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POL 102 TERM PAPER (ASSIGNMENT)

LAW

**QUESTION 1**

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.

**HOW A NATURALIZED CITIZEN COULD FORFEIT HIS ACQUIRED CITIZENSHIP**

1. If a citizen renounces his or her citizenship
2. If the government of the individuals country denies him the right he/she will forfeit the citizenship of the other country
3. If he/she is jailed for more than three years within the seven yers he or she got the citizenship
4. If the citizen is a dual citizen
5. If the citizen join any subversive organization within five years the citizenship is acquired
6. If there is a fundamental breach of the citizenship agreement binding him, for instance, false declaration
7. If the citizens activities is prejudicial to the corporate existence and interest of the country
8. If the citizen is found guilty of a treasonable felony
9. B: if a Lebanese citizen who acquired a Nigerian citizen is found one thing of the above can lose he/her citizenship and if he or she has lived the required year and fusil the conditions will acquire a Nigerian citizenship.

For a lebanese to lose his or her nigerian citizenship, certain scenarios must occur or certain criteria must be met:

 citizenship is involuntarily taken away by the government from an individual whose act and conduct has been confirmed to be inconsistent with the provisions of the constitution. Take for instance where:

* Such person(s) has committed an act of treason or an attempt to overthrow the government by force and being convicted by a court of law or tribunal may be deprived of his citizenship by the president although subject to the fact that such person is not a citizen by birth. **see S. 30 (2) of the 1999 constitution**
* Such person(s) has traded or assisted the enemy of Nigeria during the time of war with the intent to cause damage to the interest of Nigeria. **See S. 30 (2) (b) of the 1999 constitution.**

**Conditions/procedure for renunciation**

**Eligibility**

* Such person must be aged 18 years and above (exception to a married woman below age 18 (**S. 29 (4)(b)**)
* Such person must be of a sound mind
* Such person must have acquired or would likely be granted citizenship in another country
* Such person has no criminal or financial liability to the state

**The procedure for renunciation of citizenship in Nigeria**

* Visit to the appropriate authority i.e the Ministry of interior, Nigerian immigration service or the Nigerian embassy in the country where the person resides.
* Fill the application form with complete information which must be signed and certified before a magistrate, notary public, justice of peace or commissioner of oath  
  Submit the application form(s) with the following documents:

1. Copy of the foreign passport
2. Copy of the foreign citizenship certificate or copy of confirmation that the applicant will become the citizen of a foreign country  
   Birth certificate
3. Citizenship certificate (if any)
4. National Identity card (if any)
5. Passport-sized photograph of the applicant
6. Nigerian passport or other traveling document
7. Marriage document (for female applicant below age 18)

Proof of acquisition of citizenship in another country  
**Note:** The president reserves the power to withhold the registration of any declaration and renunciation of citizenship during war in which Nigeria is physically involved and where it is in his opinion that such declaration will be contrary to public policy. **See S. 29 (3) (a) (b)** of the 1999 constitution.

**Some consequences for renunciation of citizenship**  
Below are some of the consequences of renouncing one’s citizenship in Nigeria. The right and qualification to vote and be voted for has been relinquished. See **S. 65 (1) (a) (b), S.131 (1) (a), S.177(1) (a)** of the 1999 constitution for qualifications. Federal government bears no responsibility for protection and assistance while traveling overseas.

1. Automatically the citizenship of the children born abroad has also been relinquished because the parent are no longer a citizen of Nigeria
2. No more access to Federal government jobs once citizenship has been relinquished
3. The right to unrestricted/freedom to travel into and out of the country have been given up. See **S. 41 (1)** of the 1999 constitution which guarantees freedom of movement to every citizens of Nigeria.

**QUESTION 2:**

**ORIGIN OR EVOLUTION OF STATES**

Political thinkers have attempted to explain the origin of the state in various ways. When, where and how the state came into existence have not been recorded anywhere in history. Therefore, the political thinkers were compelled to adopt various hypotheses, many of which are now discredited in the light of modern knowledge. Among the many theories which are concerned with the origin of the state the following are explained in this chapter.

1.      The Theory of Divine origin

2.      Social Contract Theory.

3.      Force Theory.

4.      Evolutionary Theory.

**THE EVOLUTIONARY THEORY**

This theory states that the state evolved over time, starting with the primitive family. One person in the family was determined to be the leader of the family. On a primitive level, a basic government was formed.

Over decades, the family became a clan and a clan became a tribe. The state was identified when the tribe settled in a designated area and claimed it as their own.

According to **evolutionary theory**, government originates from a family or clan-bound structure, which can explain the formation of the world's first political structures. These earliest and very loosely formed governments were the result of a shift from hunter-gatherer societies to more settled agricultural societies. As families joined to form clans and clans joined to form villages, the need for leaders and a central organizational structure developed. These leaders helped determine how to address still unfamiliar issues, such as water rights for crop irrigation and the distribution of other resources. They also provided an increased sense of safety and security for the society. In many early societies, these first states developed monarchies, with rule based on membership in a ruling family. In modern times, some governments continue to be led by a succession of members from the same family. For example, in the monarchy of Saudi Arabia, the king has been descended from the Āl Saʿūd family since 1744.

**EVOLUTIONARY THEORY AS IT APPLIES TO THE SOCIETY**

Any mutually beneficial agreement is good for the organisms because they add consistency to the environment, and so it make sense. See this piece about biological evolution being based on mutually beneficial agreements if you're interested:

Anyway, if an agreement or relationship ceases to be mutually beneficial it won't last, look at your typical employee, employer relationship, perfect example.

Basically governments evolved as a series of mutually beneficial agreements among people which evolved to become more elaborate and inclusive... to include everyone over time. There were certain things (thou shalt not kill) that were so important, you were included whether you agree to it, for example)! It was then still mutually beneficial to you because if you didn't follow, YOU got killed too.

Applying this to society we can easily see all sorts of interesting things going on in the world today. Look at the despotic governments: One can say "wait, that isn't mutually beneficial!"... but actually, as far as those people were concerned they absolutely got something out of it... they got to live, for example. It is only with greater information (CNN comes to the middle East) that people started to say... "Oh my! Those people live differently, that looks better!" So the whole upheaval around the world has to do with communication of different possibilities, which is shaking everything up. These things are all "subjective", in other words, "mutually beneficial" is in the eye of the beholder.

Therefore upheaval is about a change in societal agreements... if one looks at any such situation there is disagreement... societal "roles" (agreements) are trying to change for one reason or another.

This is how I would apply evolutionary theory to government and society.

**STRENGTH OF THE EVOLUTIONARY THEORY**

* It encourages peaceful co-existence
* It brought harmony to the individuals that practices it

**THE FORCE THEORY**

**HISTORY OF THE FORCE 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 emphasizing 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.”

The **force theory** is the idea that government originates from taking control of the state by force and is often found in a **dictatorship**—a type of government characterized by one-person or one-party authoritarian rule. Historically, this has been achieved in some cases through forcible invasion or occupation when a more dominant people or state takes control of the political system of a less powerful people or state, imposing its governmental system on that group. New governments can also be formed by force during revolutions or coups within a country. A coup is the overthrow of an established government, and the resulting leader or dictator is most often a military figure. An example of the force theory occurred in Cuba in 1959, when revolutionary Fidel Castro and a small force of guerrilla soldiers defeated the national army and took control of the government. In some cases, governments created by force take on some characteristics of a monarchy, with government power handed down within the dictator's family. Examples are the Assad regime in Syria and the Kim regime in North Korea.

Think about where you live -- the country, the state, the province or county. What do you know about where it came from? There are several different ways that countries and states can take their shape and define their borders. Sometimes this is done peacefully or naturally when a group of people decide to work together to make a society function. More often, though, it is done through the use of force when one group becomes dominant over the others.

This process of establishing a new state or government through the use of force is what's known as **force theory**, which is also sometimes referred to as *conquest theory*. Force theory occurs when a person or a group of people take control of an area, such as a state, and make everyone in that area follow their rules and beliefs. For example, if you were to successfully invade Canada and make everyone in the country abandon their old ways and adopt my new rules, it would be a demonstration of force theory.

Although force theory is the way that most western countries have been formed, it is not the only way. An alternative to force theory is what is known as **social contract theory**, which is when a group of people living in the same area agree to follow certain rules and expectations in order for their society to remain stable.

**Elements of Force Theory**

While the two theories mentioned above are generally how states and countries take shape, they often unfold in different ways and can be identified by the presence of certain elements.

One important element of force theory is **occupation** by a foreign military or government. For example, when the German Army invaded France in 1940, they took control of the people and government through military occupation. This occupation was done with the intention of bringing France under Nazi governmental rule, but was overthrown by Allied forces in 1944.

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Another important element of force theory is **colonization**, which is a process in which people from another country or area come into a new area and set up a community. Though colonization doesn't necessarily involve the use of force, historically it has led to the use of force.

**STRENGTH OF THE FORCE 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.

**THE DIVINE RIGHT THEORY**

The divine right theory holds that God created the state. God gave certain individuals of royal birth the divine right to rule. Since God divinely ordained its rulers and they were accountable to God, the population obeyed the ruler as they were required to obey God.

This theory existed in many countries such as England and Europe throughout the Middle Ages.

The Divine Right of Kings dates back to the Pharaohs of Egypt who were considered Gods on earth. Their job was to wield justice and be the model of the best of humanity. However, they were just human, but the theology of the office remained when that became adopted into Roman Imperial language for the Roman Emperors and from that into the Kings of Europe. That passed into the Divine Right of Kings in medieval England which only ended with the Magna Carta when the rights of the kings were now under law not above the law.

With the **divine right theory**, government originates with power vested in an individual by God or gods. Generally, monarchs lead governments of this type. This theory was followed in ancient times, including by the ancient Egyptians and Maya. The idea of divine right experienced a resurgence in western Europe in the 16th to the 18th centuries, when King James I of England, several French monarchs, and other rulers asserted that their authority came directly from God—and thus could not be challenged. Russian czars, such as Peter the Great, believed their autocratic rule was God-given, and they used their power to gain territory, wage war, and impose taxation on their subjects.

This is a good way to understand how Europeans came to view kings during the early modern period in Europe. Three things can be seen about divine right in this illustration:

1. The king is appointed at the discretion of God, just as the babysitter is hired using the best judgment of the parent. Furthermore, it may be that it is a really busy night for babysitters, and so babysitters may be in short supply. So the babysitter may not be the best one possible, just as the king may not be the ideal king, but still is appointed and given authority by God.
2. The babysitter acts on behalf of the parent while the parent is away. In the same way, the king is considered God's regent on earth, and his decisions are not subject to disapproval from the people (or in the case of the babysitter, the child).
3. The babysitter is ultimately responsible to the parent. Likewise, divine right theory still insisted that a king is responsible to follow the ways of God in his actions and his carrying out of justice. In the end, when it comes time to pay the babysitter (or to schedule another job), the parent has the final say.

**STRENGTH OF THE DIVINE THEORY OF ORIGIN**

* It stimulated discipline and law abidingness among the subjects
* This theory also created the moral responsibility of the rulers because they were cast with a divine injunction to rule the perfect satisfaction of the heaven.