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 ASSIGNMENT

1. How can a Lebanese loose his/her newly acquired Nigerian citizenship

 First of all who is a citizen? A citizen is a native or naturalized member of a state or nation owes allegiance to its government and is entitled to its protection (distinguished from alien). An inhabitant of a city or town, especially one entitled to its privileges or franchise. Also citizenship can be defined as the status of a person recognized under the custom or law as being a legal member of a sovereign state or nation.

 Every country has its own law governing citizenship and other aspects of their nationality. It is known as National Law. Based on the constitution of the Federal Republic of Nigeria, becoming a citizen of Nigeria is governed by Nigerian nationality law. This law governs everything relating to citizenship and every other category of Nigeria nationality. There are four (4) types of citizenship in Nigeria:

1. **Citizenship by birth:** This is for those who were born in Nigeria. Although being born in Nigeria does not automatically confer Nigerian citizenship.
2. Every person born in Nigeria after the date of independence (oct 1st, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria; Provided that the person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria.
3. Every person born outside Nigeria either of whose parents is a citizen of Nigeria.
4. **Citizenship by registration:** 26. (1) subject to the provision of section 28 of the constitution, a person to whom the provisions of this section apply may be registered as citizens of Nigeria, if the president is satisfied that;
5. He is a person of good character; two people to testify to that which one should be a Religious minister.
6. He has shown a clear intention of his desire to be domiciled in Nigeria; and
7. He has taken the Oath of Allegiance prescribed in the seventh schedule to this constitution.

(2) The provision of this section shall apply to

a) Any woman who is or had been married to a citizen of Nigeria or every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

1. **Citizenship by naturalization:** 27. (1) Subject to the provision of section 28 of this constitution, any person who is qualified in accordance with the provision of this section may apply to the president for the same of a certificate of naturalization
* (2) No person shall be qualified to apply for the grant of a certificate or naturalization, unless he satisfies the president that
* \*(a) He is a person of full age and capacity
* \*(b) He is a person of good character;
* \*(c) He has shown a clear intention of his desire to be domiciled in Nigeria;
* \*(d) He is, in the opinion of the govern of the state where he is or he proposes to be resident, acceptable to local community in which he is to live permanently and has been assimilated into the way of life of Nigerians in that part of the federation;
* \*(e) He is a person who has made or is capable of making useful contribution to the advancement; progress and wellbeing of Nigeria;
* \*(f) He has taken oath of allegiance prescribed in the seventh schedule to this constitution and;
* \*(g) He has immediately preceding the date of his/her application, either-
1. Resided in Nigeria for a continuous period of fifteen years
2. Resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.
3. **Citizenship by decent:** This means at least one of the parents of the person is a Nigerian even if the person was born outside Nigeria.
4. **Dual citizenship:** A person who is a citizen of Nigeria by birth can acquire the citizenship of another country. Nonetheless, it is not an option for the people who became citizens if Nigeria by naturalization or registration. A person who wants to acquire the citizenship of Nigeria by registration or naturalization will have to renounce his/her other citizenships within 12 months. Nigeria nationality law allows dual nationality of people of Nigeria descent either through birth or parentage. They are also allowed to hold public office in Nigeria. Some in Nigeria feel that dual nationality damages nationality unity of the country.

 **Renunciation and Deprivation of Citizenship**

 A person of full age can renounce his/her citizenship by applying to the president. The president will register the application, upon which the person will cease to be a citizen of Nigeria. However, the president may reject the application if Nigeria is at war.

 Also, any naturalized citizen of Nigeria can be deprived of their citizenship by a president if he/she gets imprisoned for more than three years within the seven years after the naturalization.

 Any citizen of Nigeria by naturalization or registration can be deprived of citizenship if he/she proves disloyal. The statement of hi/her disloyalty should be proved in a court of law.

 The citizens of Nigeria by registration or naturalization can be deprived of citizenship if it can be proved that they are enemies of the country, or have collaborated with enemies of the country. This includes conducting business deals with organization that fight Nigeria and applies to traitors who have fought against Nigeria.

 The president can also make any decisions regarding the citizenship of anyone in the country, even though this is not written in the constitution. However, this kind of decision should be submitted to and approved by the National Assembly.

 Now going back to the question on how a Lebanese (a foreigner) can lose his/her newly acquired Nigerian citizenship:

**By renunciation**: “**Any citizen of Nigeria of full age who wishes to renounce his/her Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation”** S. 29(1) 1999constitution of the Federal Republic of Nigeria.

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

 This means that a Lebanese can renounce his newly acquired Nigerian citizenship if he/she feels like not being a part of Nigeria anymore. The Universal Declaration of Human Right in (Article13(2) and Article 15(2) respectively, also recognizes both rights to leave any country, including ones own and the right to change ones nationality.

Reasons why people renounce their citizenship?

1. Multiple citizenship: In Nigeria, despite the fact that S.28 of the 1999 constitution allows for dual citizenship, on the other hand, it also limited same by making a Lebanese to forfeit his citizenship where it appears that he/she 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 a Lebanese and other people renounce their citizenship. In these provisions, candidates vying for positions in the political offices are disqualified on the basis of their multiple citizenship of another country other than Nigeria, it is also advised that any citizen that is interested in the elective political office and is a multiple citizen should renounce their citizenship of the other country before making attempt to contest for any election in Nigeria. Now a Lebanese that wouldn’t want to renounce his/her citizenship of another country would be put in a state to decide if he/she still wants to be a citizen of Nigeria and may renounce being a citizen of Nigeria if he/she wants to because of this reason.

1. 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 the 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. This is to say that a Lebanese can renounce his/her Nigerian citizenship because they don’t want to be forcefully recruited into the military.

1. 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. This means that, a Lebanese Nigerian citizenship can be lost if he/she proves disloyal to Nigeria. If he/she disrespects the oath of allegiance by joining forces against Nigeria, his/her citizenship can be lost.

Other reasons by which citizenship can be relinquished or deprived;

Here, citizenship is involuntarily taken away by the government from a Lebanese whose act and conduct has been confirmed to be inconsistent with the provisions of the constitution. For instance;

* Such person or a Lebanese 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. S.30(2) of the 1999 constitution
* Such person has traded or assisted the enemy of Nigeria during the time of war with the intent to cause damage to the interest of Nigeria. S.30 (2)(B) of the 1999 constitution.
1. Social contract theory explains the evolution of states, what other theories explain the same and their strengths.

What is evolution of a state? 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. There four major theories of a state but firstly I would discuss the social contract theory.

 **Social contract theory**

Social contract theory, nearly as old as philosophy itself, is the view that persons moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. Socrates uses something quite like social contract argument to explain to Crito why he must remain in prison and accept his death penalty. However social contract theory is rightly associated with modern moral and political theory and is given its first full exposition and defense by Thomas Hobbes. After Hobbes, John Locke and Jean Jacques Rousseau are the best known proponents of this enormously influential theory.

The basic meaning of social contract theory is that people living together in society in accordance with an agreement that establishes moral and political rules of behavior. Some people believe that if we live according to a social contract, we can live morally by our own choice and not because a divine being requires it.

Over the centuries, philosophers as far back as Socrates have tried to describe the ideal social contract, and to explain how existing social contracts have evolved. Philosopher Stuart Rachel’s suggests that morality is the set of rules governing behavior that rational people accept, on the condition that others accept them too.

Social contract can be explicit, such as laws, or implicit, such as raising ones hand in class to speak. Indeed, regardless of whether social contracts are explicit or implicit, they provide a valuable framework for harmony in society. Also social contract theory is a major tenant of liberalism. Liberalism is defined as a general philosophy where the value of liberty must be measured as the highest political good in the society.

 **Advantages of social contract theory**

**Theoretical Experimentation:** The social contract is merely a theoretical term. Therefore, an advantage to the social contract is the framework can worked on in the abstract, meaning that theorists can create elaborate, just framework for society. This has allowed philosophers such as John Locke or political theorists such as John Rawls to vigorously work on the fairest, most just social contract. Although one might find theory or abstract thinking a disadvantage, historically speaking, these theorists have influenced liberalism as a whole. For example, it is hard to consider the American or French Revolution without the work of Thomas Hobbes, John Locke or Jean-Jacques Rousseau

**The contract’s Inclusiveness:** The social contract’s theoretical incentive is that a social contract strives for the fairest and most inclusive society. For example, Thomas Hobbes, 1588-1679, argued in his seminal work, “Leviathan”, that political authority needs to be rested on one sole authority that all people consent toward. For Hobbes, human beings constantly war with each other over survival and resources, limiting each person’s life and liberty. Through a legitimate government via a social contract no war exists between people since all political power is rested in an entity, such as government, that all people consent to. Hence, liberty is enhanced for all

**The Contract’s Fairness:** Proponents of social theory argue that many theorists create framework that are fairer than current society. The fairness comes from the fact that all people under a social contract framework would work toward a society where they or others would not be harmed from gross inequality. For example, John Rawls, 1921-2002, argued that social contract theory works by starting a position, or the original position in Rawls framework, where individuals would want to live in a society where they would not want gross inequality(political, social, economic) applied against them. Hence, everyone would want to live in a society where, for more or less, people are equal to each other thank to a social contract.

**Legitimate Government:** The main and central advantage to social contract theory is a legitimate government. When Thomas Hobbes first considered the idea of a social contract, it was when his country of England began the English Civil War. During the English Civil War, the monarchy of England was at war with proponents of the parliamentary system of England. For Hobbes, Locke or Rousseau, the idea of the social contract was to make sure a government could be agreed upon by all citizens to avoid all types of civil wars or tyrannies.

 **Other theories that explain the evolution of a state includes:**

 **Force Theory of a State**

According to force theory of government also known as force theory of a state, the state was born as a result of force i.e. aggression, war, conquest and subjugation. In ancient times a strong man with the help of his supporters dominated the weaker people of his tribe and established the political relation of command and obedience. This was the beginning of the state. Later on a strong tribe dominated the weaker ones and in this way a kingdom came into being. With the passage of time a strong king subjugated the weaker ones and created an empire. 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 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.

 **Force Theory of Origin of State**

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 has 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 a sinew for war and power and a bead for superiority, one state fought against another eliminating the weaker and only those survived which either could not be conquered or no venture was made to conquer them as they were comparatively powerful. The theory of force, therefore, traces the origin and development of the state to conquest and justices its authority b y the proposition that might is right.

The theory has, thus, four implications:

* First, force is not only a historical factor, but it is present essential features of the states
* Secondly, that the state was born of force
* Thirdly, that power is their justification and raison d’être
* Lastly, that the maintenance and the extension of power within and without is the sole aim of the state

Moreover, the theory of force unduly emphasizes the principle of survival of the fittest. It means that might is right and those who are physically weak should go to the war. It is dangerous to employ such a principle in the internal existence of a state Might without right is antagonistic to individual liberty. The state is duly bound to protect equally the weak and the strong and create equal opportunities for all. Externally, if might is the supreme right and the dispute, as to what is right is decided by the arbitrament of war, there can be no international peace. Every state would be a perpetual war with the rest. This is a condition of chaos, pure and simple, end angering the peace and security of the world. The attention and effort every state would be directed towards war preparedness, if it comes. War, which is an alias for murder, glorifies brute force suppressing the moral forces. This is the mean self of man and not his real sell. Is this the end for which the state exists.

 **Advantages of Force Theory**

Firstly, the theory contains the truth that some states at certain point of time where definitely created force or brought to existence by the show of force. When the Aryans came to India they carried with them weapons of all kind and horses the use in war against none Aryans by defeating the none 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 slate conscious of building adequate defense and army to protect the territorial integrity of the state. That is why we find commandants of war or Senapati as an important post in the ancient kingdoms.

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

 **Divine Theory of Origin of State**

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 the theory of origin of 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 His deputy to rule over them. The ruler was a divinely appointed agent and he was responsible for his action 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 advocate 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 benevolent. To complain against the authority of a ruler and to characteristic his actions as unjust was a sin for which there was divine punishment.
The theory of the divine theory of a state is as old as political science itself. There is sufficient evidence to prove now that early states were based on his 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 on 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.

The theory that the state and its authority have a divine origin and sanction finds equivocal supports in the scriptures of almost all religions in the world. The theory of divine origin, however, received a new impetus with the advent of Christianity to support the divine theory. We are thus, told, let every soul be subject unto the higher power. For there is no power but of God the powers that be are ordained of God. Whosoever, therefore, resisteth the power, resisteth the ordinance of God and they that resist shall receive themselves damnation. The theory of Divine origin so enunciated, believed in and accepted, thus, implied:

1. That God deliberately created the state and his 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 action 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 a divine punishment.

The Divine Right of Kings:

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 has no recourse against them. “Kings”, wrote James I, “are breathing images of God upon earth” and disobedience to their command was disobedience to God. As it is atheism and blashphemy 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 can’t do this or that. All law proceeded from the king as the divinely instituted law giver of his people. The only choice of the people was submission to the authority of the king or complete anarchy. The king could not be held answerable to human judgement. He was responsible to God alone. A bad king would be judged by God but he must not be judged by his subjects or by any human agency for enforcing the law, such as the estate or the court. The law is resided ultimately in the breast of the king.

The main point in the dictorine of the divine right of kings may, thus, summed up:

1. Monarchy is divinely ordained and the king draws his authority from God
2. Monarchy is hereditary and it’s the divine right of a king and it should be pass from father to soil.
3. The king is answerable to God alone.
4. Resistance to the lawful authority of a king is a sin.

 **Advantages of Divine Theory of a State**

Metaphysical and objective: God is the origin and regulator of morality. Surely there is no better source for deciding between right and wrong than Gods unchanging law.

God knows us best: God is objective as well as our creator. We may think that things are good for us such as having affairs but Gods law is against this for a reason.

Absolute rules: The laws we have to stick by are often clear such as the 10 commandments.

Take away human responsibilities: Goodness isn’t subject to our misunderstanding of situation- our reasoning is fallible, and so following Gods law safeguards against this.

God is inherently good: The bible describes God as “holy”, meaning separate from sins therefore, what he commands must be good.

 **Evolutionary theory of a state.**

The Historical or Evolutionary theory

 Five theories in explanation of origin of the state, but no single theory offers an adequate explanation. The theory which explains and is now accepted as a convincing origin of the state is the historical or evolutionary theory. It explains the state is the product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of a modern state. This theory is more scientific.

 The state is neither the handiwork of God, nor the result of superior physical force, nor the creation of evolution or convention, no mere expansion of the family. The state is not 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. Kingship
2. Religion
3. Property and defence
4. Force
5. Political consciousness

**Kingship**

Kinship is the most important and was based upon blood relationship and kingship 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 formation of clans and tribes. Kingship was the only factor which bound the people together.

 According to Professor Mc Iver, the magic of names “reinforced the sense of kingship, 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 under the aegis of kinship new forms arise which transcended 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 common ancestor and common gods created a sense of society solidarity. There was fear in the hearts of men as far as religion was concerned. Even today we see religious practice, 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 a state. It was the use of physical force that was responsible for the growth of kingdoms and empires.

**Property and defence**

Property and defence played a vital role in the evolution of the state in ancient times particularly among the people who were nomads and vagabonds and tribal. Prof. Laski as referred to the necessity of acquiring property by the members of the society and protecting the property acquired with reference to the population mentioned above.

This led to making adjustment 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 protecting and order. When the people settle down on the 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.

In conclusion, it follows that many factors helped the growth of the state. No single factor alone was responsible for its origin. Sometimes all and sometimes many of them help the process by which uncivilized society was transformed into a state. Of all the theories which seek to explain the origin of the state, the evolutionary theory is the most satisfactory. It should be noted that no theory pin-points the time at which the state originated as a consequence of many factors working in union at different times.

 **Matriarchal Theory of state.**

The matriarchal theory of the state is very old. There are many people who support this theory. There was a time in human history where there was no system of permanent marriage and family. At that time people were still in the hunting stage of human civilization. People lived in groups. The life was dependant on the fruits and hunting animals. When two groups were met, there woulfd be union between a man and a woman. After this groups separated, children porn as a result of this union didn’t know their fathers and mothers. So, all relationships and decent were traced true the mother. At this stage people were still living a nomadic life. So there was no concept of private property. In this way population increased and finally people got settled and radical changes took place as a result of matriarchal society changed into patriarchal and the state was born.

The chief exponents of the matriarchy theory are Morgan, Mclennan and Edward Jenks. According to them, there was never any patriarchal family in the primitive society and the patriarchal family came to existence only when the institution of permanent marriage was invoke. 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 tribe of Australia came to the conclusion that the Australian tribes were organized in some sort of tribes known as totem groups. Their finite was not on the bases of blood relationship but through some symbols of tree or animal. One totem group men were to marry all the women of another totem group. This would lead the polyandry and polygamy also. This matriarchal system continued unto the advent of the pastoral age when the permanent marriage was introduced. We fin d the existence of the queen ruling over the Malabar and the princesses ruling over the Maratha countries. These are examples of the matriarchal systems of life.

 **Patriarchal theory of a state.**

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 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 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 duty 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. Decent was traced not only through males and from the same ancestor. None of the descendants of the female was included in the primitive notion of the family relationship. Kinship was accordingly, purely negative.
3. Permanent marriage was the rule whether monogamy or polygamy.
4. 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 most capable. Similarly, the gens broadened into the tribe. The pastoral pursuits gave way to agricultural 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.

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