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ASSIGNMENT QUESTIONS:

1: HOW CAN A LEBANESE LOSE HIS/HER  
NEWLY ACQUIRED NIGERIAN CITIZENSHIP?

2: THE SOCIAL CONTRACT THEORY EXPLAINS  
THE EVOLUTION OF STATES: DISCUSS OTHER

# THEORIES THAT EXPLAIN THE SAME AND THEIR STRENGTHS.

## QUESTION ONE: HOW CAN A LEBANESE LOSE HIS/HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP?

### INTRODUCTION:

The Black's Law Dictionary (Ninth Edition) defines a ***citizen*** as a person who, by either birth or naturalisation, is a member of a political community; owing allegiance to the community and being entitled to enjoy all its civil rights and protections. A citizen is a member of the civil state, entitled to all its privileges.

The Oxford Advanced Learner's Dictionary (New Ninth Edition) defines ***citizenship*** as the legal right to belong to a particular country. It is also the state of being a citizen of a particular state and accepting the responsibilities that come with it.

By virtue of the ***1999 Constitution of the Federal Republic of Nigeria (As Amended)***, foreigners may lose their Nigerian citizenship, if they possess dual citizenship; if they renounce such citizenship; or if the President deprives them of such citizenship. That is, Nigerian citizenship possessed by foreigners would be lost by virtue of that citizen possessing dual citizenship (having Nigerian citizenship and the citizenship of another country); or renouncing their Nigerian citizenship; or the President depriving them of that citizenship.

The three distinct ways by which Nigerian citizenship possessed by a foreigner may be lost are discussed, constitutionally. But before that, I will discuss citizenship by naturalisation, constitutionally: because, it is through naturalisation, which is the process of making somebody who was not born in a particular country, a citizen of that country; that a foreigner may possess Nigerian citizenship.

## CHAPTER THREE OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) (CITIZENSHIP):

### SECTION TWENTY-SEVEN OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) (CITIZENSHIP BY NATURALISATION):

- (1) Subject to the provisions or section twenty-eight of this Constitution, anybody who is qualified in accordance with the provisions of this section, may apply to the President for the grant of a certificate of naturalisation.

- (2) No person shall be qualified to apply for the grant or a certificate of 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 continuously for a period of fifteen years, or
    - (ii) resided in Nigeria for a continuous 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.

**SECTION TWENTY-EIGHT OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) (DUAL CITIZENSHIP):**

- (1) Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth.
- (2) Any registration of a person as a citizen of Nigeria or a grant of a certificate of naturalisation to a person who is a citizen of a country other than Nigeria at the time of such registration or grant shall, if he is a citizen by birth of that other country, be conditional upon effective renunciation of not more than twelve months from the date of such registration or grant.

**SECTION TWENTY-NINE OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) (RENUNCIATION OF CITIZENSHIP):**

- (1) Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner of renunciation.
- (2) The President shall cause the declaration made under subsection (1) of this section to

be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

(3) The president may withhold the registration of any declaration made under subsection (1) of this section if –

- (i) the declaration is made during any war in which Nigeria is physically involved; or
- (ii) in his opinion, it is otherwise contrary to public policy.

(4) For the purposes of subsection of (1) of this section -

- (i) “full age” means the age of eighteen years and above;
- (ii) any woman who is married shall be deemed to be of full age.

**SECTION THIRTY OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) (DEPRIVATION OF CITIZENSHIP):**

(1) The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he is satisfied that such a person has, within a period of seven years after becoming naturalised, been sentenced to 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 the proceedings of a court of law or other tribunal, or after due inquiry in accordance with regulations made by him, that –

- (i) the person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or
- (ii) 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 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.

**QUESTION TWO: THE SOCIAL CONTRACT THEORY EXPLAINS THE EVOLUTION OF STATES. DISCUSS OTHER THEORIES THAT EXPLAIN THE SAME AND THEIR STRENGTHS:**

**INTRODUCTION:**

According to Wikipedia, political theory or philosophy is the study of topics such as politics, liberty, justice, property, rights, law, and the enforcement of laws by authority; what they are; if they are needed; what makes a government legitimate; what rights and freedoms it should

protect; what form it should take; what the law is; and what duties citizens owe to a legitimate government, if any; and when it may be legitimately overthrown, if ever. Political theories also engage questions of a broader scope, tackling the political nature of phenomena and categories such as: identity, culture, sexuality, race, wealth, human-non-human relations, ecology, religion, etcetera.

There are various political theories that centre on the evolution of the state, which include:

- A: The Divine Theory as the Origin of the State.
- B: The Patriarchal Theory as the Origin of the State.
- C: The Matriarchal Theory as the Origin of the State.
- D: The Force Theory as the Origin of the State.
- E: The Marxist Theory as the Origin of the State.
- F: The Social Contract Theory as the Origin of the State.

However, only the first five political theories of the origin of state are discussed thus:

### **A: THE DIVINE THEORY AS THE ORIGIN OF THE STATE:**

#### **1: THE GENESIS OF THE DIVINE THEORY AS THE ORIGIN OF THE STATE:**

The Oxford Advanced Learner's Dictionary (New Ninth Edition) defines the adjective "divine" as coming from or connected with God or a god. The term, "divine right" equally defined by the same dictionary, has it that, it was the belief that the right of the king to rule comes directly from God, rather than from the agreement of the people. The oldest theory about the origin of the state is the divine origin theory. It is also known as the theory of the divine right of kings.

The exponents of this theory believed that the state did not come into being by any effort of man. They believed that the state was created by God. The king that ruled over the state was an agent of God on earth.

The king derived his authority from God, and for all his actions, he was responsible to God alone. In other words, he was answerable to God alone. Obedience to the king was ordained to God and a violation of it would be a sin. The king was above the law and no subject had the right to question their authority or actions. In other words, the king was responsible to God alone.

#### **2: THE HISTORY OF THE DIVINE THEORY AS THE ORIGIN OF THE STATE:**

The conception of the divine creation of the state may be traced back to remote antiquity. It was the universal belief of the ancient people that kings were a representation of God on earth and the state was a bliss of God. Thus, kings were both political and religious entities. In the Holy Books, the state is said to be created by God. In some religions, this conception is explicit, while in others, it is implicit.

The divine origin of the state is gleaned in the New Testament of the Bible, precisely in the Book

of Romans Chapter thirteen verses one to seven, thus:

- 1- *Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God.*
- 2- *Therefore, he who resists the authorities resists what God has appointed, and those who resist will incur judgement.*
- 3- *For rulers are not a terror to good conduct, but to bad. Would you have no fear of him that is in authority? Then do what is good, and you will receive his approval,*
- 4- *For he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer.*
- 5- *Therefore, one must be subject, not only to avoid God's wrath but also for the sake of conscience.*
- 6- *For the same reason, you also pay taxes, for the authorities are ministers of God, attending to this very thing.*
- 7- *Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honour to whom honour is due.*

These Bible verses simply state that authority is given to kings by God. That kings should not be resisted, because they are instituted by God. Resisting rulers would be like resisting God, who supposedly "put" these leaders in their various positions. Punishment awaits those that resist these rulers, because they do not bear their swords in vain. It is stated that, rulers are not adversarial to good conducts but bad conducts. It emphatically states that followers should subject themselves to their rulers, not just for the sake of avoiding God's wrath, but also for conscience's sake. These Bible verses equally encourage the payment of all dues: taxes, revenue, respect and honour.

In 1680, Sir Robert Filmer wrote a book entitled *The Law of the Free Monarchies*, where it was stated that Adam was the first king on earth and the kings subsequent to him were his descendants. In the Manusmriti, it is said that when the world was thick in anarchy, the people prayed to God to remedy their condition. God was pleased to appoint Manu to rule over the earth.

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. Laws were deeply rooted in the profusion of the Sastras.

In the medieval period, the Christians held the Pope in semi-God status. In Islam, the caliph was the priest-king. The Dalai Lama was the head of the Theocratic state of Tibet. He was considered then as the incarnation of the Buddhist god, Avalokitesvara.

Both the church and the state in their mutual rivalry used the theory of the divine origin in the medieval age. The church asserted its supremacy over the state. On the other hand, the state, because of its divine nature, emphasised its supremacy over the church. The Stuart King James

I claimed that he derived his authority directly from God. According to him, the kings were wise and intelligent; but their subjects were wicked.

Even if kings were bad, the people had no right to rebel against them. Even in the nineteenth century, the kings of Austria, Prussia and Russia formed the Holy Alliance under the notion that they were appointed by God to rule over their people. Anyway, the European kings took shelter under the divine origin theory in order to justify their dictatorships. It is a well-known fact that no human being can see God physically, therefore, these rulers, as at the time the divine theory of the origin of state held sway, abused their powers; they used them arbitrarily. Consequently, the people suffered greatly, as they could not hold their rulers accountable. The concept of "checks and balances" was non-existent, as at that time.

Be that as it may, during a large part of human history, the state was viewed as a direct divine creation, which was theocratic in nature. The theory was in currency, so long as religion was considered to be the chief motivating force of all human activities.

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. The trend of today is that the state is a historical growth.

### **3: THE DECLINE OF THE DIVINE THEORY AS THE ORIGIN OF THE STATE:**

Firstly, when a more acceptable theory like the social contract theory was introduced, the divine theory as the origin of the state was rejected. This new theory held that the state was a creation of men's handiwork, not God's grace. The important role assigned to man in the creation of the state by the social contract theory shattered the hope of the divine right theory. The Reformation Movement in sixteenth century Europe curbed the authority of the Pope and the Church, and at the same time brought the monarch and the people in the limelight.

Secondly, the Reformation that separated the Church from the state debased the coin of the divine theory. The post-Reformation period was a period of non-religious politics. Thus, the secular outlook made the divine theory totally unacceptable. The Reformation refers to new ideas in religion in sixteenth century Europe that led to attempts to reform the Roman Catholic Church and to the forming of the Protestant Churches. It is the period of time when these changes were taking place. As an origin of the state, the divine right theory is no longer alive. The emergence of the social contract theory which held the wishes of the people in high halo dwarfed the godly wishes in the creation of the state. When human activities were considered the motive force of the state, the divine theory receded to the background and finally vanished away.

Thirdly, 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 kings. Democracy not only glorified the individual but shattered the halo around the origin of the state. The final nail on the coffin of the divine right theory was the modern theory of **Thomas Hill Green** that – ***"democracy, which is the will of the people, was the basis of the state."***

Fourthly and lastly, the growth of scientific enquiry and materialistic view of the political mechanism led to the decline of the divine theory as the origin of the state. The result that the

erstwhile blind faith and superstition was no longer acceptable. The people began to accept only those things that stood the test of logic and reasoning. The scientific and logical thinking associated with the Renaissance and the Reformation enabled men to look into the theory of the origin of the state as something which must be created by non-church and non-god bodies. With the decline of the authority of religion declined the divine authority.

#### **4: CRITICISMS OF THE DIVINE THEORY AS THE ORIGIN OF THE STATE:**

Firstly, the state is a human institution organised 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 common sense of the modern people that God "selects anybody to rule over the state." Humans ought to be the ones to select and elect their rulers and not God or a god. As an origin of the state, the divine right theory is no longer alive. It is a defunct dogma. The emergence of the social contract theory which held the wishes of the people in high halo dwarfed the godly wishes in the creation of the state. When human activities were considered the motive force of the state, the divine theory receded and finally vanished.

Secondly, the divine theory as the origin of the state is fraught with dangerous consequences, because a semi-divine king is bound to rule arbitrarily, as he is responsible to God alone, and not bound to take heed to public opinion. Such a theory will make the ruler despotic and autocratic. In a situation whereby a ruler is only answerable to God and not to the people (the followers) he leads, he will assume an autocratic position.

Thirdly, the divine theory as the origin of the state 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, clearly could not have happened, if the divine theory was to be followed. In other words, rulers will continuously rule without any care for the people.

Fourthly, the New Testament of the Holy Bible, precisely in the Book of Matthew chapter twenty-two verses fifteen to twenty-two dispels the divine theory as the origin of the state, thus:

***15- Then the Pharisees went and took counsel how to entangle Him in His talk.***

***16- And they sent their disciples to Him, along with Herodians, saying, "Teacher, we know that You are true, and teach the way of God truthfully, and care for no man; for you do not regard the position of men.***

***17- Tell us, then, what You think. Is it lawful to pay taxes to Caesar, or not?"***

***18- But Jesus, aware of their malice, said, "Why put Me to the test, you hypocrites?"***

***19- Show Me the money for the tax." And they brought Him a coin.***

***20- And Jesus said to them, "Whose likeness and inscription is this?"***

***21- They said, "Caesar's." Then He said to them, "Render therefore to Caesar, the things that are Caesar's; and to God, the things that are God's."***



## ***22- When they heard it, they marvelled; and they left Him and went away.***

These Bible verses simply state how Jesus Christ emphatically supported the divine theory as the origin of the state. Jesus encouraged the Pharisees of the time to pay their taxes correctly and consistently, as rulers were a product of God. However, these verses equally portray the state as having a human character, as against its supposed divine coating.

Fifthly, the divine theory as the origin of the state is unscientific. The anthropologists and sociologists, after careful scientific analyses have discarded the theory as totally untenable, as an explanation of the origin of the state. To them, God is the Ruler of Heaven, while human leaders selected and elected by human beings are rulers on Earth. There is no way that God would pick rulers of the earth. The important role assigned to man in the creation of the state by the social contract theory shattered the hopes of the divine right theory.

Sixthly, the divine theory as the origin of the state is completely undemocratic – there is no way a ruler picked by God would be democratically selected and elected, because if he has already been picked by God, “nothing” may be able to change that. The inevitable implication of the theory in content and tone would make the king absolute and his government forever undemocratic. Therefore, the theme of this theory is against the spirit of democracy. Realistically, if God picks a particular person to rule a particular state, the people may not be able to change that leader. All that he or she would do would be seen as God’s will – questioning him or her would definitely be as if one were questioning God.

### **5: STRENGTHS OF THE DIVINE THEORY AS THE ORIGIN OF THE STATE:**

Firstly, the *summum bonum* of the theory is that, it stipulated discipline and law-abidingness among the subjects (non-leaders) at a time these were the needs of the hour in those anarchical conditions. It appears that, as at that time, the articulateness needed by the world’s citizens was non-existent, thereby God had to step in and resolve the situation. He had to handpick people to lead.

Secondly, this theory equally created a sense of accountability of leaders to their Appointer, which was God. Since the leaders were appointed by God, they had to lead the people satisfactorily, that is, to the perfect satisfaction of God. They had the understanding that God, being the Impartial Judge, would judge them.

Thirdly, the divine theory as the origin of the state equally states the fact that, nothing on earth ever happens without the knowledge of God. Therefore, the divine theory states that, the leaders of the world are a product of God’s will. Consequently, no matter the crop of leaders that emerge, they must be unanimously accepted, for it is the will of God. God is omniscient; He knows everything that happens, whether good or bad.

Fourthly and lastly, the divine theory as the origin of the state also reiterates the fact that God’s actions are always right. In His rightness, God decided to choose leaders that would rule the affairs of the world. But one would ask, if today’s world leaders were supposedly chosen by God, how come some of them are bad outright?

## **B: THE PATRIARCHAL THEORY AS THE ORIGIN OF THE STATE:**

### **1: INTRODUCTION OF THE PATRIARCHAL THEORY AS THE ORIGIN OF THE STATE:**

Patriarchy is a social system in which men hold primary power and predominate roles of political leadership, moral authority, social privilege and control of property. Some patriarchal societies are also patrilineal, meaning that property and title are inherited by the male lineage.

The proponents of this theory were Sir Henry Maine, Edward Jenks and Aristotle. The principal exponent of this theory was Sir Henry Maine. According to him, the city was a conglomeration of several families which developed under the control and authority of the eldest male member of the family. The head of the patriarchal family wielded great power and influence upon the other members of the family. His writ (a legal document from a court telling somebody to do or not to do something) was carried out in the household. This patriarchal family was the most ancient organised social institution in the primitive society. Through the process of marriage, the families began to expand and they gave birth to generations which stand for a household. Several generations made one clan. A group of clans constituted a tribe. A confederation of several tribes based on blood relations for the purpose of defending themselves against the aggressors formed one common wealth which is called the state.

***Sir Henry Maine's*** analyses the growth of the state as – ***“The elementary group is the family connected by the common subjection to the highest male ascendant. The aggregation of families forms the generations or the houses. The aggregation of houses makes the tribe. The aggregation of the tribes constitute the commonwealth.”***

Edward Jenks, who is the other advocate of the patriarchal theory was 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. Male children carried on with increasing the population, by marrying one or more women, because both monogamy and polygamy were the order of the day. The eldest male children had prominent roles in their homes.

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.”***

As for documentary evidence in support of this theory, there were twelve tribes that formed the Jewish nation, biblically. In Rome, a patriarch of three families that made one unit, exercised unlimited authority over the other members.

### **2: CRITICISMS OF THE PATRIARCHAL THEORY AS THE ORIGIN OF THE STATE:**

Firstly, the origin of the state was due to several factors like: family, religion, force, political necessity, etcetera. So, by identifying the origin of the state with the family, one makes the same fallacy as taking one cause, rather than all the causes. J.C. Frazer once said: “The human society is built up by a complexity of causes.”

Secondly, the patriarchal theory as the origin of the state is incorrect, 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 were staunch supporters of the theory, matriarchy 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 the matriarchal society, and the matriarchal society led to the state.

Thirdly, the patriarchal theory was 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.

Fourthly, Sir Henry Maine oversimplified the origin of the state by attributing it to the family alone. It was due to this over-simplicity that the theory had to be rejected as untenable. The authority of fathers over their children is only temporal, because this ends when these children come of age. But the authority of the state over the population is perpetual.

### **C: STRENGTHS OF THE PATRIARCHAL THEORY AS THE ORIGIN OF THE STATE:**

Firstly, patriarchy in several regards, privileges women, by treating them as the more important and weaker sex. Without patriarchal tendencies, no state in the United States would refuse to tax feminine products.

Secondly, the man, being the stronger sex was given the task of advancing his society, through family propagation, political propagation and economic roles.

Thirdly and lastly, men were seen as people that were more energetic than women. Due to this belief, energy-sapping tasks were handed down to them, in order for them to exert their energy and maintain the society, biologically, economically, militarily, physically and socially.

### **C: THE MATRIARCHAL THEORY AS THE ORIGIN OF THE STATE:**

#### **1: INTRODUCTION OF THE MATRIARCHAL THEORY AS THE ORIGIN OF THE STATE:**

Matriarchy is a social system in which female human beings hold the primary power positions in roles of political leadership, moral authority, social privilege and control of poverty.

The chief exponents of the matriarchal theory are Morgan, Meclennan and Edward Jenks. According to them, there was never any patriarchal family in the primitive society; rather, 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 such condition, the mother, rather than the father, was the head of the family. The kinship was established through the mother.

Edward Jenks who made a thorough study of the tribes of Australia, came to the conclusion that, the Australian tribes were organised in some sort of tribes known as "totem groups." Their affinity was not on the basis of blood relationship, but through animals or natural objects representing symbols. A totem is an animal or other natural symbol that is chosen and respected as a special symbol of a community or family, especially among Native Americans. The men of one totem group were to marry the women of another totem group. This practice

led to polyandry and polygamy.

This matriarchal system continued until the pastoral age, when the practice of permanent marriage was introduced. For example, the existence of a queen ruling in Malabar and princesses ruling in Maratha countries. These are examples of the matriarchal system of life.

## **2: CRITICISMS OF THE MATRIARCHAL THEORY AS THE ORIGIN OF THE STATE:**

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

Secondly, like the patriarchal theory as the origin of the state, the matriarchal theory as the origin of the state also wrongfully analyses the origin of the family as the origin of the state. The state is a concept that is more than just an expanded family. The state and family are different entities, in terms of essence, organisations, functions and purposes.

Thirdly, the matriarchal theory as the origin of the state is historically false. It is not a historical fact that the matriarchal system was the only system at a particular time. As a matter of fact, both the patriarchal system and matriarchal systems prevailed side-by-side. Both systems developed parallel to the other. Stephen Leacock once said – “Here, it may be a patriarchal family; there, it may be a matriarchal family: but, the fact that the family is the basis of the society cannot be gainsaid.”

## **3: STRENGTHS OF THE MATRIARCHAL THEORY AS THE THEORY OF THE STATE:**

Firstly, women were seen as the home-keepers of their families, as they were the ones usually at home, to cater for their families.

Secondly, matriarchy supports feminism and equality in all facets of life. Matriarchy brought about the concept of feminism, which holds that, both males and females should be treated equally, everywhere, among other things.

## **D: THE FORCE THEORY OF THE ORIGIN OF THE STATE:**

### **1: INTRODUCTION OF THE FORCE THEORY AS THE ORIGIN OF THE STATE:**

Another early theory of the origin of the state is the theory of force. The exponents of this theory held that wars and aggressions by some powerful tribes were the principal factors in the creation of the state. Proponents of this theory relied on the often-quoted saying that “war begot the king” as the historical explanation of the origin of the state. Force prevailed over right in the primitive society. A man physically stronger established his authority over the not-too-strong persons. Therefore, the strongest person in a tribe was made the chief or leader of that tribe. After subjugating the weak people in that place, the king used his authority in the maintenance of law and order and in the defence of the state against external aggression. Thus, force was responsible for both the creation and development of the state.

***Edward Jenks*** held that ***“historically, there is no difficulty proving that all modern communities***

***owe their existence to warfare.***” As the state increased in population and size, there was a concomitant improvement in the art of warfare. The small states engaged in warfare: the conquerors took over the conquered. 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 Russian State. The same people established the kingdom of England by defeating the local people there, in the eleventh century A.D., ***Stephen Butler Leacock*** summed up the founding of states by the use of force in these words: ***“The beginning of the state is to be sought in the capture and enslavement of man-by-man, in the conquest and subjugation acquired by superior physical force. The progressive growth from tribe to kingdom and from kingdom to empire is but a creation of the same process.”***

## **2: THE HISTORY OF THE FORCE THEORY AS THE THEORY OF THE STATE:**

Firstly, this theory was based on the well-accepted maxim of ***“the survival of the fittest”***, which refers to the principle that only the people or things that are best adapted to their surroundings will continue to survive. There is always a natural struggle for existence by fighting all adversaries among the animal world. Likewise, in the human world, humans continuously struggle for survival, whether this struggle is known or unknown.

Secondly, by emphasising 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.

Thirdly, the socialists also, by condemning the coercive power of the state as one bent upon curbing and exploiting the workers, admitted that force was the basis of the state.

Fourthly and lastly, the theory of force was supported by German philosophers like: Friedrich Hegel, Immanuel Kant, John Bernhardt and Triestchki. They maintained that, war and force were the deciding factors in the creation of the state. ***Triestchki*** once stated that ***“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 would be valid until the end of history.”*** ***Bernhardt*** also stated that ***“Might is the supreme right, and the dispute as to what is right is decided by the arbitrariness of war. War gives a biologically just decision since its decision rests on the very nature of things.”***

## **3: CRITICISMS OF THE FORCE THEORY AS THE ORIGIN OF THE STATE:**

Firstly, the element of force is not the only factor in the origin of the state; religion, politics, family, processes 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. This has been rightly pointed out by ***Stephan Butler Leacock*** – ***“The theory errs in magnifying what has been only one factor in the evolution of society into the sole controlling force.”*** ***A state may be created by force temporarily, but its existence would depend on various other factors.***

Secondly, the force theory runs counter-wise to the universally accepted maxim of ***Thomas Hill Green***, when he stated that ***“Will, not force, is the basis of the state.”*** In reality, no state would

be made permanent just by the use of bayonets and daggers. It must have the general voluntary acceptance of the people.

Thirdly, the force theory is inconsistent with individual liberty. The moment one accepts that the basis of a state is force, how can one expect liberty there? The force theory might be the order of the day temporarily during a despotic rule, rather than during a democratic rule.

Fourthly, the doctrine of survival of the fittest which was relied upon by the champions of the force theory had erroneously implied a system that is applicable to the animal world and human world. If force was the determining factor, how did Mahatma Gandhi's non-violence triumph over the brute force of the British Imperialists?

Fifthly and lastly, the force theory was disregarded, 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 naturally a political animal. It is that political conscience that lay deep in the foundation of the state. *R.N. Gilchrist* once said that ***"The state, government and indeed all institutions are the result of man's consciousness; the creation of which have arisen from his appreciation of a moral end."***

#### **4: STRENGTHS OF THE FORCE THEORY AS THE ORIGIN OF THE STATE:**

Firstly, the theory contains the truth that some states at certain points in time were definitely created by force, or brought to continued existence by shows of force. When the Aryans came to India, they carried with them weapons of all kinds and horses to use in the war against the non-Aryans, and by defeating the non-Aryans, they carved out a kingdom in India. Later, the Aryans sprawled their kingdoms and broadened their government, and ruled with the backing of the people.

Secondly and lastly, the force theory as the origin of the state reawakened states on the need to build adequate defence and military power. These states had to invest in the procurement of military warfare and the training of their military men, in order to successfully resist being overthrown by much stronger states and protect their territorial integrities. This made kings to be commanders of war. Unarguably, most states of the world have defence ministers, and this is a pointer to the fact that, strong defence is important in modern democratic statecraft. Monies are also budgeted for defence, as well.

#### **E: MARXIST THEORY AS THE ORIGIN OF THE STATE:**

##### **1: INTRODUCTION OF THE MARXIST THEORY AS THE ORIGIN OF THE STATE:**

The Marxists were of the view that the state was created by class struggle, supported by force. The Marxists began with the primitive society that was stateless and poor. With the passing of time, the society was getting split over hostile social 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 sufficient quantity of food that translated into private property. The insoluble contradictions were as a result of division of labour becoming so acute that it became impossible for any class to remain peaceful or to keep rioting classes under control.



The most dominant class (the bourgeoisie) that controlled the modes of production came to establish the state, in order to ensure its dominance over the remaining classes that did not own the modes of production. The state, thus became an instrument of domination and oppression of one class over the other classes. Thus, the state came in to ensure the right of the dominant class to exploit the other classes. As the dominant classes kept on changing hands, the character of the state equally changed. Therefore, V.G. Afanasyev, in his book, *Marxist Philosophy*, maintained that the state was not imposed from outside, but it was a product of society's internal development at a certain stage of development. With the break-up of the social order ensued class conflict which the society became powerless to dispel.

Emphasising 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 state was the medium of the economically dominant classes. V.I. developed on the above thesis by bringing the communist party as the dominant class, namely the proletariat and his state, the USSR where the proletariat was the dominant class which was to exploit the other classes. Lenin also emphasised on the element of force to be restored to by the proletariat against the bourgeoisie. Thus, Lenin incorporated the element of force too, in the creation of 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 realisation of a higher and total form of modern civilisation. Here, we find that the author is more in agreement with the German idealist Hegel than the Marxists. This is in broad analysis of the Marxist view as culled from the writings and opinions of Engels, Lenin and Gramsci.

## **2: CRITICISMS OF THE MARXIST THEORY AS THE ORIGIN OF THE STATE:**

Firstly, historically, it is not stated that the state in its origin was linked with class struggle. That is, historical facts do not have it that, the creation of the state was as a result of struggles between different social classes.

Secondly, 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, co-operated with each other and contributed in their way in the composite development of the state.

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

Fourthly, Lenin and Gramsci, by identifying the state with the political party, have erred by

generalising the communist state as an example for all other states. The communist state in Russia and China might have originated with the communist party. Russia and China were already on the map of the world. They were not created with the communist party. Today, the communist party is over in China. Does this fact deny the statehood of Russia? The answer is “No.”

Fifthly, Marxism, by identifying the state with the party, encouraged the totalitarianism of the worst type, like Fascism and Nazism. Therefore, this theory was a dangerous one.

Sixthly and lastly, the Marxist dogma that the state is “a creation of class and it will die the death of class” is false and misleading. The states are permanent and no state has withered for want of a class to back it.

### **STRENGTHS OF THE MARXIST THEORY AS THE ORIGIN OF THE STATE:**

Firstly, the Marxist quote of a commitment to a “ruthless criticism of all that exists” is one of the major contributions of the Marxism theory as the origin of the state. Everything, including society, economy, racial dynamics, history, political and labour organisations, were subject to ruthless criticism. Marxism is a complete rejection of dogma of any kind and questioning acceptance of all that exists. The status quo must be challenged and the irrational, the dogmatic and the exploitative, rejected. This is perhaps the greatest defence against the authoritarian corruption of twentieth century socialism, as well as ensuring the labour movement remains and active. The full quote of Marx, which comes from his 1884 letter to Arnold Ruge, is worth quoting here – “I am referring to ruthless criticism of all that exists, ruthless both in the sense of not being afraid of the result it arrives at and in the sense of just being a little afraid of conflict with the powers that be.”

Secondly and lastly, Marxism challenged capitalism – the explicit rejection that capitalism must be challenged as a holistic system. Capitalism with a human face is an oxymoron; capitalism is inherently exploitative and parasitical, both in terms of its relation to humans or society, and towards the natural world it depends upon. While reforms within capitalism and labour relationship can, and should be fought for and defended, any illusion that capitalism can be made non-exploitative and non-parasitical must be constantly challenged. The struggle for a better world cannot limit itself to reforms within capitalism, but must dedicate itself to the wholesale replacement of capitalism with an alternative socio-economic system (socialism and, ultimately, communism – but not twentieth century socialism or communism).

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