

Name: Muonagolu Onyinye Gloria

Matric number 19/law01/149

Course: Political Science

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.

Answers;

1) The ways by which one can lose his/her Nigerian citizenship include:

- Through disloyalty: a naturalized citizen can lose his citizenship if his activities are prejudicial to the countries corporate existence.
- Supporting another country: if a naturalized citizen is found supporting another country engaged in war with his country, his citizenship may be revoked.
- Treason: a naturalized citizen can lose his citizenship if he is found guilty of this offense.
- False declaration: ones citizenship can be revoked if there is a fundamental breach of citizenship agreement binding him. Eg: false declaration.
- Imprisonment: the individual can lose his citizenship if within the period of 5-7 years after becoming a citizen by naturalization, gets involved in a criminal case, resulting in incarceration for some years.
- Renouncement: an individual can lose his citizenship by renouncing it.

The ways which one can retain his citizenship include:

- Birth: section 25 of the Nigerian constitution explains in details those who are eligible for Nigerian citizenship by birth. This section makes it clear that it is totally impossible for an individual to claim Nigerian citizenship by birth even if neither of his parents or grandparents was born in Nigeria.

People eligible are those:

i. Individuals born in the territory of Nigeria after the 1st of October 1960 that have at least a parent or grandparent who belongs or belonged to a community indigenous to the geographical location known as Nigeria.

ii. Individuals born outside of Nigeria whose parents or grandparents were or are citizens.

- Naturalization: section 27 of the constitution makes provision for this provided certain requirements are met subject to section 28. An application letter must be written if the person has completed all the requirements.

i. He/she must be of full age capacity

ii. The person is of good character. He must have two witnesses to testify for him and one of them must be a religious minister.

iii. The person expresses a desire to be resident in the country.

iv. The person should be capable of contributing to the wellbeing of the country.

v. The governor of the state which he wishes to reside in has to confirm the willingness of the state to accept him.

vi. He/she has been administered the oath of allegiance prescribed in the seventh schedule of the constitution.

vii. The person must have lived in Nigeria continuously for a period of fifteen years preceding the application date.

viii. He must renounce citizenship of other countries he/she must have acquired except citizenship by birth.

- Registration: section 26 of the 1999 constitution of the federal republic of Nigeria covers citizenship by registration. An individual can be certified to be a citizen of Nigeria if he or she satisfies the following conditions:

i. The person is of good character. He must have two witnesses to testify for him and one of them must be a religious minister.

ii. The person expresses a desire to be resident in the country.

iii. The oath of allegiance to Nigeria, which is provided by the seventh schedule of Nigerian constitution has been administered on the person.

There is room for the following people:

- i. In a case of a woman who got married to a man from Nigeria.
- ii. In a case where either his or her grandparents are Nigerians and he or she has grown to a capacity and approved age.

Divine Origin Theory:

The oldest theory about the origin of the state is the divine origin theory. It is also known as the theory of divine right of Kings. The exponents of this theory believe that the state did not come into being by any effort of man. It is created by God. The King who rules over the state is an agent of God on earth. The King derives his authority from God and for all his actions he is responsible to God alone. Obedience to the King is ordained to God and violation of it will be a sin. The King is above law and no subject has any right to question his authority or his action. The King is responsible to God alone. The King had both political and religious entity. In the religious books also the state is said to be created by God. In some religions this conception is explicit, but in others it is implicit. This theory prevailed in the old age when religion and politics were combined in the person of the King. In ancient India the Kings ruled over the people according to the injunction of the Dharma, which stood for both religion and politics.

The divine origin of the state is gleaned first the Old Testament of the Bible. There we find St. Paul saying- "Let every soul be subject unto the higher powers; for there is no power but of God; the powers that be, are ordained by God. Whosoever resist the power, resisted the ordinance of God and they that resist shall receive to themselves damnation."

Causes of the Decline of the Divine Theory:

- a) Better theories began to emerge.
- b) The Reformation that separated the church from the state debased the coin of the divine theory. The post-Reformation period is a period of non-religious politics. This made the divine theory totally unacceptable.
- c) The emergence of democracy.
- d) The growth of scientific enquiry and materialistic view of the political mechanism.

Criticism against the Divine Theory:

There are seven lines of argument according to R. N. Gilchrist levelled against the divine theory:

The state is a human institution organized in an association through human agency. Modern political thinkers cannot accept the view that God has anything to do with the creation of the state. It does not stand the commonsense of the moderns that God selects anybody to rule over the state.

The divine theory is fraught with dangerous consequences, because a semi-divine King is bound to rule arbitrarily as he is responsible only to God and not bound to heed public opinion. Such a theory will make the ruler despotic and autocratic.

The divine theory is unrealistic because a bad ruler will continue to rule under the divine shield.

There were some bad rulers like James II of England and Louis XVI of France, who were replaced by the people. This could not happen if the divine theory was to be accepted.

The New Testament of the Bible reversed the divine conception of the state as ingrained in the Old Testament. It is emphatically stated in the New Testament- "Render unto Caesar the things that are Caesar's and unto God the things that are God's", which gives the state a human character as against the divine coating.

It is unscientific. The anthropologists and sociologists after careful scientific analysis have discarded the theory as totally untenable as an explanation of the origin of the state.

It runs counter to the universally accepted conception that the state is the result of a historical evolution. The generally accepted theory of the origin of the state is that various factors like religion, family, force and political consciousness were behind the growth of the state.

It is undemocratic. The inevitable implication of the theory in content and tone will make the King absolute and his government never democratic. So the theme of the theory is against the spirit of democracy.

The Patriarchal Theory as the Origin of the State:

The principal exponent of this theory is Sir Henry Maine. According to him, the city is a conglomeration of several families which developed under the control and authority of the eldest male member of the family. The head or father of the patriarchal family wielded great power and influence upon the other members of the family. His research was carried out in the household. This patriarchal family was the most ancient organized social institution in the primitive society. Through the process of marriage the families began to expand and they gave birth to gens which stands for a household. Several gens made one clan. A group of clans constituted a tribe. A confederation of various tribes based on blood relations for the purpose of defending themselves against the aggressors formed one commonwealth which is called the state.

Sir Henry Maine's analysis of the growth of the state is- "The elementary group is the family connected by the common subjection to the highest male ascendant. The aggregation of families forms the gens or the houses. The aggregation of houses makes the tribe. The aggregation of the tribes constitutes the commonwealth."

Edward Jenks who is the other advocate of the patriarchal theory is of the view that the foundation of the state was caused by three factors, namely male kinship, permanent marriages and paternal authority. Thus, the salient feature of the patriarchal theory is that the families grew through the descendants of the father, not the mother.

The male child carried on the population through marriages with one or several women, because both monogamy and polygamy were the order of the day. The eldest male child had a prominent role in the house.

Another important supporter of this theory was Aristotle. According to him- "Just as men and women unite to form families, so many families unite to form villages and the union of many villages forms the state which is a self-supporting unit".

Criticism against the Theory:

The origin of the state is due to several factors like family, religion, force, political necessity, etc. So by identifying the origin of the state with family, one makes the same fallacy as taking one cause instead of several causes. To say in the words of J. C. Frazer- "Human society is built up by a complexity of causes."

The theory is incorrect. This is because in the opinion of several critics the primary social unit was a matriarchal family rather than a patriarchal family. According to Meclennan, Morgan and Edward Jenks who are staunch supporters of the theory, the matriarchal family and polyandry were the basis of the state. The kinship through the female line in primitive society was responsible for the growth of the state. The process was that polyandry resulted into matriarchal society and the matriarchal society led to the state.

The patriarchal theory is built on the wrong premise that the patriarchal family was the origin of the state. Edward Jenks suggested the correct theory that tribe rather than family was the beginning of the state, on the basis of his studies in Australia and Malaya Archipelago.

Sir Henry Maine over simplified the origin of the state by attribution it to the family alone. It is because of this over simplicity that the theory has to be rejected as untenable. The authority of the father over the children is only temporary, because his authority ends when the children grow in age. But the authority of the state over the population is perpetual.

The Matriarchal Theory as the Origin of the State:

Morgan, Meclennan and Edward Jenks discovered this theory. According to them, there was never any patriarchal family in the primitive society and that the patriarchal family came into existence only when the institution of permanent marriage was in vogue. But among the primitive society,

instead of permanent marriage there was a sort of sex anarchy. Under that condition, the mother rather than the father was the head of the family. The kinship was established through the mother.

Criticism of the Theory:

The state was created by several factors, of which the family was one. So this theory makes only a partial study of the origin of the state. Force, religion, politics, family and contract were all there to contribute to the growth of the state.

This theory also mistakenly analyses the origin of the family as the origin of the state. The state is something more than an expanded family. They are quite different in essence, organization, functions and purposes.

The theory is historically false. It is not a fact of history that the matriarchal system was the only system at a particular time. As a matter of fact, both patriarchal system and matriarchal system prevailed side-by-side. There was a parallel development of both the systems.

Force Theory of Origin of the State:

This theory holds that wars and aggressions by some powerful tribe were the principal factors in the creation of the state. It relies on the saying "war begot the King" as the historical explanation. The force or might prevailed over the right in the primitive society. A man physically stronger established his authority over the less strong persons. The strongest person in a tribe is, therefore, made the chief or leader of that tribe. After establishing the state by subjugating the other people in that place the chief used his authority in maintaining law and order and defending the state from the aggression from outside. Thus force was responsible not only for the origin of the state but for development of the state also. This theory is based on the well-accepted maxim of survival of the fittest. There is always a natural struggle for existence by fighting all adversaries among the animal world. This analogy may be stretched to cover the human beings.

The theory of force is supported by the German philosophers like Friedrich Hegel, Immanuel Kant, John Bernhardt and Triestchki. They maintain that war and force are the deciding factors in the creation of the state. Today in the words of Triestchki – "State is power; it is a sin for a state to be weak. That state is the public power of offence and defence. The grandeur of history lies in the perpetual conflict of nations and the appeal to arms will be valid until the end of history."

History supports the force theory as the origin of the state.

According to Edward Jenks, "Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare."

The kingdoms of Norway, Sweden and Denmark are historical examples of the creation of states by the use of force. In the same process, Spain emerged as a new state in the sixth century A.D. In the ninth century A.D. the Normans conquered and established the state of Russia.

Criticisms of the Theory:

The element of force is not the only factor in the origin of the state; religion, politics, family and process of evolution are behind the foundation of the state.

The theory of force runs counter to the universally accepted maxim of Thomas Hill Green- "Will, not force, is the basis of the state." No state can be permanent by bayonets and daggers. It must have the general voluntary acceptance by the people.

The theory of force is inconsistent with individual liberty. There is no liberty in a state with force as its basis.

The force theory is to be discarded because political consciousness rather than force is the origin of the state. Without political consciousness of the people the state cannot be created. This is so because man is by nature a political animal.

The Social Contract Theory:

The most famous theory with regard to the origin of the state is the social contract theory. The theory goes to tell that the state came into existence out of a contract between the people and the sovereign at some point of time.

It is admitted at all hands that the two English political thinkers, namely Thomas Hobbes and John Locke as well as the French political thinker Jean-Jacques Rousseau, gave the concrete shape to this theory. This trio is considered as the godfathers of the social contract theory. They differed about the life in the state of nature, reason for converting the state of nature to civil society and the terms of the contract. They all, however, agreed that a stage came in the history of man when the state of nature was exchanged with civil society to lead a regulated life under a political authority.

The crux of the social contract theory is that men create government for the purpose of securing their pre-existing natural rights – that the right come first, that the government is created to protect these rights. These ideas were based on the concepts of a state of nature, natural law and natural rights.

Thus according to Locke, the state of nature was not a lawless condition, but was an inconvenient condition. Each man had to protect his own right and there was no agreed-upon judge to settle disputes about the application of the natural law to particular controversies. Realizing this, men decided to make a “contract” with one another in which each would give to the community the right to create a government equipped to enforce the natural law. In this way, every man agreed to abide by the decisions made by the majority and to comply with the laws enacted by the people’s representative, provided they did not encroach upon his fundamental rights. In this way, the power of the ruler was curtailed.

The doctrine of social contract is faintly mentioned in the ancient period by both the western and Indian philosophers. Plato was the first among the western thinkers to use the term. It is also referred to in the Arthashastra of Kautilya.

Marxian Theory of Origin of the State:

The Marxists are of the view that the state is a creation by the class-struggle with the help of force. So it is altogether a different theory of origin of state with the recognition of force which we have studied as a theory of origin of state. The Marxists began with the primitive society where there was no surplus wealth to quarrel with and so there was no state.

With the passing of time, society was getting split over hostile classes with conflicting interests. This class antagonism was the root cause of the state. When agriculture was learnt as an art of culture there was ample food which resulted in private property. The insoluble contradictions as a result of division of labour became so acute that it was not possible for any class to keep reconciled in the state or to keep the quarrelling classes under control.

The most dominant class that controlled the mode of production came to establish the state to ensure its dominance over the other classes who did not own the modes of production. The state thus became an instrument of domination and oppression of one class over the other classes.

Emphasizing the economic factor as the key element in the class struggle, Friedrich Engels observed- “But in order that these antagonisms, classes with conflicting economic interests, might not consume themselves and society in sterile struggle, a power seemingly standing above society became necessary for the purpose of moderating the conflict, of keeping it within the bounds of ‘order’ and this power, arisen out of society, but placing itself above it and increasingly alienating itself from it is the state.”

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

Criticism of Marxist Theory of Origin of State:

It is nowhere stated in history that state in its origin is linked with the class struggle.

There might be different class interests, but it is difficult to say that these classes were at arms as the Marxists have us to believe. The classes, on the other hand, cooperated with each other and contributed in their way in the composite development of the state.

The Marxist theory is not original, but secondary because it carries the old wine of the force theory in a new Marxist bottle. Force has been discarded as unsatisfactory theory in the creation of the state.

EVOLUTIONARY THEORY OF STATE

This is the most convincing theory of state. It explains the state as the product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of modern state. This theory is the most scientific of all the theories.

According to prof. Garner, "the state is neither the handiwork of God, nor the result of superior physical force, nor the creation of evolution or convention, nor a mere expansion of the family. The state is not a mere artificial mechanical creation but an institution of natural growth or historical evolution"

There are factors that contributed to the growth of the state, they include:

- Kinship
- Religion
- Property and defense
- Force
- Political consciousness

Kinship

Kinship is the most important and was based upon blood relationship and kinship was the first strongest bond of unity. Family constituted the first link in the process of the evolution of the state with the expansion of the family arose new families and the multiplication of families led to the formation of clans and tribes. Kinship was the only factor which bound the people together.

Religion

Religion provided the bond of unity in early society. It also affected all walks of life. The worship of a common ancestor and common goods created a sense of social solidarity. There was fear in the hearts of men as far as religion was concerned. Even today we see religious practices, affairs and faith in uniting people. In the early days a number of races are united by religion and unity was essential for the creation of state.

Force

Force also played an important part in the evolution of the state. It was the use of physical force that was responsible for the growth of kingdoms and empires.

Property and Defence

Property and defence played a vital role in the evolution of state in ancient times particularly among the people who were nomads and vagabonds and tribal. This led to making adjustments in the social system and relationship between the members of different groups. The need to protect property ultimately compelled the ancient people to establish the state.

Political consciousness

The last is political consciousness arising from the fundamental needs of life for protection and order. The need for regulating things and persons is felt imminently and this is the essence of political consciousness.