NAME: ALFA PECULIAR ELEOJO

MATRIC NO: 19/LAW01/031

LEVEL: 100

COLLEGE/DEPARTMENT: LAW

COURSE TITLE & CODE: CITIZENSHIP AND THE STATE II (POL 102)

COURSE TITLE: CITIZENSHIP

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 theories explain the same and their strengths.

ANSWER

1. A citizen is defined as a legal member of a state with full constitutional or legal rights in the country in which he or she resides. He or she enjoys certain rights and privileges and owes certain responsibilities and obligations to the state. An alien is foreigner residing in a country.

Ways of acquiring citizenship

1. By birth
2. By naturalization
3. Marriage or registration
4. Dual citizenship
5. Honorary citizenship

These ways of acquiring citizenship will be explain briefly

By birth: a person is a citizen by birth if either of his parents, mother or father is a citizen of a country.

By naturalization: somebody can become a citizen where he lives through naturalization. This is possible if he can satisfy the constitutional requirements for naturalization.

Marriage or registration: if a woman is married to a person of another nationality, she can acquire the citizenship of the husband’s country through registration. For example, a Nigerian woman married to a British or a British woman married to a Nigerian.

Dual citizenship: it is legitimately possible for a person to hold citizenship of two countries. For example, a child born to Nigerian parents living in America becomes a US citizen. The baby is also a Nigerian because the parents are Nigerians.

Honorary citizenship: An individual could be honored with the citizenship of another country. This is made possible if the individual has distinguished himself/herself in a particular way.

Qualifications for citizenship

These are qualifications or conditions an individual has to satisfy before he could become a citizen of another country. However, conditions are not the same in every country

* Statutory age: An alien can become a citizen of another country if he has attained the required age as stipulated by the law of the country.
* Good character: He or she must possess good character
* Residence: The individual must have lived in a country for a specified number of years. In Nigeria, the individual must have lived for a continuous period of 15 years.
* Acceptability: He or she must be acceptable in the local community where he is resident
* Making contributions towards the progress of the country: He or she should be capable of doing this to the progress of the country.
* The willingness to like and stay: if the individual has been granted the citizenship, he has to show the willingness to live in the country.
* Through marriage: An alien can qualify to be citizen of a country through marriage.

**Ways in which a Lebanese can lose his or her citizenship (LOSS OF CITIZENSHIP)**:

According to section 30 of the Nigerian constitution,

**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 Republic of Nigeria.

1. Disloyalty
2. Supporting another country
3. Imprisonment
4. False declaration
5. Treason
6. Renouncement
7. Renouncement

These 7 points will be fully discussed below:

1. Through disloyalty: A naturalized citizen can lose if his activities are prejudicial to the country’s corporate existence.
2. Supporting another country: If a citizen is found supporting another country engaged in war with his country, his citizenship may be deprived him.

3 Imprisonment: The individual can also lose his citizenship if within a period of 5-7 years after been naturalized, he gets involved in a criminal case, resulting in his incarceration for some years.

4 False declaration: If there is a fundamental breach of the citizenship agreement binding him, e.g. false declaration. Offences procured in Nigeria to be committed out of Nigeria. Falsedeclaration as to execution of sentence of death or deportation of non-citizens of Nigeria.

5 Treason: The naturalized citizen can equally lose his citizenship, if found guilty of this offence. It is a crime of betraying one’s own country or providing aid and comfort to the enemy.

6 Dual citizenship:Dualcitizenship is allowed for persons who have a Nigerian parent, that is, citizens by descent, according to Section 25 of the 1999 Nigerian Constitution. Dualcitizenship is also allowed for persons who were born in Nigeria after October 1, 1960, and have either a Nigerian parent or grandparent. If he has not renounced the citizenship of his original country. Dualcitizenship is only recognized for Nigerian citizens by descent. Since a country has control only over who has itscitizenship, but has no control over who has any other country's citizenship, the only way for a country to avoid multiple citizenship is to denyitscitizenship to people in cases when they would have another citizenship.

7 Renouncement: The individual can lose his citizenship by verbally renouncing it. **“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”** **S. 29** **(1)** 1999 constitution of the Federal republic of Nigeria.

From the above provision of the constitution, one can evidently say that renunciation is a voluntary act of relinquishing ones citizenship or nationality for another.

Historically, the right to renounce one’s obligation to his country was perpetually denied by the common law doctrine. This denial however continued till late 19th century when the United State passed into law her **Expatriation Act of 1868** and later the **Bancroft Treaties** which recognized the right to renounce one’s citizen.

However, the **Universal Declaration of Human Rights** in **(Article 13(2) and (Article 15 (2)** respectively, also recognizes both rights to leave any country, including one’s own and the right to change one’s nationality. The reason for the passage of these laws was to counter other countries’ claim that the U.S citizens born in their country owed them allegiance perpetually. See the American celebrated case of **Beys Afroyim v. Dean Rusk, Secretary of State.** This position made it to be the beginning of an explicit rejection of the feudal common law principle of perpetual allegiance across the globe.

1. Other theories that explains the evolution of the state are:
2. Divine theory
3. Historical or evolutionary theory
4. Force theory
5. Matriarchal and patriarchal theory
6. 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 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 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 writers 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, resist the power, resist the Ordinance of God and they that resist shall receive themselves damnation. The theory of Divine Origin so enunciated, believed in and accepted, thus, implied

1. That God deliberately created the State and this specific act of His grace was to save mankind from destruction

2. That God sent his Deputy or Vicegerent to rule over mankind. The ruler was a divinely appointed agent and he was responsible for his actions to God alone whose Deputy the ruler was. All were ordained to submit to his authority and disobedience to his I command was a sin for which there was divine punishment.

The Divine Right of Kings.

There were direct and precise instructions to the faithful. Although the Roman Empire was a pagan empire, Paul had ordered Christians to accept its authority as derived horn God and thereby admitted that the State, whatever the personal morality of the monarch, was divinely ordained. During the Middle Ages in Europe the theory of the Divine Origin of the State was transformed into the doctrine of the Divine Right of Kings. The temporal authority, having emerged victorious over the spiritual authority, claimed that it was a divine favor to the Vicegerents of divine authority. Even today the Queen of Great Britain is a Queen “by the Grace of God”.

The Stuarts in England found refuge in the doctrine of the Divine Right of Kings and its leading exponent was James I Sir Robert Filmer was its enthusiastic supporter. Bousset advocated it in France and supported the despotism of Louis XIV. It was claimed that Kings ruled by divine right and the subjects had no recourse against them. “Kings”, wrote James I, “are breathing images of God upon earth” and disobedience to their commands was disobedience to God. As it is atheism and blasphemy to dispute what God can do, so it is presumption and high contempt in a subject to dispute What a King can do, or to say that a King cannot do this or that. Even rebellion in the cause of religion was deemed a sacrilege because, the State of monarchy is the supreme-st thing upon earth for Kings are not only God’s lieutenants upon earth, and sit upon God’s throne, but even by God himself they are called Gods. As men are children of God, so are men children of the King and they owe him an equal obedience, Without a King there could be no civil society, as the people were a mere heedless multitude incapable of making laws. All law proceeded from the King as the divinely instituted law-giver of his people. The only choice for the people was submission to the authority of the King or complete anarchy. The King could not be held answerable for his actions to human judgment. He was responsible to God alone. A bad King will be Judged by God but he must hot be judged by his subjects Or by any human agency for enforcing the law, such as the estates or the courts. The law resided ultimately in the breast of the King.

The main points in the doctrine of the Divine Right of Kings may, thus, be summed up:-

***1. Monarchy is divinely ordained and the King draws his authority from God.***

***2. Monarchy is hereditary and it is the divine right bf a King that it should pass from father to soil.***

***3. The King is answerable to God alone and***

***4. Resistance to the lawful authority of a King is a sin.***

The theory of the Divine Right of Kings, originally used in the Middle Ages to serve as a bulwark against the claims of the Church, Fathers, was later used by Kings and their supporters to defend their existence against the political consciousness of the peoples: when the people claimed that ultimately power and sovereign authority rested with them.

Evaluation of the Theory.

That the State is divinely created does not find any place in the present political thought. The State is essentially a human institution, Sand it comes into existence when a number of people occupying a definite territory, organize themselves politically for achieving common ends. The laws of the State are made by men and enforced by them. The State, therefore, originated in the bare needs of the life of man and continues in existence for the satisfaction of those needs and aspirations for a good life. To accept it as the creation of God IS to defy nature itself and to exalt the State to a position above criticism and change.

The Divine Origin theory is dangerous as it justifies the arbitrary exercise of royal authority by holding that authority has a religious sanction and origin, and Kings are the vicars of God. When the ruler is made responsible for his actions to God alone and law is held to reside ultimately in the breast of the King is tantamount to preaching absolutism and making the King a despot.

Even if it be conceded that the King is the vicegerent or deputy of God, then, how can the existence of a bad King be justified? History abounds in examples of bad and vicious Kings. God personifies virtue, grace and benevolence and so should be His deputy. It is, accordingly, bad logic to accept the dogma of James I that Kings are breathing images of God upon earth. Even in the scriptures the theory does riot find unequivocal support. The Bible tells us, Render unto Caesar the things that are Caesar’s and unto God the things that are God’s. This saying of Christ does not justify the Divine Origin of the State Finally, the theory does not consider any other form of government except monarchy and that, to absolute monarchy. Such a form of government is antagonistic to the democratic ideal which accepts consent as the basis of the State.

Divine Theory of Origin of State is dismissed as an explanation of the origin of the State At the same time, the theory has a certain value. We cannot ignore the part which religion played in the development of the State. The early rulers combined unto themselves the authority and functions of a king and a priest. Law had a religious sanction and divine or religious law appealed to primitive man more than human law. Obedience to the State was deemed a religious duty and religious worship was supported by government, Belief in a common religion was, thus, a great combining factor which welded the people in the pursuit of common ends. It taught men to obey when they were not yet ready to govern themselves finally, the theory of Divine Origin adds a moral tone to the functions of the State. To regard the State as the work of God is to give it a high moral status, to make it something which the citizen may revere and support, something which he may regard as the perfection of human life.

Divine Theory of origin of State and with that the Divine Right of Kings was discredited in the seventeenth and eighteenth centuries in the West and was replaced by the Social Contract Theory and Rousseau’s concept of popular sovereignty. Thus, the Voice of God gave place to the voice of the people.

1. Historical or evolutionary theory: 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. 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.

1. 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. Having increased the number of his 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 King. Leacock gives a matter of fact explanation of the Force Theory when he says that historically it means 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 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](https://www.politicalscienceview.com/role-and-functions-of-the-judiciary/)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

1. Patriarchal and matriarchal theory: Family is the foremost constituent of society as it is the oldest of all human institutions and playing important role in the evolution of state. Aristotle says, “ the state is the natural expansion of the family”

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 organized 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.       At last 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.

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 important points may be noted in Maine's Patriarchal theory.

1.       In the Patriarchal family the element of paternity was the chief fact.

2.       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.

3.       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.

5.       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 ascendant 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.