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What is Social Contract 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 ; and
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.

Analysis of the theory of Social Contract by Thomas HobbesThomas 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 mans 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.

OTHER THEORIES INCLUDE:

The Genesis of Divine Origin Theory:

The oldest theory about the origin of the state is the divine origin theory. It is also known as the theory of divine right of Kings.

The exponents of this theory believe that the state did not come into being by any effort of man. It is created by God.

The King who rules over the state is an agent of God on earth.

The King derives his authority from God and for all his actions he is responsible to God alone.

Obedience to the King is ordained to God and violation of it will be a sin. The King is above law and no subject has any right to question his authority or his action. The King is responsible of God alone.

History of Divine Theory: The conception of the divine creation of the state may be traced back to remote antiquity. It was universal belief with the ancient people that the King is the representative of God on earth and the state is a bliss of God. Thus the King had both political and religious entity. In the religious books also the state is said to be created by God. In some religions this conception is explicit, but in others it is implicit. The Genesis of Divine Origin Theory:

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The divine origin of the state is gleaned first the Old Testament of the Bible. There we find St. Paul saying- "Let every soul be subject unto the higher powers; for there is no power but of God; the powers that be, are ordained by God. Whosoever resist the power, resisted the ordinance of God and they that resist shall receive to themselves damnation."

In 1680 Sir Robert Filmer wrote a book entitled The Law of the Free Monarchies, where it is stated the Adam was the First King on earth and the Kings subsequent to him are the descendants of Adam. In the Manusmriti it is said that when the world was thick in anarchy, the people prayed to God to remedy the condition. God was pleased to appoint Manu to rule over the earth.

This theory prevailed in the old age when religion and politics were combined in the person of the King. In ancient India the Kings ruled over the people according to the injunction of the Dharma, which stood for both religion and politics. Laws lay deep in the profusion of the Sastras. In the medieval period the Christians held the Pope in semi-God status. In the Muslim world the Caliph was the Priest-King. The Dalai Lama was the head of the Theocratic state of Tibet. He was considered there as the incarnation of the Buddhist god Avalokitesvara.

Both the church and the state in their mutual rivalry used the theory of the divine origin in the medieval age. The church asserted the supremacy of the church over the state. On the other hand, the state because of its divine nature emphasised on its supremacy over the church.

The Stuart King James I claimed that he derived his authority directly from God. According to him, the King is wise and intelligent, but his subjects are wicked.

Even if the King is bad, the people have no right to rebel against him. Even in the nineteenth century the Kings of Austria, Prussia and Russia formed the Holy Alliance under the notion that they were appointed by God to rule over their people. Anyway, the European Kings took shelter

under the divine origin theory in order to justify their dictatorships. Be that as it may, during a large part of human history the state was viewed as direct divine creation and theocratic in nature. The theory was in currency so long as religion was considered to be the chief motive force of all human activities.

In the twentieth century this, theory came under criticism being an incorrect explanation of the origin of the state. With the growth of scientific outlook this theory faded into oblivion. Today's trend is that the state is a historical growth. We shall now discuss the causes of the decline of the theory.

Causes of the Decline of the Divine Theory:

In the first place, when a more acceptable theory like the social contract theory came out, the divine theory was dashed to the ground. The new theory suggested that the state is a handiwork of men, not a grace of God.

In the second place, the Reformation that separated the church from the state debased the coin of the divine theory. The post-Reformation period is a period of non-religious politics. Thus the secular outlook made the divine theory totally unacceptable.

In the third place, the emergence of democracy was a big blow for the autocratic dogma of mixing religion with politics and thereby it blunted the edge of identifying God with the King. Democracy not only glorified the individual but shattered the divine halo around the origin of the state.

Last but not the least was the growth of scientific enquiry and materialistic view of the political mechanism. The result was that the erstwhile blind faith and superstition was no longer acceptable. The people began to accept only those things that stood the test of logic and reasoning.

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 state.

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. 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 gens 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 through marriages with one or several women, because both monogamy and polygamy were the order of the day. The eldest male child had a prominent role in the house.

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.

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 introduced. 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 state. 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".

Theory of Origin of the State:

Another early theory of the origin of the state is the theory of force.

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. 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.

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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 are 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 Leacock 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 Bernhardt 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 Bernhardt-“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 states 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. 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.

So we fail to accept the Marxist theory as a suitable answer to the, origin of the state.

CITIZENSHIP

The English word "citizenship" is derived from the word citizen which has the

Latin root

'civitas' (city, state, town, body of citizens, etc.). In its literal meaning a citizen is one who dwells in a particular city, town or state. A proper definition of citizenship therefore will depend on the proper definition of who a citizen is.

The Longman Contemporary English Dictionary defines a citizen as "someone who lives in a particular town, country or state and has rights and responsibilities there.... Someone who belongs to a particular country, whether they are living there or not." Similarly Stanford Encyclopaedia of Philosophy defines a citizen as "a member of a political community who enjoys the right and assumes the duties of membership."

From the foregoing a citizen can be said to be a natural or legal member of a political community entitled to rights and privileges that the state can provide and in turn assumes obligations required by law for the wellbeing of the state. With the above understanding of who a citizen is we can now explain the concept of citizenship.

Citizenship as a concept denotes the legal rights or status of being a member of a particular state or country as well as one's individual response to the attendant duties or obligations to that state or country. It involves an individual's link or relationship with the state or country in which the person is entitled to legal, social and political rights and in turn owes duties and

obligations to the state, duties such as obedience to the laws, payment of taxes, defense of the

state and other social responsibilities. According to Turner (2004, 5), "citizenship is a collection of rights and obligations which give an individual a formal legal identity

Article 6 of the 23 May 1926 Lebanese Constitution, as amended to 19 October 1995, stipulates that "the Lebanese nationality and the manner in which it is acquired, retained and lost, shall be determined according to the law." (Constitutions Mar. -1998, 5).

According to Citizenship Laws of the World, a person who wishes to renounce his/her Lebanese citizenship is required to send a letter of renunciation to the nearest Lebanese embassy or consulate (U.S. Office of Personnel Management Mar. 2001). The embassy or consulate will send the letter of renunciation to Lebanon for approval and will notify the applicant of the decision (ibid.).

This information was corroborated by a representative of the Embassy of Lebanon, in Ottawa, in an 18 September 2003 telephone interview.

In his book entitled *Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon*, Uri Davis states that

the loss of Lebanese citizenship is regulated under the Law (Lebanese Citizenship) of 31 January 1946, as amended by Decree no. 10828 of 9 October 1962.

Whereas until the promulgation of Decree 10828 it was possible for a Lebanese citizen to take foreign citizenship without losing his Lebanese citizenship (provided he was authorized to do so by a certificate issued by the head of State – Regulation no. 15, Article 8), after the said amendment, a Lebanese citizen is both required to seek official authorization by Decree issued by the head of State to take a foreign citizenship and loses his Lebanese citizenship in the event that he does so (article 1(i)).

In reality, such decrees are taken very often to facilitate the acquisition of another nationality. Subsequently, after such an acquisition, another Decree is issued at the request of the same person, cancelling the first Decree, resulting in the applicant then retaining Lebanese nationality (Davis 1997, 155).

In addition, the author also quotes Article 2 of Decree No. 10828 according to which

"any person of Lebanese origin who is resident outside Lebanon and opted not to take Lebanese citizenship, may, in the event that he had permanently returned to Lebanon, apply to be counted as Lebanese and the Cabinet ... is authorized to issue regulation to that effect" (1997, 157).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

According to the Lebanese Ministry for Migration, there have been no restrictions on multiple citizenship in Lebanon since 1 January 1926,[citation needed] and foreigners who acquire Lebanese citizenship and Lebanese citizens who voluntarily acquire another citizenship retain their Lebanese citizenship (subject to the laws of the other country), as was the case before that date.

Since the nationality laws of many countries now allow both parents to transmit their nationality to their common child (and not only the father, as used to often be the case), many children automatically acquire multiple citizenship at birth. However, Lebanon specially notes that this has not created any practical problems. Military service, the most likely problem to arise, is usually done in the country where the person resides at the time of conscription. For instance, a dual

Lebanese-Armenian national must do his military service in Armenia, since Armenia has compulsory military service for two years for males from 18 to 27 years old. All male dual citizens regardless where they live are required to serve in the military as if they were Armenian resident citizen with certain exceptions. Most male Armenian citizens living outside of Armenia do not return to serve in the military.

Until 2007, military service in Lebanon was mandatory for men only. All men were required to do one year military service through age 18+. Training was only done whenever they had free time or time off school including summer vacations and holidays. There was also training done alongside high school. On 4 May 2005, a new conscription system was adopted, making for a six-month service, and pledging to end conscription within two years. As of 10 February 2007 mandatory military service no longer exists in Lebanon.[6]

Even though Lebanese nationality law permits multiple citizenship, a Lebanese national who also holds another country's citizenship may be required to renounce the foreign citizenship, under the foreign country's nationality law. A dual Lebanese-Japanese national must, for instance, make a declaration of choice, to the Japanese Ministry of Justice, before turning 22, as to whether he or she wants to keep the Lebanese or Japanese citizenship. 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.

Reasons why people renounce their citizenship?

Multiple citizenship

In Nigeria, despite the fact that S. 28 of the 1999 constitution allows for dual citizenship, on the other hand, it has also limited same by making a person to forfeit his citizenship where it appears that such person is not a citizen by birth and he later acquires or retain the citizenship or nationality of another country other than Nigeria.

Candidates disqualification provisions as can be seen in S. 66(1) (a), S. 107(1) (a), S. 137 (1) (a), and S. 182 (1) (a) of the 1999 Constitution also provide further reasons why people can renounce their citizenship. In these provisions, candidates vying for elective political offices are disqualified on the basis of their voluntary acquisition of citizenship of another country other than Nigeria.

It is advised that any person(s) with interest in vying for any elective political position should rather renounce their citizenship of the other country before making attempt to contest for any election in Nigeria.

Conscription

Dated back to the 18th century, people from certain countries renounce their citizenship to avoid compulsory military services also known as conscription. This form of compulsory enlistment into military services in recent times has raised several objections on different grounds ranging from religious or philosophical grounds; political objection, for example to service for a disliked government or unpopular war; and ideological objection, for example, to a perceived violation of individual rights.

Those conscripted may evade service, sometimes by leaving the country. As of the early 21st century, many states no longer conscript soldiers, relying instead upon professional militaries. Many states that have abolished conscription therefore still reserve the power to resume it during wartime or times of crisis.

Oath of allegiance

Whenever a person pledges his allegiance or loyalty to another country other than his country, he advertently or inadvertently relinquishes his citizenship of his earlier country. This can overtly be carried out by joining the armed forces of the country or accepting jobs where an oath of allegiance or other form declaration of allegiance is required.

Other reasons by which citizenship can be relinquished or deprived

Here, 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:

Copy of the foreign passport

Copy of the foreign citizenship certificate or copy of confirmation that the applicant will become the citizen of a foreign country

Birth certificate

Citizenship certificate (if any)

National Identity card (if any)

Passport-sized photograph of the applicant

Nigerian passport or other traveling document

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.

Automatically the citizenship of the children born abroad has also been relinquished because the parent are no longer a citizen of Nigeria

No more access to Federal government jobs once citizenship has been relinquished

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.

WAYS OF LOSING CITIZENSHIP

1. Through disloyalty: A naturalized citizen can lose his citizenship 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 say 5-7 years after of becoming nationalized, he gets involved in a criminal case, resulting in his incarceration for some years.
4. Treason: The nationalized citizen can equally lose his citizenship, if found guilty of this offence
5. False Declaration: If there is a fundamental breach of the citizenship agreement binding him e.g false declaration
6. Renouncement: The individual can lose his citizenship by renouncing it

RIGHTS OF A CITIZEN

Fundamental human right means that every individual at birth is endowed with certain rights- life, liberty and the pursuit of happiness. Most of these rights are recognized and entrenched in the constitution of most countries. Therefore it is the responsibility of the state to ensure that its citizenship enjoys these rights

These rights include:

1. The right to life, security, protection of law and undisturbed access to the court of law
2. Freedom and protection from slavery and forced labor
3. The right to vote and to be voted for in any political election
4. Right to ownership of property and protection from deprivation of property
5. Freedom of forming and joining any political association
6. Freedom of movement without any restraints
7. Freedom from unlawful detention, arrest and torture

8. Freedom of expression and of the press

9. Right to education

10. The right to a fair hearing

11. Freedom of religion

References

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