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ASSIGNMENT

- (1). How can a Lebanese retain or lose his or her newly acquired Nigerian citizenship?
- (2). Social Contract theory explains the evolution of state, what other theories explain the same, and their strengths?

ANSWERS

(1). Nigerian nationality law is the law of Nigeria which concerns citizenship and other categories of Nigerian nationality. In Nigeria where dual citizen is permitted, a Lebanese or any citizen of other countries of the world **can** retain or lose his or her newly acquired Nigerian citizenship.

In answering this question, I personally extracted the answers from the Constitution of the Federal Republic of Nigeria 1999 (As Amended), because it is this constitution that spells out in detail, all we need to know about citizenship in Nigeria, how it can be retained and, how it can be lost or withdrawn from an individual. As a matter of fact, all other information about citizenship **in** Nigeria was also extracted from the Nigerian Constitution.

HOW A LEBANESE CAN RETAIN NIGERIAN CITIZENSHIP

The following are the ways a Lebanese or any foreigner can retain his newly acquired Nigerian citizen:

- (1). By birth/ descent
- (2). By registration
- (3). By naturalization.

(1). **BY BIRTH/ DESCENT:** A Lebanese or any foreigner can be a citizen of Nigeria through birth. This citizenship by birth comes in various forms:

- (a). If the person is born in Nigeria before the date of independence (October 1, 1960), either of whose grandparents belongs to or belonged to a community indigenous to Nigeria;
- (b). Provided that the person shall not become a citizen of Nigeria by virtue of this section (The 1999 Constitution of Nigeria as Amended) if neither his parents or any of his grandparents was born in Nigeria.
- (c). If the person is born in Nigeria after the date of Independence either of whose parents or any of whose grandparents was born in Nigeria.
- (d). If the person is born outside Nigeria either of whose parents is a citizen of Nigeria.

(2). **BY REGISTRATION:** Citizenship acquisition by registration in Nigeria is gotten through marriage, that is, if a Lebanese woman gets married to a Nigerian man, she becomes a citizen of Nigeria through registration. In 26(1) Subject to the provisions of section 28 of the Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria if the President is satisfied that:

- (i). He is a person of good character; two people are to testify to that which one should be a Religious minister.
- (ii). He has shown a clear intention of his desire to be domiciled in Nigeria.
- (iii). He has taken the Oath of Allegiance prescribed in the Seventh Schedule to the Constitution.

The provision of this section shall apply to

(a). any woman (in this case a Lebanese woman) who is or has been married to a citizen of Nigeria or every person of full age and capacity born outside Nigeria: any of whose grandparents is a citizen of Nigeria.

(3). BY NATURALIZATION: 27(1) Subject to the provisions of section 28 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalization.

(2). No person shall be qualified to apply for the grant of a certificate of naturalization, unless he satisfies the President that:

- (a). He is a person of full age and capacity;
- (b). He is a person of good character;
- (c). He has shown a clear intention of his desire to be domiciled in Nigeria;
- (d). He is of the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation.
- (e). He is a person who has made or is capable of making useful contribution to the advancement; progress and wellbeing of Nigeria.
- (f). He has taken the Oath of Allegiance prescribed in the Seventh Schedule of this Constitution; and
- (g). He has, immediately preceding the date of his application, either:
 - (i). Resided in Nigeria for a continuous period of fifteen years; or
 - (ii). Resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for not less than fifteen years.

HOW A LEBANESE CAN LOSE HIS/HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP

A Lebanese or a foreign citizen who has newly gained Nigerian citizenship, can lose it through the following ways, according to 1999 Constitution of Nigeria:

28. (1) Subject to the other provisions of this section, a person shall forfeit (lose) his Nigerian citizenship of, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country other than Nigeria, of which he is not a citizen by birth. That is, Nigeria accepts only dual citizenship.

29. (1) Any (Lebanese) citizen of Nigeria of full age who wishes to renounce (a way of losing Nigerian citizenship) his Nigeria citizenship shall make a declaration in the prescribed manner for the renunciation

(2) The President shall cause the declaration made under subsection (1) of this section to be registered upon and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

Renouncement of citizenship as examined above can be seen as a voluntary loss of citizenship

Under the Constitution, 30(1), The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he is satisfied that such a person has, within a period of seven years after being naturalized been sentenced to imprisonment for a term of not less than three years.

(2) The President shall deprive a person other than a person who is a citizen of Nigeria by birth, of his citizenship if he is satisfied from the records of proceedings of a court of law or other tribunals or after due inquiry in accordance with regulations made by him that:

(a) the person has shown himself by act or speech to be dis loyal towards the Federal Republic of Nigeria; or

(b) the person has, during any war in which Nigeria was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in the opinion of the President carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to cause damage to the interest of Nigeria.

Loss of citizenship from 30(1)-(2) is seen as involuntary loss of Nigeria citizenship where the citizen does not willing want to loos his citizenship status of the country but due to some circumstances listed above causes him to lose his citizenship status of Nigeria.

(2). Apart from Social Contract Theory, there are other theories that explains the evolution of states and I will explain all of them and their strengths here. Prof. R. N. Gilchrist aptly mention that “of the circumstances surrounding the dawn of political consciousness, we know little or nothing from history, where history fails, we must restore to speculations”. 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.

As a result, there were various theories concerning the primary or pre-historic 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 Evolutional Theory
6. Marxist’s Theory.
7. Organic Theory of the State
8. Liberal-Democratic Theorists

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

1. THE THEORY OF DIVINE ORIGIN

This is the oldest theory among the origin of the state. It stated about the rights of kings. The formal statement of this theory is that the state has been established by and ordinated by God; its rulers divinely appointed; they are accountable to no authority but God, as described

in Bible. The combination of earlier rulers where of priests and kings or the magic man and king.

According to MacIver, the magic man was priest and king. All are combined as one. In the epic Mahabharata, 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. Kings are 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:

- i. Monarchy is divinely oriented.
- ii. Hereditary right is indispensable.
- iii. Kings are accountable for God alone.
- iv. Resistance to lawful king is sin.

WEAKNESSES

1. The theory has supporters only among the religious people.
2. It has been nullified for being unhistorical, irrational and unscientific.

STRENGTHS

1. 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.

2. 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 by men who originally had no government organization. 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 there were subject to follow only such regulation that nature was supposed to prescribe. How men lived in a state of nature without coercive agency of a government, what made them establish a government, the term of contract and the party to contract were discussed in the theory. One thing accepted by all the exponents of the theory was that the state was a human creation because of contract.

The concept of social contract was found in the political treatises of both east and west. Kautilya in his Arthashastra mentioned that "the king Manu supported the payment of one-sixth of grains grown and one-tenth of their sovereign dues, the king took the responsibility of maintaining the safety and security of their citizens".

Plato in his Crito stated that Socrates was represented as awaiting calmly the execution though it was unjust, because he would not break up the contract with the state by escaping from prison into exit.

Milton in his "Tenure of Kings and Magistrates" argued that they 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.

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 remains fundamental, and cannot have taken them, without the violation of their natural birth rights”.

In the 16th and the 17th Century, the “Social Contract Theory” gained popularity. It advanced during the period of religious wars during 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 (1712-1778). All the three exponents established their thesis from the beginning of human habitation.

THOMAS HOBBS

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 all in 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.

“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 terms of the contract and revert against the sovereign”.

JOHN LOCKE

According to Locke 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 that was hostile to his/her right of empowerment, which was different from that of anarchy described by Hobbes.

According to Locke, people entered into 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 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 supported limited or constitutional monarchy.

JEAN JACQUES ROUSSEAU

Rousseau’s perception was that “man is born free and everywhere he is in chain. Man, 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 the 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 he thought himself to say this is mine and found people simple enough to believe him as real founder of civil society”

Consequent of establishment of private property and other usages, work became indispensable. These led to more production which paved way for the difference of rich and poor. This resulted in quarrels and men were compelled to give their natural freedom. Then, 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...remains as free as before. The problem is solved through the contract and creation of civil society.

In the contract, everyone 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.

WEAKNESSES OF THE THEORY

1. 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.
2. 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.

STRENGTHS OF THE THEORY

With all its defects, the theory has certain merits:

1. It emphasized the state to ensure safety and protection of its subjects.
2. The civil society rests on the consent of the ruled and not on the ruler which paved way for modern democracy.
3. Man was born free and after the contract also remained free.
4. The political sovereignty made foundation of adult suffrage and importance of electorate.

FORCE THEORY

The exponent of the force theory was 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 ruling power and the defeated 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”. The warring clans and tribes established their authority in a definite territory. Their chief became the ruler based on his physical force. The state is born out of force. Exist in force and die in absence of force. According to Bluntschli, force is an indispensable element of the organization of the state. 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.

WEAKNESSES OF THE THEORY

1. 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 for war, war is known for destruction and killing of mankind and suppressing the moral forces.
2. The theory justifies despotism. It is against the freedom of small nations, international peace and unity. International law rejects this theory. Interstate relations cannot be based on force. Force ceases to be the basis of the state which does not stand on solid foundation.

STRENGTHS OF THE THEORY

1. The force theory is scientific; its application can be seen through the historical incidents. Herbert Spencer's doctrines of the "survival of the fittest" proves and uphold this theory.
2. Through "blood and iron" some greatest states have been established.

4. MATRIARCHAL AND PATRIARCHAL THEORY PATRIARCHAL THEORY

Family is the foremost constituent of society as it is the oldest of all human institution 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 household, 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 Maise (1822-88) the chief supporter of the theory has stated, "the elementary group in the family, connected by common subjection to the highest male ascendant the aggression of the families from gents or house: the aggression of house makes the tribe- the aggression of the tribes consist the common wealth". In brief, state is the extension of family, the head of the state is the father; people consist of hos children. To strengthen his view, he cited the example from the "old testament", the Brotherhoods of Athens, the Patria Podesta's of Rome, and the Indian joint family system, further he added, "the eldest male parent- the eldest 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". Thus, the patriarchal theory was established on the principle of three features:

1. Male kinship.
2. Permanent marriage, and
3. Paternal authority.

WEAKNESSES OF THE THEORY

1. Family and state are separate. It is wrong to indicate one develops with the help of the other. The theory emphasized that the primitive society and family are not the origin of the state.

STRENGTHS OF THE THEORY

1. Mc Herman, Morgan and Jenks condoned the patriarchal theory claiming matriarchal families are prior to patriarchal families, that is, the process by which the families developed from clans into tribes.

2. It has the merit on the ground as the theory emphasized the element of kinship in making the origin of the state.

MATRIARCHAL THEORY

The fundamental idea of matriarchal theory is that, “maternity is a fact, paternity is a fiction”. According to this theory in the primitive society, there exists 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. 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 property. To support their idea, they had chosen the similar system existing in Australia, Malaya, Bangladesh and Malabar. According to them, ‘family leads to the formation of gens and gens to that of tribes, the expansion of tribes and villages, expansion of villages to state’

WEAKNESSES OF THE THEORY

1. It is more sociological than political. It explains the origin of the family and not of the state.
2. 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.

STRENGTHS OF THE THEORY

1. Matriarchal theory traces the origin of the state from primitive society.
2. It points out that the evolution of the state started from tribe and not family and it has been verified by anthropologists.

HISTORICAL OR EVOLUTIONARY THEORY

All the 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 a mere expansion of family. The state is not a mere artificial creation but an institution or natural growth of historical evolution”.

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”. 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”. A detailed explanation 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, Summer and Keller rightly pointed out that, "As there are no charms or 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 to man".

1. NATURAL INSTINCT

Reasoning faculty of man '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. Nature implies man to live in society 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 natural 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. KINSHIP

The important features of state namely organization and authority, command and obedience, can be traced to 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 kinship creates society and society at length creates the state. Sir Henry Maine pointed out, "the most recent researches into the primitive history of society points to the conclusion that the earliest tie which knitted men together in communities was consanguinity or kinship". 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 forms the state. Thus, kinship played an important role in the growth and development of the state.

3. 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 message of time, the magician was replaced by the priest. Religion and politics were mixed up in the 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 disciplined". Gettle had aptly stated, "thousands of years were needed to create that discipline and submission to authority on which all successful government 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". The tribes of Arabia were united by prophet Mohammed based on religion. Likewise, small and big kingdoms were established religion and politics which united the people. Thus, religion made its predominant presence in the growth and development of the state.

4. PROPERTY AND DEFENCE

The primitive people passed three stages to acquire prosperity: (i) hunt man stage (ii) herd man stage (iii) agricultural stage. During time, people came to know the political 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 led to conflicts. To protect the property, people of one tribe united together to defend themselves and their property. Thus, to avoid dispute, the need for law and regulation and to administer the necessity of state were thought of. Gettle had 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 disputes. Thus, property, defense, economics and commerce played an important role in the development and establishment of the state.

5. 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 neighbouring tribes and attach their territory. They created boundaries and established rights. According to German thinker, Nietzsche, "the strong people are the rare great minds who alone are free 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".

6. POLITICAL CONSCIOUSNESS

The final important factor that helps to bring out the growth and development of the state was the dawn of political consciousness among the people. Political consciousness indicates the recognition of certain conclusions to be achieved through political organization. At the beginning, there was no awareness of unity of interest. During time, the importance of defending people against the enemy took both internal and external; maintaining law and order regulation rose upon the minds of the people. They felt the awareness of the authority to regulate social issues and protect their lives and property. This consciousness and unity paved way for 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". According to Bluntschli, "desire for social life leads to the organization of state".

STRENGTHS OF THIS THEORY (EVALUATION)

The state is a historical and natural growth. Natural instinct, kinship, religion, property defense 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 explaining the evolution of state. No single factor is responsible for the growth of the state. Different factors contributed for the development of state.

6. MARXIST'S THEORY OF ORIGIN OF STATE

The Marxists are of the view that the state is a creation by the class struggle with the help of force. So, it is all together a different theory of origin of state with the recognition of force which we have studied as a theory of origin of state. The Marxists began with the primitive society where there was no surplus wealth to quarrel with and so there was no state. With the passing of time, society was getting split over hostile classes with conflicting interests. This class antagonism was the root cause of the state. When agriculture was learnt as an art of culture, there was ample food which resulted in private property. The insoluble contradictions because of division of labour became an acute that it was not possible for any class to keep reconciled in the state or to keep the quarreling class under control.

The most dominant class that controlled the mode of production came to establish the state to ensure its dominance over the other classes who did not own the modes of production. The state thus became an instrument of domination and oppression of one class over the other classes. Thus, the state came in to ensure the right of the dominant class to exploit the other classes. As the dominant classes kept on changing hands so also changed the character of the state. So, V. G. Afanasyev in his book, "Marxist Philosophy" maintained that the state was not imposed from outside, but it was a product of society's internal development at a certain stage of development. With the break-up of the social order ensued class-conflict which the society became powerless to dispel. Emphasizing the economic factor as the key element in the class struggle, Fredrich Engels observed- "But in order that these antagonism, classes with conflicting economic interests, might not consume themselves and society in sterile struggle, a power seemingly standing above society became necessary for the purpose of moderating the conflict, of keeping it within the bounds of 'order' and the power arisen from out of society, but placing itself above it and increasingly alienating itself from it is the state."

The Italian Marxist, Antonio Gramsci made a little departure from the Marxist tenet by stating that a state is the creation of the political party that hold on the power. According to him, the political party is the "modern prince", evidently using the expression of N. Machiavelli. He went to the extent of asserting that the party represents the national popular collective will and aims at the realization of a higher and total form of modern civilization. Here we find that the author is more in agreement with the German idealist Hegel than the Marxists. This is in broad analysis of the Marxist view as culled from the writings and opinions of Engels, Lenin and Gramsci.

WEAKNESSES OF THE THEORY

1. In the first place, it is nowhere stated in history that state in its origin is linked with the class struggle.
2. In the second place, there might be different class interests, but it is difficult to say that these classes were at arms as the Marxists have us to believe. The classes on the other hand, cooperated with each other and contributed in their way in the composite development of the state. In fact, society and state are essentially different; society is a natural institution, but the state is not.
3. The theory is not original but secondary because it carries the old wine of the force theory in a new Marxist bottle. Force has been discarded as an unsatisfactory theory in the creation of the state.
4. Lenin and Gramsci by identifying the state with the political party, have erred by generalizing the communist state as an example for all other states.
5. Marxism by identifying the state with the party, encourages the totalitarianism of the worse type of Fascism and Nazism. So, the theory is a dangerous one.
6. The Marxist dogma that the state is a creation of the class is false and misleading. The states are permanent, and no state withered away for want of a class to back it.

STRENGTHS OF THIS THEORY

1. This theory helps to explain conflict and change.
2. It explains why there is such an uneven distribution of power and wealth between social classes.
3. It analyses power and conflict in society.

7. ORGANIC THEORY OF THE STATE

The organic theory of the state is accredited to Hegel. In this theory, the state is a rational order which exists mainly to achieve identity in difference. Here the state is more powerful than the individuals. Here people are organized as individuals who come together to satisfy their unattained needs. The civil society is divisive while the state is the harmony. Since state is seen as the rational order, it should be able to differentiate between socially cohesive and disruptive forces. According to Hegel, the state exists to minimize conflict and maximize cohesion. This theory is of the view that the state is a “reconciling realm” where the individual freedom is in harmony with universal interest.

According to Ratzel who based his theory off of European colonialism and imperialism, believed that a state was like a living organism; as population grew in a state, they would need more land and resources to support the population, so they would continue to spread and take over other states and continue to expand. It advocates for a spirit of political collectivism because, as an organism, the state determines the outcomes of its organs which are the people.

WEAKNESSES OF THIS THEORY

1. The theory gives rise to the assumption that the individual who comprise of the state are completely subordinated to the state.
2. By giving no importance to the individual as an independent or self-conscious unit, this theory counters to democracy and liberty.
3. The theory erroneously gives the impression that the state is a biological unit. In reality, the unity in the state is social and psychological.

4. By considering the state as one of biological nature, it demolishes the social contract theory, according to which the state is a human institution. Thus, the organic theory has completely wiped away the human aspect of the state.
5. By making the state all in all and relegating the individuals to insignificance, the theory indirectly makes the state rather totalitarian.

STRENGTH OF THE THEORY

1. It underline the importance of the unity of the state and at the same time independence of its individuals.
2. It emphasizes the evolutionary nature of the state by stressing upon the growth and changes of the state.
3. According to R. G. Gettell, the summum bonum of this theory is that it is the antidote to the eighteenth-century social contract which considered the state as an artificial creation of man.

8. LIBERAL-DEMOCRATIC THEORY

This theory emphasizes the respect of the interests, rights and personal freedom of individuals such that they see the roles of the state clearly in terms of the protection of the rights and liberties of the individuals. Here the state is seen as “a human for the protection of the individual property and goods and ensure the maintenance of orderly relations of exchange between individual who are regarded as the proprietors themselves” (Macpherson 1962).

The state according to this theory, is a neutral though coercive force whose function is, according to Locke, the preservation of the people’s lives, liberty and property, irrespective of the social class to which they may belong.

WEAKNESSES

1. More important to quantity than quality
2. Based on the principle of unnatural equality

STRENGTHS OF THIS THEORY

1. This theory allowed the idea of equality and liberty of all individuals in the state.
2. There is concern for the protection of lives and property of individuals in the state.

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