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QUESTION

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.

A Lebanese is a person from Lebanon or pertaining to the Lebanese people or the Lebanese language. The Lebanese nationality law governs the acquisition, transmission and loss of Lebanese citizenship. Lebanese citizenship is the status of being a citizen of Lebanon and it can be obtained by birth or naturalization. Lebanese nationality is transmitted by paternity (father). 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 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 Lebanese approved a draft law that would allow foreigners of Lebanese origin to get citizenship. The Minister of Foreign Affairs and Emigrants Gebran Bassil announced on 5 May 2016 the beginning of the implementation of citizenship law for Lebanese diaspora.

**ACQUISITION OF LEBANESE CITIZENSHIP**

JUS SANGUINIS (PATERNITY)

A child born to a Lebanese father 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. Jus Sanguinis which is the principle of nationality law by which citizenship is not determined by place of birth but by having one or both parents who are the citizens of the state.

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 law of life, compliance with the Lebanese rule of law and 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. 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, upsetting the delicate demographics in the country.

BIRTH IN LEBANON

Birth in Lebanon does not in itself confer Lebanese citizenship. Therefore, **Jus soli** does not apply.

DUAL CITIZENSHIP

According to the Lebanese Ministry for Migration, there have been no restrictions on 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 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, 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 must do his military service in Armenia, since Armenia has compulsory military service 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.

**LOSS OF LEBANESE CITIZENSHIP**

The loss of Lebanese citizenship is regulated under the Law (Lebanese citizenship) of 31 January 1946, as amended by Decree no. 10828 of 9 October 1962. Whereas the promulgation of Decree 10828, it was possible for a Lebanese citizen to take foreign citizenship without losing his Lebanese citizenship (provided he was authorized to do so by a certificate issued by the head of state- Regulation no. 15, Article 8), after the amendment, a Lebanese citizen is both required to seek official authorization by Decree issued by the head of State to take a foreign citizenship and loses in Lebanese citizenship in the event that he does so (article 1 (i)). For the citizens, the only ways that citizenship can be lost are through an affirmative action on the part of the citizen to renounce his or her citizenship or through the committing of several actions listed in S349 of the Immigration and Naturalization Act (INA). Citizens who lose their citizenship are said to be “expatriated.”

INA S349 states that a citizen, whether a U.S. citizen by birth or naturalization, shall lose his nationality by voluntarily performing certain acts with the intention of relinquishing United States nationality. The fact of intention is critical; it is not mere performances of the actions mentioned in S 349. Voluntary renunciation, involves giving up citizenship for the purpose of avoiding taxation or for another reason. A citizen may do this by going to a foreign consulate to and then by expressing an intention to renounce citizenship understands the ramifications of such a decision, the individual is given an oath and a certificate evidencing loss of nationality is executed. The individual loses his or her citizenship as of that date. Section 349(b) provides that any person who performs, with intention to relinquish his or her citizenship, any of those above actions is presumed to have done so voluntarily. The person may rebut the presumption of voluntariness with a showing, by a preponderance of the evidence, that the actions he/she performed were not done voluntarily.

* LOSS DUE TO RENUNCIATION

According to Citizenship Laws of the World, a person who wishes to renounce his/ her Lebanese citizenship is required to send a letter of renunciation to the nearest Lebanese embassy or consulate (U.S Office of Personnel Management Mar.2001). The embassy or consulate will send letter of renunciation of Lebanon for approval and notify the applicant of the decision (ibid). Making a formal renunciation of citizenship before a diplomatic or consular officer of a Lebanese in a foreign state whether the Country is in a state of war and the Attorney General approves that the renunciation is no contrary to the national defense.

* 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/she has never been announced to the Lebanese authorities, He/she has never written to the Lebanese authorities expressing his/her desire to retain Lebanese citizenship, He/ she (or his/her 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 and 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.

* LOSS DUE TO THE OATH ALLEGIANCE TO ANOTHER COUNTRY

Taking an oath or making a formal declaration of allegiance to a foreign country after reaching 18 years of age or obtaining naturalization in a foreign country after reaching 18 years of age.

* LOSS DUE TO THE ACT OF TREASON

Committing any act of treason against, or attempting by force to overthrow, or bearing arms against the United States, violating, or conspiring to violate certain provisions of the law by engaging in a conspiracy to overthrow, put down, or to destroy by force the government, or to levy war, if and when the person is convicted by a court martial or by a court of competent jurisdiction.

**HOW TO RETAIN A PERSON’S NEWLY ACQUIRED NIGERIAN CITIZENSHIP**

* The moment you want to retain a citizenship, you have to make sure that he/she revalidates all the necessary document like the resident permit, international passport and some forms that will allow the person to stay in another nation. If he/she is not an indigene of that country (Lebanon).
* Accepting, serving or performing the duties of any office, post or employment in his/her country.
* Obeying the rules and regulations of the country by the citizen (s).
* The citizen must be free from any form of offences or fraud to avoid misleading information or fraudulent activity around the citizenship application in order for his/her citizenship to be revoked.

ANSWER (2)

The Social Contract Theory explains the evolution of states with other theories. The other theories are Divine Origin Theory, Patriarchal Theory as the Origin of the State, Matriarchal Theory as the origin of the State, Force Theory of Origin of the State and the Marxician Theory of Origin of State.

DIVINE ORIGIN THEORY AS THE ORIGIN OF THE STATE

The oldest theory about the origin of the state is the divine origin theory. It is the oldest and first organized theory about the origin of State. During the past, Politics and Religion were not separated and most of the times Head of State was also Head of the Religion. It was believed that God created the State as he did everything else. It was believed that the king was “the shadow of a God on earth”. It is also known as the Theory of Divine Right of Kings. The exponents of this theory believe that the state did not come into being by any effort of man. It is created by God. The king who rules over the state is an agent of God on earth. The king derives his authority from God and for all his actions he is responsible to God alone. Obedience to the king is ordained to God and violation of it will be a sin. The king is above the law and no subject has any right to question his authority or his action. The king is responsible of God alone. The history of Divine Theory is based on the conception of the divine creation of the state may be traced back to remote antiquity.

The basic principles of this theory are God created the state, Kings are the nominees of God and kings are responsible and answerable to God alone and no one else. It was universal belief with the ancient people that the King is the representative of God on earth and the state is a bliss of God. Thus the king had both political and religious entity. In the religious books also the state is said to be created by God. In some religions this conception is explicit, but in others it is implicit. In 1680 Sir Robert Filmer wrote a book entitled “The Law of the Free Monarchies”, where it is stated the Adam was the First King on earth and the King’s subsequent to him are the descendants of Adam. In the Manusmriti, it is said that when the world was thick in anarchy, the people prayed to God to remedy the 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 fay deep in the profusion of the Sastras.

In the medieval period, the Christians held the Pope in semi- God status. In the Muslim world, the Caliph was the Priest-king. The Dalai Lama was the head of the Theocratic State of Tibet. He was considered there 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 the supremacy of the church over the state. On the other hand, the state because of its divine nature emphasized on its supremacy over the church. The Stuart King James 1 claimed that he derived his authority directly from God. According to him, the king is wise and intelligent, but his subjects are wicked. Even if the King is bad, the people have no right to rebel against him. 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. Be that as it may, during a large part of human history, the state was viewed as direct divine creation and theocratic in nature. The theory was in currency so long as religion was considered to be the chief motive 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. Today’s trend is that the state is a historical growth. Although the divine theory is totally discredited as an origin of the state, there are some good things in it. The summum bonum of the theory is that it stimulated discipline and law- abidingness among the subjects at a time when these were the needs of the hour in those anarchical conditions. This theory is also created for the moral responsibility of the rulers, because they were cast with a divine injunction to rule to the perfect satisfaction of the heaven.

PATRIARCHAL THEORY AS THE ORIGIN OF THE STATE

The foremost among such theories is the patriarchal theory which seeks to explain that the state is an enlargement of the family. Originally, the family consisted of a man, his wife and children. The father being the head of the family has control and authority and also complete in all respects over all its members. When his children married, there was expansion in the original family and it led to the establishment of new families. But the authority of the father and head of the original family remain unabated as before, and it was duly acknowledged by all his descendants. This constituted a patriarchal family.

The patriarchy is a social system that values masculinity over femininity. This type of social system dictates men that men are entitled to be in charge and dominate women. And it implies the nature state of gender relations is a dynamic of dominance and submission. According to patriarchal society, women are seen as weak, submissive and an extension of men, and the highest accomplishment a woman can hope to attain is marriage (heterosexual of course!). and child birthing. The tribes united by ties of blood relationship acted together for common purposes, particularly in defending themselves against the aggression of other tribes. This involved the recognition of some common authority under whose influence they could rally round. The origin of the state is due to several factors like family, religion, force, political necessity, etc.

The principal exponent of this theory is Sir Henry Maine. According to him, the city is a conglomeration of several families which developed under the control and authority of the eldest male member of the family. The head or father of the patriarchal family wielded great power and influence upon the other members of the family. His writ was carried out in the household. This patriarchal family was the most ancient organized social institution in the primitive society. Through the process of marriage, the families began to expand and they gave birth to gen which stands for a household. Several gens made one clan. A group of clans constituted a tribe. A confederation of various tribes based on blood relations for the purpose of defending themselves against the aggressors.

Edward Jenks who is the other advocate of the patriarchal theory is 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. The male child carried on the population through marriages with one or several women, because both monogamy and polygamy were the order of the day. The eldest male child had a prominent role in the house.

According to Aristotle who is an important supporter of this theory stated that “Just as men and women unite to form families, so many families unite to form villages and the union of many villages form the state which is a self-supporting unit. As for the documentary evidence in support of this theory, there were twelve tribes who formed the Jewish nation. In Rome, we are told that the patriarch of three families that made one unit exercised unlimited authority over the other members.

MATRIARCHAL THEORY AS THE ORIGIN OF THE STATE

The chief proponents of the matriarchal theory are Morgan, McLennan and Edward Jenks. According to them, there was never any patriarchal family in the primitive society and that 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 that condition, the mother rather than the father was the head of the family. This kinship was established through the mother. This matriarchal system continued until the advent of pastoral age when the permanent marriage was introduced. We find the existence of the Queen ruling over the Malabar and the princesses ruling over Maratha countries. These are examples of the Matriarchal systems of life.

The advocates of the Matriarchal theory maintain that patriarchal family is possible where either the monogamous or the polygamous institution of marriage did not exist in the beginning of society. The earliest form of marriage was polyandry, one wife having several husbands. Wherever such an institution of marriage is present, the usual relations of husband and wife do not exist. Instead of a family composed of a man, his wife and children. There is a large and loosely connected group called a “horde” or “pack” organized for matrimonial purposes. In such a condition of society, promiscuity of sexual relations prevails and kinship is traced through females and not males. McLennan shares with Morgan “the credit of having discovered the clan, a maternally organized, hereditary and unilateral unit, unilateral because children trader this system belonged to the clan of their mother, without regard to the clan of the father.” The father belonged to a clan different from his wife’s, owing to the existence of the custom of exogamy the practice of marrying only outside one’s own clan or tribe.

Jenks illustrated his proposition from the conditions existing among the natives of Australia and the Malaya Archipelago. He says, “it is the custom to speak of Australian and other savages as living in tribes; it would really be better to call it the ‘pack’ for it more resembles hunting than a social organization. J.J. Bachofen, a Swiss writer, who is mainly responsible for tracing the origin of the Matriarchal theory, held that in primitive society, not only descent was traced through mother and property passed in the female line, but women also “played a conspicuous, in fact, dominant role in body politic. His first stage of social evolution was one of chaos and sexual promiscuity, and then followed the matriarchate, women having grown weary of lawlessness and with the help of religious superstition, having imposed their rule; but in time, men found the matriarchal authority unendurable and, asserting their superior physical strength and introduced the patriarchate.

Jenks contradicted Sir Henry Maine’s statement that family expanded into houses and houses into a tribe. He affirmed that the process of development was just the other way. The Matriarchal theory, thus, “derives the smaller from the larger group, not the larger from the smaller.” The following is a process of development of matriarchal society.

* First there is a tribe and it is the oldest and primary social group.
* In time, a tribe breaks into clans
* Clans in their turn give place to households.
* At last, comes the modern family.

It is needless to go into details of the stages in this evolution. This individual family, however, came into existence when men began to lead a pastoral life. Pastoral occupations necessitated keeping of domestic animals. Women, it came to be realized, were the best to tend sheep and cattle while men were employed themselves in more arduous tasks. This led to the growth of permanent houses and permanent marriages, either monogamous or polygamous. It is in this way that family came into existence. The patriarchal family, emerged only when men adopted settled pastoral and agricultural habits in place of the wandering or hunting life of a primitive man.

FORCE THEORY OF THE ORIGIN OF THE STATE

According to this theory, the state originated due to force exerted by the strong over the weak. This idea contained in the statement is that ‘war beget the king’ which is an old saying. The same view is expressed by Hume, Oppenheim, Jenks-Bernhardy and Trietschke are the exponents of this force theory. A number of rulers also believed in this theory. The powerful conquered the weak state is the outcome of the process of aggressive exploitation of the weaker by the stronger. Might without right is antagonist to individual liberty. There were other factors besides force which helped the expansion of the state. Similarly force alone is not the basis of state and it cannot be maintained by force. The theory of Force emphasizes the origin of the state in the subordination of the weak to strong. The advocates of this theory argue that man, apart from being a social animal is bellicose by nature. There is also a lust for power in him. Both these desires prompt him to exhibit his strength and in the early stages of the development of mankind a person physically stronger than the rest captured and enslaved the weak. He collected in his way a band of followers, fought with others, and subjugated the weak.

Having increased the number of followers, over whom he exercised undisputed authority, he became a tribal chief. A clan fought against a clan and a tribe against a tribe. The powerful conquered the weak and this process of conquest and domination continued till the victorious tribe secured control over a definite territory of a considerable size under the sway of its tribal chief, who proclaimed himself the key. Leacock gives a matter of fact explanation of the Force Theory when he says that historically it means that that government is the outcome of human aggression, that the beginnings of the State are to be sought in the capture and enslavement of man by man, in the conquest and subjugation of feebler tribes and generally speaking in the self-seeking domination acquired by superior physical force. The progressive growth from tribe to kingdom, and from kingdom to empire is but a continuation of the same process. The theory, in from tells us that the State is primarily the result of forcible subjugation through long continued warfare, among primitive groups and historically speaking, as Jenks says, “there is no slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare.”

Once the state had been established, force, which had hitherto been utilized for subjugating others. It was used as an instrument for maintaining internal order and making it secure from any kind of external aggression. But this alone was not sufficient. Force was used as the sinews of war and power and a bid for superiority, A state fought against another, eliminating the weaker and only those survived which either could not be conquered, or no venture was made to conquer them as they were comparatively powerful. This theory of Force, therefore, traces the origin and development of the state to conquest and justices its authority, by the proposition that might is right. The theory has, thus, four implications. First, force is not only a historical factor, but is the present essential feature of the State. Secondly that the States were born of force only. Thirdly that power is their justification and raison d’etre and finally, that the maintenance and extension of power within and without is the sole aim of the State.

MARXICIAN THEORY OF THE ORIGIN OF THE STATE

Marxist theory of state, besides liberal state, is perhaps the most prominent theory. Marxist theory not only challenges the basic concept of liberal state but also emphasizes that it enslaves majority men of society for the realization of it aims, it is to be abolished or smashed without which the emancipation of common men will never be possible. However, a problem about academic analysis of Marxist theory of state is that nowhere Marx has methodically analyzed the theory. Marx (1818-1883) and his friends Engels (1820-1895) have made different comments and statements which constitute the fabric of state theory. We shall first deal with the definition of state. In the communist manifesto (it was written by Marx and Engels). We find a simple definition of state.

They have said that the states is the “political power properly so called, is merely the organized power of one class for oppressing another”. In the same book we find them saying, “the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie”. Hal Draper in his Karl Mark’s Theory of Revolution defines in the following words: “The state is the institution or complex of institutions which bases itself on the availability of forcible coercion by special agencies of society in order to maintain the dominance of a ruling class, preserve the existing property relations from basic change and keep all other classes in subjection.”

Draper’s definition of Marxist state is not basically different from the definitions given by Marx and Engels in the communist Manifesto. The state is fundamentally an instrument of class domination. In other words, the state is used by the bourgeoisie to exploit the common people and in that sense it is a machinery for exploitation. This concept has been elaborated by Lenin.

Marxian theory of the state is basically different from pluralist and elitist theories. According to the former, there are manifold agencies and groups in society and the position of the state is just like a neutral agency whose function is to settle disputes neutrally. But it is wishful thinking that the state maintains neutrality among the different conflicting groups and classes. Rather, it always acts in favour of economically dominant class. Marx and Engels reject this pluralist notion of state. The elitist theories hold the view that only a small group of people called elite, having higher and better skill and ability, controls political power. Engels has said that the minority group qualified and called to rule by the given degree of economic development. The power base, then, is the ownership and control of society’s productive resources.

The elite group, that controls the forces of production, ultimately controls the political power. Marxism sees and interprets state from a quite different perspective which in final analysis is the rejection of both pluralist and elitist theories. It views the state in the light of classes and class struggle and believes that a classless society will be the final goal of the struggle. The classic view of Marxian theory of state is to be found in communist Manifesto.