

2.1 The Origin of the State

Political thinkers and philosophers have tried and attempted to trace out and explain the origin of the state in various methods, according to the nature and the social condition prevailed at the time of their thinking. However, there is no valid answer to “what is the origin of the state”? There were many contradictions in the thesis on what the origin of States. Nowhere in the history has it been recorded when the state came into existence. There were various beliefs regarding the origin of the state, some believe that the origin of the state lie in the hands of God whereas others believe that they are based on social contract and some trust on single force, the family or the process of evolution. The research anthropology ethnology and comparative philosophy had tried to focus on the origin of the state but it was not adequate.

Prof. R.N. Gilchrist aptly mentioned that “of the circumstances surrounding the dawn of the political consciousness, we know little or nothing from history, where history fails, we must restore to speculation”\(^{19}\). Historical method and evolutionary course of action failed to prove when mankind originally came under the control of state. It is only the imagination of the political scientist and historical researchers that various elements which might have made contribution for the origin of the state. As such, there was no agreeable and acceptable conclusion among the political thinkers regarding the fundamental question of origin and establishment of state.

\(^{19}\) Professor R.N. Gilchest” Principle of Political Science: 1957, page No.48.
As a result, there were various theories concerning the primary or pre-historical origin of the state propounded by the political scientists and historical researchers. These theories are:

1. The theory of Divine Origin
2. Social Contract Theory
3. Matriarchal and Patriarchal Theory
4. Force Theory
5. Historical or Evolutionary Theory.

The examination and comparison of elements of truth in these thesis shall pave way for finding out the secret in the origin of the state and its generally accepted explanations.

2.2 The theory of Divine Origin

This is the oldest theory among the origin of the state. It stated about the right of kings. The formal statement of this theory is that the state has been established by and ordinates of God; its rulers divinely appointed; they are accountable to no authority but God, as described in Bible. The combination of earlier rulers where of priest and king or the magic man and king.

According to Maclver, the magic man was priest and king. All are combined as one. In the epic Mahabarath, it is recorded God appointed Manu to rule the people as per their request to protect them. James in his work “The Law of Free Monarchies”, kings are justly called God, for they exercise a manner of resemblance of divine power on earth, King are

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21 Eddy Asivatham .K.K. Misra “political theory” Chand and Company Ltd. Ramnagar New Delhi P. 71
accountable for God only. The people cannot question him for the right or wrong done by him. James has stated the following rights of the king in Law of free Monarchies:\textsuperscript{23}

i. Monarchy is divinely oriented.

ii. Hereditary right is indispensable

iii. Kings are accountable for God alone.

iv. Resistance to lawful king is sin.

This theory has supporters only among the religious people. It has been nullified for being unhistorical, irrational and unscientific. Its merit was a powerful factor in preserving order and strengthening the respect of man, property and government and it reveals itself in the political organization.

\textbf{2.3 Social Contract Theory.}

The Divine theory established the ‘Divine Rights’ of kings. In contradiction, the social contract theory emphasized that the state was not the creation of God but it was the result of an agreement entered into by men who originally had no government organisation. The history of world is divided into two periods; the period before the state was initiated and the period after.

In the first period there was no government. There was no law that could be enforced as there was no human authority to formulate and to enforce them. Man lived in a state of nature, in which they were subject to follow only such regulation that nature was supposed to prescribe. How men lived in the state of nature without coercive agency of a government, what made them establish a government, the term of contract and the party to contract where discussed in the theory. One thing accepted by all the exponents of the theory was that the state was a human creation as a result of contract.

\textsuperscript{22} \textit{Ibid}-A.Appadurai P.31
\textsuperscript{23} \textit{Ibid Asivatham} - K.K. Misra P. 72
The concept of social contract was found in the political treatises of both east and west. Kautilya in his Arthasasthra mentioned that “the king Manu supported the payment of one-sixth of the grains grown and one-tenth of their sovereign dues, the king took the responsibility of maintaining the safety and security of their citizen”\(^{24}\).

Plato in his Crito stated that Socrates was represented as awaiting calmly the execution though it was injust, because he would not breakup his contract with the state by escaping from prison into exit\(^{25}\).

Milton in his “Tenure of Kings and Magistrates” argued that men were born free, and that wrong sprang up through Adam’s sin, wherefore to avert their own complete destruction men agreed by common league to bind each other from mutual injury, jointly to defend themselves against anything that gave disturbance or opposition of such agreement\(^{26}\).

The power of kings and magistrates is nothing else “but what is only derivative transferred and committed to them in trust from the people, to the common good of them all in whom the power yet reminds fundamentally, and cannot be taken them, without the violation of their natural birth right”.

In the 16\(^{th}\) and the 17\(^{th}\) century, the ‘Social Contract Theory’ gained popularity. It advanced during the period of religious wars in the course of popular and famous revolution in England, America and France. Richard Hooker (1554 – 1600), Hugo Grotious, Milton are also supporters of this theory. However, the Social Contract Theory raised to the peak in the hands of Thomas Hobbes(1588 – 1679), John Locke (1632- 1704) and Jean Jacques Rousseau (1712-1978). All the three exponents established their thesis from the beginning of human habitation.

\(^{24}\) Ibid A. Appadurai - P. 20.

\(^{25}\) Ibid A. Appadurai - P. 20.

\(^{26}\) Ibid A. Appadurai - P. 21.
2.3.1 Thomas Hobbes:

In the state of nature, men lived together without the state or government. Men possessed natural rights which he acquired, from the law of nature. Men’s acts of movement were motivated by self interest and disregarded to the interest of others. There were continuous conflicts, might was right, no justice existed, men ruled under insecurity. Furthermore, intolerance, chaos and anarchy prevailed, weak was exploited by the strong. To Hobbes the state of nature was the state of war, war of all against all. He further stated during the time when men lived without common power to keep them all in the awe, they are in that condition there is no place for industry… culture… no navigation… no commodities… buildings… no society… The lives of men were solitary, poor, nasty, brutish and short.\(^{27}\)

“They came out of state of nature through a contract of each with all and all with each to set up a civil society through the contract they surrendered from the natural rights to the common power of the sovereign. Who would safeguard their interest and security? This ruler became the sovereign and all others remained his subjects. Thus, the sovereign came into existence out of the contract. Sovereign existed by the virtue of pact, not prior to it. The people could not go against the term of the contract and revert against the sovereign”.

2.3.2 John Locke:

According to lock in ‘The State of Nature’, men had a peaceful natural life. They were free and equal. However freedom is not licensed. The natural law of reason commands that no one shall harm each other. There was no common superior; each individual work out his/her own interpretation. As a result there prevailed “full fear and continued danger” and

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\(^{27}\) Ibid A. Appadurai - P. 22.
that was hostile to his/her right of empowerment, which was different from that of anarchy described by Hobbes.\(^ {28}\)

According to Locke, people entered into two contracts, one is social and the other one is political contract. In social contract they united into a community of peaceful living, secured the enjoyment of their property. This is social contract.

In the political contract, the contract was with the government. The legislative power established with agreement of the people becomes the superior power in the common wealth, but limited and specific for enforcing the law of reason only. The natural right of life, liberty and property is reserved with the community. The government is the only trustee. The people reserved the right to dethrone the king (government) if he fails to safeguard the security of the people. They support limited or constitutional monarchy.\(^ {29}\)

2.3.3 Jean Jacques Rousseau:

Rousseau’s perception was that “man is born free and everywhere he is in chains. Men in the state of nature lived in a blessing delightful life; men were innocent, honest and noble. They were free, equal and happy”. In the increase of population and dawn of reasoning, there were changes in their way of life. People became selfish and started thinking mine and thine. In the words of Rousseau, “the first man who after enclosing the piece of land be thought himself to say this is mine and found people simple enough to believe him as real founder of civil society”.\(^ {30}\)

Consequent of establishment of private property and other usages, work became indispensable. These lead to more productions which paved way for the difference of rich and poor. This resulted in quarrels and men were compelled to give their natural freedom. Then,

\(^ {28}\) Ibid A. Appadurai - P. 24.
\(^ {29}\) Ibid A. Appadurai - P. 25.
\(^ {30}\) VidyaDharMaharaj Political Theory (Principle and Political science) “ Chand and Company Ltd. Ramnagar New Delhi Page No. 239.
men faced a problem. The problem was “to find a form of association which protects with the whole common force the person and property of each associate” and virtue of which everyone, while uniting himself to all… reminds as free as before. The problem is solved through this contract and creation of civil society.31

In the contract, every one needs to surrender all his rights to the community. Thus, the community becomes sovereign. Further, Rousseau’s view was that real or true will of society as general will; general will is sovereign. The general constitutes the government. The government acts under the general will and is responsible to the general will of the people. Rousseau was the person who promoted the idea of direct democracy and popular sovereignty.32

2.4 Criticism of the theory:

English philosophers contended that the contract between the government and governed could not be accepted with the basic differences of the fact of the history. It is unhistorical, merely a fiction. It is illegal, as there was neither the authority nor sanction before the contract was completed. It is the bad philosophy, because the growth of the nation state is a natural process but not an artificial manufacture.33

2.5 Value of the theory

With all its defects the theory has certain merits. It emphasized the state to ensure safety and protection of its subjects. The civil society rests on the consent of the ruled and not on the ruler which paved way for modern democracy. Man born free and after the contract

31 Ibid - VidyaDhar/Maharaj P.239.
also remained free. The political sovereignty made foundation of adult suffrage and importance of electorate.\(^{34}\)

2.6 Force Theory:

The exponents of the force theory were of the view that the origin of state and its development was based on force, that is, force used by the strong over the weak and their consequent control over them. In such a way, wherever the strong group out did the weak the strong became the master and ruled the weak. The strong group became vested with ruling power and the fedeated were made their subjects. According to the Jenks “Historically, there is not even the slightest difficulty in proving that all political communities of the modern type owe their existence to the successful warfare”\(^{35}\). The warring clans and tribes established their authority in a definite territory. Their chief became the ruler on the basis of his physical force. The state is born out of force. Exist in force and die in the absence of force. According to Bluntschli, force is an indispensable element of the organization of the state\(^{36}\). In the two world wars, Great Britain defended its territory against the Nazi forces only with the military power. Further, the Russian military power stopped the aggression of the German forces.

2.7 Merit and Demerit

The force theory is scientific, its application could be seen through the historical incidents. Herbert Spencers doctrine of the “Survival of the Fittest” proves and upholds the theory. Through “blood and iron” some greatest states have been established. In practice, this theory is very dangerous. It is endangering the peace and security of the world. The very basis of this theory was direction to the states towards preparation of war, war is known for destruction and killing of mankind and suppressing the moral forces. The theory justifies

\(^{34}\) Ibid - Eddy Asivatham .K.K Misra P. 76.
\(^{35}\) E.Jenks, “A History of Politics : Page No.71
despotism. It is against the freedom of small nations, international peace and amity. International law rejects this theory. Interstate relations cannot be based on force. Force ceases only to be the basis of the state which does not stand on solid foundation.

**2.8 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”\(^ {37}\). 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\(^ {38}\), further he added, “the eldest male parent – the oldest ascendant was absolutely supreme in his household and his domination extended to life and death and was as unqualified master for his children and their houses, so for his wives”\(^ {39}\). Thus, the Patriarchal theory was established on the principle of three features

i. Male kinship

ii. Permanent Marriage and

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\(^ {38}\) Ibid - A. Appadurai - Page No. 22.

\(^ {39}\) Ibid - Eddy Asivatham ,K.K.Misra - page No. 78.
iii. Paternal authority

2.9 Criticism and value:

Mc Herman, Morgan and Jenks condoned the patriarchal theory on the ground that Matriarchal families are prior to patriarchal families, that is, the process by which the families develop from clans into tribes. (According to Maine’s concept, ‘however the tribe in their earliest and the primary groups and then comes the clan and finally comes the family, Finally, family and state are separate’[^40].) It is wrong to indicate that one develops with the help of other. The theory emphasized that the primitive society and family are not the origins of the state. However, it has the merit on the ground as the theory emphasised the element kinship in making the origin of the state[^41].

2.10 Matriarchal Theory:

The fundamental idea of Matriarchal theory is that “maternity is a fact; paternity is a fiction”[^42]. According to this theory in the primitive society, there exist Matriarchal groups or hordes. The kinship could be traced only through mother and there was no common male head. Chief exponents of the theory are Mc Herman, Morgan and Jenks. In their publications, “Primitive Society” (1866), “Studies in ancient society” (1877), “A history of politics” (1900) have described the Matriarchal theory[^43]. According to them, Matriarchal system was prior to patriarchal system. There was no male head kinship was found out through mother (and mother to daughter). There was no permanent institution of marriage. The permanent form of marriage was association of polyandry, women had more than one husband. Therefore, in this kind of society the kinship was traced through women and not in men. In this system children belong to the clan of their mother. After the mother’s death, the elder daughter takes over the

[^41]: Ibid - A. Appadurai - Page No. 35.  
[^42]: Ibid - A. Appadurai - Page No. 35.  
[^43]: Ibid - A. Appadurai - Page No. 35.
property. To support their idea, they had chosen the similar system existing in Australia, Malaya, Bangladesh and Malabar\textsuperscript{44}. According to them, ‘family leads to the formation of gens and gens to that of tribes, the expansion of tribes to village, expansion of village to state\textsuperscript{45}.

2.11 Evaluation:

The Matriarchal theory traces the origin of the state from primitive society. It points out that the evolution of the state started from the tribe and not from family and it has been verified by anthropologist\textsuperscript{46}. It is more sociological rather than political. It explained the origin of the family and not of the state. It disregards the important facts which paved way for the development of state. Kinship played an important role in the evolution of the social and political system.

2.12 Historical or Evolutionary theory:

All the five theories were analyzed before regarding ‘The Origin of the State’ is inadequate, incomplete, defective and speculative. It was not able to give the true and correct explanation of the origin of the state. It was lacking on the ground of logic, legal, philosophical and historical defect. It is an assumption and the emphasis is on the one or two facts which is insufficient to come to a definite conclusion. In this regard, Dr. Garner has aptly stated, “the state is neither the hand work of God; nor the result of superior physical force; nor the creation of resolution of convention, nor a mere expansion of family. The state is not a mere artificial creation but an institution or natural growth of historical evolution\textsuperscript{47}.

\textsuperscript{44} Ibid –VidyadharMaharaj, Page No. 255.
\textsuperscript{45} Ibid -R.C. Agarwal, Page No. 144.
\textsuperscript{46} Ibid –VidyadharMaharaj, Page No. 255.
\textsuperscript{47} Dr. Garnar J.W. ‘Political Science and Government’, New York.
J W Burgers reported that “state has a continuous development of human society out of a grossly imperfect beginning through crude but improving forms of manifestation towards a perfect and universal organization of mankind”\textsuperscript{48}. According to Leacock “the state is a growth, an evolution, the result of a gradual process running through out all the known history of men and receiving into remote and unknown past”\textsuperscript{49}. A detailed examination of the rise of the state resulted in that there were many factors which have contributed for the evolution of the state.

Thus, the important factors contributed to the growth of the state are

1. Natural Instinct
2. Kinship
3. Religion
4. Property and defense
5. Force
6. Political Consciousness

Further, investigation reveals that the facts contributed played different role in attaining the constituent portion of the statehood. The method adopted by each community varies from each other and is different according to environment. In this regard, Sumner and Keller rightly pointed out that “As there are no charms or even sharply marked lines of demarcation between periods of evolution but zones of transition only, it is impossible to say at what point the state first appears as it is to determine when moral becomes law or at what hour the child becomes youth or youth a man”\textsuperscript{50}.

\textsuperscript{48} J.W. Burgless “Political Science and Constitutional Law” Volume – I Page No.59
\textsuperscript{49} Leacock Stephen “Element of Political Science”, London, Constable – Page No. 37
\textsuperscript{50} Sumner and Keller “The Science of Society” Volume – I Page No. 695.
2.13 Natural Instinct

Reasoning faculty of men ‘by way of thinking himself’ makes way to instinct. Fundamentally, the state is based on the gregarious instinct and reason. The statement of Aristotle that man is by nature a social and political animal and he who by nature and not by mere accident is without a state is either above humanity or below it further he stated that the state came into existence for the sake of more life but it continues for the sake of good life\(^{51}\). Nature implies man to live in society in order to regulate society based on customary rules and regulations. In course of time, rules and regulations took the form of laws, society gradually became a political organization which paved way for the evolution of the state to which nature and social environment assisted in the development. Thus, the natural and social instinct of man had conclusive role in the growth and development of state.

2.14 Kinship

The important features of state namely organization and authority, command and obedience, can be traced in the bond of kinship. Gettle rightly pointed out that kinship strengthens the bond of unity and contributes to form the political organization. Many features of early state are prescribed to modern state. Mac Iver stated that in kinship creates society and society at length creates the states\(^{52}\). Sir Henry Maine pointed out, “the most recent researches into the primitive history of society point to the conclusion that the earliest tie which knitted men together in communities was consanguinity or kinship”\(^{53}\). The early period family was a social institution and tribe a political institution. The disputes were resolved by the head of the tribe. The unification of the tribe form the state. Thus kinship played a important role in the growth and development of state.

\(^{51}\) *Ibid -R.C. Agarwal, Page No. 144.*

\(^{52}\) *Maclver “The Modern States”, Page No. 33*

\(^{53}\) *Ibid - Main, Page 64-65*
2.15 Religion

Another important factor that brought people together in ancient society was religion. The primitive men were in fear of various natural phenomena and objects. The magicians made use of the fear, ignorance and superstition of their fellow men and established a dominant control over them. Later magic gave way to religion, fear to worship and prayer consequently, with the passage of time, the magician was replaced by the priest. Religion and politics were mixed up in early society. The priest assumed the power of king. The priest cum king appealed to God by means of prayer to safeguard the interest of community.

According to Gettle, “kinship and religion were, therefore, two aspects of the same thing and the unity and obligation of the groups were given religious sanctions.” Its important part in this regard is that in the primitive era religion made man civilized, cultured and culture to discipline”. Gettle has aptly stated, “thousands of years were needed to create that discipline and submission to authority on which all successful governments must rest and their chief means in early part of the process where theories and despotism are based mainly on the supernatural sanction of religion”55. The tribes of Arabia were united by Prophet Mohammed on the basis of religion56. Likewise small and big kingdoms were established in the name of religion. There has been a close relationship between the religion and politics which united the people. Thus, religion made its predominant presence in the growth and development of state.

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54 Gettel “Political Science”, Page No. 64
55 Ibid - Gettel, Page No. 64.
56 Ibid - R.C. Agarwal, Page No. 146.
2.16 Property and Defense

The primitive people passed three stages to acquire prosperity: (i) hunt man stage (ii) herd man stage (iii) agricultural stage. In course of time, people came to know the practical use of agriculture which made them settle at one place and in this way village came into existence. Further, the art of agriculture trade developed and successfully and commerce expanded, as a result, idea of property and the interest in keeping it with them lead to conflicts. To protect the property, people of one tribe united together to defend themselves and their property. Thus, in order to avoid dispute, the need for law and regulation and to administer the necessity of state were thought of. Gettle has rightly stated that as wealth increased, so the idea of property also developed and laws were needed for protection and regulation of property rights and for the settlement of property disputes. Thus, property, defence, economics and commerce played an important role in the development and establishment of the state.

2.17 Force

Averment of arts of agriculture made the people settle at a place. In course of time, to save their property and belongings, they themselves united together. The tribe which was well organized under strong leader defeated the weak neighboring tribes and attach their territory. They created boundaries and established rights. According to German thinker Nietzschea “the strong people are the rare great minds who alone are fit to direct, the destiny of the people”. Bluntselhi stated that force is an essential organization of state. In this regard, the view of Prof. Mac Iver is that the emergence of the state, “is not due to force, although in process of expansion of force undoubtedly played a part.”

57 Ibid - Gettel, Page No. 56 - 66.
58 Ibid - Maciver, Page No. 222.
2.18 Political consciousness

The final important factor that helps to bring out the growth and development of the state was the dawn of political conscious among the people. Political consciousness indicates the recognition of certain conclusion to be achieved through political organization. At the beginning, there was no awareness of unity of interest. In course of time, the importance of defending people against the enemy took both internal and external; maintaining law & order regulation rose upon the mind of the people. They felt the awareness of the authority to regulate social issues and protect their life and property. This consciousness and unity paved way for particular organization, that is the state. In this connection Prof. Gilchrist has stated “underlying all other elements in state formation including kinship and religion is political consciousness, the supreme element”\(^{59}\). According to Bluntschli, “desire for social life leads to the organization of state”.

2.19 Evaluation

The state is a historical and natural growth. Natural instinct, kinship, religion, property defence and commerce, force and political consciousness have been the dominant factors. It is a gradual evolutionary process. State is not divine organization it is natural formation; it is not based on force only yet it is the influence of factors; it is not based on contract or consent; nevertheless, political consciousness is the life and blood of state. State is not a mere expansion of family however blood relationship is an important factor in evolution of state. On thorough study and analysis of all the theories, it is revealed that historical or evolutionary theory is more realistic and scientific in approach. Therefore modern political researchers have considered this theory as realistic and scientific in

\(^{59}\) Gilchrist “Principles of Political Science”, Page No. 88.
explaining the evolution of state. No single factor is responsible for the growth of the state. Different factors contributed for the development of state.

2.20. Marxist Theory of Origin of State

The French Revolution of 1789 provided a view of ideas of Socialism similar to Liberty, Equality and Fraternity. For which detailed ideological basis was given by Marx, Angel and Lenin. According to them, the early state evolved gradually and steadily as a result of disappearance of primitive communes which were stateless communities formed as a tribal gentile constitution. They lived on hunting, fishing, fruit gathering and Cattle grassing. Marx Said, “Man become an individual only through the process of History”. These groups of people in course of time rised to the formation of Socio-Economic states which paved way for foundation of rised of state\(^{60}\).

2.21. Evolution of State in India

There was no mention by ancient writers regarding the evolution of states through various stages but they regarded state as necessary for advantage for social security for the people. Kautilya in Arthasastra refers to the origin of state only incidentally during a discussion of Species among themselves. It also argues that Government came into existence to counter the Law of the Jungle. The Mahavastu Biography of Buddha also mentioned about the King, not the Origin of the State\(^{61}\).

Sir Henry Maine and Prof. T.H. Green viewed that Ancient Indian state was nothing but an irresponsible tax collecting machinery. Taxes were collected by coercion exercised on the citizen without judicial administration by imposing convention law. Prof. Rangaswamy Iyengar rejected and pointed out that it was partly the result of an incomplete superficial biased study of the ancient taxes and partly of confused political condition in the later part of

\(^{60}\) Ibid - Eddy Asivatham , Page No. 93.

18th century in India. However, it has recognized that modern continuance of the state namely Sovereignty, territory and population are seen in the Saptanga Theory of state\textsuperscript{62}.

According to A.S. Altekar, the Vedic Literature did not mention about the purpose of the state. Though incidental observations were found, they were not able to find out that peace, order, security and justice were regarded as a fundamental purposes of the state. Hindu Constitutional authors wrote about not rights of the citizen but the duties of state\textsuperscript{63}. In contradiction, most of the Tamil Classical Literatures especially epic poems such as Silapadigaram and fantastic work such as Thirukural emphasized the statehood, the kinghood and the adjudication of justice and the qualities a king should possess and the purpose of the state.

The Justice system quoted in Silapadikaram is that, when the King Pandian committed a grave mistake in erroneous delivery of adjudication of justice and which later on came to be known through the complainant in the loyal court hall, he felt ashamed and said “Am I a King, I am a misdemeanor. Let my Life go”. He collapsed and died. This emphasized the present days of justice system that all are equal before law. Classical Thirukural also defines that the rulers with six (Healthy) Limbs of country, friends, Ministers, Army, Fortress and Wealth will be the most glorious among sovereigns. The King is one who is capable of acquiring, reserving and distributing wealth. The King shall possess the four qualities of generosity, compassion, right governance, and offering of relief to the distress.

The Hindu King Manu, specified eighteen offences to which king should consider, out of them ten pertaining to property and two with family. However, he has mentioned that kingdom prospers only so long as purity of the caste is maintained. Caste system was considered as an indispensable element of Dharma. Thus, some gross injustice existed in Hindu social order. According to modern political scientist, equality before law is one of the

\textsuperscript{62} Ibid S.Vijayaraghavan and Jayaraman – Page No. 274
\textsuperscript{63} Ibid S.Vijayaraghavan and Jayaraman – Page No. 275
basis of a good state. It has to be admitted that it did not exist in ancient Indian state. Even though, the epic of Mahabharata and Ramayana taught about good governance and brotherhood.

2.22 Evolution of the modern nation state:

In the view of Gettle, the process of the evolution of the state has not been uniform, regular and continuous. It encompasses various stages. There were different factors developed different kinds of states in different societies. According to the environment and nature where people lived and settled, it is difficult to point out the stages. However, based on historical evidence, it has been mainly regarded the states evolved through the following stages.

1. Tribal State
2. The Oriental Empire
3. The Greek City State
4. Roman Empire
5. Feudal State
6. The Modern Nation State.

2.23. Tribal State

The Tribal organization was the earlier stage of organization and the first political unit was the family. A careful analysis shows that the present element of state is in the tribe. The heads of the tribe are a selected few persons who control the authority. Those who disobeyed the command and direction were punished by the head. Punishment was based on the custom and tradition of the tribe. The capital punishment was reserved by the head of the tribe. There was no written law. Customs and tradition were regarded as law. Wars were waged among the tribes. Powerful won the weak tribes and he became the leader of the defeated tribe, and

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64 Ibid – Vidya DharMaharaj, P. No.269.
the later became the subject of the former. Most of the tribes acquired the status of the state in similar way. Towns and cities developed. Customs and tradition became written laws. Taxes substituted gifts. The authority was despotism in some tribes. In some others, it was limited by democratic public opinion. In this way, the tribes attained the stature of the state.

2.24 The Oriental Empire

The tribe settled in the place where they could get food, water for them and grass land for their cattle and climate which better suited them. Gradually, they reached the stature of the state. Tribe centre became small kingdom, small kingdom into big empires, which were ruled on the basis of wealth and monarchy power. Thus, big empires were established in the valleys of rivers. Hindus Ganga, Cauvery and Vaigai in India, in the valley of Huang Hwan ho and Yang Tse-King in China, the Euphrates and Tigress in Mesopotamia and Nile in Egypt. People multiplied rapidly and passed from the earlier family to religious system, social differences and caste discrimination came into vogue. This oriental empires were despotic either strongly, centrally or combined together. They were not properly organized, depends on the personality and character of the empire towards his favorite countries. As a result, in course of time, there were frequent wars to annex the other territories.

In this regard, Soltau rightly stated “Expansion by the annexation then disruption and reconstitution, either from within or by conquest from the outside were the normal process that marked those early empires.”

2.25. The Greek City State

Greek City States were organized on the basis of Clans and tribes, Loved freedom believed in Doctrine of isolation, consisting of valley and islands. This small state known as city states, came into existence in the 4th and 5th century B.C. Each city was small in size and population, as the same could be governed well. They believed in direct democracy. Each

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66 SoltauRit “An Introduction to Politic 1951” Page No. 60.
citizen was a soldier, a judge, and the member of the governing assembly. According to Burke,” *The Greek city state was a partnership in all science, a partnership in all art, a partnership in every virtue in all perfection*”67. The Greek city accepted status, a church and a school as/or whole life of man. There was no difference between state and society. Society was divided into master and slave. The adult of upper strata were called Citizens, who had rights to vote. Slaves, Women, Children and foreigners have no rights to vote. Too much independence of each of the city states resulted in ruin. For each city state, there was a God. No national sentiment, dispute with each city state, and could not form a nation state for all.

As a result, they had to surrender to Macedonia. Anyhow, the philosophies of Socrates, Plato and Aristotle are gifts to the world by the city state.

### 2.26. The Roman Empire:

It is revealed through History that the Greek attained quality idealism and genius through their small city state, whereas Roman succeeded through their mighty empire. The state of Rome passed through three states, Monarchy, Republic and Empire. Like a Greek, Roman also started with city states and lasted during the period 753-510 BC. During this period, Monarchy was the form of government. The king was elected; he was a judge, Monarch and Chief priest of the community. Even though, his power was unlimited he was required to consult the senate or council of elders consisting of 300 members.

During this period, nobles known as the Patricians, had a share in the political authority. The landless and the property less common people are known as the Plebeians. They had no share at the beginning, but acquired the privilege later on.

In 510 BC, the monarchy was dethroned and republic was established in Rome. Civil as well as Military powers were in the hands of councils who were elected annually. The

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67 *Ibid - A. Appahurai, P. No. 95.*
Patricians controlled the administration. There was fight against each other to control the political power. Finally, the two class groups united together into one Citizen Body and both of them share equal political and civil rights. Roman Empire gradually extended its authority all over in the surrounding countries. By the end of the first BC, almost all of the entire western world united together under one political system.

During this period, the republic paved way for the Roman Empire. The empire was divided into provinces and the officials were known as pro council which was in charge of civil and political office. Roman Empire became despotic and powerful, popular assemblies ceased functioning. Christianity was accepted as the state religion and the theory of divine origin gave place to worship the empire as God. The Greek ideals of liberty, democracy, and local independence was shifted to Roman idals of unity order, Universal Law and Cosmopolitism. In these connections, Gettell rightly states, “Greece developed democracy without unity: Romen secured unity without Democracy”.

2.27. The Feudal State:

In the 15th century, the barbarians invaded Roman Empire and destroyed it completely. Small Feudal States, headed by the lander aristocracy were established. The aristocracy became the ruler of the land. These feudal states arised in Europe. In this society, King was the owner of the land. He distributed most portions of the land among the lords. In turn, they had to serve the king with military force. No support for Nationalism more importance was given to law and administration. The lord is the tenant in chief who settled the dispute of the farmer. Christianity was the popular religion. Later on, the church occupied the most popular position and had its own organization on the Roman Empire model. During this period, the Church was able to control the state and become powerful authority. However, in the 14th century lost all its respect and reputation. It was feudalism which gave

the people of Europe comparative peace and protection and preserves the missionary of the state. Feudalism indicated the transmission from the Roman Empire world to the modern world. The arrival of the protestant reformation movement made an end to the supremacy of the church\textsuperscript{69}.

2.28. Modern National State:

Generally, the Renaissance, the Reformation and the Industrial revolution were the turning points for the modern era. These movements made the people unite together on the ground of ethnic, linguistic, religion and territorial bonds.\textsuperscript{70} As a result, the Feudal states began to fall and gave rise to the modern nation states. Further, there were disputes among the feudal states. General disorder and confusion everywhere, the use of gun powder, national taxation, standing army was made independent upon the feudal nobility and did diminesh the political importance of the feudal states. The general tendency of the reformation teaching was to strengthen the whole of the monarchy principle in monarchy lands, and that of the aristocracy lands was to strengthen the absolution of the political sovereign.

Once the objective of the unity of absolution was achieved, the people demanded their rights and privileges and succeeded.\textsuperscript{71} The democratic movement started early in England. Its progress was gradual and peaceful. In France, it was a violent revolution.\textsuperscript{72} In other countries, the kings accepted the popular will, and remained as normal head under the democratic government. The democratic movement worked so satisfactorily that the democratic national state came to be regarded as the final stage in the evolution of the state. Bentham hoped to better “this wicked world by covering it over republic”\textsuperscript{73}

\textsuperscript{69} Ibid - Eddy Asivatham .K.K. Misra, P. No. 96.
\textsuperscript{70} Ibid - Eddy Asivatham .K.K. Misra, P. No. 97.
\textsuperscript{71} Ibid – VidyaDharMaharaj, P. No. 272.
\textsuperscript{72} Ibid - Eddy Asivatham .K.K. Misra, P. No. 97.
\textsuperscript{73} Ibid - Eddy Asivatham .K.K. Misra, P. No. 98.
2.29. Origin of Representation:

The Greek city states started to develop during the 4\textsuperscript{th} and 5\textsuperscript{th} century. The city state didn’t have similar form of government. Most of them had direct democracy. It was not a representative democracy. Rome became a republic in 510 BC and expanded its territory. The Empire was divided into provinces. By that time, there were senate and assemblies in Rome. Senate was represented by the nominated members of the king whereas in the Assembly, elected members were present. The divided provinces were represented by the Pro council. In due course of time, the empire began to vanish. The reasons for it were the sacrifice of individual liberty for the sake of securing unity in official administration. As a result, the popular assembly stopped functioning. The popular participation couldn’t be achieved.\textsuperscript{74}

In 337 AD, Empire Constantine was converted to Christianity. In 800 AD, Charles, the Great, The King of Franks, was crowned by the Pope as emperor of Rome. The Roman empire was known as Holy Roman Empire like the Unity of the Church. Later, Holy Roman Church settled the disputes between warring states and represented the common interest of Christendom in such matters of movement as Crusades. Thus, the origin of representation can be seen in the Holy Roman Empire.\textsuperscript{75}

Medieval parliament was Parliament of states representation of special classes rather than representation of the people as a whole. Further, representation was not on the basis of privilege, but on liability. Thus, the representation was not represented as constituency, only as a community.

\textsuperscript{74} Ibid - A. Appadurai, P. No. 203 - 240.

\textsuperscript{75} Ibid - A. Appadurai, P. No. 216.
In this regard, Edmond Burke has rightly stated, “The Parliament is the deliberative assembly of one nation with one interest, one that whole, where no local purpose, no local prejudices out to guide, but the general good reasoning from the general reason of a whole, in the course of time, the Shire or Borough type representative gave place to the constituency”76.

2.30. Representation in India

Municipal administration and representation had long roots in India. Indica of Megasthenes mentioned about the affairs of the cities administration by a Municipal Board. In South India, the celebrated “KudaVolai” system of imperial Chola was given to understand the existence of well organized representative institutions. They were the basic Democratic bodies.77

The Village Councils, the pre-cursors to present day village panchayats were institution of very ancient origin in Tamil Nadu and they functioned very much like little republics enjoying a great deal of local autonomy and powers including taxation. The epigraphical inscription on the walls of the “Vaikunda Perumal Temple” at Uthiramerur in Chenglepet District (now Kancheepuram District) bears out ample testimony of this. It speaks how Village administration was governed by Assemblies known as “Sabai” and how the villages are divided into several wards, ie. Like the present day delimitation of Constituencies. The significant was that it also speaks of how representatives from every such wards were elected by the Pot-ticket system of election, which is said to be the root cause of the present electoral system78.

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76 Ibid - A. Appadurai, P. No. 233-234.
77 Manual on urban local bodies election TamilNadu State Election Commission Chennai- page.1
78 K.N.N. Sastry Cholas Page- 496 from M.phil Dicertation 2008- T.Arumugam on Tamilnadu State Election Commission a study about rules and function.