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QUESTION

Assignment (term paper). Do not exceed 15 pages.

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.

THE NIGERIAN CITIZENSHIP

There is no difference between anyone in the eyes of the law and the way an Angolan would lose their Nigerian citizenship is the same way a Lebanese would. Before we consider anything else, let us consider the conditions as stipulated by the constitution.

Nigerian Nationality Law:

This is the law of Nigeria which concerns citizenship and other categories of Nigerian nationality.

* By Birth

(a) Every person born in Nigeria after the date of independence (October 1, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria (provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria).

(b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria.

* By Registration:

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 –

(a) He is a person of good character; two people to testify to that which one should a Religious minister...

(b) He has shown a clear intention of his desire to be domiciled in Nigeria; and

(c) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.

(2) The provisions of this section shall apply to-

(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.

* By Registration:

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 naturalization.

(2) No person shall be qualified to apply for the grant of a certificate or naturalization, 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-

1. Resided in Nigeria for a continuous period of fifteen years; or
2. 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.

* (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.

(1)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.

(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-

1. The declaration is made during any war in which Nigeria is physically involved; or
2. In his opinion, it is otherwise contrary to public policy.

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

1. "Full age" means the age of eighteen years and above;
2. Any woman who is married shall be deemed to be of full age.

30. (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 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 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, that –

(a) The person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or

(b) 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.

31. For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he had been alive on the date of independence; and in this section, "the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.

32. (1) The president may make regulations, not inconsistent with this Chapter, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Chapter, and for granting special immigrant status with full residential rights to non-Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian citizenship.

(2) Any regulations made by the president pursuant to the provisions of this section shall be laid before the National Assembly.

CITIZENSHIP:

Citizenship is based upon the Constitution of the Federal Republic of Nigeria, dated 1989. (UKC-Commonwealth Nation) Those born before or on the date of independence, October 1, 1960, whose parents or grandparents were born in Nigeria and who were legally residing in Nigeria at the time, are considered citizens of Nigeria.

By Birth:

Birth within the territory of Nigeria does not automatically confer citizenship.

By Descent:

At least one of whose parents is a citizen of Nigeria, regardless of the child's country of birth.

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.

By Naturalization:

Nigerian citizenship may be acquired upon fulfillment of the following conditions: Person is of full age (18), 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.

LOSS OF CITIZENSHIP:

Voluntary:

Voluntary renunciation of Nigerian citizenship is permitted by law. Contact the Embassy for details and required paperwork.

Involuntary:

The following are grounds for involuntary loss of Nigerian citizenship: Registered or Naturalized citizen voluntarily acquires the citizenship of a foreign country. Naturalized citizen, before seven years of residence, sentenced to prison for three years or more. Registered or Naturalized citizen is convicted of acts of disloyalty to the Federal Republic of Nigeria.

THE LEBANESE CITIZENSHIP

Lebanese Nationality Law:

This is the law that governs the acquisition, transmission and loss of Lebanese citizenship. Lebanese citizenship is the status of being a citizen of [Lebanon](https://en.wikipedia.org/wiki/Lebanon) and it can be obtained by [birth](https://en.wikipedia.org/wiki/Jus_sanguinis) or [naturalization](https://en.wikipedia.org/wiki/Naturalisation). Lebanese nationality is transmitted by [paternity](https://en.wikipedia.org/wiki/Paternity_(law)) (father) (see [Jus sanguinis](https://en.wikipedia.org/wiki/Jus_sanguinis)). Therefore, a Lebanese man who holds Lebanese citizenship can automatically confer citizenship to his children and foreign wife (only if entered in the Civil Acts Register in the Republic of Lebanon). Under the current law, descendants of Lebanese [emigrants](https://en.wikipedia.org/wiki/Emigration) can only receive citizenship from their father and women cannot pass on citizenship to their children or foreign spouses.

On 12 November 2015, the [Parliament of Lebanon](https://en.wikipedia.org/wiki/Parliament_of_Lebanon) approved a draft law that would allow "foreigners of [Lebanese origin](https://en.wikipedia.org/wiki/Lebanese_diaspora) to get citizenship", the Minister of Foreign Affairs and Emigrants [Gebran Bassil](https://en.wikipedia.org/wiki/Gebran_Bassil) announced on 5 May 2016 the beginning of the implementation of citizenship law for Lebanese diaspora

Rights and Responsibilities of Lebanese Citizens

Rights of Citizens:

Citizens of Lebanon have by law the legal right to;

1. Live freely in Lebanon without any [immigration](https://en.wikipedia.org/wiki/Immigration) requirements
2. Gain access to free education covering primary, secondary and university education
3. Receive all health-care benefits at any public health institution
4. Participate in the Lebanese political system
5. Benefit from the privileges of the free trade market agreements between Lebanon and many Arab countries
6. Get exempted from taxes with no condition of reciprocity
7. Own and inherit property and values in Lebanon
8. Enter to and exit from Lebanon through any port
9. Travel to and from other countries in accordance with [visa](https://en.wikipedia.org/wiki/Visa_(document)) requirements
10. Seek consular assistance and protection abroad by Lebanon through Lebanese embassies and consulates abroad.

Responsibilities of Citizens:

All Lebanese citizens are required by law, when required by the Lebanese government, to bear arms on behalf of Lebanon, to perform noncombatant service in the [Lebanese Armed Forces](https://en.wikipedia.org/wiki/Lebanese_Armed_Forces), or to perform work of national importance under civilian direction.

The Code:

The code covering the Lebanese nationality was issued in 1926.

Acquisition of Lebanese Citizenship

* Jus Sanguinis:

A child born to a Lebanese [father](https://en.wikipedia.org/wiki/Paternity_(law)) or whose paternity has been declared acquires Lebanese citizenship by descent, irrespective of the nationality of the mother, and irrespective of her marital status. A child whose Lebanese citizenship depends on paternal links loses citizenship when those are cut.

* By Marriage:

A foreign woman who marries a Lebanese man may apply for Lebanese citizenship after having been married for at least one year and their marriage has been entered in the Civil Acts Register in the Republic of Lebanon. No language test is required, but the wife must show integration into the Lebanese way of life, compliance with the Lebanese rule of law and that she poses no danger to Lebanon's internal or external security. A foreign wife of a Lebanese citizen can apply for naturalization while resident overseas after one year of marriage to a husband who is a Lebanese citizen, and close ties to Lebanon. The non-Lebanese husband cannot acquire Lebanese citizenship by marriage to a Lebanese woman.[[1]](https://en.wikipedia.org/wiki/Lebanese_nationality_law#cite_note-women-1) It has been argued that to enable the Lebanese wife to pass Lebanese citizenship to a non-Lebanese husband would lead to a flood of Palestinians acquiring citizenship, upsetting the delicate demographics in the country.

* Birth in Lebanon

Birth in Lebanon does not in itself confer Lebanese citizenship. Therefore, [*jus soli*](https://en.wikipedia.org/wiki/Jus_soli) does not apply.

LOSS OF LEBANESE CITIZENSHIP

Loss Due to Adoption:

A Lebanese child adopted by foreign parents is considered to have lost Lebanese citizenship.

Annulled Adoptions

Where a former Lebanese citizen lost citizenship due to adoption by foreign parents and that adoption is later annulled, the Lebanese citizenship is considered to never have been lost.

Loss Due to Birth Abroad

A Lebanese citizen born abroad to a Lebanese father and holding at least one other nationality loses the Lebanese citizenship at age 25 if:

* He has never been announced to the Lebanese authorities,
* He has never written to the Lebanese authorities expressing his desire to retain Lebanese citizenship,
* He (or his guardians) have never sought to procure Lebanese identity documents for her/him, i.e. a passport or an identity card,
* Equally, the child of a person who thus loses Lebanese nationality equally loses Lebanese nationality,
* Exceptionally, a person who has been prevented, against their will, from taking the necessary actions to retain Lebanese citizenship may undertake the required actions within a delay of one year following the cessation of such delays.

DUAL CITIZENSHIP

According to the [Lebanese Ministry for Migration](https://en.wikipedia.org/wiki/Ministry_of_Foreign_Affairs_and_Emigrants_(Lebanon)), there have been no restrictions on [multiple citizenship](https://en.wikipedia.org/wiki/Multiple_citizenship) in Lebanon since 1 January 1926, and foreigners who acquire Lebanese citizenship and Lebanese citizens who voluntarily acquire another citizenship retain their Lebanese citizenship (subject to the laws of the other country), as was the case before that date.

Since the [nationality laws](https://en.wikipedia.org/wiki/Nationality_law) of many countries now allow both parents to transmit their nationality to their common child (and not only the father, as used to often be the case), many children automatically acquire multiple citizenship at birth. However, Lebanon specially notes that this has not created any practical problems. [Military service](https://en.wikipedia.org/wiki/Military_service), the most likely problem to arise, is usually done in the country where the person resides at the time of conscription. For instance, a [dual Lebanese-Armenian national](https://en.wikipedia.org/wiki/Armenian_nationality_law#Dual_citizenship) must do his military service in Armenia, since [Armenia](https://en.wikipedia.org/wiki/Armenia) has [compulsory military service](https://en.wikipedia.org/wiki/Military_service#Armenia) for two years for males from 18 to 27 years old. All male dual citizens regardless where they live are required to serve in the military as if they were Armenian resident citizen with certain exceptions. Most male Armenian citizens living outside of Armenia do not return to serve in the military.

Until 2007, [military service in Lebanon](https://en.wikipedia.org/wiki/Lebanese_Armed_Forces#Conscription) was mandatory for men only. All men were required to do one year military service through age 18+. Training was only done whenever they had free time or time off school including summer vacations and holidays. There was also training done alongside high school. On 4 May 2005, a new conscription system was adopted, making for a six-month service, and pledging to end conscription within two years. As of 10 February 2007 mandatory military service no longer exists in Lebanon.

Even though Lebanese nationality law permits multiple citizenship, a Lebanese national who also holds another country's citizenship may be required to renounce the foreign citizenship, under the foreign country's nationality law. A dual Lebanese-Japanese national must, for instance, make a declaration of choice, to the Japanese [Ministry of Justice](https://en.wikipedia.org/wiki/Ministry_of_Justice_(Japan)), before turning 22, as to whether he or she wants to keep the Lebanese or [Japanese citizenship](https://en.wikipedia.org/wiki/Japanese_citizenship).

REFORMS

There is a public demand for giving the opportunity for Lebanese women to transmit their Lebanese nationality to their children and also to their husbands. Moreover, the Lebanese citizenship to be given to the [8-14 million diaspora](https://en.wikipedia.org/wiki/Lebanese_diaspora) of Lebanese living all over the world.

On 7 November 2015, [Gebran Bassil](https://en.wikipedia.org/wiki/Gebran_Bassil), the [Minister of Foreign Affairs and Emigrants](https://en.wikipedia.org/wiki/Ministry_of_Foreign_Affairs_and_Emigrants_(Lebanon)), "refused to compromise on a draft law that would grant citizenship to the descendants of Lebanese expatriates by expanding it to include the foreign spouses and children of [Lebanese women](https://en.wikipedia.org/wiki/Women_in_Lebanon)".

On 11 November 2015, the Lebanese Parliament and [Free Patriotic Movement](https://en.wikipedia.org/wiki/Free_Patriotic_Movement) member Ibrahim Kanaan stated that the ministers have agreed to pass a "10-article draft law titled “The Reacquisition of Lebanese Citizenship to the Descendants of Lebanese Emigrants,” to grant those of Lebanese origin the nationality on the basis of certain procedures and legal pathways.

On 12 November 2015, the [Lebanese Parliament](https://en.wikipedia.org/wiki/Parliament_of_Lebanon) approved a raft of draft laws, including a law allowing foreigners of Lebanese origin to get citizenship.

On 5 May 2016, the [Gebran Bassil](https://en.wikipedia.org/wiki/Gebran_Bassil), the [Minister of Foreign Affairs and Emigrants](https://en.wikipedia.org/wiki/Ministry_of_Foreign_Affairs_and_Emigrants_(Lebanon)) announced the beginning of the implementation of citizenship law for Lebanese diaspora. However, the law would allow only grandchildren of Lebanese paternal grandfathers but not grandchildren of Lebanese maternal grandmothers to apply for citizenship.

LAW FOR DESCENDANTS OF LEBANESE ORIGIN

Article 1:

 Every natural person who meets one of the two eligibility requirements has the right to reclaim his/her Lebanese nationality.

* + If the records of the 1921 census at the Ministry of the Interior and Municipalities, and the records of emigration clearly indicate that he/she or any direct paternal ancestral/predecessors or next of kin to the fourth degree were present in the Republic of Lebanon, as registered by the 1921 census records at the Ministry of the Interior and Municipalities (that will prove the emigration to a direct paternal/ancestral predecessor.
  + 2- If he/she or the above-mentioned ancestral predecessors or next of kin were naturalized as Lebanese citizens according to the law of naturalization promulgated in January 19, 1925, and has neglected to claim or reclaim his/her citizenship. In other words, most emigrants required little more than their emigration papers that listed origins.

Article 2:

 This law intends to verify the “actual presence of Lebanese relatives in the town, village or neighborhood,” which an individual would claim, including the degree of kinship, along with any ownership/holding of rights to real property that may have been “devised, bequeathed, or inherited from a Lebanese citizen.”

|  |
| --- |
| *I swear by Almighty God that I have decided to reclaim my Lebanese nationality entirely of my own free will* |

Although bureaucratic in nature, this aspect of the law was meant to encourage associations with the land, a defining feature of Lebanese nationality. Where one traced his/her roots were deemed vital that, again, added a specific feature to the law. The law would allow grandchildren of Lebanese paternal grandfathers to apply for citizenship. The latest law would help Lebanese expatriates take part in future Lebanese parliamentary elections by voting at Lebanese embassies abroad. The number of Lebanese living outside the country is thought to at least double the number of citizens living inside, which means at least 8 million people.

REFUGEES IN LEBANON

Excessive restrictions are in place on granting of Lebanese citizenship due to the importance of the country’s demographics in the political system. However, [Armenian](https://en.wikipedia.org/wiki/Armenians_in_Lebanon) and [Assyrian](https://en.wikipedia.org/wiki/Assyrians_in_Lebanon) refugees came to Lebanon in 1915 from present-day [southeastern](https://en.wikipedia.org/wiki/Southeastern_Anatolia_Region) [Turkey](https://en.wikipedia.org/wiki/Turkey), following the [Armenian and Assyrian](https://en.wikipedia.org/wiki/Armenian_Genocide) [genocide](https://en.wikipedia.org/wiki/Genocide). And when Lebanon was formed after Ottoman rule subsided, these Armenians and Assyrians were given citizenship to Lebanon. Also, under the [Syrian-occupied Lebanon](https://en.wikipedia.org/wiki/Syrian_occupation_of_Lebanon) in 1994, the government naturalized over 154,931 foreign residents, of [Palestinian](https://en.wikipedia.org/wiki/Palestinians_in_Lebanon) (mostly [Palestinian Christians](https://en.wikipedia.org/wiki/Palestinian_Christians)) and [Syrian](https://en.wikipedia.org/wiki/Syrians_in_Lebanon) (mostly [Syrian Sunnis](https://en.wikipedia.org/wiki/Sunni_Islam_in_Syria) and [Christians](https://en.wikipedia.org/wiki/Christianity_in_Syria)) descent. It was argued that the purpose of these naturalizations was to sway the elections to a pro-Syrian government. This allegation is based on how these new citizens were bussed in to vote and displayed higher voting rates than the nationals did.

Most [Palestinians in Lebanon](https://en.wikipedia.org/wiki/Palestinians_in_Lebanon) do not have Lebanese citizenship and therefore do not have [Lebanese identity cards](https://en.wikipedia.org/wiki/Lebanese_identity_card), are legally barred from owning property or legally barred from entering a list of desirable occupations. However, some Palestinians, mostly [Palestinian Christians](https://en.wikipedia.org/wiki/Palestinian_Christians), however, did receive Lebanese citizenship, either through marriage with Lebanese nationals or by other means. In 2017, a census by the Lebanese government counted 174,000 Palestinians in Lebanon, but other sources estimate the number as high as 400,000.

On June 1, 2018, the notoriously anti-naturalization [Lebanese president](https://en.wikipedia.org/wiki/Lebanese_president), [Michel Aoun](https://en.wikipedia.org/wiki/Michel_Aoun) signed a naturalization decree granting citizenship to a reported 300 individuals. These individuals come for various backgrounds and religions, however all of them are in one way wealthy and have ties to [Syrian president](https://en.wikipedia.org/wiki/Syrian_president), [Bashar al-Assad](https://en.wikipedia.org/wiki/Bashar_al-Assad).

EVOLUTION OF STATE THEORIES

A number of theories have been put forward to explain the origin of society. They are:

* Divine Origin Theory:

Divine Origin theory makes society the creation of God. Just as God created all the animals and inanimate objects of this world, so he created the society as well. This theory in course of time, particularly in the sixteenth and seventeenth centuries took the form of Divine Right Theory. The divine right of kings also known as divine right theory of kingship is a political and religious doctrine of royal and political legitimacy. It asserts that a monarch is subject to no earthly authority, deriving his right to rule directly from the will of God. It is the oldest theory about the origin and evolution of state. In other words, it is the right of a sovereign to rule as set forth by the theory of government that holds that a monarch receives the right to rule directly from God and not from the people. The doctrine evolved partly in reaction against papal claims to wield authority in the political sphere. In England, King James I and his son Charles I made many claims based on divine right, and a notable exponent of the theory was Sir Robert Filmer. The origin of society is not due to God’s intervention in human history. The society is the outcome of the social instinct of man.

* Force Theory:

Force theory makes society the result of superior physical force. According to this theory, the society originated in the subjugation of the weaker by the stronger. In the primitive times the man of exceptional physical strength was able to overawe his fellowmen and to exercise some kind of authority over them. Thus through physical coercion or compulsion men were brought together and made to live in society. The Patriarchal and Matriarchal theories make society the expansion of family system. Sir Henry Maine defines patriarchal theory as ‘the theory of the origin of society in separate families, held together by the authority and protection of the eldest male descendant’. He believed that society is the family writ large. The matriarchal theory suggests that polyandry and transient marriage relations were more common in primitive times than monogamy or polygamy. Under such circumstances descendance is traced through the mother for, as Jens point out motherhood in such cases is a fact, while paternity is only an opinion. Force theory was developed in the seventeenth and eighteenth centuries by philosophers such as Thomas Hobbes, John Locke and Jean Jacques Rousseau. It is the process of establishing a new government or country through the use of force. This process involves one group of people entering into an area and making everyone else within that territory submits to the new government and social system. Force, no doubt, is an important factor in the evolution of society but it cannot be regarded as the one and the only factor. Several other factors must have entered into the composition of early society. It is as much a result of voluntary amalgamation as of force or conquest. Neither of the patriarchal and matriarchal families can be held universal. In the words of Leacock. ‘No single form of the primitive family or group can be asserted. Here the matriarchal relationship, and there a patriarchal regime, is found to have been the rule, – either of which may perhaps be displaced by the other’.

* Evolution Theory:

Evolutionary theory explains as a convincing origin of the state, is the Historical or Evolutionary theory. It explains the state is a product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of a modern state. The evolutionary theory offers a generally correct explanation of the origin of society. According to it society is not a make but a growth. It is the result of a gradual evolution. It is continuous development from unorganized to organized, from less perfect to more perfect and various factors helped in its development from time to time. Kinship and family were the earliest bonds uniting man with man. “Kinship creates society.”says Malvern. Patriarchal society was organized on the basis of Kinship through males. Religion was another factor to help in the creation of social consciousness. As a matter of fact as Gettell observes, “Kinship and religion were simply two aspects of the same thing.” They were so closely inter-twined that the patriarch, who later became the tribal chief, was also the high priest. After this man gave up his wandering habits, settled in villages and cities, and took to the pastoral and agricultural life. The population began to multiply. Wealth was accumulated. The idea of property took root. The economic life advanced. All this necessitated changes in the forms of social relations and man arrived at such advanced forms of social organizations as the nation state. Thus, society did not come into being by virtue of a pact or special provision; it emerged spontaneously and followed its own line of development. It passed through several stages of evolution before reaching its modern complex form. According to Comte, ‘the society has passed through three stages—the theological, ‘the metaphysical and the positive’. In his view society came into being as a result of a need for association, a felt need of human beings which evolved in accordance with definite laws. Existing societies are on different stages of development. Progress, according to him, is inevitable, although it is gradual, slow and uneven. Herbert Spencer also subscribed to the theory of social evolution. According to him, society is subject to the same laws of evolution to which all organic and inorganic matter is. To him also evolution meant progress. Human society has advanced from a savage state to a civilized state. He marked out these stages, the primitive, the militant and the industrial in the course of social evolution.