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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 states, what other theories explain the same, and their strengths.

WHAT IS CITIZENSHIP?

**Citizenship**, relationship between an individual and a state to which the individual owes [allegiance](https://www.merriam-webster.com/dictionary/allegiance) and in turn is entitled to its protection. Citizenship implies the status of freedom with accompanying responsibilities. Citizens have certain rights, duties, and responsibilities that are denied or only partially extended to aliens and other noncitizens residing in a country. In general, full political rights, including the [right to vote](https://www.britannica.com/topic/suffrage) and to hold public office, are [predicated](https://www.merriam-webster.com/dictionary/predicated) upon citizenship. The usual responsibilities of citizenship are allegiance, taxation, and military service. Citizenship is the most privileged form of [nationality](https://www.britannica.com/topic/nationality-international-law). This broader term denotes various relations between an individual and a state that do not necessarily confer political rights but do imply other privileges, particularly protection abroad. It is the term used in [international law](https://www.britannica.com/topic/international-law) to denote all persons whom a state is entitled to protect. Nationality also serves to denote the relationship to a state of entities other than individuals; corporations, ships, and aircraft, for example, possess a nationality.

The concept of citizenship first arose in towns and city-states of [ancient Greece](https://www.britannica.com/place/ancient-Greece), where it generally applied to [property](https://www.britannica.com/topic/property-legal-concept) owners but not to women, slaves, or the poorer members of the [community](https://www.merriam-webster.com/dictionary/community). A citizen in a Greek [city-state](https://www.britannica.com/topic/city-state) was entitled to [vote](https://www.britannica.com/topic/election-political-science) and was liable to taxation and military service. The [Romans](https://www.britannica.com/place/ancient-Rome) first used citizenship as a device to distinguish the residents of the [city](https://www.britannica.com/topic/city) of Rome from those peoples whose territories Rome had conquered and incorporated. As their empire continued to grow, the Romans granted citizenship to their allies throughout [Italy](https://www.britannica.com/place/Italy) proper and then to peoples in other Roman provinces, until in ad 212 citizenship was extended to all free inhabitants of the empire. Roman citizenship conferred important legal privileges within the empire. The concept of national citizenship virtually disappeared in Europe during the Middle Ages, replaced as it was by a system of feudal rights and obligations. In the late Middle Ages and the [Renaissance](https://www.britannica.com/event/Renaissance), the holding of citizenship in various cities and towns of Italy and Germany became a guarantee of immunity for merchants and other privileged persons from the claims and [prerogatives](https://www.merriam-webster.com/dictionary/prerogatives) of feudal overlords. Modern concepts of citizenship crystallized in the 18th century during the American and French Revolutions, when the term citizen came to suggest the possession of certain liberties in the face of the coercive powers of absolutist monarchs.

In [England](https://www.britannica.com/place/United-Kingdom) the term citizen originally referred to membership of a borough or local municipal corporation, while the word subject was used to emphasize the individual’s subordinate position relative to the monarch or state. The word subject is still used in preference to citizen in British common-law usage and nationality legislation, but the two terms are virtually equivalent, since the British [constitutional monarchy](https://www.britannica.com/topic/constitutional-monarchy) is now a ceremonial one that has lost its former political powers over its subjects. The principal grounds for acquiring citizenship (apart from international transactions such as transfer of territory or option) are birth within a certain territory, descent from a citizen parent, [marriage](https://www.britannica.com/topic/marriage) to a citizen, and [naturalization](https://www.britannica.com/topic/naturalization). There are two main systems used to determine citizenship as of the time of birth: jus soli, whereby citizenship is acquired by birth within the territory of the state, regardless of parental citizenship; and jus sanguinis, whereby a person, wherever born, is a citizen of the state if, at the time of his birth, his parent is one. The United States and the countries of the British Commonwealth adopt the jus soli as their basic principle; they also recognize acquisition of nationality by descent but subject it to strict limitations. Other countries generally adopt the jus sanguinis as their basic principle, supplementing it by provisions for acquisition of citizenship in case of combination of birth and domicile within the country, birth within the country of parents born there, and so on. The provisions of nationality laws that overlap often result in dual nationality; a person may be a citizen of two countries. Alternatively, the lack of uniform rules on citizenship acquisition and loss have sometimes produced lack of citizenship (statelessness).

Reference ([The Editors of Encyclopaedia Britannica](https://www.britannica.com/editor/The-Editors-of-Encyclopaedia-Britannica/4419)).

**CITIZENSHIP IN NIGERIA**

The following are ways to gain citizenship in Nigeria

* By Birth
* By Registration
* By Naturalisation

**By birth-namely**- (a) Every person born in Nigeria after the date of independence (October 1, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria;

Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria.

(b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria.

(2) In this section, "the date of independence" means the 1st day of October 1960.

**By registration:** 26. (1) Subject to the provisions of section 28 of this 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 -

* (a) He is a person of good character; two people to testify to that which one should a Religious minister...
* (b) He has shown a clear intention of his desire to be domiciled in Nigeria; and
* (c) He has taken the [Oath of Allegiance](https://en.wikipedia.org/wiki/Oath_of_Allegiance) prescribed in the Seventh Schedule to this Constitution.

(2) The provisions of this section shall apply to-

(a) Any 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.

**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 naturalisation.

* (2) No person shall be qualified to apply for the grant of a certificate or naturalisation, 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, in 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 well-being of Nigeria;
* \* (f) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to 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 periods amounting in the aggregate to not less than fifteen years.

28. (1) Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, 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.

29. (1) Any citizen of Nigeria of full age who wishes to renounce his Nigerian 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 and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

(3) The President may withhold the registration of any declaration made under subsection (1) of this section if-

(a) The declaration is made during any war in which Nigeria is physically involved; or

(b) In his opinion, it is otherwise contrary to public policy.

(4) For the purposes of subsection (1) of this section.

(a) "full age" means the age of eighteen years and above;

(b) Any woman who is married shall be deemed to be of full age.

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 becoming 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 citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that -

(a) The person has shown himself by act or speech to be disloyal towards the [Federal Republic of Nigeria](https://en.wikipedia.org/wiki/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 the detriment of or with intent to cause damage to the interest of Nigeria.

31. For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he had been alive on the date of independence; and in this section, "the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.

32. (1) The president may make regulations, not inconsistent with this Chapter, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Chapter, and for granting special immigrant status with full residential rights to non-Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian citizenship.

(2) Any regulations made by the president pursuant to the provisions of this section shall be laid before the National Assembly NIGERIA

**CITIZENSHIP**: Citizenship is based upon the Constitution of the Federal Republic of Nigeria, dated 1989. (UKC-Commonwealth Nation) Those born before or on the date of independence, October 1, 1960, whose parents or grandparents were born in Nigeria and who were legally residing in Nigeria at the time, are considered citizens of Nigeria. BY BIRTH: Birth within the territory of Nigeria does not automatically confer citizenship. BY DESCENT: Child, at least one of whose parents is a citizen of Nigeria, regardless of the child's country of birth. **REGISTRATION**: The following persons are eligible to become citizens through registration: A foreign woman who marries a citizen of Nigeria. Person who is of adult age (17), born outside Nigeria, any of whose grandparents is or was a citizen of Nigeria. A foreign child adopted by Nigerian parents. BY NATURALIZATION: Nigerian citizenship may be acquired upon fulfillment of the following conditions: Person is of full age (17), has resided in Nigeria for at least 15 years, is of good character, plans to remain in Nigeria, is familiar with Nigerian language and customs, has a viable means of support, and has renounced previous citizenship.

**LOSS OF CITIZENSHIP**

**VOLUNTARY**: Voluntary renunciation of Nigerian citizenship is permitted by law. Contact the Embassy for details and required paperwork.

**INVOLUNTARY**: The following are grounds for involuntary loss of Nigerian citizenship: Registered or Naturalized citizen voluntarily acquires the citizenship of a foreign country. Naturalized citizen, before seven years of residence, sentenced to prison for three years or more. Registered or Naturalized citizen is convicted of acts of disloyalty to the Federal Republic of Nigeria.

## Dual nationality

Nigerian nationality law allows [dual nationality](https://en.wikipedia.org/wiki/Multiple_citizenship) of people of Nigerian descent either through birth or parentage. They are also allowed to hold public office in [Nigeria](https://en.wikipedia.org/wiki/Nigeria).

Some in Nigeria feel that dual nationality damages nationality unity of the country

**CITIZENSHIP IN LEBANON**

**Lebanese nationality law** governs the acquisition, transmission and loss of Lebanese citizenship. Lebanese citizenship is the status of being a citizen of [Lebanon](https://en.wikipedia.org/wiki/Lebanon) and it can be obtained by [birth](https://en.wikipedia.org/wiki/Jus_sanguinis) or [naturalisation](https://en.wikipedia.org/wiki/Naturalisation). Lebanese nationality is transmitted by [paternity](https://en.wikipedia.org/wiki/Paternity_(law)) (father) (see [Jus sanguinis](https://en.wikipedia.org/wiki/Jus_sanguinis)). Therefore, a Lebanese man who holds Lebanese citizenship can automatically confer citizenship to his children and foreign wife (only if entered in the Civil Acts Register in the Republic of Lebanon). Under the current law, descendants of Lebanese [emigrants](https://en.wikipedia.org/wiki/Emigration) can only receive citizenship from their father and women cannot pass on citizenship to their children or foreign spouses.[[2]](https://en.wikipedia.org/wiki/Lebanese_nationality_law#cite_note-dailystar.com.lb-2)[[1]](https://en.wikipedia.org/wiki/Lebanese_nationality_law#cite_note-women-1)

On 12 November 2015, the [Parliament of Lebanon](https://en.wikipedia.org/wiki/Parliament_of_Lebanon) approved a draft law that would allow "foreigners of [Lebanese origin](https://en.wikipedia.org/wiki/Lebanese_diaspora) to get citizenship", the Minister of Foreign Affairs and Emigrants [Gebran Bassil](https://en.wikipedia.org/wiki/Gebran_Bassil) announced on 5 May 2016 the beginning of the implementation of citizenship law for Lebanese diaspora.

### Rights of citizens

Citizens of Lebanon have by law the legal right to:

* Live freely in Lebanon without any [immigration](https://en.wikipedia.org/wiki/Immigration) requirements
* Gain access to free education covering primary, secondary and university education
* Receive all health-care benefits at any public health institution
* Participate in the Lebanese political system
* Benefit from the privileges of the free trade market agreements between Lebanon and many Arab countries
* Get exempted from taxes with no condition of reciprocity
* Own and inherit property and values in Lebanon
* Enter to and exit from Lebanon through any port
* Travel to and from other countries in accordance with [visa](https://en.wikipedia.org/wiki/Visa_(document)) requirements
* Seek consular assistance and protection abroad by Lebanon through Lebanese embassies and consulates abroad.

### Responsibilities of citizens

All Lebanese citizens are required by law, when required by the Lebanese government, to bear arms on behalf of Lebanon, to perform noncombatant service in the [Lebanese Armed Forces](https://en.wikipedia.org/wiki/Lebanese_Armed_Forces), or to perform work of national importance under civilian direction.

## The code

The code covering the Lebanese nationality was issued in 1926.

## Acquisition of Lebanese citizenship

### Jus sanguinis

A child born to a Lebanese [father](https://en.wikipedia.org/wiki/Paternity_(law)) or whose paternity has been declared acquires Lebanese citizenship by descent, irrespective of the nationality of the mother, and irrespective of her marital status.

A child whose Lebanese citizenship depends on paternal links loses citizenship when those are cut.

### By marriage

A foreign woman who marries a Lebanese man may apply for Lebanese citizenship after having been married for at least one year and their marriage has been entered in the Civil Acts Register in the Republic of Lebanon. No language test is required, but the wife must show integration into the Lebanese way of life, compliance with the Lebanese rule of law and that she poses no danger to Lebanon's internal or external security.

A foreign wife of a Lebanese citizen can apply for naturalization while resident overseas after one year of marriage to a husband who is a Lebanese citizen, and close ties to Lebanon.

The non-Lebanese husband cannot acquire Lebanese citizenship by marriage to a Lebanese woman.[[1]](https://en.wikipedia.org/wiki/Lebanese_nationality_law#cite_note-women-1) It has been argued that to enable the Lebanese wife to pass Lebanese citizenship to a non-Lebanese husband would lead to a flood of Palestinians acquiring citizenship, upsetting the delicate demographics in the country.

**Birth in Lebanon**

Birth in Lebanon does not in itself confer Lebanese citizenship. Therefore, [*jus soli*](https://en.wikipedia.org/wiki/Jus_soli) does not apply.

## Loss of Lebanese citizenship

### Loss due to adoption

A Lebanese child adopted by foreign parents is considered to have lost Lebanese citizenship.

#### Annulled adoptions

Where a former Lebanese citizen lost citizenship due to adoption by foreign parents and that adoption is later annulled, the Lebanese citizenship is considered to never have been lost.

### Loss due to birth abroad

A Lebanese citizen born abroad to a Lebanese father and holding at least one other nationality loses the Lebanese citizenship at age 25 if;

* She/He has never been announced to the Lebanese authorities,
* She/He has never written to the Lebanese authorities expressing her/his desire to retain Lebanese citizenship,
* She/He (or her/his guardians) have never sought to procure Lebanese identity documents for her/him, i.e. a passport or an identity card,
* Equally, the child of a person who thus loses Lebanese nationality equally loses Lebanese nationality,
* Exceptionally, a person who has been prevented, against their will, from taking the necessary actions to retain Lebanese citizenship may undertake the required actions within a delay of one year following the cessation of such delays.

## Dual citizenship

According to the [Lebanese Ministry for Migration](https://en.wikipedia.org/wiki/Ministry_of_Foreign_Affairs_and_Emigrants_(Lebanon)), there have been no restrictions on [multiple citizenship](https://en.wikipedia.org/wiki/Multiple_citizenship) in Lebanon since 1 January 1926, and foreigners who acquire Lebanese citizenship and Lebanese citizens who voluntarily acquire another citizenship retain their Lebanese citizenship (subject to the laws of the other country), as was the case before that date.

Since the [nationality laws](https://en.wikipedia.org/wiki/Nationality_law) of many countries now allow both parents to transmit their nationality to their common child (and not only the father, as used to often be the case), many children automatically acquire multiple citizenship at birth. However, Lebanon specially notes that this has not created any practical problems. [Military service](https://en.wikipedia.org/wiki/Military_service), the most likely problem to arise, is usually done in the country where the person resides at the time of conscription. For instance, a [dual Lebanese-Armenian national](https://en.wikipedia.org/wiki/Armenian_nationality_law#Dual_citizenship) must do his military service in Armenia, since [Armenia](https://en.wikipedia.org/wiki/Armenia) has [compulsory military service](https://en.wikipedia.org/wiki/Military_service#Armenia) for two years for males from 18 to 27 years old. All male dual citizens regardless where they live are required to serve in the military as if they were Armenian resident citizen with certain exceptions. Most male Armenian citizens living outside of Armenia do not return to serve in the military.

Until 2007, [military service in Lebanon](https://en.wikipedia.org/wiki/Lebanese_Armed_Forces#Conscription) was mandatory for men only. All men were required to do one year military service through age 18+. Training was only done whenever they had free time or time off school including summer vacations and holidays. There was also training done alongside high school. On 4 May 2005, a new conscription system was adopted, making for a six-month service, and pledging to end conscription within two years. As of 10 February 2007 mandatory military service no longer exists in Lebanon.

Even though Lebanese nationality law permits multiple citizenship, a Lebanese national who also holds another country's citizenship may be required to renounce the foreign citizenship, under the foreign country's nationality law. A dual Lebanese-Japanese national must, for instance, make a declaration of choice, to the Japanese [Ministry of Justice](https://en.wikipedia.org/wiki/Ministry_of_Justice_(Japan)), before turning 22, as to whether he or she wants to keep the Lebanese or [Japanese citizenship](https://en.wikipedia.org/wiki/Japanese_citizenship).

Reference (["The Lebanese Diaspora"](http://cedarfree.blogspot.com/2006/10/lebanese-diaspora.html). 2 October 2006)

(Decree No15 on Lebanese Nationality)

(EUDO CITIZENSHIP OBSERVATORY COUNTRY REPORT: LEBANON)

**CONCLUSION (HOW ON CAN LOSE OR RETAIN HIS CITIZENSHIP)**

As a citizen of Lebanon, one can possess dual citizenship from any country according to the law governing the people based on their principles but in Nigeria, reverse is the case as there a limitations placed on this rule. In Nigeria, dual citizenship is allowed only when one is a citizen by birth of the other country and not a citizen by registration/choice. So, if a Lebanese is also a citizen of Nigeria it is only because he was born in Lebanon and is acquiring a Nigerian citizenship as a second on. Therefore,

A Lebanese can retain his Nigerian citizenship if his citizenship in Lebanon is by birth or conferred by honor i.e obtaining Nigerian citizenship as a second one but if he is a Nigerian and does not obtain the citizenship of Lebanon by birth then he has to renounce it by virtue of Section 28 of the 1999 constitution of the Federal republic of Nigeria as amended. Finally, a Lebanese can also lose his citizenship if he serves as a security threat to Nigeria or serves as a spy to another country by leaking top confidential governmental secrets.

**Social Contract Theory**

In [moral](https://en.wikipedia.org/wiki/Moral_philosophy) and [political philosophy](https://en.wikipedia.org/wiki/Political_philosophy), the **social contract** is a theory or model that originated during the [Age of Enlightenment](https://en.wikipedia.org/wiki/Age_of_Enlightenment) and usually concerns the [legitimacy](https://en.wikipedia.org/wiki/Legitimacy_(political)) of the authority of the [state](https://en.wikipedia.org/wiki/State_(polity)) over the [individual](https://en.wikipedia.org/wiki/Individual). Social contract arguments typically posit that individuals have [consented](https://en.wikipedia.org/wiki/Consent_of_the_governed), either explicitly or [tacitly](https://en.wikipedia.org/wiki/Tacit_consent), to surrender some of their freedoms and submit to the authority (of the ruler, or to the decision of a majority) in exchange for protection of their remaining [rights](https://en.wikipedia.org/wiki/Rights) or maintenance of the [social order](https://en.wikipedia.org/wiki/Social_order). The relation between [natural and legal rights](https://en.wikipedia.org/wiki/Natural_and_legal_rights) is often a topic of social contract theory. The term takes its name from [*The Social Contract*](https://en.wikipedia.org/wiki/The_Social_Contract) (French: *Du contrat social ou Principes du droit politique*), a 1762 book by [Jean-Jacques Rousseau](https://en.wikipedia.org/wiki/Jean-Jacques_Rousseau) that discussed this concept. Although the antecedents of social contract theory are found in antiquity, in [Greek](https://en.wikipedia.org/wiki/Ancient_Greek_philosophy) and [Stoic](https://en.wikipedia.org/wiki/Stoicism) philosophy and [Roman](https://en.wikipedia.org/wiki/Roman_law) and [Canon Law](https://en.wikipedia.org/wiki/Canon_Law), the heyday of the social contract was the mid-17th to early 19th centuries, when it emerged as the leading doctrine of political legitimacy.

The starting point for most social contract theories is an examination of the human condition absent of any political order (termed the "[state of nature](https://en.wikipedia.org/wiki/State_of_nature)" by [Thomas Hobbes](https://en.wikipedia.org/wiki/Thomas_Hobbes)).[[4]](https://en.wikipedia.org/wiki/Social_contract#cite_note-4) In this condition, individuals' actions are bound only by their personal [power](https://en.wikipedia.org/wiki/Power_(philosophy)) and [conscience](https://en.wikipedia.org/wiki/Conscience). From this shared starting point, social contract theorists seek to demonstrate why a rational individual would voluntarily consent to give up their natural freedom to obtain the benefits of political order. Prominent of 17th- and 18th-century theorists of social contract and natural rights include [Hugo Grotius](https://en.wikipedia.org/wiki/Hugo_Grotius) (1625), [Thomas Hobbes](https://en.wikipedia.org/wiki/Thomas_Hobbes) (1651), [Samuel von Pufendorf](https://en.wikipedia.org/wiki/Samuel_von_Pufendorf) (1673), [John Locke](https://en.wikipedia.org/wiki/John_Locke) (1689), [Jean-Jacques Rousseau](https://en.wikipedia.org/wiki/Jean-Jacques_Rousseau) (1762) and [Immanuel Kant](https://en.wikipedia.org/wiki/Immanuel_Kant) (1797), each approaching the concept of political authority differently. Grotius posited that individual humans had [natural rights](https://en.wikipedia.org/wiki/Natural_and_legal_rights). [Thomas Hobbes](https://en.wikipedia.org/wiki/Thomas_Hobbes) famously said that in a "state of nature", human life would be "solitary, poor, nasty, brutish and short". In the absence of political order and law, everyone would have unlimited natural freedoms, including the "right to all things" and thus the freedom to plunder, rape and murder; there would be an endless "war of all against all" ([*bellum omnium contra omnes*](https://en.wikipedia.org/wiki/Bellum_omnium_contra_omnes)). To avoid this, free men contract with each other to establish political [community](https://en.wikipedia.org/wiki/Community) ([civil society](https://en.wikipedia.org/wiki/Civil_society)) through a social contract in which they all gain security in return for subjecting themselves to an absolute sovereign, one man or an assembly of men. Though the sovereign's edicts may well be arbitrary and tyrannical, Hobbes saw absolute government as the only alternative to the terrifying anarchy of a state of nature. Hobbes asserted that humans consent to abdicate their rights in favor of the absolute authority of government (whether monarchical or parliamentary). Pufendorf disputed Hobbes's equation of a state of nature with war.[[5]](https://en.wikipedia.org/wiki/Social_contract#cite_note-Patrick_Riley_2006_pp._347-5) Alternatively, Locke and Rousseau argued that we gain civil rights in return for accepting the obligation to respect and defend the rights of others, giving up some freedoms to do so.

The central assertion that social contract theory approaches is that law and political order are not natural, but human creations. The social contract and the political order it creates are simply the means towards an end—the benefit of the individuals involved—and legitimate only to the extent that they fulfill their part of the agreement. Hobbes argued that government is not a party to the original contract and citizens are not obligated to submit to the government when it is too weak to act effectively to suppress factionalism and civil unrest. According to other social contract theorists, when the government fails to secure their natural rights (Locke) or satisfy the best interests of society (called the "[general will](https://en.wikipedia.org/wiki/General_will)" by Rousseau), citizens can withdraw their obligation to obey, or change the leadership through elections or other means including, when necessary, violence. Locke believed that [natural rights](https://en.wikipedia.org/wiki/Natural_and_legal_rights) were inalienable, and therefore the rule of God superseded government authority, while Rousseau believed that democracy (self-rule) was the best way to ensure welfare while maintaining individual freedom under the rule of law. The Lockean concept of the social contract was invoked in the [United States Declaration of Independence](https://en.wikipedia.org/wiki/United_States_Declaration_of_Independence). Social contract theories were eclipsed in the 19th century in favor of [utilitarianism](https://en.wikipedia.org/wiki/Utilitarianism), [Hegelianism](https://en.wikipedia.org/wiki/Hegelianism) and [Marxism](https://en.wikipedia.org/wiki/Marxism); they were revived in the 20th century, notably in the form of a [thought experiment](https://en.wikipedia.org/wiki/Original_position) by [John Rawls](https://en.wikipedia.org/wiki/John_Rawls).

Force theory is similar to social contract theory in that they both relate to the ways in which people operate under a mode of control. However, they are different in that force theory refers to reaction-authoriarian societies, whilst social contract theory refers to the way in which we abide the laws imposed by the government.

**FORCE THEORY**

Adolf Hitler is an example of the force theory.

**How to Define Force Theory**

Think about where you live -- the country, the state, the province or county. What do you know about where it came from? There are several different ways that countries and states can take their shape and define their borders. Sometimes this is done peacefully or naturally when a group of people decide to work together to make a society function. More often, though, it is done through the use of force when one group becomes dominant over the others.

This process of establishing a new state or government through the use of force is what's known as **force theory**, which is also sometimes referred to as *conquest theory*. Force theory occurs when a person or a group of people take control of an area, such as a state, and make everyone in that area follow their rules and beliefs. For example, if you were to successfully invade Canada and make everyone in the country abandon their old ways and adopt my new rules, it would be a demonstration of force theory.

Although force theory is the way that most western countries have been formed, it is not the only way. An alternative to force theory is what is known as **social contract theory**, which is when a group of people living in the same area agree to follow certain rules and expectations in order for their society to remain stable.

**Elements of Force Theory**

While the two theories mentioned above are generally how states and countries take shape, they often unfold in different ways and can be identified by the presence of certain elements.

One important element of force theory is **occupation** by a foreign military or government. For example, when the German Army invaded France in 1940, they took control of the people and government through military occupation. This occupation was done with the intention of bringing France under Nazi governmental rule, but was overthrown by Allied forces in 1944.

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Another important element of force theory is **colonization**, which is a process in which people from another country or area come into a new area and set up a community. Though colonization doesn't necessarily involve the use of force, historically it has led to the use of force.

**Examples of Force Theory**

There are several countries that have been established through force theory, but some of the most well-known are those in North America.

According to **Force** [**theory of government**](http://www.studylecturenotes.com/tags/theory-state) also known as **force theory of state**, the state was born as a result of force i.e. aggression, war, conquest and subjugation. In ancient times a strong man with the help of his supporters dominated the weaker people of his tribe and established the political relation of command and obedience. This was the beginning of the [**state**](http://www.studylecturenotes.com/social-sciences/law/264-what-is-state). Later on a strong tribe dominated the weaker ones and in this way a kingdom came into being. With the passage of time a strong king subjugated the weaker ones and created an empire.

A Writer says that **human history is nothing but a record of fighting and wars**. Some people say that people have to start wars because population increased and people were forced to capture the means for the basic necessities. This required better tactics and improve art of war. In this way the strong and better trained people dominated the weaker and less trained people. In order to support this argument the example of England is given.

In ancient times English fought with one another. The result was that they were divided into seven kingdoms called heptarchy, Later on one king becomes so powerful that he conquered the rest and the kingdom of England was borne. Later on the kingdom of England dominated several other kingdoms of the world and became the British Empire. This goes to prove that the state born as a result of force. The matter does not end there. Even after establishment of the state, force is still required to maintain the state. Within the state force is required to maintain law and order and punish those who violate laws. Similarly in order to defend the orders of the state force was needed.

**Force Theory of Government Limitations & Weaknesses**

Following are the weaknesses of force theory of government

### ****1. Priority given to Force****

Force theory of state gives more importance to the role of force. No doubt force was and is important but it is not the only element, which has created the state, and preserves it. Today the supporters of this theory forget that force is like a medicine and not a food. There is French saying that **“You can do anything with the Bayonet except sit on it.”** History has proved that those who come to power by force are also overthrown by force. So force must be used but not regularly.

### ****2. Force is the Basis of State or Government****

The supports of the force theory of government forget one basic point that **“It is not force but will which is the basis of the state.”** Force must be used but with the consent of the people. Any state that fails to learn this lesson of history becomes non-existent.

**FORCE THEORY OF STATE**

The theory of Divine Origin, though one of the earliest, has a simple explanation to offer. It is a theory of political authority and not a theory of the origin of the State.

The State, its advocates maintain, was created by God and governed by His deputy or Vice-regent. It was His will that men should live in the world in a state of political society and He sent His deputy to rule over them.

The ruler was a divinely appointed agent and he was responsible for his actions to God alone. As the ruler was the deputy of God, obedience to him was held to be a religious duty and resistance a sin. The advocates of the Divine Origin Theory, in this way, placed the ruler above the people as well as law.

Nothing on earth could limit his will and restrict his power. His word was law and his actions were always just and benevolent. To complain against the authority of the ruler and to characterise his actions as unjust was a sin for which there was divine punishment.

The theory of the Divine Origin of the **State** is as old as Political Science itself. There is sufficient evidence to prove now that early States were based on this conception and all political authority was connected with certain unseen powers. The earliest ruler was a combination of priest and king or the magic man and king.

The authority and reverence which a ruler commanded depended upon his position as a priest or a magic man. Religion and politics were so inextricably mixed up in the primitive society that not a hazy line of demarcation could be drawn between the two.

Even today, the State of Pakistan does not seem to draw a distinction between religion and politics. Sir Mohammad Zafarullah Khan, the then Pakistan Foreign Minister, while speaking on the Objective Resolution in the Pakistan Constituent Assembly in 1949, said: “Those who sought to draw a distinction between the spheres of religion and politics as being mutually exclusive put too narrow a construction upon the functions of religion.”

The abrogated Constitutions declared Pakistan an Islamic Republic to be governed with the Islamic principles. President Zia-ul-Haq significantly modified the 1973 Constitution to bring it in conformity to the injunctions of Islam.

In addition to Islamic Arab States, the Islamic Republic of Iran, the Islamic Republic State of Bangladesh and the Islamic State of Afghanistan are the most recent examples of theocratic States.

The theory that the State and its authority have a Divine Origin and sanction finds unequivdcal support in the scriptures of almost all religions in the world. In the Mahabharata, it is recounted that the people approached God and requested him to grant them a ruler who should save them from the anarchy and chaos prevailing in the state of nature. “Without a Chief, O Lord”, they prayed, “We are perishing. Give us a Chief whom we shall worship in concert and who will protect us.”

The theory of Divine Origin, however, received a new impetus with the advent of Christianity. “Render unto Caesar the things that are Caesar’s,” said Jesus Christ, and Paul amplified this in his Epistle to the Romans, which has been quoted by writers time and again in support of the theory of Divine Origin.

We are, thus, told, “Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever, therefore, resisted the power, resisted the ordinance of God: and they that resist shall receive themselves damnation.”

The theory of Divine Origin so enunciated, believed in and accepted, thus, implied:—

1. That God deliberately created the State and this specific act of His grace was to save mankind from destruction;

2. That God sent his Deputy or Vice-regent to rule over mankind. The ruler was a divinely appointed agent and he was responsible for his actions to God alone whose Deputy the ruler was. All were ordained to submit to his authority and disobedience to his command was a sin for which there was divine punishment.

**Evaluation of the Theory:**

That the State is divinely created does not find any place in the present political thought. The State is essentially a human institution, and it comes into existence when a number of people occupying a definite territory organise themselves politically for achieving common ends. The laws of the State are made by men and enforced by them.

The State, therefore, originated in the bare needs of the life of man and continues in existence for the satisfaction of those needs and aspirations for a good life. To accept it as the creation of God is to defy nature itself and to exalt the State to a position above criticism and change.

The Divine Origin theory is dangerous as it justifies the arbitrary exercise of royal authority by holding that authority has a religious sanction and origin, and Kings are the vicars of God. When the ruler is made responsible for his actions to God alone and law is held to reside ultimately “in the breast of the King”, it is tantamount to preaching absolutism and making the King a despot.

Even if it be conceded that the King is the viceregent or deputy of God, then, how can the existence of a bad King be justified? History abounds in examples of bad and vicious Kings. God personifies virtue, grace and benevolence and so should be His deputy.

It is, accordingly, bad logic to accept the dogma of James I that “Kings are breathing images of God upon earth.” Even in the scriptures the theory does not find unequivocal support. The Bible tells us, “Render unto Caesar the things that are Caesar’s and unto God the things that are God’s.” This saying of Christ does not justify the Divine Origin of the State.

Finally, the theory does not consider any other form of government except monarchy and that, too, absolute monarchy. Such a form of government is antagonistic to the democratic ideal which accepts consent as the basis of the State.The Divine Origin theory is dismissed as an explanation of the origin of the State. At the same time, the theory has a certain value. We cannot ignore the part which religion played in the development of the State. The early rulers combined unto themselves the authority and functions of a king and a priest. Law had a religious sanction and “divine” or religious law appealed to primitive man more than human law.

Obedience to the State was deemed a religious duty and religious worship was supported by government. Belief in a common religion was, thus, a great combining factor which welded the people in the pursuit of common ends. “It taught men to obey” when they were “not yet ready to govern themselves.”

Finally, the theory of Divine Origin adds a moral tone to the functions of the State. “To regard the State as the work of God is to give it a high moral status, to make it something which the citizen may revere and support, something which he may regard as the perfection of human life.”-

The Divine Origin Theory and with that the Divine Right of Kings was discredited in the seventeenth and eighteenth centuries in the West and was replaced by the Social Contract Theory and Rousseau’s concept of popular sovereignty. Thus, the ‘Voice of God’ gave place to ‘the voice of the people.’