NAME: ABIMBOLA SOFIYYAH OMOBOLANLE

MATRIC NO: 19/LAW01/004

DEPARTMENT: LAW

COURSE CODE: POL 102

QUESTIONS

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 theory explains the same and their strengths.

**Question 1**

Citizenship is based upon the Constitution of the Federal Republic of Nigeria, dated 1989. 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. Therefore, every nation has its own way of determining its citizen and every country has its rules on how to obtain and lose your citizenship. Nigeria is not an exception. There are three types of citizenship in Nigeria:

**Birth Type:**

The provisions of section 25 of the Nigerian Constitution states that the following people are to be regarded as citizens of Nigeria by birth:

* People who were born in Nigeria before and after the date of independence.
* People whose parents, grandparents or other relatives belong to indigenous Nigerian communities. And what is meant by the indigenous communities from Nigeria? Nigeria is a country with hundreds of tribes and if your parents or grandparents belong to one of these tribes, you can be or become a citizen of Nigeria by birth. It includes Igbo, Yoruba, Hausa, Fulani, Efik and many other tribes.
* If your parents or grandparents were or are citizens of Nigeria, you can be or become a citizen of Nigeria by birth; this applies even if you were born in another country.

**Registration Type:**

The provisions of section 26 of the Nigerian Constitution explain that a person who is not Nigerian by birth can become a citizen of Nigeria by registration. A person can apply to become a Nigerian citizen by registration if he or she satisfies these conditions:

* The person is of good character (This statement should be testified by two people, and one of them should be a religious minister).
* This person expresses and shows a clear intention of his inclination/desire/wish to be domiciled in Nigeria.
* This person has subscribed to the oath of allegiance to Nigeria, which is provided by the seventh schedule of the Nigerian Constitution.
* The provisions of section 26 of the Nigerian Constitution also state that the following categories of the citizen can apply for the Nigerian immigration: A woman who is or has been married to a citizen of Nigeria. It also includes every person who has parents or grandparents of any indigenous Nigerian tribe.

**Naturalization Type:**

If a person cannot apply to become a Nigerian citizen by birth or registration, he can still apply to become a naturalized Nigerian citizen if he meets these requirements:

* This person is of full age.
* This person is of good character (just like in the type before).
* This person has shown a clear desire to be domiciled in the country.
* The governor of the state where the person applying for citizenship wants to reside has to confirm the desire of the community to assimilate this person.
* The person should be capable of contributing to the wellbeing of Nigeria and its citizens.
* The person has lived in Nigeria for fifteen years preceding the application date.

In answering this question in its real sense, we are going to use Nigeria and Lebanon as a case study. A Lebanese that just acquired a Nigerian citizenship can easily lose and also retain it. The provisions of section 26(1) of the Nigerian constitution states that a foreigner can gain Nigerian citizenship by naturalization if he:

1. is a person of good character
2. has shown a clear intention of his desire to be domiciled in Nigeria
3. has taken the oath of allegiance prescribed in the Seventh Schedule to this Constitution.

In the case of a Lebanese, he has to fulfill all these provisions and always stick to them if he wants to retain the citizenship. However, he can lose the citizenship if he goes against any of these provisions or the President deems it fit that he is no longer fit to be a citizen of Nigeria. Section 28(1) of the Nigerian constitution also clearly states that the Lebanese in this case automatically forfeits his Nigerian citizenship if he takes up the citizenship of another country which he is not by birth.

**Question 2**

**Social Contact Theory**

The concept of Social Contract Theory is that in the beginning man lived in the state of nature. They had no government and there was no law to regulate them. There were hardships and oppression on the sections of the society. To overcome from these hardships they entered into two agreements which are:-

1. Pactum Unionis

2. Pactum Subjectionis

By the first pact of unionis, people sought protection of their lives and property. As, a result of it a society was formed where people undertook to respect each other and live in peace and harmony. By the second pact of subjectionis, people united together and pledged to obey an authority and surrendered the whole or part of their freedom and rights to an authority. The authority guaranteed everyone protection of life, property and to a certain extent liberty. Thus, they must agree to establish society by collectively and reciprocally renouncing the rights they had against one another in the State of Nature and they must imbue some one person or assembly of persons with the authority and power to enforce the initial contract. In other words, to ensure their escape from the State of Nature, they must both agree to live together under common laws, and create an enforcement mechanism for the social contract and the laws that constitute it. Thus, the authority or the government or the sovereign or the state came into being because of the two agreements.

Thomas Hobbes theory of Social Contract appeared for the first time in Leviathan published in the year 1651 during the Civil War in Britain. Thomas Hobbes legal theory is based on Social contract. According to him, prior to Social Contract, man lived in the State of Nature. Man’s life in the State of Nature was one of fear and selfishness. Man lived in chaotic condition of constant fear. Life in the State of Nature was solitary, poor, nasty, brutish, and short. Man has a natural desire for security and order. In order to secure self-protection and self-preservation, and to avoid misery and pain, man entered into a contract. This idea of self-preservation and self-protection are inherent in man’s nature and in order to achieve this, they voluntarily surrendered all their rights and freedoms to some authority by this contract who must command obedience. As a result of this contract, the mightiest authority is to protect and preserve their lives and property. This led to the emergence of the institution of the ruler or monarch, who shall be the absolute head. Subjects had no rights against the absolute authority or the sovereign and he is to be obeyed in all situations however bad or unworthy he might be. However, Hobbes placed moral obligations on the sovereign who shall be bound by natural law.

John Locke theory of Social Contract is different than that of Hobbes. According to him, man lived in the State of Nature, but his concept of the State of Nature is different as contemplated by Hobbesian theory. Locke’s view about the state of nature is not as miserable as that of Hobbes. It was reasonably good and enjoyable,

but the property was not secure. He considered State of Nature as a Golden Age. It was a state of peace, goodwill, mutual assistance, and preservation. In that state of nature, men had all the rights which nature could give them. Locke justifies this by saying that in the State of Nature, the natural condition of mankind was a state of perfect and complete liberty to conduct one’s life as one best sees fit. It was free from the interference of others. In that state of nature, all were equal and independent. This does not mean, however, that it was a state of license. It was one not free to do anything at all one pleases, or even anything that one judges to be in one’s interest. The State of Nature, although a state wherein there was no civil authority or government to punish people for transgressions against laws, was not a state without morality. The State of Nature was pre-political, but it was not pre-moral. Persons are assumed to be equal to one another in such a state, and therefore equally capable of discovering and being bound by the Law of Nature

**The Historical and Evolutionary Theory**

Five theories in explanation of the origin of the state, but no single theory offers an adequate explanation. The theory which explains and is now accepted as a convincing origin of the state, is the Historical or Evolutionary theory. It explains the state is the product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of a modern state. This theory is more scientific. The state is neither the handiwork of God, nor the result of superior physical force, nor the creation of evolution or convention, nor a mere expansion of the family. The state is not a mere artificial mechanical creation but an institution of natural growth or historical evolution says professor Garner.

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

1.       Kinship

2.       Religion

3.       Property and defense

4.       Force

5.       Political consciousness

**Kinship**

  Kinship is the most important and was based upon blood relationship and kinship was the first strongest bond of unity. Family constituted the first link in the process of the evolution of the state with the expansion of the family arose new families and the multiplication of families led to the formation of clans and tribes. Kinship was the only factor which bound the people together. According to Professor Mac Iver, the magic of names reinforced the sense of kinship, as the course of generations enlarged the group. The blood bond of sonship changed imperceptibly into the social bond of the wider brotherhood. The authority of the father passes into the power of the chief once more under the aegis of kinship new forms arise which transcend it. Kinship creates society and society at length creates the state'.

**Religion**

  Religion provided the bond of unity in early society. It also affected all walks of life. The worship of a common ancestor and common goods created a sense of social solidarity. There was fear in the hearts of men as far as religion was concerned. Even today we see religious practices, affairs and faith in uniting people. In the early days a number of races are united by religion and unity was essential for the creation of state.

**Force**

  Force also played an important part in the evolution of the state. It was the use of physical force that was responsible for the growth of kingdoms and empires.

**Property and Defense**

Property and defense played a vital role in the evolution of state in ancient times particularly among the people who were nomads and vagabonds and tribals. Prof. Laski has referred to the necessity of acquiring property by the members of society and protecting the property acquired with reference to the population mentioned above. This led to making adjustments in the social system and relationship between the members of different groups. The need to protect property ultimately compelled the ancient people to establish the state.

**Political consciousness**

The last is political consciousness arising from the fundamental needs of life for protection and order. When the people settle down on a definite territory in pursuit of their, subsistence and a desire to secure it from encroachment by others. The need for regulating things and persons is felt imminently and this is the essence of political consciousness.

**Force Theory**

Force Theory of origin of state is another fallacious theory, but historically important, which is offered as an explanation of the origin and meaning of the State. There is an old saying that war beget the king and true to this maxim, the theory of Force emphasizes the origin of the State in the subordination of the weak to the strong. The advocates of the 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 this way a band of followers, fought with others, and subjugated the weak. 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 not the 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. 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, one 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. The 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 individual who can command the highest admiration, according to this doctrine, is the strong man who compels other men to act in fulfillment of his will. Nietzsche, while glorifying the masterly virtues of man, says that a truly moral person has no place for the vulgar and slavish virtue of humility, self-sacrifice, pity, gentleness. Hitler and Mussolini put into real practice the doctrines of these writers. They regarded force as the normal means for maintaining a nation’s prestige, cultural influence, commercial supremacy in the world and for holding the allegiance of citizens at home. This general doctrine of political authoritarianism, both with Hitler and Mussolini, became a creed of dominance by intimidation militancy in international relations, and forcible suppression of political dissent in domestic government.

**The Theory of Divine Origin**

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

The theory of the Divine Origin of the State is as old as [Political Science](https://www.politicalscienceview.com/) itself. There is sufficient evidence to prove now that early States were based on this conception and all political authority was connected with certain unseen powers. The earliest ruler was a combination n of priest and king or the magic man and king The authority and reverence which a ruler commanded depended upon his position as a priest or a magic man. Religion and politics were so inextricably mixed up in the primitive society that not a hazy line of demarcation Could be drawn between the two.

Even today, the State of Pakistan does not seem to draw a distinction between, religion and politics. Sir Mohammad Zafarullah Khan, the then Pakistan Foreign Minister, while speaking on the Objective Resolution in the Pakistan Constituent Assembly in 1949, said: Those who sought to draw a distinction between the spheres of religion and politics as being mutually exclusive put too narrow a construction upon the functions of religion. The abrogated Constitutions declared Pakistan an Islamic Republic to be governed With the Islamic principles. President Zia-ul-Haque significantly modified the 1973 constitution to bring it in conformity to the injunctions of Islam. In addition to Islamic Arab States, the Islamic Republic of Iran, the Islamic Republic State of Bangladesh and the Islamic State of Afghanistan are the most recent examples of theocratic States.

The theory that the State and its authority has a Divine Origin and sanction finds equivocal support in the scriptures of almost all religions in the world. In the Mahabharata, it is recounted that the people approached God and requested him to grant them a ruler who should save them from the anarchy and chaos prevailing in the state of nature. “Without a Chief, O Lord”, they prayed, we are perishing. Give us a Chief whom we shall worship in concert and who will protect us The theory of Divine Origin, however, received a new impetus with the advent of Christianity. Render unto Caesar the things that are Caesar’s, said Jesus Christ, and Paul amplified this in his Epistle to the Romans, which has been quoted by writer’s time and again in support of the theory of Divine Origin. We are, thus, told, Let every soul be subject unto the higher powers. For there is no power but of God the powers that be are ordained of God. Whosoever, therefore, resisteth the power, resisteth the Ordinance of God and they that resist shall receive themselves damnation.

**The Patriarchal and Matriarchal**

**Matriarchal Thoery**

Mclennan, Morgan and Jenks are the notable exponents of matriarchal theory. The matriarchal system was prior to the patriarchal system and tribe. There was no permanent institution of marriage. A woman had more than one husband and because of the uncertainty of male parentage kinship was reckoned through woman that is from mother to daughters. In the place of a family consisting of a man his wife and children there was a large and loosely connected group called a horde or pack organised for matrimonial purposes.

The matriarchal family developed as indicated below.

1.       First there was a tribe and it was the oldest and primary social group.

2.       In course of time a tribe breaks into clans.

3.       Clans in their turn give place to households.

4.       Atlast comes the modern family.

**Criticism**

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

**PATRIARCHAL THEORY**

  The Patriarchal theory explains that the state originated from the patriarchal family or the family in which the pater or father was the head.

  State is an enlargement of the family. Originally the family consisted of a man, his wife and children. The father was the head of the family and his control and authority was complete in all respects over all its members. When his children married there was expansion in the original family and it led to the establishment of new families. But the authority of the father and head of the original family remained as before, and it was duly acknowledged by all his descendants. This constituted the patriarchal family. The chief exponent of the patriarchal theory is Sir Henry Maine. The following may be noted for its importance in Maine's Patriarchal theory.

    In the Patriarchal family the element of paternity was the chief fact. Descent was traced not only through males and from the same ancestor. None of the descendants of a female was included in the primitive notion of family relationship. Kinship was accordingly, purely negative. Permanent marriage was the rule whether monogamy or polygamy. The Head of the family was the basis of all authority, and his power was unqualified over his children and their houses and other relations of all descendants. howsoever numerous.

        He controlled not only the business affairs of the group which he headed but its religion and its conduct. The family was the primal unit of political society, 'the seed led of all larger growths of governments, 'as Woodrow Wilson calls it. The single family had developed into several families; yet all of them were fully conscious of their ultimate kinship. Bound together by ties of common ancestors, they associated in a wider common fellowship group, the gens, owing allegiance to some elected elder - perhaps the oldest living ascendent or the most capable. Similarly, the gens broadened into the tribe. The pastoral pursuits gave way to agriculture and settled life on a definite land became a matter of necessity; land tribes united to form the state. In support of his statement, Sir Henry Maine cited the patriarchs of the old testament 'families' and 'brotherhood' of Athens, the patriapotestos in Rome and the Hindu Joint family system in India.

**Criticism**

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