NAME: **UGWO JESSICA KENECHUKWU**

MATRIC NUMBER: **19/LAW01/258**

COURSE CODE: POL 102

COLLEGE: LAW

GROUP NUMBER: GROUP 10

DATE: 23rd APRIL, 2020

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.

1. HOW CAN A LEBANESE RETAIN OR LOSE HIS OR HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP.

Abstract:

This paper will be discussing on citizenship in general, ways a foreigner can acquire Nigerian citizenship, the parts of the constitution they are contained and the ways in which a Lebanese can lose or keep his Nigerian citizenship.

Introduction

The question dwells mainly on the ways in which citizenship can be kept or lost but the writer will also discuss briefly some certain areas in citizenship that will help for better understanding in this work.

Firstly, citizenship according to Cambridge dictionary can be defined as the position or status of being a citizen of a particular country and having rights because of it. According to Merriam-Webster, It is the ability of being a citizen. It is the status of a person recognized under the custom or law as being a legal member of a sovereign state or belonging to a nation. The idea of citizenship has been defined as the capacity of individuals to defend their rights in front of the governmental authority.

The ways by which a Lebanese can acquire Nigerian citizenship is in two forms: i) By Registration and ii) By naturalization

By registration: This method mainly applies to women. When a person is not a citizen of Nigeria by birth, it can be granted unto the person through marriage in accordance with *section 26 (1)* of the constitution. Such a person must satisfy the following:

1. he/she must be of good character
2. He/she must have shown a clear intention to reside in Nigeria
3. He/she must have subscribed to the oath of allegiance according to constitution

By Naturalisation: A person can acquire citizenship of Nigerian if he wasn’t born a Nigerian or registered a Nigerian. He can apply to be naturalized a citizen according to *section 27 (9) (a)-(g).* Such a person is to satisfy the president in the following areas:

1. He/she must be of full age (18 years) and capacity.
2. He/she must be of good character.
3. He must have shown clear interest to reside in Nigeria
4. He/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.
5. He/she must be a person that will contribute to the development of Nigeria
6. He/she must have taken an oath allegiance as contained in the seventh schedule of the constitution.
7. He/she must have lived in Nigeria for at least 15 years immediately preceding the date of his /her application to be naturalized.

Other types of citizenship include the following:

1. Citizenship by birth: This is the first and major way in which a person can be referred to as a citizen of a country. If a couple travels to a country in particular and they have their children in that country, their children automatically become citizens of that country regardless of the fact that their parents are not citizens. Also if a child’s parents are Nigerians and he is born in any country, the child still remains a Nigerian child first before any other citizenship. A person too who has a grandparent that is a Nigerian can also be referred to as a Nigerian citizen based on descent.
2. Honourary citizenship: this is the type of citizenship in which a person is not from a particular country but because of the help and services rendered by him to the country in their time of need and his contribution towards their cause and development, the president of the country or monarch in power can award him/her citizenship of the country in gratitude for the help rendered. This citizenship is not as prominent as the other types of citizenship.

HOW A LEBANESE CAN RETAIN HIS NIGERIAN CITIZENSHIP

The following are the ways one can keep his citizenship:

1. The person should be of good character and should respectful of all rules and laws of the Nigerian constitution.
2. He/she should not be a member of any illicit group or cult association that their activities can cause harm to the society at large.
3. If he/she is an active patriot of Nigerian, he/she should engage actively in elections.
4. When the country is in need, the Lebanese individual should be able to render humble services to the Nigerian government.
5. He/she should abstain from actions that can make him/her guilty of treason.
6. He/she should offer his own quota to the development of Nigeria as a nation.

HOW A LEBANESE CAN LOSE HIS NIGERIAN CITIZENSHIP

Deprivation of one’s citizenship is seen in *section 30* of the Nigeria’s constitution states that

1. The president may deprive a person, other thana person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he is satisfied that such person has, within a period of seven years after becoming naturalized, been sentenced to imprisonment for a term of not less than three years.
2. The president shall deprive a person, other than a person who is a citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him or that
3. The person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or
4. The person has, during any war in which Nigeria was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in the opinion of the president carried that was in the opinion of the president carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

Another way one can lose his Nigerian citizenship is through **renunciation.** Renunciation is the voluntary act of relinquishing one’s citizenship or nationality. It is the opposite of naturalisation, whereby a person voluntarily acquires a citizenship, and is distinct from denaturalization where loss of citizenship is forced by the state. **“Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation” *S. 29(1)* of the 1999 constitution of the Federal Republic of Nigeria.** Renunciation of citizenship is particularly relevant in cases of multiple citizenship given that additional citizenship may be acquired automatically and may be undesirable; many countries have pragmatic policies that recognize the often arbitrary nature of citizenship claims of other countries and negative consequences, such as loss of security clearance, can mostly be expected only for actively exercising foreign citizenship, for instance by gaining a foreign passport.

People from some countries renounce their citizenship to avoid compulsory military service. However some people may wish to be free even of the purely theoretical obligations and appearances of dual loyalty that another citizenship implies. Even in countries like Australia, Jamaica and Pakistan, electoral laws demand that politicians not be under an obligation of allegiance to any foreign country, and so when politicians have been found to be violating such laws, they stepped down and renounced to the public controversy. Another example may be political refugees who would wish to renounce allegiance to the country from which they escaped.

1. SOCIAL CONTACT THEORY EXPLAINS THE EVOLUTION OF STATE, WHAT OTHER THEORIES EXPLAIN THE SAME AND THEIR STRENGTHS.

Abstract:

What is going to be discussed here by this writer in this paper is the social contract theory and how it contributes to the evolution of state and the other theories that also talk on it and shine more light on the evolution of state along with their strengths.

Introduction

This question bothers on the theories of the evolution of state but we cannot dive into the subject matter without defining what a state is and its features. The discussion in this paper is an attempt by the writer to talk on how the social contract theory explains the evolution of state and other theories that explain the same along with their strengths.

According to **Karl Max**, his view about the state divided it into three subject areas; pre-capitalist states, states in the capitalist (i.e. present) era and the state (or absence of one) in post-capitalist society. He said a state is the form in which the individuals of a ruling class assert themselves; even the civil society is controlled by the bourgeoisie. **Harold Laski** defined state as a territorial society divided into government and subjects claiming within its allotted physical area, a supremacy over all other institutions. According to **Aristotle**, the state is a union of families and villages having for its ends a perfect and self-sufficing life by which we mean a happy and honourable life. According to **Jean Bodin**, a state is an association of families and their possession governed by supreme power and reason.

Finally, a state can be described according to my understanding as a politically organized body of people, occupying a definite geographical territory under a legitimate government free from external control.

FEATURES OF A STATE

The following are the main features are as follows:

1. Territory: A state must have it own boundaries that protect it from other states. It refers to its definite geographical boundaries.
2. Population: Without people there is nothing like a state because a state must consist of people living in it.
3. Sovereignty: A state must be able to make decisions and carry out activities without any interference from any form of external control. It is the absolute authority a state has to make and enforce rules around the entire state without need of excuse from higher authority.
4. Government: A state must have a government even though it is not permanent so as to govern its activities. Anarchy will reign in a state with no government. The government is made for maintaining social order, providing public services and enforcing decisions that its citizens must abide by.
5. Permanence: A state must remain constant and permanent unlike the government that changes periodically.

The state has always existed in the organized form in which we know in today. Political philosophers have offered various explanations concerning the origin of the state; in essence, efforts have been made to solve the mystery of the state’s origin. These theories of the state’s origin include:

1. The Divine Origin Theory
2. Force Theory
3. Social Contract Theory
4. Evolutionary Theory
5. The Marxist theory

Social Contract Theory

The social contract theory states that people live together in accordance with an agreement that establishes moral and political rules of behaviour. Some people believe that if we live according to a social contract, we can 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 social contracts evolved. Philosopher Stuart Rachels suggests that morality is the set of rules governing behaviour that rational people accept, on the condition that others accept them too. Social contracts can be explicit such as laws or implicit as raising one’s hand to speak in class.

The concept of social contract theory is that in the beginning man lived in a state of nature. They had no government and no law to regulate them. There were hardships and oppression on sections in the society. To overcome this, they came to two agreements which are: i) ***Pactum Unionis* and i) *Pactum Subjectionis*.** By the first pact, people sought protection for their lives andproperty. As a result of it a society was formed where people undertook to respect each other and to live together in harmony. By the second pact, people came together and pledged to obey an authority and surrendered the whole or part of their freedom and rights to an authority. The authority guaranteed everyone protection of life and property and to certain extent liberty. Thus, they must agree to establish society by collectively and reciprocally renouncing the rights they had against one another in the State of Nature and 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 State of Nature, they must both agree to live under common laws, and create an enforcement mechanism for the social contract and the laws that constitute it. Thus the analysis or the government or the sovereign or the state came into being because of the two agreements.

Analysis of the social contract theory by Thomas Hobbes

Thomas Hobbes’ analysis of social contract theory appeared first in Leviathan published in 1651 during the civil war in Britain. Thomas Hobbes’ theory is based on “social contract”. According to him, prior to the social contract, man lived in the State of Nature. Man’s life in the state of nature was one of fear and selfishness. Man lived in a chaotic condition of constant fear. Life in the State of Nature was solitary, poor, nasty, brutish and short.

Man has a natural desire for security and order and as such he entered into a contract to prevent further misery and pain. The idea of self- preservation and self-protection are inherent in man’s nature and in order to achieve this, they voluntarily surrendered all their rights and freedoms to some authority by this contract who must command some obedience. As a result of this contract, the mightiest authority is to protect and preserve life and property. This led to the emergence of a ‘ruler’ or ‘monarch’, which shall be the absolute head. The subjects had no rights against the absolute authority or the sovereign and he has to be obeyed in all situations no matter how bad or unworthy he might be. However, Hobbes placed moral obligations on the ruler making him bound by natural law. It can be deduced that Hobbes was a supporter of absolutism. In the opinion of Hobbes, “law is dependent upon the sanction of the sovereign and the government without sword but words and of no strength to secure a man at all”. He therefore, reiterated that the civil war is the real law because it was commanded and enforced by the sovereign. Thus he upheld the principle that, **“Might is Right**”.

Hobbes thus infers with his mechanic theory of human nature that humans are necessary and exclusively self-interested. All men pursue what they perceive to be their individually concerned interests. They respond mechanistically by being drawn to that which they desire and repelled by that to which they are averse. In addition to being exclusively self-centered, Hobbes argues that human beings are reasonable. They have the rational capacity to pursue their desires as efficiently and maximally as possible. From these premises of human nature, Hobbes goes on to construct a provocative and compelling argument for which they ought to be willing to submit yourselves to political authority. He did this by imagining persons in a situation prior to the establishment of the society, the State of Nature.

Hobbes impels subjects to surrender all rights and vest all liberties in the sovereign for preservation of peace life and prosperity of the subjects. It is in this way the natural law became a moral guide or directive to the sovereign for preservation of natural rights of the subjects. For Hobbes all law is dependent upon the sanction of the sovereign. All real law is civil law, the law commanded and enforced by the sovereign is brought into the world for nothing else but to limit the liberty of particular men, in such a manner as they might not hurt but to assist one another and join together against a common enemy. He advocated for an established order. Hence, individualism, materialism, utilitarianism and absolutions are inter woven in the theory of Hobbes.

Analysis of Social Contract Theory by John Locke

John Locke theory of contract is different from that of Thomas Hobbes. According to him, man lived in the State of Nature but his concept of State of Nature is different as contemplated by Hobbesian theory. Locke’s view of the state is not as miserable as that of Hobbes. It was reasonably good and enjoyable but the property was not secure. He considered state of Nature as a ‘Golden Age’. It was a state of ‘peace, goodwill, mutual assistance and preservation’. In that state of nature, men had all the rights which nature could give them. Locke justifies this by saying that in the State of Nature, the natural condition of mankind was a state of perfect and complete liberty to conduct one’s life as one best fits to see. It was free from the interference of others. In the State of Nature, all are equal and independent. This does not mean however, that it was a state of license. It was one not free to do anything at all one pleases, or even anything one judges to be in one’s interest. The State if Nature, wherein there was no civil authority or government to punish people for transgressions against the laws was not a state without morality. The State of Nature is Pre-political but it was not pre-moral. Persons are assumed to be equal to one another in such a state, and therefore equally capable of discovering ad being bound by the Law of Nature. So, the State of Nature was a ‘state 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 it imposes upon persons, it is relatively peaceful.

Property plays an important 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 labour with the raw materials of nature. Given the limitations of the Law of nature, there are limitations to how much property one can own. One is not allowed to own more than one can use, thereby leaving the others than less than enough for themselves, because nature is given to all for man’s substinence. One cannot take more than his share. Property is the linchpin of Locke’s argument for social contract and civil government because it is protection of property and also protection of their own bodies that men seek when they abandon state of nature.

John Locke considered property in the state of nature insure because of the following reasons:

1. Absence of established law
2. Absence of impartial judge
3. Absence of natural power to execute natural law

The State of Nature felt the need to protect their property and for the purpose of property men entered a “Social Contract”. Under this contract man surrendered only the right to preserve and maintain order and enforce the law of nature. The individual retained other rights that were deemed inalienable rights of men like right to life, liberty and estate.

Having created a political society and government through their consent, the people gained three things which the lacked in the State of Nature: laws, the necessary judges to adjudicate the necessary laws and the necessary executive to enforce these laws. Each man therefore gives up the power to himself and punish transgressors of the Law of Nature to the government that he has created through the compact.

According to Locke, the purpose of the government and law is to uphold and protect the rights of men. So long as the government fulfils this purpose, the laws given by it are valid and binding but, when it ceases to fulfil it, the laws made cease to have any validity and the government can be thrown out of power. In Locke’s view, unlimited sovereignty is contrary to natural law. Hence, John Locke advocated a principle of “state of liberty; not of license”. Locke advocated a state for the general good of people. He pleaded for a constitutionally limited government. Locke, in fact made life, liberty and property three cardinal rights which clearly dominated and influenced the Declaration of American Independence in 1776.

Analysis of the social contract theory by Jean Jacques Rousseau

Jean Jacques Rousseau was a French philosopher who gave a new interpretation to the theory of Social Contact in his work “*The Social Contract*” and “*Emile”*. According to him the social contract is not a historical fact but a hypothetical construction of reason. Prior to the social contract, the life in the State of Nature was happy and there was equality among men. A time passed humanity faced some certain changes. As the overall population increased, the means by which people could satisfy their needs had to change. People slowly began to live in small families and then small communities. Division of labour was introduced both within and outside families, and discoveries and inventions made life easier, giving rise to leisure time. Such leisure time made people to create comparisons between themselves and others, resulting to public values leading to shame, envy, pride and contempt. Most importantly however, according to Rousseau, was the invention of private property, which constituted pivotal movement in human’s evolution out of a simple pure state into one, characterized by greed, competition, vanity, inequality and vice. For Rousseau the invention of property led to humanity’s **‘fall from grace’** out of the State of Nature. For this they surrendered their rights not to a single individual but to the community as a whole which Rousseau termed as ‘**general will’**.

According to Rousseau, the original freedom, equality, liberty and happiness that existed that existed in primitive societies prior to social contract was lost in the modern civilisation. Through social contract a new form of social organization was formed- the state was formed to assure and guarantee rights, liberty and equality. The essence of the Rousseau General Will is that the state and law were products of the general will of the people. State and laws were made by it and if the government and laws does not conform to the ‘General Will’, they will be discarded. While the individual parts with his natural rights in return he gets civil liberties such as freedom of speech, equality and assembly.

The General Will, therefore, for all purposes, was the will of majority citizens before blind obedience was given. The majority was accepted on the belief that majority is right than minority view. Each individual is not subject to any other individual but to ‘General Will’ and to obey this to obey himself. His sovereignty is infallible, indivisible, unrepresentable and illimitable.

Thus Rousseau favoured people’s sovereignty. His natural law theory is confined to the freedom and liberty of the individual. For him, State, law, sovereignty, general will etc are all interchangeable terms. Rousseau’s theory inspired French and American revolutions and given to impetus to nationalism. He based his theory of social contract on the principle, ‘Man is born free, but everywhere he is in chains’.

Comparison of social contract by Thomas Hobbes, John Locke and Jean Jacques Rousseau

1. Hobbes asserts that without subjection to a common power of their rights and freedoms, men are necessarily at war. Locke and Rousseau on the contrary, set forth the view that state exists to preserve and protect the rights of citizens. When government fails in that task, citizens have the right and sometimes the duty to withdraw their support and even to rebel.
2. Hobbes view that whatever the state does is just. The society is a direct product of the state and a reflection of the ruler. According to Locke, the only important role of the state is to ensure that justice is done. While Rousseau view is that the state must in all circumstances ensure freedom and liberty of individuals.
3. Hobbes theory of social contract supports absolute sovereign without giving any value to individuals, while Locke and Rousseau supports individual than state or the government.
4. To Hobbes, the sovereign and the government are identical but Rousseau makes a distinction between the two. He rules out a representative form of government. But Locke does not make any such distinction.
5. Rousseau’s view of sovereignty was a compromise between the constitutionalism of Locke and absolutism of Hobbes

CRITICAL APPEHENTION

1. Rousseau propounded that the state law and the government are interchangeable but this in present scenario is different. Even though the government can be overthrown but not the state. A state exist even there is no government.
2. Hobbes concept of absolutism is a totally vague concept in the present scenario. Democracy is the need and examples may be taken from Burma and other nations.
3. According to Hobbes, the sovereign should have absolute authority. This is against the rule of law because absolute power is one authority brings arbitrariness.
4. Locke concept of State of Nature is vague as any conflict with regard to property always leads to havoc in any society. Hence, there cannot be a society in peace if they have been conflict in regard to property.
5. Locke concept of liassez-faire is not of welfare-oriented. Now in the present scenario, every state undertakes steps to form a welfare state.

There are other theories that explain the evolution of state of which include:

1. DIVINE ORIGIN THEORY

The divine theory proposed that God created the states and ordained Kings to rule and such kings are only accountable to God himself. It is as old as political science thus; this is monarchial rule or system of government. This justifies the exercise of raw power by autocrats e.g. is supported the Absolutism of James I of England during the contemporary era Monarchy is still practiced in Oman, Kuwait, Morocco and Saudi-Arabia. While constitutional monarchs established by the state are practiced in Sweden, Belgium etc.

The word of the monarch was final and it was said that anyone that defied him will receive divine punishment as it was seen as a sin. This was a notion that existed since the 15th century and has evolved a great deal over time.

STRENGTH:

1. It gave room for speedy development and obedience to authority. In the sense that citizens or subjects had no other option but to obey the monarchs due to the respect they had for the fact that they were ordained by God.
2. It also created a very strong sense of moral responsibility among the rulers because they were given the divine rule to lead fairly for the satisfaction of heaven.

1. FORCE THEORY

This theory propounds that the wars that were evident in superior communities and tribes were responsible for the evolution of state. The quote “war begot the King” is what proved their force notion correct in the primitive days. The state was established by chief in authority using his power to maintain law and order in the society and to protect them from external threats. Though this theory runs contrary to the saying that, ‘will not force makes a state’, it still remains a very strong theory for the evolution of the state as a whole.

STRENGHTS:

1. This theory shows that in reality, there are certain times by which the use of force was the building blocks of some states in history. An example is when the Aryans came into India with weapons and fought the non-Aryans to carve out a kingdom in India ruling with the people’s support.
2. This theory helps to build an adequate defense system to protect its territorial boundaries of the state as seen in history that commanders of war are very significant in the state structure. Such is also seen in the modern state as the commander of armed forces can’t be missed when forming a government.
3. In modern times, the individualist used the theory to protect individual liberty from government encroachment.
4. MARXIST/MARXICIAN THEORY

The Marxist theory is of the state is a mere product of the class-struggle with the aid of force. It is another theory of origin with the input of force in it. Here the dominant class was recognized to exploit the other classes especially in the mode of production. As the dominant hands were changed, so also the state changed along with it. Thus the state became an instrument of domination and oppression of one class over the other classes. The economic factor is the key element in the class struggle. Different Marxists have given their own understanding of the theory based on Marxism but everything boils down to maximization of economic resources.

STRENGTHS:

1. It regulates orderliness in the state as the dominant have the controlling power and the others comply. This makes for easy functioning as activities and means of production will be handled effectively.
2. There was evident cooperation among the classes as though, the interest of the dominant might not be what the other classes’ desire but for the sake of the growth and development of the state, all other groups complied

.

1. EVOLUTIONARY THEORY

This theory explains 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 the state. This theory explains that the state is neither a handiwork of God, nor the result of superior physical force, nor the creation of evolution or invention, nor a mere expansion of family. The state is not a mere artificial mechanical creation but an institution of natural growth or physical evolution according to Professor Gomer.

Certain factors helped in the evolution of the state of which include: kinship, religion, property and defence, force, political consciousness. Every single factor helped in the evolution of the state. One factor only can’t be the reason for the states development and that is what this theory explained.

STRENGTH

1. This theory recognised the prominence of all the factors responsible for the evolution of the state and didn’t give credit to a factor or two only.
2. There is scientific evidence and proof backing up the concept of this theory of evolution of state. It states that the period of evolution was a slow and gradual process and as such did depict that it will take some time for the state to form. This very fact was omitted in the other theories.

In conclusion, efforts have been made by this writer in this work to expatiate and elaborate on ways a Lebanese individual can lose or retain citizenship in Nigeria along with key facts one is to know as citizenship. Also, in this work the writer gives a detailed explanation on the social contract theory in regards to the evolution of state and to pin point out areas where in other theories, the same can be applied in the evolution of the state. This work also is to enable one understand better some of the strengths some theories had over others in the development of the state.

REFERENCES

1. [www.multiplecitizenship.com](http://www.multiplecitizenship.com)
2. [www.researchgate.com](http://www.researchgate.com)
3. *The 1999 constitution of the Federal Republic of Nigeria*. [www.nigerian-law.org](http://www.nigerian-law.org)
4. [www.nigeriancuriosity.com](http://www.nigeriancuriosity.com)
5. Joseph. O. Jiboku (2019) *Poverty* *and the Democracy Crisis in Nigeria: A Failure of the Social Contract.*
6. Peter Oluwashola Asa, Esq. *Renunciation of citizenship*.
7. *Essential Government, C.C. Dibie,* August 2008
8. *Marxism theories* [www.invetsopedia.com](http://www.invetsopedia.com)
9. *Force theory origin of state* [www.politicalscienceview.com](http://www.politicalscienceview.com)
10. The Historical or evolutionary theory *11th 12th std standard Political Science History government rule laws life Higher secondary school college notes* [www.brainkart.com](http://www.brainkart.com)

Thank you.