be settled. All these led to a situation which necessitated a state structure. The owners of the property came to be regarded as a separate class whose only aims were to control the persons who were not the owners of property and to develop a mechanism to help the property owners. The state in this way was created as a public power.

The man-made state had two main functions that include to provide security to the owners of wealth or owners of means of production and to collect taxes from the members of society. Engels has observed that though the state is the product of society, gradually but steadily it became the owner of huge power and it stood above society.

But though the state stood above the society, it was always responsive with the owners of property. It is to conclude that the state is the outcome of human contrivance and was made with specific aims. According Marx and Engels, the origin of the state has nothing to do with the social contract or the divine right theory. They have analysed the origin from materialistic standpoint.

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