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**QUESTION1:** How can a Lebanese retain or lose his or her newly acquired Nigerian citizenship?

**ANSWER:** Firstly, I want start by defining the word citizenship. It can be defined as the status of a person as recognized under the constitution of a country or a sovereign state as being a legal member of such country or state. It gives the person holding the citizenship access to all the benefits and rights stated in the constitution of such country. Every country has its own law governing citizenship and other aspects of nationality. It is known as the nationality law. Citizens are the most important part of every nation in the world. A newly acquired Nigerian citizenship could be acquired through four ways:

* Citizenship by birth.(section25 of constitution)-According, to the section25 of the constitution of Nigeria1999 as amended, those born in Nigeria before and after the independence and those born outside Nigeria but parents are citizens are all regarded has citizens of Nigeria by birth.
* Citizenship by descent. - This means at least one of the parents of the person is a Nigerian even if the person was born outside Nigeria.
* Citizenship by registration. (section26 of the constitution)-For a person who is not a citizen of Nigeria by birth such person could become a citizen through registration. He or she must have a good character. He or she must have married a Nigerian. He or she must have demonstrated the intention of his desire to be domicile in Nigeria.
* Citizenship by naturalization. (section27of the constitution)-A person who is not qualified to be a citizen of Nigeria by birth or through registration can still apply to be naturalized as a Nigerian citizen. This is done by applying to the president for the certification of naturalization.

NOTE: A person who is a citizen of Nigeria by birth can be a citizen of other country in conjunction with his Nigerian citizenship. However, a person who is a citizen by naturalization and registration cannot acquire another citizenship except that citizenship is the one by birth.

A Lebanese is citizen of the country Lebanon, officially known as the Lebanese Republic, is a country in Western Asia. It is bordered by Syria to the north and east and Israel to the south. There are different ways in with a Lebanese can lose or retain or maintain their newly acquired citizenship. A newly acquired Nigerian citizenship could be retain through the following ways or characteristics:

* He or she must have a good character.
* He or she is, in the opinion of the governor in the state where he intends to reside, acceptable to the local community and has assimilated into the way of life of such community.
* He or she must be a person who has contributed to the progress, wellbeing and development of Nigeria.
* He or she must take their oath of allegiance seriously and abide by it.
* He or she will be able to retain their citizenship if they help in the community.
* He or she will be able to retain their citizenship if they work hard instead of being unemployed and contributing to the crime rate.
* He or she should ensure that they read the news and stay fully informed on issues that affect you, your area, and the rest of the country.
* Create the opportunity to work whenever you can. Hire and fairly pay someone to cut your lawn or paint your house. Hire a maid every few months. This contributes to the economy and gives a job to someone who is often very much in need. Doing this will give you a sense of position in the society.
* To retain his or her citizenship, they should ensure that they always obey the laws and respect authorities.
* To retain his or her citizenship, they should respect others and show courtesy.
* He or she should show patriotism and loves his/her country.
* He or she must show accountability.
* He or she must have self-discipline.

A newly acquired Nigerian citizenship could be lost in mainly two categories: involuntary loss and voluntary loss. Involuntary loss may occur due to either automatic lapse of citizenship from the citizen for failure to take some action to retain citizenship or active withdrawal of citizenship by the country. While, voluntary loss which is often called relinquishment is initiated by the citizen. It is always difficult to differentiate by the two. Involuntary loss of citizenship does not necessarily mean automatic and immediate loss. Loss of citizenship could also be referred to as loss of nationality. The main ways someone could lose their citizenship are Denaturalization, Renunciation of citizenship and Deprivation of citizenship. Explanation as follows:

**RENUNCIATION OF CITIZENSHIP**

Renunciation is the voluntary act of relinquishing one’s citizenship or nationality. It is the opposite of naturalization, whereby a person voluntary acquires a citizenship, and is distinct from denaturalization, where the loss of citizenship is forced by a state. A Nigerian, who is full age, can renounce his/her citizenship by applying to the president for such. The President would register the application, upon which the applicant ceases to be a Nigerian citizen. However, the President can reject such application if it is made during a war in which Nigeria is physically involved or it is contrary to public policy.

Each country sets its own policies for formal renunciation of citizenship. There is a common concern that individuals about to relinquish their citizenship or an official promise to grant citizenship before they release that person from citizenship. Some countries may not allow or do not recognize renunciation of citizenship or establish administrative procedures that are essentially impossible to complete. For the purpose of renunciation of Nigerian citizenship, S.29(4) of the Constitution provides that anyone who is at or above 18 years or is married woman is qualified to renounce his/her citizenship.

Renunciation of citizenship is most straight forward in those countries which recognize and strictly enforce a single citizenship. When one renounces their citizenship, it could lead to serious consequences, it will lead to giving up on their benefits like the right to vote see **S.65(1)** **(a) (b)**, government protection, rights are restricted and access to federal jobs. Once you relinquish your citizenship voluntary it is extremely difficult, if not impossible, to get it back later. Historically, the right to renounce one has obligation to his country was perpetually denied by the common law doctrine. The **Universal Declaration of Human Rights** in (**Article 13(2) and Article 15 (2)** respectively, also recognizes both rights to leave any country, including one’s own and the right to change one’s nationality.

There are several reasons why people renounce their citizenship such as multiple citizenship, conscription (avoidance of compulsory military services), oath of allegiance (when a person pledges allegiance to another country thereby relinquishes his citizenship of his earlier country) etc. The conditions for renunciation are; such a person must be aged 18 years and above, such a person must be of sound mind, such person must have acquired or would likely be granted citizenship in another country and such person has no criminal liability to the state.

In conclusion, renouncing one’s citizenship is one of the most sensitive and a lifetime decision anyone can make. It is advisable to weigh the advantages alongside the disadvantages. It is recommended to consult the appropriate authority and most importantly a legal practitioner when making such moves.

**DEPRIVATION OF CITIZENSHIP**

The Nigerian President can be deprived a naturalized citizen of his Nigeria citizenship if such person bags an imprisonment of three years or more within a period of seven years after he was naturalized. The president can also deprive a registered or naturalized citizen of Nigeria of his citizenship if he is disloyal to the Federal Republic of Nigeria. This consideration would be based on his acts or speech or after due enquiry by the President in a manner stated in the regulations. Also, the President may deprive a citizen by registration or naturalization of his citizenship if he trades with the enemy of Nigeria during is physically involved or conducts business that is against the interest of Nigeria. Any citizen of Nigeria by naturalization or registration can be deprived of citizenship if he/she proves disloyal.

**DENATURALIZATION**

Denaturalize means to basically make something unnatural. It could also mean to deprived of the rights and privileges of citizenship or of naturalization. It is the reverse of naturalization, when a state deprives one of its citizens of his or her citizenship. From the point of view of the individual, denaturalization means revocation or loss of citizenship. Denaturalization can be based on various legal justifications. The most severe form is the “stripping of citizenship” when denaturalization takes place as a penalty for actions considered criminal by the state, often only indirectly related to nationality, for instance for having served in a foreign military. In countries that enforce single citizenship, voluntary naturalization in another country will lead to an automatic loss of the original citizenship; the language of the law often refers to such cases as “giving up one’s citizenship” or renunciation of citizenship. Denaturalization can refer to the loss of citizenship by an annulment of naturalization, also known as “administrative denaturalization,” where the original act of naturalization is found to be invalid.

Other ways for one to lose to their Nigerian citizenship:

* Serving in a foreign military or foreign government.
* Adoption by a foreign citizen.
* Voluntary renunciation.
* If the person has been convicted by the court of law.
* Joining the government of a foreign state.
* Performing some act to intentionally give up citizenship.
* Disloyalty to the country.
* Treason.
* False declaration.
* Renouncement.

**QUESTION 2:**

Social contract theory explains the evolution of states, what other theories explain the same and their strengths.

**ANSWER:**

***What is a state?***

A state can be defined as a nation or territory considered as an organized political community under one government. It could also be defined as a polity under a system of governance. There is no single definition of state. It is a territory with its own government and borders within a larger country. The state is an artificial creation that can be related to an institution set up to make decision as an organization and regulation of the public. A state is seen larger than a political system. The state could be defined with different words if the four characteristics of a state which are territory, population, government and sovereignty.

The theory which explains and is now accepted as a convincing origin of the state is the historical or **Evolutionary** theory. It explains the state is 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 a modern state. The theories of sate are:

* The Social Contract Theory- the state arose out of a voluntary act of free people.
* The Divine Right Theory- “Divine Right to rule”.
* The Force Theory- “The state was born of force”.
* The Historical/Evolutionary Theory.

**Below I will be explaining the different theories listed above including social contract theory. I will be explaining their various histories and how they came to be. Their origins as well as their various faults and merits that is strengths. Because all these theories are origins of state some of them have faults and do not fulling explain the state and where it came from. In reference to the question the last three listed above are the other theories that explain the origin of the state.**

**THE SOCIAL CONTRACT THEORY**

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

According to this theory, there were two divisions in human history – one period is prior to the establishment of the state called the **“state of nature”** and the other period is one subsequent to the foundation of the state called the **“civil society”**. There were three exponents of this theory. They were Thomas Hobbes, John Locke and Jean-Jacques Rousseau who differed about the life in state of nature, reason for converting the state of nature to civil society and the terms of the contract. This trio is considered as the godfather of the social contract theory. 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 background of their theories was the aftermath of the Protestant Reformation which had shaken the fundamental constitution of European Christendom and had broken up the divinely sanctioned contractual relation. The net result of this changeover was that the people gained security of life and property and social security but lost the natural liberty which they had been enjoying in the state of nature.

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 concept of state of nature, natural law and natural rights. According to John Locke, prior to the establishment of society, men lived in a “state of nature”. Thomas Hobbes, an anti-democratic philosopher, emphasized that in the state of nature there was no government to make and enforce laws, men made war on each other and life was “solitary, poor, nasty, brutish and short”. But Locke argued that even in state of nature there was a law governing conduct – there was the “natural law”, comprising universal unvarying principle of right and wrong and known to men using reason. thus, according to Locke, the state of nature was not 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 controversies.

In this way, every man agreed to abide by the decisions made by 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.

According to the social contract theory the state was the creation of the people living in a state of nature which was a lawless and order-less system. The state of nature was controlled by unwritten laws prescribed not by men but by nature. The exponents of the theory gave conflicting views about the nature of the state of nature.

**Criticism of the theory**

The social contract theory is strongly denounced on the following grounds. In the first place, the theory is not borne out by any historical record. It is not known to history that any such contract was made. In the second place, Sir Henry Maine attacked the theory as one of putting the cart before the horse, because contract is not beginning of the society, but the end of it. The universally accepted view is that the society has moved from status to contract and not vice versa.

The serious fault with the theory is that it presupposes political consciousness in the state of nature prior to the establishment of the state. In the third place, there cannot be any right even if it is a natural right without the state. Rights follows from the womb of the state. Without an established civil society there cannot be any right. In the fourth place, it is a fact in history that the state came into existence as a result of a long process of growth and development. In the fifth place, the theory is dangerously wrong by certifying the state to be a handiwork of human beings.

The truth is the government, not the state, is the creation of man.

**Value of the theory**

Although as an explanation of the origin of state the Social contract theory is unacceptable, it has some merits. First, the theory dashed to the ground the more worthless theory that the state was creation of God. There might not be any social contract anywhere in history, but it carried the message of the supremacy of the people in the statecraft and gave encouragement to the growth of democracy and gave a deterrent to the arbitrariness of any government. The second merit of the theory is that it helped the growth of the modern concept of sovereignty.

It is therefore, said that John Austin’s concept of legal sovereignty is a direct outcome of Thomas Hobbes’ concept of the Leviathan. The third benefit of this theory is that John Locke answered some of the most critical questions by clearly distinguishing the state from the government. The fourth benefit front h social contract theory is the concept of popular sovereignty. A fifth merit of this theory was constitutional experiments in several countries.

**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 kings 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 of God alone. The Divine theory of the state propounded by almost all religions of the world.

The conception of divine creation of the state may be traced back to remote antiquity. It was universal belief with the ancient people that the king is the representative of God on earth and the state is a bliss of God. Thud 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. 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. Whosever resist the power, resisted the ordinance of God and they that resist shall receive to themselves damnation.”*

This theory prevailed in the old age when religion and politics were combined in the person of the king. In the ancient India, the kings ruled over the people according to injunction of the Dharma, which stood for both religion and politics. Laws fay deep in the profusion of the Sastras. Both the church and the state in their mutual rivalry used the theory of the divine origin in the medieval age. The church asserted the supremacy of the church over the state. On the other hand, the state because of its divine nature emphasized on its supremacy over the church.

The Stuart King James I claimed that he derived his authority directly from God. According to him, the king is wise and intelligent, but his subjects are wicked. In the twentieth century, this theory came under criticism being an incorrect explanation of the origin of the state. With the growth of scientific outlook this theory faded into oblivion. Today’s trend is that the state is a historical growth.

**Causes of the decline of the Divine theory**

In the first place, when a more acceptable theory like the social contract theory came out, the divine theory was dashed to the ground. The new theory suggested that the state is a handiwork of men, not a grace of God. In the second place, the Reformation that separated the church from the state debased the coin of the divine theory. In the third place, the emergence of democracy was a big blow for the autocratic dogma of mixing religion with politics and thereby it blunted the edge of identifying God with the king. Democracy not only glorified the individual but shattered the divine halo around the origin of the state.

Lastly, it was the growth of scientific enquiry and materialistic view of political mechanism. The result was that the theory was built on faith and superstations it was no longer acceptable. The people began to accept only those things that stood the test of logic and reasoning.

**Criticism of the Divine theory**

The first line of argument against the theory is that 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 second line of argument is that the divine theory is that the divine theory is fraught with semi 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 theory will make the ruler despotic and autocratic.

The third line of argument is that the divine theory is unrealistic because a bad ruler will continue to rue under the divine shield. The fourth line of argument is that the New Testament of the bible revered the divine conception of the state as ingrained in the old Testament. The fifth line of argument is that the divine theory 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.

Lastly, the divine theory 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.

**Value of the Divine theory**

Although the divine theory is totally discredited as an origin of the state, there are some good things in it. The summum bonum of the theory is that it stimulated discipline and law-abidingness among the subjects at a time when these were the needs of the hour in these anarchical conditions. This theory also created the moral responsibility of the rulers because they were cast with divine injunction to rule to the perfect satisfaction of the heaven.

**FORCE THEORY**

Another early theory of the origin of the state is the theory of force. The exponents of this theory hold that wars ang aggressions by some powerful tribe were the principal factors in the creation of the state. They rely on the oft-quoted saying **“war begot the king”** as the historical explanation of the origin of the state. The force might prevail 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 that 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. History supports the force theory as the origin of the state.

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. By emphasizing the spiritual aspect of the church, the clergymen condemned the authority of the state as one of brute force. This indirectly lends credence to the theory of force as the original factor in the creation of the state. The theory of force is supported by the German philosophers like Friedrich Hegel, Immanuel Kant, John Bernhardi and Triestchki. They maintain that war and force are the deciding factors in the creation of the state. Force theory believed that state makes use of force for commanding obedience to its laws. The force theory was supported by church fathers during the middle ages, who tried to discredit the state as a child of force and as an instrument of force and domination.

**Criticisms of the theory**

The following are the criticisms are levelled against the theory of force. In the first place, 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. Thus, to say that force is the origin of the state is to commit the same fallacy that one of the causes is responsible for a thing while all the causes were at work for it. A state may be created by force temporarily. But to perpetuate it something more is essential. In the second place, the theory of force is inconsistent with individual liberty. The moment one accepts that basis of a state is force, how can one expect liberty there? The theory of force may be temporarily the order of the day in despotism as against democracy.

In the third place, 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. In the fourth place, the doctrine of survival of the fittest which is relied upon by the champions of the force theory has erroneously applied a system that is applicable to the animal world to human world.

If force were the determining factor, how could Mahatma Gandhi’s non-violence triumph over the brute force of the British imperialists? Lastly, 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.

**Value of the theory**

The theory of force, though untenable as an explanation of the origin of the state, has some redeeming features such as the fact that the theory contains the truth that some states at certain points of time were definitely created by force or brought to existence by the show of force. Secondly, the other silver lining of the theory is that it made that states conscious of building adequate defense and army to protect the territorial integrity of the state. In the modern state, we find a substantial amount of money used on defense budget. Every state in the modern world has got a defense minister which unmistakably recognizes the use of force in modern statecraft too.

**THE HISTORICAL/EVOLUTIONARY THEORY**

This theory holds the view that the state has originated through a gradual evolutionary process. State is neither the handiwork of God, nor the result of a superior physical force, nor the creation of a resolution or contract, nor the expansion of family. It treats the state as a product of historical development like any other human institution. The key factors which played a part in evolution of the state are natural social instinct, kinship and family, religion, force, economic needs and activities. There is no method through the state is formed. It happened suddenly through evolution. When men gather, there is a tendency for them to create a leader amongst themselves to be a ruler. These leaders are emerged into power and thus the state grows from nothing to something. There were several factors which helped the evolution of the state and they are listed below:

* Kinship

Kinship is the most important and was based upon blood relationship and kinship was 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 creates society and society at length creates the state.

* Religion

Religion provided the bond of unity in early society. It also affected all walks of life. The worship of 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, several 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 the growth of kingdoms and empires.

* Property and defense

Property and defense played a vital role in the evolution of state in ancient times particularly among the people who were nomads and vagabonds and tribal.

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