**NAME: AGUGHASI CHIBUGO ROSE**

**COURSE TITLE: POLITICAL SCIENCE**

**COURSE CODE: POL 102**

**LECTURER: MR MAITO YEKINI**

**MATRIC NUMBER: 19/LAW01/017**

**DEPARTMENT: LAW**

**LEVEL:100**

**QUESTION: HOW CAN A LEBANESE RETAIN OR LOSE HIS/HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP: SOCIAL CONTRACT THEORY; (TERM PAPER) N.B: DO NOT EXCEED 15 PAGES.**

 **ANSWER**

**LEBANESE CITINSHIP**

**Lebanese nationality law** governs the acquisition, transmission and loss of Lebanese citizenship. Lebanese citizenship is the status of being a citizen of Lebanon and it can be obtained by birth or naturalization. Lebanese nationality is transmitted by paternity father) (see 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 can only receive citizenship from their father and women cannot pass on citizenship to their children or foreign spouses.

On 12 November 2015, the Parliament of Lebanon approved a draft law that would allow "foreigners of Lebanese origin to get citizenship", the Minister of Foreign Affairs and Emigrants Gebran Bassil announced on 5 May 2016 the beginning of the implementation of citizenship law for Lebanese.

## **Rights and responsibilities of Lebanese citizens**

### Rights of citizens

Citizens of Lebanon have by law the legal right to:

* Live freely in Lebanon without any 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 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 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 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. 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 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

* 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 foe Migration , there have been no restrictions on 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 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 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 must do his military service in Armenia, since Armenia has compulsory military service 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 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, before turning 22, as to whether he or she wants to keep the Lebanese or Japanese citizenship.

**LIST OF COUNTRIES WITH DUAL CITIZENSHIP**

Having dual citizenship offers practical advantages such as social security, travel and employment opportunities and potential career advancements. A person with dual citizenship has rights of nationality and is subject to the responsibilities of the two countries of which he is a citizen. The acquisition of a second citizenship is only legally possible for citizens of those countries which allow dual citizenship.

## **Canada**

Citizens of Canada can still retain their citizenship upon acquiring a second citizenship in another country, unless if they voluntarily renounce it. However, for citizens of many other countries who obtain Canadian citizenship, dual citizenship does not always apply.

## **The United States of America**

Although the U.S. doesn’t encourage dual citizenship, it recognizes it. If a child of U.S. citizens is born out of the country, depending on the country and circumstances, the child will have dual citizenship.

## **Australia**

An Australian citizen may gain citizenship from another country without losing her Australian citizenship. Citizens of other countries are qualified to apply for Australian citizenship by birth, marriage, descent or naturalization.

## **United Kingdom**

The U.K. does not demand that someone to give up his citizenship in other country to become a citizen of the U.K. Dual citizens in the U.K. are also permitted to hold a second passport along with their U.K. passport.

## **Italy**

The Italian law permits dual citizenship if it was acquired on or after August 15, 1992. Those who acquired another citizenship after that date but before January 23, 2001, had three months to inform their local records office or the Italian consulate in their country of residence.

## **Sweden**

Swedish legislation on citizenship is based on the “jus sanguinis” principle, which means that citizenship is acquired at birth if either of the parents is a Swedish citizen, irrespective of the place of birth. Since 2001 Sweden accepts dual citizenship without restriction.

## **Egypt**

Egyptian law accepts dual citizenship. Egyptians who have acquired a foreign citizenship may keep their Egyptian citizenship as long as they declare their wish to retain it within one year of becoming a citizen of another country. Naturalized Egyptian citizens may keep their original citizenship if the other country permits it. However, holders of dual citizenship are exempt from military service and prohibited from enrolling in military and police academies or being elected to Parliament in Egypt.

## **Lebanon**

According to the 1926 constitution of Lebanon, a person having a dual nationality does not lose his Lebanese citizenship. Children born to Lebanese fathers are entitled to Lebanese citizenship; likewise, foreign wives of Lebanese husbands may apply for Lebanese citizenship. They will become entitled to it one year after their marriage if they have their husband’s approval.

## **Armenia**

In 2007, the Armenian parliament passed the dual citizenship law. In June 2008, Armenian embassies all over the world started accepting applications for citizenship.

## **South Africa**

South Africans who acquire citizenship with another country will lose their South African citizenship unless they have permission from their government to retain it. However, applicants below 21 are exempted

**Top of Form**

**Bottom of Form**

# **Social Contract Theory**

Social contract theory, nearly as old as philosophy itself, is the view that persons’ moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. Socrates uses something quite like a social contract argument to explain to Crito why he must remain in prison and accept the death penalty. However, social contract theory is rightly associated with modern moral and political theory and is given its first full exposition and defense by Thomas Hobbes. After Hobbes, John Locke and Jean-Jacques Rousseau are the best-known proponents of this enormously influential theory, which has been one of the most dominant theories within moral and political theory throughout the history of the modern West. In the twentieth century, moral and political theory regained philosophical momentum as a result of John Rawls’ Kantian version of social contract theory and was followed by new analyses of the subject by David Gauthier and others. More recently, philosophers from different perspectives have offered new criticisms of social contract theory. In particular, feminists and race-conscious philosophers have argued that social contract theory is at least an incomplete picture of our moral and political lives, and may in fact camouflage some of the ways in which the contract is itself parasitical upon the subjugations of classes of persons.

## **1. Socrates’ Argument**

In the early Platonic dialogue, Crito, [Socrates](https://www.iep.utm.edu/platopol/#H4) makes a compelling argument as to why he must stay in prison and accept the death penalty, rather than escape and go into exile in another Greek city. He personifies the Laws of Athens, and, speaking in their voice, explains that he has acquired an overwhelming obligation to obey the Laws because they have made his entire way of life, and even the fact of his very existence, possible. They made it possible for his mother and father to marry, and therefore to have legitimate children, including himself. Having been born, the city of Athens, through its laws, then required that his father care for and educate him. Socrates’ life and the way in which that life has flourished in Athens are each dependent upon the Laws. Importantly, however, this relationship between citizens and the Laws of the city are not coerced. Citizens, once they have grown up, and have seen how the city conducts itself, can choose whether to leave, taking their property with them, or stay. Staying implies an agreement to abide by the Laws and accept the punishments that they mete out. And, having made an agreement that is itself just, Socrates asserts that he must keep to this agreement that he has made and obey the Laws, in this case, by staying and accepting the death penalty. Importantly, the contract described by Socrates is an implicit one: it is implied by his choice to stay in Athens, even though he is free to leave.

In Plato’s most well-known dialogue, Republic, social contract theory is represented again, although this time less favorably. In Book II, Glaucon offers a candidate for an answer to the question “what is justice?” by representing a social contract explanation for the nature of justice. What men would most want is to be able to commit injustices against others without the fear of reprisal, and what they most want to avoid is being treated unjustly by others without being able to do injustice in return. Justice then, he says, is the conventional result of the laws and covenants that men make in order to avoid these extremes. Being unable to commit injustice with impunity (as those who wear the ring of Gyges would), and fearing becoming victims themselves, men decide that it is in their interests to submit themselves to the convention of justice. Socrates rejects this view, and most of the rest of the dialogue centers on showing that justice is worth having for its own sake, and that the just man is the happy man. So, from Socrates’ point of view, justice has a value that greatly exceeds the prudential value that Glaucon assigns to it.

These views, in the Crito and the Republic, might seem at first glance inconsistent: in the former dialogue Socrates uses a social contract type of argument to show why it is just for him to remain in prison, whereas in the latter he rejects social contract as the source of justice. These two views are, however, reconcilable. From Socrates’ point of view, a just man is one who will, among other things, recognize his obligation to the state by obeying its laws. The state is the morally and politically most fundamental entity, and as such deserves our highest allegiance and deepest respect. Just men know this and act accordingly. Justice, however, is more than simply obeying laws in exchange for others obeying them as well. Justice is the state of a well-regulated soul, and so the just man will also necessarily be the happy man. So, justice is more than the simple reciprocal obedience to law, as Glaucon suggests, but it does nonetheless include obedience to the state and the laws that sustain it. So in the end, although Plato is perhaps the first philosopher to offer a representation of the argument at the heart of social contract theory, Socrates ultimately rejects the idea that social contract is the original source of justice.

## **2. Modern Social Contract Theory**

### **a. Thomas Hobbes**

Thomas Hobbes, 1588-1679, lived during the most crucial period of early modern England’s history: the English Civil War, waged from 1642-1648. To describe this conflict in the most general of terms, it was a clash between the King and his supporters, the Monarchists, who preferred the traditional authority of a monarch, and the Parliamentarians, most notably led by Oliver Cromwell, who demanded more power for the quasi-democratic institution of Parliament. Hobbes represents a compromise between these two factions. On the one hand he rejects the theory of the Divine Right of Kings, which is most eloquently expressed by Robert Filmer in his Patriarchal or the Natural Power of Kings, (although it would be left to John Locke to refute Filmer directly). Filmer’s view held that a king’s authority was invested in him (or, presumably, her) by God, that such authority was absolute, and therefore that the basis of political obligation lay in our obligation to obey God absolutely. According to this view, then, political obligation is subsumed under religious obligation. On the other hand, Hobbes also rejects the early democratic view, taken up by the Parliamentarians, that power ought to be shared between Parliament and the King. In rejecting both these views, Hobbes occupies the ground of one who is both radical and conservative. He argues, radically for his times, that political authority and obligation are based on the individual self-interests of members of society who are understood to be equal to one another, with no single individual invested with any essential authority to rule over the rest, while at the same time maintaining the conservative position that the monarch, which he called the Sovereign, must be ceded absolute authority if society is to survive.

Hobbes’ political theory is best understood if taken in two parts: his theory of human motivation, Psychological Egoism, and his theory of the social contract, founded on the hypothetical State of Nature. Hobbes has, first and foremost, a theory of human nature, which gives rise to a particular view of morality and politics, as developed in his philosophical masterpiece, Leviathan, published in 1651. The Scientific Revolution, with its important new discoveries that the universe could be both described and predicted in accordance with universal laws of nature, greatly influenced Hobbes. He sought to provide a theory of human nature that would parallel the discoveries being made in the sciences of the inanimate universe. His psychological theory is therefore informed by mechanism, the general view that everything in the universe is produced by nothing other than matter in motion. According to Hobbes, this extends to human behavior. Human macro-behavior can be aptly described as the effect of certain kinds of micro-behavior, even though some of this latter behavior is invisible to us. So, such behaviors as walking, talking, and the like are themselves produced by other actions inside of us. And these other actions are themselves caused by the interaction of our bodies with other bodies, human or otherwise, which create in us certain chains of causes and effects, and which eventually give rise to the human behavior that we can plainly observe. We, including all of our actions and choices, are then, according to this view, as explainable in terms of universal laws of nature as are the motions of heavenly bodies. The gradual disintegration of memory, for example, can be explained by inertia. As we are presented with ever more sensory information, the residue of earlier impressions ‘slows down’ over time. From Hobbes’ point of view, we are essentially very complicated organic machines, responding to the stimuli of the world mechanistically and in accordance with universal laws of human nature.

In Hobbes’ view, this mechanistic quality of human psychology implies the subjective nature of normative claims. ‘Love’ and ‘hate’, for instance, are just words we use to describe the things we are drawn to and repelled by, respectively. So, too, the terms ‘good’ and ‘bad’ have no meaning other than to describe our appetites and aversions. Moral terms do not, therefore, describe some objective state of affairs, but are rather reflections of individual tastes and preferences.

In addition to Subjectivism, Hobbes also infers from his mechanistic theory of human nature that humans are necessarily and exclusively self-interested. All men pursue only what they perceive to be in their own individually considered best interests – they respond mechanistically by being drawn to that which they desire and repelled by that to which they are averse. This is a universal claim: it is meant to cover all human actions under all circumstances – in society or out of it, with regard to strangers and friends alike, with regard to small ends and the most generalized of human desires, such as the desire for power and status. Everything we do is motivated solely by the desire to better our own situations, and satisfy as many of our own, individually considered desires as possible. We are infinitely appetitive and only genuinely concerned with our own selves. According to Hobbes, even the reason that adults care for small children can be explicated in terms of the adults’ own self-interest (he claims that in saving an infant by caring for it, we become the recipient of a strong sense of obligation in one who has been helped to survive rather than allowed to die).

In addition to being exclusively self-interested, Hobbes also argues that human beings are reasonable. They have in them the rational capacity to pursue their desires as efficiently and maximally as possible. Their reason does not, given the subjective nature of value, evaluate their given ends, rather it merely acts as “Scouts, and Spies, to range abroad, and find the way to the things Desired” (139). Rationality is purely instrumental. It can add and subtract, and compare sums one to another, and thereby endows us with the capacity to formulate the best means to whatever ends we might happen to have.

From these premises of human nature, Hobbes goes on to construct a provocative and compelling argument for why we ought to be willing to submit ourselves to political authority. He does this by imagining persons in a situation prior to the establishment of society, the State of Nature.

According to Hobbes, the justification for political obligation is this: given that men are naturally self-interested, yet they are rational, they will choose to submit to the authority of a Sovereign in order to be able to live in a civil society, which is conducive to their own interests. Hobbes argues for this by imagining men in their natural state, or in other words, the State of Nature. In the State of Nature, which is purely hypothetical according to Hobbes, men are naturally and exclusively self-interested, they are more or less equal to one another, (even the strongest man can be killed in his sleep), there are limited resources, and yet there is no power able to force men to cooperate. Given these conditions in the State of Nature, Hobbes concludes that the State of Nature would be unbearably brutal. In the State of Nature, every person is always in fear of losing his life to another. They have no capacity to ensure the long-term satisfaction of their needs or desires. No long-term or complex cooperation is possible because the State of Nature can be aptly described as a state of utter distrust. Given Hobbes’ reasonable assumption that most people want first and foremost to avoid their own deaths, he concludes that the State of Nature is the worst possible situation in which men can find themselves. It is the state of perpetual and unavoidable war.

The situation is not, however, hopeless. Because men are reasonable, they can see their way out of such a state by recognizing the laws of nature, which show them the means by which to escape the State of Nature and create a civil society. The first and most important law of nature commands that each man be willing to pursue peace when others are willing to do the same, all the while retaining the right to continue to pursue war when others do not pursue peace. Being reasonable and recognizing the rationality of this basic precept of reason, men can be expected to construct a Social Contract that will afford them a life other than that available to them in the State of Nature. This contract is constituted by two distinguishable contracts. First, they must agree to establish society by collectively and reciprocally renouncing the rights they had against one another in the State of Nature. Second, they must imbue some one person or assembly of persons with the authority and power to enforce the initial contract. In other words, to ensure their escape from the State of Nature, they must both agree to live together under common laws and create an enforcement mechanism for the social contract and the laws that constitute it. Since the sovereign is invested with the authority and power to mete out punishments for breaches of the contract which are worse than not being able to act as one pleases, men have good, albeit self-interested, reason to adjust themselves to the artifice of morality in general, and justice in particular. Society becomes possible because, whereas in the State of Nature there was no power able to “overawe them all”, now there is an artificially and conventionally superior and more powerful person who can force men to cooperate. While living under the authority of a Sovereign can be harsh (Hobbes argues that because men’s passions can be expected to overwhelm their reason, the Sovereign must have absolute authority in order for the contract to be successful) it is at least better than living in the State of Nature. And, no matter how much we may object to how poorly a Sovereign manages the affairs of the state and regulates our own lives, we are never justified in resisting his power because it is the only thing which stands between us and what we most want to avoid, the State of Nature.

According to this argument, morality, politics, society, and everything that comes along with it, all of which Hobbes calls ‘commodious living’ are purely conventional. Prior to the establishment of the basic social contract, according to which men agree to live together and the contract to embody a Sovereign with absolute authority, nothing is immoral or unjust – anything goes. After these contracts are established, however, then society becomes possible, and people can be expected to keep their promises, cooperate with one another, and so on. The Social Contract is the most fundamental source of all that is good and that which we depend upon to live well. Our choice is either to abide by the terms of the contract, or return to the State of Nature, which Hobbes argues no reasonable person could possibly prefer.

Given his rather severe view of human nature, Hobbes nonetheless manages to create an argument that makes civil society, along with all its advantages, possible. Within the context of the political events of his England, he also managed to argue for a continuation of the traditional form of authority that his society had long since enjoyed, while nonetheless placing it on what he saw as a far more acceptable foundation.

### b. John Locke

For Hobbes, the necessity of an absolute authority, in the form of a Sovereign, followed from the utter brutality of the State of Nature. The State of Nature was completely intolerable, and so rational men would be willing to submit themselves even to absolute authority in order to escape it. For [John Locke](https://www.iep.utm.edu/locke/), 1632-1704, the State of Nature is a very different type of place, and so his argument concerning the social contract and the nature of men’s relationship to authority are consequently quite different. While Locke uses Hobbes’ methodological device of the State of Nature, as do virtually all social contract theorists, he uses it to a quite different end. Locke’s arguments for the social contract, and for the right of citizens to revolt against their king were enormously influential on the democratic revolutions that followed, especially on Thomas Jefferson, and the founders of the United States.

According to Locke, the State of Nature, the natural condition of mankind, is a state of perfect and complete liberty to conduct one’s life as one best sees fit, free from the interference of others. This does not mean, however, that it is a state of license: one is not free to do anything at all one pleases, or even anything that one judges to be in one’s interest. The State of Nature, although a state wherein there is no civil authority or government to punish people for transgressions against laws, is not a state without morality. The State of Nature is pre-political, but it is not pre-moral. Persons are assumed to be equal to one another in such a state, and therefore equally capable of discovering and being bound by the Law of Nature. The Law of Nature, which is on Locke’s view the basis of all morality, and given to us by God, commands that we do not harm others with regards to their “life, health, liberty, or possessions” (par. 6). Because we all belong equally to God, and because we cannot take away that which is rightfully His, we are prohibited from harming one another. So, the State of Nature is a statue of liberty where persons are free to pursue their own interests and plans, free from interference, and, because of the Law of Nature and the restrictions that it imposes upon persons, it is relatively peaceful.

The State of Nature, therefore, is not the same as the state of war, as it is according to Hobbes. It can, however, devolve into a state of war, in particular, a state of war over property disputes. Whereas the State of Nature is the statue of liberty where persons recognize the Law of Nature and therefore do not harm one another, the state of war begins between two or more men once one man declares war on another, by stealing from him, or by trying to make him his slave. Since in the State of Nature there is no civil power to whom men can appeal, and since the Law of Nature allows them to defend their own lives, they may then kill those who would bring force against them. Since the State of Nature lacks civil authority, once war begins it is likely to continue. And this is one of the strongest reasons that men have to abandon the State of Nature by contracting together to form civil government.

Property plays an essential role in Locke’s argument for civil government and the contract that establishes it. According to Locke, private property is created when a person mixes his labor with the raw materials of nature. So, for example, when one tills a piece of land in nature, and makes it into a piece of farmland, which produces food, then one has a claim to own that piece of land and the food produced upon it. (This led Locke to conclude that America didn’t really belong to the natives who lived there, because they were, on his view, failing to utilize the basic material of nature. In other words, they didn’t farm it, so they had no legitimate claim to it, and others could therefore justifiably appropriate it.) Given the implications of the Law of Nature, there are limits as to how much property one can own: one is not allowed to take more from nature than one can use, thereby leaving others without enough for themselves. Because nature is given to all of mankind by God for its common subsistence, one cannot take more than his own fair share. Property is the linchpin of Locke’s argument for the social contract and civil government because it is the protection of their property, including their property in their own bodies, that men seek when they decide to abandon the State of Nature.

According to Locke, the State of Nature is not a condition of individuals, as it is for Hobbes. Rather, it is populated by mothers and fathers with their children, or families – what he calls “conjugal society” (par. 78). These societies are based on the voluntary agreements to care for children together, and they are moral but not political. Political society comes into being when individual men, representing their families, come together in the State of Nature and agree to each give up the executive power to punish those who transgress the Law of Nature, and hand over that power to the public power of a government. Having done this, they then become subject to the will of the majority. In other words, by making a compact to leave the State of Nature and form society, they make “one body politic under one government” (par. 97) and submit themselves to the will of that body. One joins such a body, either from its beginnings, or after it has already been established by others, only by explicit consent. Having created a political society and government through their consent, men then gain three things which they lacked in the State of Nature: laws, judges to adjudicate laws, and the executive power necessary to enforce these laws. Each man therefore gives over the power to protect himself and punish transgressors of the Law of Nature to the government that he has created through the compact.

Given that the end of “men’s uniting into common-wealth’s”( par. 124) is the preservation of their wealth, and preserving their lives, liberty, and well-being in general, Locke can easily imagine the conditions under which the compact with government is destroyed, and men are justified in resisting the authority of a civil government, such as a King. When the executive power of a government devolves into tyranny, such as by dissolving the legislature and therefore denying the people the ability to make laws for their own preservation, then the resulting tyrant puts himself into a State of Nature, and specifically into a state of war with the people, and they then have the same right to self-defense as they had before making a compact to establish society in the first place. In other words, the justification of the authority of the executive component of government is the protection of the people’s property and well-being, so when such protection is no longer present, or when the king becomes a tyrant and acts against the interests of the people, they have a right, if not an outright obligation, to resist his authority. The social compact can be dissolved and the process to create political society begun anew.

Because Locke did not envision the State of Nature as grimly as did Hobbes, he can imagine conditions under which one would be better off rejecting a particular civil government and returning to the State of Nature, with the aim of constructing a better civil government in its place. It is therefore both the view of human nature, and the nature of morality itself, which account for the differences between Hobbes’ and Locke’s views of the social contract.

### **c. Jean-Jacques Rousseau**

Jean- Jacques Rousseau, 1712-1778, lived and wrote during what was arguably the headiest period in the intellectual history of modern France–the Enlightenment. He was one of the bright lights of that intellectual movement, contributing articles to the Encyclopedia of Diderot, and participating in the salons in Paris, where the great intellectual questions of his day were pursued.

Rousseau has two distinct social contract theories. The first is found in his essay, Discourse on the Origin and Foundations of Inequality Among Men, commonly referred to as the Second Discourse, and is an account of the moral and political evolution of human beings over time, from a State of Nature to modern society. As such it contains his naturalized account of the social contract, which he sees as very problematic. The second is his normative, or idealized theory of the social contract, and is meant to provide the means by which to alleviate the problems that modern society has created for us, as laid out in the Social Contract.

Rousseau wrote his Second Discourse in response to an essay contest sponsored by the Academy of Dijon. (Rousseau had previously won the same essay contest with an earlier essay, commonly referred to as the First Discourse.) In it he describes the historical process by which man began in a State of Nature and over time ‘progressed’ into civil society. According to Rousseau, the State of Nature was a peaceful and quixotic time. People lived solitary, uncomplicated lives. Their few needs were easily satisfied by nature. Because of the abundance of nature and the small size of the population, competition was non-existent, and persons rarely even saw one another, much less had reason for conflict or fear. Moreover, these simple, morally pure persons were naturally endowed with the capacity for pity, and therefore were not inclined to bring harm to one another.

As time passed, however, humanity faced certain changes. As the overall population increased, the means by which people could satisfy their needs had to change. People slowly began to live together in small families, and then in small communities. Divisions of labor were introduced, both within and between families, and discoveries and inventions made life easier, giving rise to leisure time. Such leisure time inevitably led people to make comparisons between themselves and others, resulting in public values, leading to shame and envy, pride and contempt. Most importantly however, according to Rousseau, was the invention of private property, which constituted the pivotal moment in humanity’s evolution out of a simple, pure state into one characterized by greed, competition, vanity, inequality, and vice. For Rousseau, the invention of property constitutes humanity’s ‘fall from grace’ out of the State of Nature.

Having introduced private property, initial conditions of inequality became more pronounced. Some have property and others are forced to work for them, and the development of social classes begins. Eventually, those who have property notice that it would be in their interests to create a government that would protect private property from those who do not have it but can see that they might be able to acquire it by force. So, government gets established, through a contract, which purports to guarantee equality and protection for all, even though its true purpose is to fossilize the very inequalities that private property has produced. In other words, the contract, which claims to be in the interests of everyone equally, is really in the interests of the few who have become stronger and richer as a result of the developments of private property. This is the naturalized social contract, which Rousseau views as responsible for the conflict and competition from which modern society suffers.

The normative social contract, argued for by Rousseau in The Social Contract (1762), is meant to respond to this sorry state of affairs and to remedy the social and moral ills that have been produced by the development of society. The distinction between history and justification, between the factual situation of mankind and how it ought to live together, is of the utmost importance to Rousseau. While we ought not to ignore history, nor ignore the causes of the problems we face, we must resolve those problems through our capacity to choose how we ought to live. Might never makes right, despite how often it pretends that it can.

The Social Contract begins with the most oft-quoted line from Rousseau: “Man was born free, and he is everywhere in chains” (49). This claim is the conceptual bridge between the descriptive work of the Second Discourse, and the prescriptive work that is to come. Humans are essentially free, and were free in the State of Nature, but the ‘progress’ of civilization has substituted subservience to others for that freedom, through dependence, economic and social inequalities, and the extent to which we judge ourselves through comparisons with others. Since a return to the State of Nature is neither feasible nor desirable, the purpose of politics is to restore freedom to us, thereby reconciling who we truly and essentially are with how we live together. So, this is the fundamental philosophical problem that The Social Contract seeks to address: how can we be free and live together? Or, put another way, how can we live together without succumbing to the force and coercion of others? We can do so, Rousseau maintains, by submitting our individual, particular wills to the collective or general will, created through agreement with other free and equal persons. Like Hobbes and Locke before him, and in contrast to the ancient philosophers, all men are made by nature to be equals, therefore no one has a natural right to govern others, and therefore the only justified authority is the authority that is generated out of agreements or covenants.

The most basic covenant, the social pact, is the agreement to come together and form a people, a collectivity, which by definition is more than and different from a mere aggregation of individual interests and wills. This act, where individual persons become a people is “the real foundation of society” (59). Through the collective renunciation of the individual rights and freedom that one has in the State of Nature, and the transfer of these rights to the collective body, a new ‘person’, as it were, is formed. The sovereign is thus formed when free and equal persons come together and agree to create themselves anew as a single body, directed to the good of all considered together. So, just as individual wills are directed towards individual interests, the general will, once formed, is directed towards the common good, understood and agreed to collectively. Included in this version of the social contract is the idea of reciprocated duties: the sovereign is committed to the good of the individuals who constitute it, and each individual is likewise committed to the good of the whole. Given this, individuals cannot be given liberty to decide whether it is in their own interests to fulfill their duties to the Sovereign, while at the same time being allowed to reap the benefits of citizenship. They must be made to conform themselves to the general will, they must be “forced to be free” (64).

For Rousseau, this implies an extremely strong and direct form of democracy. One cannot transfer one’s will to another, to do with as he or she sees fit, as one does in representative democracies. Rather, the general will depends on the coming together periodically of the entire democratic body, each and every citizen, to decide collectively, and with at least near unanimity, how to live together, i.e., what laws to enact. As it is constituted only by individual wills, these private, individual wills must assemble themselves regularly if the general will is to continue. One implication of this is that the strong form of democracy which is consistent with the general will is also only possible in relatively small states. The people must be able to identify with one another, and at least know who each other are. They cannot live in a large area, too spread out to come together regularly, and they cannot live in such different geographic circumstances as to be unable to be united under common laws. (Could the present-day U.S. satisfy Rousseau’s conception of democracy? It could not. ) Although the conditions for true democracy are stringent, they are also the only means by which we can, according to Rousseau, save ourselves, and regain the freedom to which we are naturally entitled.

Rousseau’s social contract theories together form a single, consistent view of our moral and political situation. We are endowed with freedom and equality by nature, but our nature has been corrupted by our contingent social history. We can overcome this corruption, however, by invoking our free will to reconstitute ourselves politically, along strongly democratic principles, which is good for us, both individually and collectively.