

ON THE BOURGEOIS- DEMOCRATIC STATE

CHAIRMAN GONZALO



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Chairman Gonzalo

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I.

Introduction

Although the term “State” is a modern creation, corresponding to the precise idea that emerged from the social formations of the Renaissance and its embodiment is attributable, in fairness, to Machiavelli, I use it to refer to earlier State varieties, for the simple reason that it is the most felicitous term, in use, to allude to the total formation of politically organized society. By outlining the evolution of the State, I seek to set the scene, to present a background to my work, so that the Bourgeois-Democratic State stands out and takes on clearer contours, gaining, therefore, its structure in relief and precision.

The Ancient Eastern State

The ancient Oriental State, as well as the Greek and Roman, is based on slavery, but, nevertheless, it has peculiar characteristics that sharply separate the ancient Oriental State from the Greek and Roman ones.

The ancient Oriental State has been typified since very far back as despotic and theocratic, taking into account the political organizations that existed among Egyptians, Jews, etc. This State form is described as despotic, because it was the closed predominance of a caste that oppressed and governed all the members of society; oppression that not only subjected the slaves and subjugated peoples but its own members; let us remember that the "citizen," Greek conception, had not yet arisen. But this statement does not make us think that Oriental despotism was so full that it implied the inexistence of a juridical order; the despot's will and despotism was not so wide, it was limited by an order that implied a capacity of restricted private law as protection of the individual, at the same time as an organization of society setting limits and duties (think of the Code of Hammurabi or the laws of Manu).

Another characteristic of the ancient Oriental State is its theocratism. With this term one alludes to the relations that the antiquity attributed between the one who exercised the power and the divinity; an intimate entailment was thought between the ruler and the gods, that these had created so much to him as the organized

society, which had received its structure from the hands of the divinity that established it, perfect and definitive. But theocracy was not of a single type, but presented two varieties: the divine power is exercised by the sovereign as representative of the divinity, enjoying an absolute will for being a creature of the former, or the divine power is outside the sovereign, who is subject to the depositaries of the former.

An example of the former is given by the laws of Manu:

And because he is king, he has been formed with particles taken from the essence of these principal gods, that is why he surpasses in brilliance all other mortals. (...) [H]e is a great divinity that resides under this human form.¹

An example of the second variety is Israel. For the Jewish people the sovereign is limited by the laws of Jehovah, who has a transcendent authority; the laws in turn are the result of a pact between the chosen people and the divinity, which recalls more primitive times in which the people installed their sovereign by agreement and election;² thus, the members of this people face their sovereigns provided with personality. The struggle of the oppressed, expressed in the vigorous and condemnatory words of the prophets, although, of course, wrapped in mystical clothing and metaphors, is

¹arts. 5 and 8, Ib. VII, Carlos Sánchez Viamonte, "Las instituciones políticas en la historia universal," Ed. Bibliográfica argentina, p. 82.

²Cf. Lewis H. Morgan, *Primitive Society*, part two; and Friedrich Engels, *The Origin of the Family, Private Property, and the State*.