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Editor-in-Chief,

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The Origin of the State.

By Dr. McAlister.

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THE CHRISTIAN STATESMAN

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MONTHLY JOURNAL DEVOTED TO THE MAINTENANCE OF THE
CHRISTIAN PRINCIPLES OF CIVIL GOVERNMENT.

We labor to promote needed reforms in the action of the Government touching the Sabbath, the institution of the family, the religious element in education, the moral and public morality as affected by the liquor traffic, other kindred evils; and to secure such an amendment to the Constitution of the United States as shall secure the national allegiance to Jesus Christ, and its acceptance of His revealed will as the fountain of law.

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The Outlook.

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ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1908

The twelfth annual banquet of the Kansas City Commercial Club, in commemoration of the signing of the John Jay Commercial treaty, held on November 19, 1906 was the occasion of a notable speech by Secretary Root. In response to the toast,

**Secretary Root
Says Nations
Have Souls and
Consciences.**

"Our Relations with South America," he spoke in part as follows:

"We have entered, whether we will or not, by the necessities of our development, into the field of intimate relations with all the nations of the earth. It is a field in which the guiding principle laid down by Washington of 'Friendship for all with entangling alliances with none,' is as wise a rule of conduct as it was in Washington's time. It is as true now as it was then that Europe has certain primary interests in which we are not concerned, and into which we should not permit ourselves to be drawn; yet, it is a field in which we care no longer to be indifferent or to be ignorant, for in it the interests of our vast production and trade are vitally concerned and in it we have responsibilities and duties—duties to civilization and to humanity which we cannot escape if we would, and the conscience of America will not permit us to escape if we could.

"In this time of vast immigration, of international investment and ownership, of opportunities for enterprise and of enlarged peaceful intercourse, and, above all, of steadily progressing popular government, a new diplomacy

has found place. We already realize that the same rules of right conduct, which obtain in our individual intercourse with each other, apply also to our internal political action and the exercise of the powers of self-government. We realize that what is wrong and to be condemned in the conduct of man to man is wrong and to be condemned in the conduct of public officers and in the conduct of politicians.

"In the relation between nations, which the great body of the people now control, there should be a general all-prevailing and controlling sense that the same rules of conduct, ought to be followed. Nations have souls and consciences as truly as individuals. The life of the just and faithful and kindly man who is respected and beloved by his neighbors is the type of what every citizen should wish his own country to be in its relations to all other nations.

"Mediation and arbitration are useful methods of solving international controversies without recourse to war, but the true preventative of war is the willingness of the people of the world to be just to one another."

Men of intellect who are led to study the moral obligations of nations and their governments to individual citizens and to other nations and governments, are generally led to accept the same principles. These principles being accepted it follows that the divine will is the standard to regulate national as well as individual conduct, and that the nation should so declare.

The National Reform Movement.

STUDIES IN CHRISTIAN CITIZENSHIP.

III.

The Origin of the State.

BY THE REV. D. McALLISTER.

[For fuller references to helpful literature on the present topic, see the introduction to the preceding study on "The True Idea of the State." Special references on particular points will be found in the course of the following discussion. All who would make a study of the origin of the state should carefully review the preceding article.]

Writers on political science differ widely in their views of the origin of the state. It would not be profitable in this study to consider all these different theories; but a brief discussion of some of them is important in this study, as it will help to a clearer idea of the true origin of the state. What may properly be called the four chief theories of the origin of the state will be here considered: 1. The theory of the social compact. 2. That the state originates as a necessary evil. 3. That it is the product of history. 4. That it is of divine origin. The last of these theories, it will be seen at once, conforms to the view already given of the true idea of the state. It is believed that a candid examination of all these theories will confirm the statement that the last one embraces every element of truth in the other three theories, and that no one of these three, or any of the various modifications of them, can be harmonized with the facts of political science and the true idea of the institution of the state.

Summary of Theories here Considered.

1. The first theory is that the state has its origin in a social compact. This theory was first propounded by the celebrated infidel writer Hobbes in a

The Social Compact Theory.

work called "Leviathan," an impersonation of the tremendous power of government. This was afterward modified by Locke in his treatise on "Government." A century after Hobbes the no less celebrated French infidel, Rousseau, developed the theory into its most widely accepted form in his book entitled "Du Contrat Social."

What gives to Americans a more than ordinary interest in this theory is its wide acceptance in our own country at the time of the framing and adopting of our national written constitution. Notable among its able advocates was Thomas Jefferson, who, as that profound student of our Constitution, Von Holst, says, "grew intoxicated even to madness" with the political philosophy of Rousseau, while residing in Paris. (See "Constitutional History of the United States," vol. I, 30, 3)

Before Jefferson succeeded Franklin as our minister to France his influence as a disciple of Rousseau had been widely felt at home, and the social compact theory had found expression in some of our State Constitutions, notably that in most respects excellent fundamental law of Massachusetts, of 1770, which says, "the body politic is formed by a voluntary association of individuals. It is a social compact." (See Hough's "American Constitutions," vol. I, 621.)

According to Rousseau and his disciples this compact or contract is between individuals, coming out of a so-called state of natural freedom, and each "giving in common his person and all his power under the supreme direction of the general will; . . . this act of association produces a moral and collective body; . . . this public person . . . takes now the name republic or body politic." (Du Contrat Social, book I, chapter 6.)

History records no such contract as the beginning of any state. It is a pure fancy, absurd in itself and rejected by all the ablest writers on civil gov

This Theory a mere Fiction.

ernment in all civilized lands as without foundation in the facts of history. See in addition to the authors named in the general references, Maine's "Ancient Law," 299; also his "Popular Government," 154-157; Willoughby's "Nature of the State," 79-84.)

A Written Constitution more than a Compact.

as to the form of government and the distribution of governmental powers is made by the state instead of the state having its origin in it. Thus a formal constitution, considered as a compact, cannot create the state. The state, on the other hand, makes the compact. Besides, such a fundamental instrument is no mere compact. It is more. It is an authoritative ordinance of the political body already existing. This is the teaching of Bancroft, Webster, and Justice Wilson whom President Roosevelt has so cordially endorsed. (See article on "James Wilson," by Lucien H. Alexander, Esq., in the North American Review, Mid-November number, 1906, page 976.)

This Theory and Secession.

The social compact theory was logically used in the effort to justify secession. If the nation originated in a compact into which certain parties entered, why might not the same parties dissolve the contract? If they could in this way make the state, why could they not, if unable longer to agree, in the same way unmake it? Had the North as well as the South been willing thus to unmake the nation, would that have justified the wrong of secession? There was a national life back of all contracts, a sacred trust to be unfalteringly maintained at any cost from generation to generation. The war of the rebellion was practically the uprooting of the social contract theory from the best political thinking of our country. "This theory," says Prof. John Fiske, of Harvard University, "was once famous, and exerted a notable influence on political history, and it is still interesting in the same way that spinning-wheels and wooden frigates and powdered wigs are interesting; but we now know that men lived in civil society with complicated laws and customs and creeds for

many thousand years before the notion had ever entered anybody's head that things could be regulated by contract." ("Civil Government in the United States," 188.)

Element of Truth in this Theory.

An element of truth distorted into error may be seen in this as in almost every false theory. In one aspect civil government, as the Bible teaches, is an "ordinance of man." (See I Peter 2:13.) The governments of states are organized by men. Human agency is at work in the development of the actual states or nations of history, and in the framing of their governments. Defects are noted and steps are consciously taken to remedy them by changes in organization. In this sense, civil government is an ordinance of man, and place is found for social contracts, or constitutions as they may be called, written or unwritten, and for their amendment. But that is a very different matter from ascribing the origin of the state as an institution to any compact, political, social or otherwise.

Necessary Evil Theory.

2. *The theory that the state originates as a necessary evil.* The most eminent and most consistent advocate of this theory is Herbert Spencer. This writer says explicitly, "Government is a necessary evil." "Have we not seen that government is essentially immoral? Is it not the offspring of evil, bearing about it all the marks of its parentage?" (Social Statics," 25, 230.) Hume and Thomas Paine held substantially the same view.

Answer from Our Constitution.

A sufficient refutation of this theory is given by a quotation from the Preamble to our National Constitution, in which, as also in our State Constitutions generally, the beneficent ends of civil government are stated. These are "to establish justice, to insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity." States and their governments, even when very imperfect, seek these objects and in greater or less measure generally attain them. The state is a blessing to mankind, and the worthy civil ruler "a minister of God for good." (Romans 13:4.)

Element of Truth
in this Theory.

severe penalties may be said to be a necessary evil. In this sense, as the Scriptures declare, "the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and for sinners." (I Timothy 1:9.) What Prof. Freeman says of government is true only of criminal law---that "its existence in any shape is sign of man's imperfection." ("Historical Essays," 4th series, 353.) The "minister of God" must be a terror to evil-doers in order to be a praise to them that do well. (Romans 13:3, 4.) He is sent by God for this double purpose. (I Peter 2:14.)

Theory of Historical
Genesis.

point in human history at which "the state" originated, but some such point there must be, if the theory be correct. And logically it implies just what its advocates condemn in the social compact theory, and that is, an original state of humanity antedating the origin of the state.

Theory of Family
Genesis of the State.

advocate of this theory is Sir Henry Maine. His designation of this view of the origin of the state is "the patriarchal theory," which he thus defines: "The patriarchal theory of society is the theory of its origin in separate families held together by the authority and protection of the eldest valid male descendant." Again: "The effect of the evidence derived from comparative jurisprudence is to establish that view of the primeval condition of the human race which is known as the Patriarchal Theory." Once more: "Society in primitive times . . . was an aggregation of families." (See "Ancient Law," 118, 121, and throughout chapter 5; see also Maine's "Village Communities," 15 and following pages.)

The only proper application of this theory is to the state's punishment of crime. Criminal law with its

3. *The state is said to be the product of history.* This theory does not attempt to fix any particular

One form of this theory develops the state out of the family in the course of human history. The best known

Modifications of
Family Theory.

Woodrow Wilson, of Princeton University.) Section 23 of this work, however, harmonizes better with the theory of the divine origin of the state in man's nature, when it affirms of the state that "in its origin it was spontaneous, natural, twin-born with man and the family." This is the view of the able Spanish writer, Prof. Posada, who says, "La familia y la sociedad son coetáneas [the family and the society are contemporary]"---that is, in their origin. (See "Derecho Politico," vol. I, 144.) This author has published also a special treatise entitled, "Teorias modernas acerca del Origen de la Familia, de la Sociedad, y del Estado [Modern Theories concerning the Origin of the Family, Society and the State]," in which he contends at length that the state does not originate from the family as from a germ, but that in the development of the family into a grouping of families, becoming wider and wider, we have the primitive form of the state. (Compare Starcke, "La Famille Primitive," 9, 10.)

Scriptures do not
Sustain this Theory.

the state. He says: "The families of Jacob and Esau separate and form two nations; but the families of Jacob's children hold together and become a people. This looks like the immature germ of the state or commonwealth, and of an order of rights superior to the claims of family relation." (See "Ancient Law," 120.)

Relation of Family
and State.

under the latter. A mere aggregation of families, or the indefinite extension of a family, may develop a horde or tribe but not an objective state and much less the institution of the state. Single families, aggregations or extensions of families, come properly under an authority from first to last above them all. Says Prof. Willoughby, of Johns Hopkins University, "It is only by the necessarily primi-

Other eminent authors hold in substance to this theory. (See "The State," sections 4, 12, 1159, by Pres.

Sir Henry Sumner Maine, while attempting to draw his proof from the Scriptures, admits that they favor a higher germ of

The above admission suggests the true relation of the family and the state. The former is within and

tive character of the patriarchal authority, and the extent to which the state in its early period of development recognized the power of the father, and utilized his authority for the obtaining of many of its aims, that countenance is given to the idea that the state developed from the family. So dissimilar are the aims of the two institutions, that the one could not have owed its origin to the other. The family never was and never can become a subject of public law. Its interests are necessarily private." ("Nature of the State," 20, 21.)

No collection of individuals as such can be a political unit. It is only a mass-meeting. So no expansion of a family, nor any aggregation of families, can produce the political being. The individual and family, as such, belong to relations essentially private. It follows that if only the individual and family spirit and will are found in active operation in human life, then, however numerous the individuals or families, the existence of the state as a collective being with a common spirit and unified will in public and political matters would be inconceivable. (Compare Bluntschli's "Geschichte der neueren Staatswissenschaft [History of the more recent Political Science]" 348; also Jellinek's "Gesetz und Verordnung [Law and Order,]" 192.)

The Secular Historic Theory.

Prof. Willoughby represents a school of political science which affirms that "from their own inherent nature, divine or moral sanctions can have no application to political matters." (See "Nature of the State," 52, 53.) According to this, the state originates in human history without any relation to the laws of God and the rules of morality. The bearing of this on the source of the state's authority will be considered in the next study of this series. That discussion will aim to show that in this separation of the state in its origin and sovereignty from God and his moral law, lies the essence of political secularism or political atheism. It is this theory that has led even Prof. Burgess to declare, "we must hold to the principle that the state can do no wrong." (Political Science," vol. I, 57.) In the organization of states in the progress of history the political scientist by this theory finds no place for God. "Man through history has been the sole, immediate force in the accomplishment of this." (Ibid, 64.) The state, like the atheistic indi-

vidual, is thus "without God and without hope in the world." The disproof of this secular idea will find its appropriate place in the proof of the divine origin of the state.

Confusion in the Theory.

This distorted historical theory confounds the institution of the state with objective states actually coming into existence in the progress of history. The philosopher who would give the true idea of the family as an institution will not confound it with actually existing families. They, like objective states, often come short of the institution as seen in its origin. Families and states keep coming into being in the historical progress of mankind. But that is not the origin of the state and the family. When political scientists speak as they do of "the state," let them discuss the origin of the institution.

Element of Truth in this Theory.

The above distinction between the institution of the state, and an actual state originating in the development of human history, admits an element of truth in the theistic form of the historical theory. States more or less closely conformed to the institution or the ideal state have appeared in history by a process which for them may be properly termed. origination. But back of them all, even the very earliest of them, is the state as an institution in the human race of which we have the history. And either the now existing states will be conformed to this institution of the state, or they will pass away as others have passed away, and new ones modeled after the true idea of the state will take their place. It is the office of all political science worthy of the name, not only to trace the rise and development of states in history, but to teach the principles by which all existing states may attain to full conformity with this true idea of the state, or with what political science terms the state as an institution.

Theory of Divine Origin.

4. *The state is of divine origin.* This theory is in perfect harmony with the true idea of the state. And just so far as political scientists believe in the Creator and in God in human history at all, they find it difficult to formulate and discuss

their so-called historical theory without more or less distinct admissions of the divine origin of the state. For example: Prof. Burgess admits that "the principle of the historical genesis of the state does not stand opposed to the doctrine of the divine origin of the state when that doctrine is rationally construed: it includes it, and makes it the starting point in the evolution." ("Political Science," [vol. I, 62.]) Again he admits that "the Creator of man implanted the substance of the state in the nature of man." (Ibid 60.) Once more: That the "basis and point of departure" is man's nature, and "that the Creator of that nature is, therefore, the originator of the subjective state," another phrase for the institution of the state. (Ibid. 63.)

Logic of Admissions.

It is not verbal quibbling with this author to ask if his admissions, "when rationally construed," do not disprove his own theory? Do they not fix the genesis or origin of the state at man's creation, and thus make the act of the Creator in implanting the state in man's nature the "starting-point," or the "point of departure," of its being? This gives us nothing less than the theory of the divine origin of the institution called the state, and sets in its proper place the process of historical "evolution" in the rise and development of the different states of the past and present. Historical evolution or development necessarily implies a preceding origin.

This the Bible Theory.

And this is the teaching of the Christian Scriptures as to the origin of the state. It is God's creature. Its government is God's ordinance. God is the author of all national life, giving existence in the development of history to each particular state or nation, assigning to each its own rightful territory and its own period in history. (See Deut. 26:19; Psalm 86:9; Acts 17:24-26.) Hence it is the divine prerogative to take away national life for national sins, as well as to bestow and maintain that life. (See Jer. 18:7-10.) For a fuller citation of the teachings of the Bible on this subject the reader is referred to the writer's "Manual of Christian Civil Government," 141-153.

Other teachings of the Scriptures bearing especially on the ultimate source of the state's

authority, harmonize in every way with these teachings. Such additional passages of the Divine Word will be cited in their appropriate place in the following study.

Consistency of this Theory.

This theory of the state's divine origin is perfectly consistent with itself and with a correct view of history. It maintains what Prof. Willoughby lays so much stress upon, that the actual manifestation and operation of the institution of the state has been left to human agencies. ("Nature of the State," 52) It affirms no less earnestly than Prof. Burgess that the state is made objective in institutions and laws in the various nations of the world in the progress of history, and this through human consciousness and human wills. ("Political Science," vol. 1, 63.) But all this takes place under the Creator who is also the Lord of all human history. This added thought of the God of creation and providence is all that Pres. Woodrow Wilson's statement in a section already partly quoted needs to make it satisfactory: "Once having arisen, government was affected and profoundly affected by man's choice; only that choice entered, not to originate, but to modify government." ("The State," Section 23.)

This theory of the state is slightly treated as a theological doctrine. But it is none the less political as well.

It belongs to the sphere of the political being. Nor is this political truth seen in its completeness until we accept the full Bible revelation as to the origin of the actual states, which come into being in the progress of human history under the mediatorial rule of Jesus Christ. The state as an institution suffered in man's fall. It needs as well as the individual and the family the saving work of the Lord Jesus. All authority is given to Him for the salvation of man. He administers the divine government over nations as King of kings and Lord of lords. He is the God of history. And therefore the actual states of history that come into being from age to age, originate as objective realities under his rule. But this historical appearance of actual states is no less a divine origination in fact of these various political beings, all of which have their ultimate origin in the implanting in man's nature by his Creator of the institution of the state.