



FACULTY OF JURIDICAL SCIENCES

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NAME OF FACULTY: Dr. Shiv Kumar Tripathi

Lecture-13



Theories on the Origin of State

Divine Origin Theory:

The Genesis of Divine Origin Theory:

The oldest theory about the origin of the state is the divine origin theory. It is also known as the theory of divine right of Kings.

The exponents of this theory believe that the state did not come into being by any effort of man. It is created by God.

The King who rules over the state is an agent of God on earth.

The King derives his authority from God and for all his actions he is responsible to God alone. Obedience to the King is ordained to God and violation of it will be a sin. The King is above law and no subject has any right to question his authority or his action. The King is responsible of God alone.

History of Divine Theory:

The conception of the divine creation of the state may be traced back to remote antiquity. It was universal belief with the ancient people that the King is the representative of God on earth and the state is a bliss of God. Thus the King had both political and religious entity. In the religious books also the state is said to be created by God. In some religions this conception is explicit, but in others it is implicit.

The divine origin of the state is gleaned first the Old Testament of the Bible. There we find St. Paul saying- **“Let every soul be subject unto the higher powers; for there is no power but of God; the powers that be, are ordained by God. Whosoever resist the power, resisted the ordinance of God and they that resist shall receive to themselves damnation.”**

In 1680 Sir Robert Filmer wrote a book entitled The Law of the Free Monarchies, where it is stated the Adam was the First King on earth and the Kings subsequent to him are the descendants of Adam. In the Manusmriti it is said that when the world was thick in anarchy, the people prayed to God to remedy the condition. God was pleased to appoint Manu to rule over the earth.

This theory prevailed in the old age when religion and politics were combined in the person of the King. In ancient India the Kings ruled over the people according to the injunction of the Dharma, which stood for both religion and politics. Laws lay deep in the profusion of the Sastras.

In the medieval period the Christians held the Pope in semi-God status. In the Muslim world the Caliph was the Priest-King. The Dalai Lama was the head of the Theocratic state of Tibet. He was considered there as the incarnation of the Buddhist god Avalokitesvara.

Both the church and the state in their mutual rivalry used the theory of the divine origin in the medieval age. The church asserted the supremacy of the church over the state. On the other hand, the state because of its divine nature emphasised on its supremacy over the church.

The Stuart King James I claimed that he derived his authority directly from God. According to him, the King is wise and intelligent, but his subjects are wicked.

Be that as it may, during a large part of human history the state was viewed as direct divine creation and theocratic in nature. The theory was in currency so long as religion was considered to be the chief motive force of all human activities.

Causes of the Decline of the Divine Theory:

In the first place, when a more acceptable theory like the social contract theory came out, the divine theory was dashed to the ground. The new theory suggested that the state is a handiwork of men, not a grace of God.

In the second place, the Reformation that separated the church from the state debased the coin of the divine theory. The post-Reformation period is a period of non-religious politics. Thus the secular outlook made the divine theory totally unacceptable.

In the third place, the emergence of democracy was a big blow for the autocratic dogma of mixing religion with politics and thereby it blunted the edge of identifying God with the King. Democracy not only glorified the individual but shattered the divine halo around the origin of the state.

Criticism of the Divine Theory:

The first line of argument of Gilchrist is that the state is a human institution organised in an association through human agency. Modern political thinkers cannot accept the view that God has anything to do with the creation of the state. It does not stand the commonsense of the moderns that God selects anybody to rule over the state.

The second line of argument is that the divine theory is fraught with dangerous consequences, because a semi-divine King is bound to rule arbitrarily as he is responsible only to God and not bound to heed public opinion. Such a theory will make the ruler despotic and autocratic.

The third line of argument is that the divine theory is unrealistic because a bad ruler will continue to rule under the divine shield. There were some bad rulers like James II of

England and Louis XVI of France, who were replaced by the people. This could not happen if the divine theory was to be accepted.

The fourth line of argument is that the New Testament of the Bible reversed the divine conception of the state as ingrained in the Old Testament. It is emphatically stated in the New Testament- **“Render unto Caesar the things that are Caesar’s and unto God the things that are God’s”**, which gives the state a human character as against the divine coating.

The fifth line of argument is that the divine theory is unscientific. The anthropologists and sociologists after careful scientific analysis have discarded the theory as totally untenable as an explanation of the origin of the state.

The sixth line of argument is that the divine theory runs counter to the universally accepted conception that the state is the result of a historical evolution. The generally accepted theory of the origin of the state is that various factors like religion, family, force and political consciousness were behind the growth of the state.

The seventh line of argument is that the divine theory is undemocratic. The inevitable implication of the theory in content and tone will make the King absolute and his government never democratic. So the theme of the theory is against the spirit of democracy.

Decline of the Divine Right Theory:

As an origin of the state, the divine right theory is no longer alive. It is a defunct dogma. The emergence of the social contract theory which held the wishes of the people in high halo dwarfed the godly wishes in the creation of the state. When human activities were considered the motive force of the state, the divine one receded to the background and finally vanished away.

The important role assigned to the man in the creation of the state by the social contract theory shattered all hopes for the divine right theory. The second factor in the decline of the divine right theory was the Reformation Movement in the sixteenth century Europe, which curbed the authority of the Pope and the Church and at the same time brought the monarch and the people in the limelight.

The scientific and logical thinking associated with the Renaissance and the Reformation enabled men to look into the theory of the origin of the state as something which must be created by non-church and non-god bodies. With the decline of the authority of religion declined the divine authority.

MCQ

1 The three most prominent exponents of Social Contract theory were:

- A. Austin, Bodin and Hobbes
- B. Hobbes, Locke and Rousseau
- C. MacIver, Laski and Rousseau
- D. J.S. Mill, Adam Smith and Hobbes

2. The Social Contract theory holds

- A. Man is a social animal and cannot live outside the society
- B. State is the result of slow process of evolution
- C. State was created through a contract concluded in the sixteenth century
- D. State was created as a result of contract concluded by the people living in the pre-civil society

3. The Social Contract theory is based on:

- A. Nationalism
- B. Constitutionalism
- C. Individualism
- D. Socialism

4. All the Social Contractualists talk of State of Nature, which means:

- A. The role played by the nature in the creation of state
- B. The conditions existing prior to the creation of the state
- C. A study of the various stages of the development of state
- D. A study of the nature of state

5. Which one of the following most seriously challenged the absolute authority of the king in the 17th century?

- A. Middle class
- B. Nobility
- C. Industrial class
- D. Colonial policy