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**QUESTIONS**

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 strength**

**ANSWER**

**1**

What is a Lebanese? A Lebanese is a person from Lebanon or of Lebanese descent.

1) **The following are ways in a Lebanese can gain citizenship in Nigeria**

* By Birth
* By Registration
* By Naturalization

**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:**  (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.m.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.

* **Naturalization:**  (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 or 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, 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.m.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

**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.m.wikipedia.org/wiki/Lebanon) and it can be obtained by [**birth**](https://en.m.wikipedia.org/wiki/Jus_sanguinis) or **naturalization**. Lebanese nationality is transmitted by [**paternity**](https://en.m.wikipedia.org/wiki/Paternity_(law)) (father) (see [**Jus sanguinis**](https://en.m.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.m.wikipedia.org/wiki/Emigration) can only receive citizenship from their father and women cannot pass on citizenship to their children or foreign spouses.

**These are the ways in which an acquired Nigerian citizenship can be lost by a Lebanese**

* **Through disloyalty**: A naturalized citizen can lose his citizenship if his activities are prejudicial to the country’s corporate existence
* **Supporting Another country**: If a citizen is found supporting another country engaged in war with the country, his citizenship may be deprived of him
* **Imprisonment**: The individual can also lose his citizenship if within a period of 7 years after of becoming nationalized, he gets involved in a criminal case, resulting in his incarceration for a term of three years.
* **Treason**: The nationalized citizen can equally lose his citizenship, if found guilty of this offence
* **False Declaration**: If there is a fundamental breach of the citizenship agreement binding him e.g. false declaration
* **Renouncement**: The individual can lose his citizenship by renouncing it

**ANSWER TO QUESTION 2.**

# **The Origin of the State**

Political thinkers and philosophers have tried and attempted to trace out and explain the origin of the state in various methods, according to the nature and the social condition prevailed at the time of their thinking. However, there is no valid answer to “what is the origin of the state”? There were many contradictions in the thesis on what the origin of States. Nowhere in the history has it been recorded when the state came into existence. There were various beliefs regarding the origin of the state, some believe that the origin of the state lie in the hands of God whereas others believe that they are based on social contract and some trust on single force, the family or the process of evolution. The research anthropology ethnology and comparative philosophy had tried to focus on the origin of the state but it was not adequate.

Prof. R.N.Gilchrist aptly mentioned that “of the circumstances surrounding the dawn of the political consciousness, we know little or nothing from history, where history fails, we must restore to speculation”[[1]](#footnote-1). 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 historical origin of the state propounded by the political scientists and historical researchers. These theories are:

1. Social contract theory
2. The theory of Divine Origin
3. Matriarchal and Patriarchal Theory
4. Force Theory
5. Historical or Evolutionary Theory.

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

**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 into by men who originally had no government organisation.

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 they were subject to follow only such regulation that nature was supposed to

prescribe. How men lived in the state of nature without coercive agency of a government,

what made them establish a government, the term of contract and the party to contract where

discussed in the theory. One thing accepted by all the exponents of the theory was that the

state was a human creation as a result of contract.

The concept of social contract was found in the political treatises of both east and

west. Kautilya in his Arthasasthra mentioned that “the king Manu supported the payment of

one-sixth of the grains grown and one-tenth of their sovereign dues, the king took the

responsibility of maintaining the safety and security of their citizen24

.

Plato in his Crito stated that Socrates was represented as awaiting calmly the

execution though it was injust, because he would not breakup his contract with the state by

escaping from prison into exit25

.

Milton in his “Tenure of Kings and Magistrates” argued that men 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.26

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 reminds fundamentally, and cannot be taken them, without the

violation of their natural birth right”.

In the 16th and the 17th century, the ‘Social Contract Theory’ gained popularity. It

advanced during the period of religious wars in the course of 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 (1712-1978). All the three exponents established their thesis from the beginning of

human habitation.

Thomas Hobbes:

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 them all in the 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.27

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

2.3.2 John Locke:

According to lock 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.28

According to Locke, people entered into two 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 with 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 support limited or constitutional monarchy.29

2.3.3 Jean Jacques Rousseau:

Rousseau’s perception was that “man is born free and everywhere he is in chains.

Men 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 their 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 be thought himself to say this is mine and found people simple enough to believe him as

real founder of civil society”. 30

Consequent of establishment of private property and other usages, work became

indispensable. These lead to more productions 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… reminds as free as before. The problem is solved

through this contract and creation of civil society.

31

In the contract, every one 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.32

2.4 Criticism of the theory:

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. 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.33

2.5 Value of the theory

With all its defects the theory has certain merits. It emphasized the state to ensure

safety and protection of its subjects. The civil society rests on the consent of the ruled and not

on the ruler which paved way for modern democracy. Man born free and after the contract also remained free. The political sovereignty made foundation of adult suffrage and

importance of electorate.34

Other theories that deals evolution of states are

**The theory of Divine Origin**

This is the oldest theory among the origin of the state. It stated about the right of kings. The formal statement of this theory is that the state has been established by and ordinates of God; its rulers divinely appointed; they are accountable to no authority but God, as described in Bible. The combination of earlier rulers where of priest and king or the magic man and king[[2]](#footnote-2).

According to MacIver, the magic man was priest and king.[[3]](#footnote-3) All are combined as one. In the epic Mahabarath, it is recorded God appointed Manu to rule the people as per their request to protect them22. 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, King 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:23

1. Monarchy is divinely oriented.

ii. Hereditary right is indispensable

iii. Kings are accountable for God alone.

iv. Resistance to lawful king is sin.

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

**Force Theory:**

The exponents of the force theory were 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 with ruling power and the fedeated 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”[[4]](#footnote-4). The warring clans and tribes established their authority in a definite territory. Their chief became the ruler on the basis of his physical force. The state is born out of force. Exist in force and die in the absence of force. According to Bluntschli, force is an indispensable element of the organization of the state[[5]](#footnote-5). 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.

# **Merit and Demerit**

The force theory is scientific, its application could be seen through the historical incidents. Herbert Spencer’s doctrine of the “Survival of the Fittest” proves and upholds the theory. Through “blood and iron” some greatest states have been established. 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 of war, war is known for destruction and killing of mankind and suppressing the moral forces. The theory justifies despotism. It is against the freedom of small nations, international peace and amity. International law rejects this theory. Interstate relations cannot be based on force. Force ceases only to be the basis of the state which does not stand on solid foundation.

**Patriarchal Theory:**

Family is the foremost constituent of society as it is the oldest of all human institutions 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 house hold, 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 Maine (1822 – 88) the chief supporter of the Patriarchal theory has stated, “the elementary group in the family, connected by common subjection to the highest male ascendant: the aggression of families form gents or house: the aggression of house make the tribe – the aggression of tribes consist the common wealth”[[6]](#footnote-6). In brief, state is the extension of family, the head of the state is the father; people consist of his children. To strengthen his view, he cited the examples from ‘Old Testament’, the Brotherhoods of Athens, the Patria Potestas of Rome, and the Indian joint family system38, further he added, “the eldest male parent – the oldest ascendant was absolutely supreme in his house hold and his domination extended to life and death and was as unqualified master for his children and their houses, so for his wives”[[7]](#footnote-7). Thus, the Patriarchal theory was established on the principle of three features

1. Male kinship
2. Permanent Marriage and
3. Paternal authority

**Criticism and value:**

Mc Herman, Morgan and Jenks condoned the patriarchal theory on the ground that Matriarchal families are prior to patriarchal families, that is, the process by which the families develop from clans into tribes. (According to Maine’s concept, ‘however the tribe in their earliest and the primary groups and then comes the clan and finally comes the family, Finally, family and state are separate’[[8]](#footnote-8)). It is wrong to indicate that one develops with the help of other. The theory emphasized that the primitive society and family are not the origins of the state. However, it has the merit on the ground as the theory emphasized the element kinship in making the origin of the state[[9]](#footnote-9).

**Matriarchal Theory:**

The fundamental idea of Matriarchal theory is that “maternity is a fact; paternity is a fiction”[[10]](#footnote-10). 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[[11]](#footnote-11). 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[[12]](#footnote-12). According to them, ‘family leads to the formation of gens and gens to that of tribes, the expansion of tribes to village, expansion of village to

state’45.

**Evaluation:**

The Matriarchal theory traces the origin of the state from primitive society. It points out that the evolution of the state started from the tribe and not from family and it has been verified by anthropologist[[13]](#footnote-13). It is more sociological rather than political. It explained the origin of the family and not of the state. 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.

**Historical or Evolutionary theory:**

All the five 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 the result of superior physical force; nor the creation of resolution of convention, nor a mere expansion of family. The state is not a mere artificial creation but an institution or natural growth of historical evolution”[[14]](#footnote-14).

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”[[15]](#footnote-15). 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”[[16]](#footnote-16). A detailed examination 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, Sumner and Keller rightly pointed out that “As there are no charms or even 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 a man”50.

# **Natural Instinct**

Reasoning faculty of men ‘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[[17]](#footnote-17). Nature implies man to live in society in order 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 nature 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.

# **Kinship**

The important features of state namely organization and authority, command and obedience, can be traced in 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. MacIver stated that in kinship creates society and society at length creates the states.[[18]](#footnote-18) Sir Henry Maine pointed out, “the most recent researches into the primitive history of society point to the conclusion that the earliest tie which knitted men together in communities was consanguinity or kinship”[[19]](#footnote-19). 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 form the state. Thus kinship played a important role in the growth and development of state.

# **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 passage of time, the magician was replaced by the priest. Religion and politics were mixed up in 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.[[20]](#footnote-20) Its important part in this regard is that in the primitive era religion made man civilized, cultured and culture to discipline”. Gettle has aptly stated, “thousands of years were needed to create that discipline and submission to authority on which all successful governments must rest and their chief means in early part of the process where theories and despotism are based mainly on the super natural sanction of religion”55. The tribes of Arabia were united by Prophet Mohammed on the basis of religion[[21]](#footnote-21). Likewise small and big kingdoms were established in the name of religion. There has been a close relationship between the religion and politics which united the people. Thus, religion made its predominant presence in the growth and development of state.

# **Property and Defense**

The primitive people passed three stages to acquire prosperity: (i) hunt man stage (ii) herd man stage (iii) agricultural stage. In course of time, people came to know the practical 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 lead to conflicts. To protect the property, people of one tribe united together to defend themselves and their property. Thus, in order to avoid dispute, the need for law and regulation and to administer the necessity of state were thought of. Gettle has 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 property disputes[[22]](#footnote-22). Thus, property, defense, economics and commerce played an important role in the development and

establishment of the state.

# **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 neighboring tribes and attach their territory. They created boundaries and established rights. According to German thinker Nietzcshea “the strong people are the rare great minds who alone are fit to direct, the destiny of the people”. Bluntselhi stated that force is an essential organization of state. In this regard, the view of Prof. MacIver is that the emergence of the state, “is not due to force, although in process of expansion of force undoubtedly played a part58.

# **Political consciousness**

The final important factor that helps to bring out the growth and development of the state was the dawn of political conscious among the people. Political consciousness indicates the recognition of certain conclusion to be achieved through political organization. At the beginning, there was no awareness of unity of interest. In course of time, the importance of defending people against the enemy took both internal and external; maintaining law & order regulation rose upon the mind of the people. They felt the awareness of the authority to regulate social issues and protect their life and property. This consciousness and unity paved way for particular organization., that is the state. In this connection Prof. Gilchirst has stated “underlying all other elements in state formation including kinship and religion is political consciousness, the supreme element”[[23]](#footnote-23). According to Bluntschli, “desire for social life leads to the organization of state”.

1. Professor R.N. Gilchrest“ Principle of Political Science: 1957 , page No.48. [↑](#footnote-ref-1)
2. A. Appadurai -“The Substance of Politics Madras Oxford University Press Page No. 30. [↑](#footnote-ref-2)
3. Eddy Asivatham .K.K .Misra “ political theory” Chand and Company Ltd. Ramnagar New Delhi P. 71

   [↑](#footnote-ref-3)
4. E.Jenks, “A History of Politics : Page No.71 [↑](#footnote-ref-4)
5. R.C. Agarwal, “Political Theory” Page No. 116. [↑](#footnote-ref-5)
6. H.S.Maine, “Ancient Law World Classical Edition: Page No.106 38 Ibid - A. Appadurai - Page No. 22. [↑](#footnote-ref-6)
7. Ibid -Eddy Asivatham .K.K .Misra - page No. 78. [↑](#footnote-ref-7)
8. Ibid - Eddy Asivatham .K.K .Misra - page No. 79. [↑](#footnote-ref-8)
9. Ibid -A. Appadurai - Page No. 35. [↑](#footnote-ref-9)
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