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Course Name: Citizen and the State

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Assignment

1. How can a Lebanese retain or lose his or her newly acquired Nigerian Citizenship
2. Social Contract Theory explains the evolution of states , what other theories explain the same and their strengths

Note: Not more than 15 pages

Assignment 1

A. How Lebanese retain their newly acquired Nigerian citizenship:

Definition of Citizenship

Citizenship is the status of a person recognized under the custom or law of a sovereign state as a member of or belonging to the state. Each state is free to determine the conditions under which it will recognize persons as its citizens, and the conditions under which that status will be withdrawn. Recognition by a state as a citizen generally carries with it recognition of civil, political, and social rights which are not afforded to non-citizens.

In general, the basic rights normally regarded as arising from citizenship are the right to a passport, the right to leave and return to the country/ies of citizenship, the right to live in that country and to work there.

Some countries permit their citizens to have multiple citizenships, while others insist on exclusive allegiance. A person who does not have citizenship of any state is said to be stateless, while one who lives on state borders whose territorial status is uncertain is a border-lander

How Lebanese retain their newly acquired Nigerian citizenship:

- 1. BY REGISTRATION:** The following persons are eligible to become citizens through registration: A foreign woman who marries a citizen of Nigeria. Person who is of adult age (17), born outside Nigeria, any of whose grandparents is or was a citizen of Nigeria. A foreign child adopted by Nigerian parents.

According to the law, in 26. (1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that -

2. (a) He is a person of good character; two people to testify to that which one should a Religious minister...
 3. (b) He has shown a clear intention of his desire to be domiciled in Nigeria; and
 4. (c) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.
4. (2) The provisions of this section shall apply to-
4. (a) Any woman who is or has been married to a citizen of Nigeria or every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

2.. BY NATURALIZATION: Nigerian citizenship may be acquired upon fulfillment of the following conditions: Person is of full age (17), has resided in Nigeria for at least 15 years, is of good character, plans to remain in Nigeria, is familiar with Nigerian language and customs, has a viable means of support, and has renounced previous citizenship. According to the law in Section 27 (1) Subject to the provisions of section 28 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalisation.

2) No person shall be qualified to apply for the grant of a certificate or naturalisation, unless he satisfies the President that - (a) He is a person of full age and capacity; (b) He is a person of good character; (c) He has shown a clear intention of his desire to be

domiciled in Nigeria; (d) He is, in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation;

e) He is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;

(f) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this

Constitution; and (g) He has, immediately preceding the date of his application,

either- (i) Resided in Nigeria for a continuous period of fifteen years; or (ii) Resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.

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Assignment 2

Evolution of states theories

Introduction

Despite the political and social transformations observed since the end of the Cold War with the challenges of transnational corporations, social movements and the emergence of cities as political organizations, the State remains the primary organization. Most of what determines standards and rules originates in the state.

A **state** is a polity under a system of governance. There is no undisputed definition of a state. A widely used definition from the German sociologist Max Weber is that a "state" is a polity that maintains a monopoly on the legitimate use of violence, although other definitions are not uncommon.

A state is a political system with a centralized government, a military force, a civil service, an arranged society, and literacy. Though, there is no clear agreement on the defining characteristics of a state and the definition can vary significantly, based upon the focus of the particular definition. The state is considered to be territoriality bound and is distinct from tribes or units without centralized institutions.

State formation is the process of the development of a centralized government structure in a situation where one did not exist prior to its development. State formation has been a study of many disciplines of the social sciences for a number of years, so much so that Jonathan Haas

writes that "One of the favourite pastimes of social scientists over the course of the past century has been to theorize about the evolution of the world's great civilizations."

One of the theories that explain the evolution of state is the

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.

Social contract theory says that people live together in society in accordance with an agreement that establishes moral and political rules of behavior. Some people believe that if we live according to a social contract, we can live morally by our own choice and not because a divine being requires it.

Over the centuries, philosophers as far back as Socrates have tried to describe the ideal social contract, and to explain how existing states have evolved

Many other theories explain how states evolved:

1. **The Divine theory:** Divine Theory of Origin Of State, though one of the earliest, has a simple explanation to offer. It is a theory of political authority and not a theory of the origin of the State. The State, its advocates maintain, was created by God and governed by His deputy or Vicegerent. It was His will that men should live in the world in a state of political society and He sent His deputy to rule over them. The ruler was a divinely appointed agent and he was responsible for his actions to God alone. As the ruler was the deputy of God, obedience to him was held to be a religious duty and resistance a sin. The advocates of the Divine Origin Theory, in this way, placed the ruler above the people as well as law. Nothing on earth could limit his will and restrict his power. His word was law and his actions were always just and benevolent. To complain against the authority of the ruler and to characterize his actions as unjust was a sin for which there was divine punishment. The theory of Divine Origin believed in and accepted:

- a. That God deliberately created the State and this specific act of His grace was to save mankind from destruction
- b. that God sent his Deputy or Vicegerent to rule over mankind. The ruler was a divinely appointed agent and he was responsible for his actions to God alone whose Deputy the ruler was. All were ordained to submit to his authority and disobedience to his I command was a sin for which there was divine punishment

The main points of the doctrine of the divine right of kings:

- a. Monarchy is divinely ordained and the King draws his authority from God.
- b Monarchy is hereditary and it is the divine right of a King that it should pass from father to soil.
- c. The King is answerable to God alone and

d. Resistance to the lawful authority of a King is a sin.

2. According to Force theory of government: also known as **force theory of state**, the state was born as a result of force i.e. aggression, war, conquest and subjugation. In ancient times a strong man with the help of his supporters dominated the weaker people of his tribe and established the political relation of command and obedience. This was the beginning of the **state**. Later on a strong tribe dominated the weaker ones and in this way a kingdom came into being. With the passage of time a strong king subjugated the weaker ones and created an empire.

A Writer says that **human history is nothing but a record of fighting and wars**. Some people say that people have to start wars because population increased and people were forced to capture the means for the basic necessities. This required better tactics and improve art of war. In this way the strong and better trained people dominated the weaker and less trained people. In order to support this argument, the example of England is given. In ancient times English fought with one another. The result was that they were divided into seven kingdoms called heptarchy, Later on one king becomes so powerful that he conquered the rest and the kingdom of England was borne. Later on the kingdom of England dominated several other kingdoms of the world and became the British Empire. This goes to prove that the state born as a result of force. The matter does not end there. Even after establishment of the state, force is still required to maintain the state. Within the state force is required to maintain law and order and punish those who violate laws. Similarly, in order to defend the orders of the state force was needed.

Criticism: Force indeed has played an important part in the origin and development of the state. Some of the greatest empires of today have been established through blood and iron. The theory of force unduly emphasis the principle of the survival of the fittest. It means that might is right

and those who are physically weak should go to the wall. It is dangerous to employ such a principle in the internal existence of the state. Every state will be at perpetual war with the rest. This is a condition of chaos, pure and simple endangering the peace and security of the world. The attention and efforts of every state will be directed towards war preparedness and to win the war if it comes. War which is an alias for murder, glorifies brute process, suppressing the moral forces. This is the mean self of man and not his real self. This theory justifies despotism. It is opposed to the idea of freedom. It is too much to believe that the state is created and maintained by sheer force and the spiritual and moral values have absolutely no place in life.

3.MATRIARCHAL THEORY

McLennan, Morgan and Jenks are the notable exponents of matriarchal theory. The matriarchal system was prior to the patriarchal system and tribe. There was no permanent institution of marriage. A woman had more than one husband and because of the uncertainty of male parentage kinship was reckoned through woman that is from mother to daughters.

In the place of a family consisting of a man his wife and children there was a large and loosely connected group called a horde or pack organized for matrimonial purposes.

The matriarchal family developed as indicated below.

1. First there was a tribe and it was the oldest and primary social group.
2. In course of time a tribe breaks into clans.
3. Clans in their turn give place to households.

4. At last comes the modern family.

Criticism :The matriarchal theory is more sociological than political. It seeks to explain the origin of family and not that of the state. There is no adequate proof in support of the matriarchal system as the universal and necessary beginning of society.

4.PATRIARCHAL THEORY

The Patriarchal theory explains that the state originated from the patriarchal family or the family in which the pater or father was the head. State is an enlargement of the family. Originally the family consisted of a man, his wife and children. The father was the head of the family and his control and authority was complete in all respects over all its members. When his children married there was expansion in the original family and it led to the establishment of new families. But the authority of the father and head of the original family remained as before, and it was duly acknowledged by all his descendants. This constituted the patriarchal family. The chief exponent of the patriarchal theory is Sir Henry Maine.

The following important points may be noted in Maine's Patriarchal theory.

1. In the Patriarchal family the element of paternity was the chief fact.
2. Descent was traced not only through males and from the same ancestor. None of the descendants of a female was included in the primitive notion of family relationship. Kinship was accordingly, purely negative.
3. Permanent marriage was the rule whether monogamy or polygamy

The Head of the family was the basis of all authority, and his power was unqualified over his children and their houses and other relations of all descendants. howsoever numerous.

4. He controlled not only the business affairs of the group which he headed but its religion and its conduct.

The family was the primal unit of political society, 'the seed led of all larger growths of governments, 'as Woodrow Wilson calls it. The single family had developed into several families; yet all of them were fully conscious of their ultimate kinship. Bound together by ties of common ancestors, they associated in a wider common fellowship group, the gens, owing allegiance to some elected elder - perhaps the oldest living ascendant or the most capable. Similarly, the gens broadened into the tribe. The pastoral pursuits gave way to agriculture and settled life on a definite land became a matter of necessity; land tribes united to form the state.

In support of his statement, Sir Henry Maine cited the patriarchs of the old testament 'families' and 'brotherhood' of Athens, the patriapotestos in Rome and the Hindu Joint family system in India.

Criticism: Modern theories show that the patriarchal family was not universal, the patriarchal theory was subjected to severe attacks. Patriarchal and matriarchal theories are in essence sociological rather than political theories. Stephen Leacock says nonetheless, both the theories sufficiently establish that family is the original link in the evolution of the state. Both these theories do not satisfactorily explain the origin of the state. Matriarchal and patriarchal could have been prevalent in certain early societies. But it is wrong to assume that the creation of state was occasioned by these systems. There was not substantial proof to support the universal validity of these theories.

5.The Historical or Evolutionary theory

Five theories in explanation of the origin of the state, but no single theory offers an adequate explanation. 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. This theory is more scientific.

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 says professor Garner.

There were a number of factors which helped the evolution of the state. They were kinship, religion, war, migration economic activities and political consciousness. The important factors which contributed to the growth of the state are

1. Kinship
2. Religion
3. Property and defence
4. Force
5. Political consciousness

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