**NAME: CHIMA SOMTOCHUKWU KAOSISOCHUKWU**

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**Assignment: (Term Paper)**

**N.B: Don't exceed 15pages.**

**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**

**Pls note that your assignment will be submitted via mail @Maitoyekini@abuad.edu.ng , and hard copy will be collect till further notice.**

**Enjoy my dear students. Don't forget stay and eat well. Mind you don't forget to drink plenty of warm water. Happy coro holiday**

**Question 1**

WHAT IS CITIZENSHIP?

Citizenship refers to the relationship which exist between an individual and the country where he or she resides. The citizen is expected to obey the laws of the land and the country is expected to protect lives and properties of the citizens

A citizen can be described as a legal member of a country he or she lives in with constitutional right. He or she as a bonafide and indigenous member of the country owes the country total obedience and enjoys some rights and privileges and performs duties and obligation to the country.

We have different types of citizenship. But I am going to focus on dual citizenship.

WHAT IS DUAL CITIZENSHIP?

Dual citizenship or multiple citizenship is a person’s citizenship status, in which a person is concurrently regarded as a citizen of more than one country under the laws of those countries. Multiple citizenship arises because a person with multiple citizenship is generally entitled to the rights of citizenship in each country he or she is a citizen.

Process of acquiring Nigerian citizenship.

TYPES OF CITIZENSHIP

1. CITIZENSHIP BY BIRTH
2. PLACE OF BIRTH: A person can acquire citizenship of a given place/state where he or she is born within the territory of that state even though the parents are citizens of another country.
3. DESCENT: A person’s citizenship is hereby determined by his/her father’s citizenship. That is person who are born to parents or grandparents who are citizens of a particular state are submatic legal members or citizens of that state
4. NATURALIZATION

A citizen of a country who has lived in another country for a long period; for instance, fifteen years as the case in Nigeria, can apply for citizenship of a country he resides and before he/she applies for such, he or she must fulfill some conditions which varies from country to country.

1. REGISTRATION/MARRIAGE

This is a method through which women acquire citizenship through marriage. For instance if a Ghanaian woman marries a Nigerian man, she must register as a citizen of Nigeria, live in Nigeria and take an oath of allegiance to the country.

1. HONORARY CITIZENSHIP

This is when citizenship of a country is granted to a distinguished or eminent foreigner without the usual requirement as a mark of honor

1. CITIZENSHIP BY CONQUEST

Through conquest after secessionist struggles, citizenship of certain individuals may be changed by acquiring new status

Based on the question a Lebanese citizen was probably born in Lebanon and therefore cannot obtain a Nigerian citizenship through birth, but it can be acquired through naturalization or registration.

According to the citizenship Act of the Federal Republic of Nigeria, subject to the provision of the 1999 constitution, a person may obtain citizenship by registration on the following conditions

He is of good character, and was testified about by religious leader.

He has shown a clear intention of his desire to be domiciled in Nigeria

He has taken the Oath of allegiance prescribed by the seventh schedule of the constitution.

It can be obtain through registered marriage.

By naturalization, the provision of the constitution of Nigeria gave condition to be met before a grant of naturalization is given to any applicant

He is a person of good behavior

He is of full age and capacity

Resided in Nigeria for a continuous period of fifteen years

The section 30 of the 1999 constitution stipulated ways citizenship can be lost. The most and irrevocable way of acquiring citizenship is through birth, other form and means can be revoke according to the constitution.

Acquired Nigerian citizenship can be lost or deprived under the following condition.

War: It is stated that Oath of allegiance consider a person a citizen and by that he or she must perform and show his patriotic spirit during all times, therefore during war if the countries in which a person has acquired citizenship from are at war. Therefore, during war, a person who traded with an enemy of Nigeria in any unlawful business or unlawfully communicate with such enemy to the detriment of the country’s interest would be deprive his citizenship status of Nigeria in which he or she had earlier gained through either naturalization and registration.

The President can denounce the citizenship status of an individual who had acquired a Nigerian citizenship if he had shown disloyalty towards the federal Republic of Nigeria by action or speeches.

A person can be deprived citizenship status if he has been sentenced to three or more years of imprisonment within a period of 7 years after he has been naturalized.

A person with a naturalized or registered Nigerian citizenship can be deprived of his citizenship status if the President is dissatisfied with the individual’s records of proceeding from a law court of tribunal.

With these 4 condition stated above a Lebanese citizen can lose his newly acquired Nigerian citizenship if his deeds meet the above conditions.

**Question 2: Apart from the social contract theory, what other theories explained and relate to the evolution of state.**

1. **Divine theory**
2. **Force theory**
3. **Patriarchal theory**
4. **Matriarchal theory**
5. **Maxisician theory**

These four theories explained the evolution of State, otherwise known as Origin of State.

1. Divine Contract theory: The Theory of Divine Origin rights of the kings also known as the divine origin theory is one of the oldest theory of the origin of the state. The theory states that the state was created by God and the King was the representative or agents of God on the earth. The King was given the divine power and he was responsible to God alone for his deeds and was not responsible to the people for any of his works. This theory has made the King above the law and no subjects will have the right to question the actions and authority of the King.

The theory prevailed in the old age where religion has dominated the minds of the people. The subjects believed that as the King is the agent of God so they have to obey the King and to go against the King will be a sinful act. In the twentieth century, this theory has been criticized or we may say it came under a criticism being an incorrect explanation of the origin of the State. The divine origin theory was dashed into the ground as this social contract theory has suggested that the state is the handwork of man and not the creation by the grace of God.

Criticism of the Divine Theory:

There are seven lines of argument in the hands of R. N. Gilchrist levelled against the divine theory:

The first line of argument of Gilchrist is that 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 commonsense of the moderns that God selects anybody to rule over the state.

The second line of argument is that the divine theory is fraught with dangerous consequences, because a semi-divine King is bound to rule arbitrarily as he is responsible only to God and not bound to heed public opinion. Such a theory will make the ruler despotic and autocratic.

The third line of argument is that the divine theory 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 could not happen if the divine theory was to be accepted.

The fourth line of argument is that the New Testament of the Bible reversed the divine conception of the state as ingrained in the Old Testament. It is emphatically stated in the New Testament- “Render unto Caesar the things that are Caesar’s and unto God the things that are God’s”, which gives the state a human character as against the divine coating.

The fifth line of argument is that the divine theory is unscientific. The anthropologists and sociologists after careful scientific analysis have discarded the theory as totally untenable as an explanation of the origin of the slate.

The sixth line of argument is that the divine theory runs counter to the universally accepted conception that the state is the result of a historical evolution. The generally accepted theory of the origin of the state is that various factors like religion, family, force and political consciousness were behind the growth of the state.

The seventh line of argument is that the divine theory is undemocratic. The inevitable implication of the theory in content and tone will make the King absolute and his government never democratic. So the theme of the theory is against the spirit of democracy.

Value of the Divine Theory:

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 also created the moral responsibility of the rulers, because they were cast with a divine injunction to rule to the perfect satisfaction of the heaven.

Decline of the Divine Right Theory:

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 one receded to the background and finally vanished away.

The important role assigned to the man in the creation of the state by the social contract theory shattered all hopes for the divine right theory. The second factor in the decline of the divine right theory was the Reformation Movement in the sixteenth century Europe, which curbed the authority of the Pope and the Church and at the same time brought the monarch and the people in the limelight.

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.

The final nail of the coffin of the divine right theory was the modern theory of Thomas Hill Green that democracy, i.e., will of the people was the basis of the state.

1. **The Patriarchal Theory as the Origin of the State:**

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 organised 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 formed one commonwealth which is called the state.

Sir Henry Maine’s analysis of the growth of the state is- “The elementary group is the family connected by the common subjection to the highest male ascendant. The aggregation of families forms the gens or the houses. The aggregation of houses makes the tribe. The aggregation of the tribes constitutes the commonwealth.”

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 though 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.

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 who formed the Jewish nation as we gather from the Bible. In Rome, we are told that the patriarch of three families that made one unit exercised unlimited authority over the other members.

Criticism of the Theory:

The patriarchal theory as the origin of the state is subjected to the following criticisms:

In the first place, the origin of the state is due to several factors like family, religion, force, political necessity, etc. So by identifying the origin of the state with family, one makes the same fallacy as taking one cause instead of several causes. To say in the words of J. C. Frazer- “Human society is built up by a complexity of causes.”

In the second place, the theory 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 are staunch supporters of the theory, the matriarchal family 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 matriarchal society and the matriarchal society led to the state.

In the third place, the patriarchal theory is 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.

In the fourth place, Sir Henry Maine over simplified the origin of the state by attribution it to the family alone. It is because of this over simplicity that the theory has to be rejected as untenable. The authority of the father over the children is only temporary, because his authority ends when the children grow in age. But the authority of the state over the population is perpetual.

1. **The Matriarchal Theory as the Origin of the State:**

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 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. 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 some symbols like tree or animal. One totem group men were to marry all the women of another totem group. This would lead to polyandry and polygamy also.

This matriarchal system continued until the advent of the pastoral age when the permanent marriage was introduce. We find the existence of the Queen ruling over in Malabar and the princesses ruling over the Maratha countries. These are examples of the matriarchal systems of life.

Criticism of the Theory:

The matriarchal theory is attacked on the following grounds:

First, the state was created by several factors, of which the family was one. So this theory makes only a partial study of the origin 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, this theory also mistakenly analyses the origin of the family as the origin of the slate. The state is something more than an expanded family. They are quite different in essence, organisation, functions and purposes.

Thirdly, the theory is historically false. It is not a fact of history that the matriarchal system was the only system at a particular time. As a matter of fact, both patriarchal system and matriarchal system prevailed side-by-side. There was a parallel development of both the systems. We may conclude with the words of Stephen Leacock- “Here it may be a patriarchal family; there it may be a matriarchal family, but there is no denying the fact that family is at the basis of the state”.

1. **Force Theory of Origin of the State:**

The exponents of this theory hold that wars and aggressions by some powerful tribe were the principal factors in the creation of the state.

They rely on the oft-quoted saying “war begot the King” as the historical explanation of the origin of the state.

The force or might prevailed over the right in the primitive society. A man physically stronger established his authority over the less strong persons. The strongest person in a tribe is, therefore, made the chief or leader of that tribe.

After establishing the state by subjugating the other people in that place the chief used his authority in maintaining law and order and defending the state from the aggression from outside. Thus force was responsible not only for the origin of the state but for development of the state also.

History supports the force theory as the origin of the state.

According to Edward Jenks:

“Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare.”

As the state increased in population and size there was a concomitant improvement in the art of warfare. The small states fought among themselves and the successful ones made big states.

The kingdoms of Norway, Sweden and Denmark arc 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 state of Russia.

The same people established the kingdom of England by defeating the local people there in the eleventh century A.D. Stephen Butler Leachock sums up the founding of states by the use of force in these words:

“The beginnings of the state are 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 continuation from the same process.”

History of the Theory:

This theory is based on the well-accepted maxim of survival of the fittest. There is always a natural struggle for existence by fighting all adversaries among the animal world. This analogy may be stretched to cover the human beings.

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, admit of force as the basis of the state.

Lastly, the theory of force is supported by the German philosophers like Friedrich Hegel, Immanuel Kant, John Bernhardi and Triestchki. They maintain that war and force are the deciding factors in the creation of the state. Today in the words of Triestchki – “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 will be valid until the end of history.”

According to Bernhardi-“Might is the supreme right, and the dispute as to what is right is decided by the arbitrement of war. War gives a biologically just decision since its decision rest on the very nature of things.”

Criticisms of the Theory:

Following criticisms are levelled against the theory of force. In the first place, the element of force is not the only factor in the origin of the state; religion, politics, family and process 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 Stephen 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 to perpetuate it something more is essential.

In the second place, the theory of force runs counter to the universally accepted maxim of Thomas Hill Green- “Will, not force, is the basis of the state.” No state can be permanent by bayonets and daggers. It must have the general voluntary acceptance by the people.

In the third place, the theory of force is inconsistent with individual liberty. The moment one accepts that the basis of a state is force, how can one expect liberty there? The theory of force may be temporarily the order of the day in despotism as against democracy.

In the fourth place, the doctrine of survival of the fittest which is relied upon by the champions of the force theory has erroneously applied a system that is applicable to the animal world to human world. If force was the determining factor, how could Mahatma Gandhi’s non-violence triumph over the brute force of the British Imperialists?

Lastly, the force theory is to be discarded 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 by nature a political animal. It is that political conscience that lay deep in the foundation of the state.

We may conclude with the words of R. N. Gilchrist- “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.”

Merits of the Theory:

The theory of force, though untenable as an explanation of the origin of the state, has some redeeming features:

First, the theory contains the truth that some states at certain points of time were definitely created by force or brought to existence by the show 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 on, the Aryans sprawled their kingdoms and broad-based their government and ruled with the backing of the people.

Secondly, the other silver lining of the theory is that it made the slates conscious of building adequate defence and army to protect the territorial integrity of the state. That is why we find commanders of war or Senapati as an important post in the ancient kingdoms.

In the modern state, we find a substantial amount of money used on defence budget. Every state in the modern world has got a defence minister which unmistakably recognises the use of force in modern statecraft too.

1. **Marxician Theory of Origin of the State:**

The Marxists are of the view that the state is a creation by the class-struggle with the help of force.

So it is altogether a different theory of origin of state with the recognition of force which we have studied as a theory of origin of state.

The Marxists began with the primitive society where there was no surplus wealth to quarrel with and so there was no state.

With the passing of time, society was getting split over hostile 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 ample food which resulted in private property. The insoluble contra-dictions as a result of division of labour became so acute that it was not possible for any class to keep reconciled in the state or to keep the quarrelling classes under control.

The most dominant class that controlled the mode of production came to establish the state to ensure its dominance over the other classes who 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 so also changed the character of the state. So 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, Fredrich 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. Lenin developed on the above thesis by bringing the communist party as the dominant class, namely the proletariat and his state, namely 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 resorted to by the proletariat against the bourgeois. 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 views as culled from the writings and opinions of Engels, Lenin and Gramsci. Now we shall draw up the criticism of it.

Criticism of Marxist Theory of Origin of State:

The Marxist theory of origin of state as based on class struggle is subjected to the following fierce criticism:

In the first place, it is nowhere stated in history that state in its origin is linked with the class struggle.

In the second place, 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 hand, cooperated with each other and contributed in their way in the composite development of the state.

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

In the fourth place, 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 there in the map of the world. They were not created with the communist party. Today communist party is over in Russia. Does it deny the statehood to Russia?

In the fifth place, Marxism, by identifying the state with the party, encourages the totalitarianism of the worst type like Fascism and Nazism. So the theory is a dangerous one.

Lastly, the Marxist dogma that the state is a creation of the class and it will die with the death of class is false and misleading. The states are permanent and no state withered away for want of a class to back it.