

The Significance of the Course “The Theory of Statehood” for University Education

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Abstract

For every country, especially for small, weak ones with transitional economy (such as Georgia) it is most important to have the young population with the State consciousness and personal responsibility for social, political and economic development of the homeland. From this point of view a particularly important role belongs to the course of “The Theory of Statehood”.

As usual the theory of statehood means the constitutive and the declarative views. The constitutive theory of statehood defines a state as a person of international law if, and only if, it is recognized as sovereign by other states. It is the opposing point of view to the declarative theory of statehood. The declarative theory of statehood defines a state as a person of international law that meets certain structural criteria. In accordance with the Article 1 of the Montevideo Convention (1933): The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states. Article 3 of the Convention declares that statehood is independent of recognition by other states.

These theories consider the question *What is the State*. But there is no consideration of the question *How the State was Formed and Developing* that should be explained by the meaning of the State and role of its citizens. The answer to the question is the subject of historical theory of statehood, which assists us in revising the tradition views about historical processes. The well-known maxim that “*The main lesson of the history is the history doesn't teach anything*” is right as soon as we don't learn History. But, in fact, the historical process is developed with pitiless logic, a lot of events repeated, and we can meet them in case of relevant knowledge.

First of all we have to determine the historical types of the States in accordance with these special criteria. The Historical Theory of Statehood and Geographical Determinism there is compared the West and East types of the States, which, actually are the Northern and the Southern types. The course explains the similarity and the differences between the types of the States and the social, economic, political, philosophical and religious reasons for the differences. There is discussed the reasons of a deadlock of the East civilization development and a success of the Antique and European civilization, how the Europe was formed, the importance of liberty, honor, discipline on every stages of the society development. On the basis of a new interpretation of the society formations the course explains where, when and how change the formations from the primitive communal system to the contemporary information society.

Key Words: “The Theory of Statehood”; Constitutive Theory; Declarative Theory.

The observation of the historical processes of the social development gives students the opportunity to make the choice – what type of Society and State do they want, and how to build this one. An especially important result of the course is that it shows the necessity of self-discipline, liberty and responsibility. Another query is the equality of men without regard to races, language, religious and cultural background. The course shows that up to a determined stage society was absolutely the same around the world. The difference of next development was caused by geographical factors. This knowledge assists building the truly free, tolerant and self-developing civil society. The young generation, with the consciousness of these qualities can reach a relevant position in any society, and the Society of these persons can build the Prosperous European State, which meets the definitions both Declarative and Constitutive Theory of Statehood. The Historical Theory of Statehood assists the upbringing of State consciousness among students, so it is vital to teach the course to every student of the Universities, specializations notwithstanding.

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Introduction. The importance of educational reform

After USSR’s collapse the main question for democratic development of the new independent countries became the radical reforming of society and its structures, including the educational system. Expectation of reforms has existed in Georgian society for a long time. There is a national consent to this query (together with independence and the western orientation of the country) in Georgia. But neither in a society nor in reformers is there full consent to directions of transformation of the educational system of Georgia, what and how do we have to change, as well as how to replace the system that existed earlier.

As usual during transitional times, the society is characterized by a number of deficits. The Georgian educational system was characterized by three groups of deficits:

- “Traditional” lacks, the inheritance of the Soviet model;
- Common lacks, the property of transition society;
- Specific Georgian lacks (for instance the well-known Georgian paradox: every parents want to have educated child, but they help their children in getting diplomas without any knowledge, they pay money not for knowledge but for possibility not to get knowledge)

The fact that Georgian students, who study abroad get significant, successful results expresses that our problems are in the model of the educational system. According to this opinion, the process of reformation of the Georgian educational system is focused on mechanical imitation, copying the western model without taking into account local specificity. We have to take into account that these students (who study abroad) would study well even here, because they are talented, hard-working and focused on study. This is a well-known regularity – which is that the best here should be the best in other places as well. The best Georgian students often are better than local students. And it is not surprising - foreigners often are better local students because a new, unfamiliar environment focuses them more on study instead of for entertainments as in the native land, besides, they have not so much time, money and friends for amusement as locals.

So the problem isn’t the model of the educational system but the Georgian society in full, because the society is not focused on respect for work, knowledge, and professionalism. The main problem is in the environment instead of the educational model. Therefore, the reforming of the educational system is in close relation with the transforming of society.

The Necessity Of Social Transformation

The reform of the educational system of Georgia is necessary also, as in all Georgian society. Generally, the post Soviet space (which includes not only former Soviet republics but ideologically and systemic relatives with it in Eastern former socialist countries) should be divided in three parts in accordance with the acuteness of a problem:

1. The North-West countries (Baltic republics, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Croatia) had a minimum of harmful influence of Soviet system. The nationalism of these countries plays a constructive role as a basis of Nation-State, together with liberal democracy. The civil society there was ready for reforms and has political, economic, social rights. That’s why the society of these countries could change for the better quickly, they have significant success and are as a example for ways of social development.
2. The Central zone (Belarus, Ukraine, Romania, Bulgaria, the main part of Russia) had the maximum of harmful influence of the Soviet system. The nationalism of these countries plays a negative but not sharply outlined role. Collision of the right nationalists and the left movements complicates and slows down the process of transformation, forming of liberal democracy and Nation-State. The introduction into NATO and EU sharply increased the process of democratization in Romania and Bulgaria.

3. The South-East (South Caucasus, Central Asia, Caucasus republics of Russia) zone. The Soviet system couldn't overcome the resistance of traditional structures here. The harmful influence of Soviet system was neutralized by specific local relations, which based on friendly and related attitudes and fed corruption, protectionism, and especially nepotism. The informal structures acted more effectively than official structures. It remained feudal, clan board.

To a certain degree, these structures played a positive role, because they could avoid the influence of long harmful Soviet influence, but on the other hand after Soviet Union collapsed these specific relations became stronger and received the many deficits of soviet system. Today, they prevent the formation of normal state relations, transformation of society to civic liberal democracy, and healthy economic and social-political attitudes. All above mentioned concerns the educational system as well.

Therefore in the agenda there is a necessity social transformation. One of the ways to solve this sharpest problem of Georgia based on transformation of Georgian educational system. The main goal of the educational system should be the formation young population with the State consciousness and personal responsibility for social, political and economic development of the homeland. From this point of view the especially role belongs to the course of "The Theory of Statehood".

The course "the theory of statehood"

As usual the theory of statehood means the constitutive and the declarative views. The constitutive theory of statehood defines a state as a person of international law if, and only if, it is recognized as sovereign by other states. It is the opposing point of view to the declarative theory of statehood. The declarative theory of statehood defines a state as a person of international law that meets certain structural criteria. In accordance with the Article 1 of the Montevideo Convention (1933): The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states. Article 3 of the Convention declares that statehood is independent of recognition by other states.

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First of all we have to determine the historical types of the States in accordance with special criteria. On the basis of Historical Theory of Statehood and Geographical Determinism, there is compared the Western and Eastern types of the States, which, actually are the Northern and the Southern types. The course explains the likeness and the differences between the types of the States and the social, economic, political, philosophical, and religious reasons for the differences. There is discussed the reasons of a deadlock of the East civilization development and a success of the Antique and European civilization, how Europe was formed, the importance of liberty, honor, discipline at every stage of social development. On the basis of a new interpretation of the society formations, the course explains where, when and how formations change from the primitive communal system to the contemporary information society.

The observation of the historical processes of social development gives students the opportunity to make the choice – what type of the Society and the State do they want and how to build this one. An especially important result of the course is that it shows the necessity of self-discipline, liberty and responsibility. Another query is the equality of the men without regard to races, language, religious and cultural background. The course shows that up to determine stage of the society was absolutely the same around the world. The difference of next development was caused by the geographical factors.

There were three ways of development during the world history; two of them have the same results:

1. Early Age Despotism in Egypt and China formed into oriental despotism. Great leaders refused to have leaders by their sides and gave their functions to the administrators (for example: burial grounds in Egypt). A strict vertical hierarchy and absolutely inviolable, almost “godlike” autocracy was established. At the top of hierarchy was a despot who was ruling everyone and everything, gave orders, which had the force of a law, however he himself was above every law. It was impossible to know what was legal and what was not. One person could have been found guilty for doing a certain activity, on a certain place at a certain time, however another would not be considered guilty for doing the same.
2. In the Mediterranean (except for Egypt) early age despotism was replaced with antique slavery, democracy, and “oral constitutions” were created, which were put in writing in some places. Senior councils and public gatherings were preserved in some places and in some they were developed and formed into improved institutions. In some cases leaders created collegiums and in some ruled individually, but in accordance with the determined rules and laws. It should be emphasized that they did not have the right to amend, violate or disregard laws. They were elected, and in some places the throne was hereditary. However senior councils, public gatherings or other institutions and laws or constitutions considerably restrict their power. Representative bodies have more importance than the king, leader or collegiums of leaders. Representative-collegium’s rule was being established. Titles were legitimized and had different meanings, but mainly the boundaries tended to be erased. Despite slavery, the basis of liberalization can be vividly seen. In 401 BC Athens managed to reach the boundary, which is only now being crossed by contemporary liberal democracy.
3. The third way of development of early age despotism, in other words proto-feudalism is feudalism. We can observe the solutions of opposition between the leaders, and the opposition between leaders in general and senior councils and public gatherings by compromises. This was done especially on the conquered territories, where leaders and their army are the conquerors and the populations that exceed them in number are conquered. Leaders of different power and influence agreed on inter-relationship rules, status quo was legitimized, and as a result, a very complex, asymmetric structure is created: Kaiser or emperor is at the head of the hierarchy; one step lower are kings – and “korols” (kings) of different rank; below them are principles – princes, dukes, grand dukes; then – dukes, counts, Vikings, voevodes (princes); followed by grand dukes, noblemen, knights, horsemen, nobility – noblemen, sirs, lords, barons, knights, chevaliers, special constable. Each of the listed above owned feuds – land parcels of different sizes, with lower rank feudal and slaves. A feudal has immunity in his feud and if he doesn’t, then he fights for it. It should be emphasized that there was no strict hierarchy in those times. The main principle was – “the vassal of my vassal is not my vassal”. The state functions in accordance with coordination-subordination, from top to bottom, from bottom to the top and horizontal delegation principle. Ranks and titles dominate in the government service. Representative, consultation and class bodies were established everywhere. They were composed from feudal and religious officials. Royal and church courts functioned simultaneously and

competed with each other. We can also see independent courts at that time as well. Feudalism can be characterized in different ways. We could say that there are as many types of feudalism as countries where it existed. However it is united by common characteristics – ranks, land ownership, immunity, serfdom, individualism, privileges, freedom, slave rights and the rights of the King (even though it only fictitious with minimal restrictions). Feudalism gives in to bourgeois-capitalism and afterwards to liberal democracy. First the serf dome is being annulled in XIII-XIX centuries, followed by class denunciation in XV-XX centuries.

The first way did not change for millenniums and was developed once and for all. However unlike the first one, the second and third ways are quite dynamic. They are constantly evolving and changing. Most importantly, this is a permanent fight for privileges and the expansion of the privileged class, final point of which is overall highest privilege – freedom. Civil society is being created. The second and third ways lead us to one goal, which goes under the name of Europe.

Conclusion

The knowledge of “The Theory of Statehood” assists the upbringing of State consciousness among students that is the main basis for building up of the true free, tolerant and self-developed civil society. The students can make a choice “What type of society do they want to have”.

The young generation with the consciousness of these qualities can reach the relevant position in any society and the Society of these persons can build the Prosperity Democracy State, so it is vital to teach the course every student of the Universities specializations notwithstanding.