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Questions

1. How can a Lebanese retain or lose his newly acquired Nigerian citizenship.
2. What other theories other than the Social Contract theory explains the evolution of states and what are their strengths.

Question 1

The following are ways to a Lebanese can retain his Nigerian citizenship.

* By Birth
* By Registration
* By Naturalization

**By birth**- Every person born in Nigeria after the date of independence (October 1, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria; Every person born outside Nigeria either of whose parents is a citizen of Nigeria. In this section, "the date of independence" means the 1st day of October 1960.

Provided that a 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.

**By registration**: Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that -

(a) He is a person of good character; two people to testify to that which one should a Religious minister...

(b) He has shown a clear intention of his desire to be domiciled in Nigeria; and

(c) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.

The provisions of this section shall apply to- Any woman who is or has 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.

**By naturalization**: Subject to the provisions of section 28 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalization.

 No person shall be qualified to apply for the grant of a certificate or naturalization, unless he satisfies the President that -

* He is a person of full age and capacity;
* He is a person of good character;
* He has shown a clear intention of his desire to be domiciled in Nigeria;
* He is, in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the 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;
* He is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;
* He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.
* He has, immediately preceding the date of his application, either-
* Resided in Nigeria for a continuous period of fifteen years; or
* 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.

**LOSS OF CITIZENSHIP:**

Loss of citizenship, also referred to as loss of nationality, is the event of ceasing to be a citizen of a country under the nationality law of that country. It is a blanket term covering both involuntary loss of citizenship, such as through denaturalization, as well as voluntary renunciation of citizenship.

The following are ways the Lebanese can also lose his Nigerian citizenship.

Grounds on which a Lebanese can lose their Nigeria citizenship

There are generally two categories of grounds for loss of citizenship

"Involuntary loss" may occur due to either automatic lapse of citizenship from the citizen for failure to take some action to retain citizenship, or active withdrawal of citizenship by the country.

In contrast, "voluntary loss", often called "relinquishment" or "renunciation", is initiated by the citizen. It is not always easy to make a clean distinction between the two categories: loss of citizenship due to an initial cause undertaken voluntarily (for example, voluntarily serving in a foreign military or voluntarily naturalizing as a citizen of a foreign country) could be seen either as "voluntary loss" or "involuntary loss".

**VOLUNTARY MEANS:**

Voluntary renunciation of Nigerian citizenship is permitted by law. Contact the Embassy for details and required paperwork. INVOLUNTARY: The following are grounds for involuntary loss of Nigerian citizenship: Registered or Naturalized citizen voluntarily acquires the citizenship of a foreign country. Naturalized citizen, before seven years of residence, sentenced to prison for three years or more. Registered or Naturalized citizen is convicted of acts of disloyalty to the Federal Republic of Nigeria.

A 1961 letter from the Immigration and Naturalization Service, stating that Beys Afroyim had lost his U.S. citizenship. Afroyim became the subject of a landmark 1967 U.S. Supreme Court case, Afroyim v. Rusk.

**INVOLUNTARY MEANS:**

Involuntary loss of citizenship does not necessarily mean automatic and immediate loss. Even if a country's laws state that under certain circumstances citizenship is automatically removed, until officials of the government or embassy are informed, that country's government will probably still retain that person's name in its citizenship records.

A Lebanese Nigerian citizenship can be taken away under certain reasons:

* Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth.
* 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.
* The President shall cause the declaration made under the constitution to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.
* The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he is satisfied that such a person has, within a period of seven years after becoming naturalized, been sentenced to imprisonment for a term of not less than three years.
* The President shall deprive a person, other than a person who is citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that -
* The person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or
* The person has, during any war in which Nigeria was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in the opinion of the president carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.
* For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he had been alive on the date of independence; and in this section, "the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.
* The president may make regulations, not inconsistent with this Chapter, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Chapter, and for granting special immigrant status with full residential rights to non-Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian citizenship.

Question 2.

Various theories that explain the evolution of state are as follows:

* Divine Origin Theory
* Patriarchal Theory as the Origin of the State
* Matriarchal Theory as the Origin of the State
* Force Theory of Origin of the State
* Social Contract Theory
* Marxician Theory of Origin of the State
* Divine Origin Theory

**The 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. 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 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 resists the power resisted the ordinance of God and they that resist shall receive to themselves damnation.”

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. The European Kings took shelter under the divine origin theory in order to justify their dictatorships.

**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 summary 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.

**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 organized social institution in the primitive society. Through the process of marriage the families began to expand and they gave birth to gen which stands for a household. Several gens made one clan. A group of clans constituted a tribe. A confederation of various tribes based on blood relations for the purpose of defending themselves against the aggressors formed one commonwealth which is called the state.

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

Edward Jenks who is the other advocate of the patriarchal theory is of the view that the foundation of the state was caused by three factors, namely male kinship, permanent marriages and paternal authority. Thus, the salient feature of the patriarchal theory is that the families grew through the descendants of the father, not the mother. The male child carried on the population though marriages with one or several women, because both monogamy and polygamy were the order of the day. The eldest male child had a prominent role in the house.

Another important supporter of this theory was Aristotle. According to him- “Just as men and women unite to form families, so many families unite to form villages and the union of many villages forms the state which is a self-supporting unit”.

As for documentary evidence in support of this theory, there were twelve tribes who formed the Jewish nation as we gather from the Bible. In Rome, we are told that the patriarch of three families that made one unit exercised unlimited authority over the other members.

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

The chief exponents of the matriarchal theory are Morgan, McLennan 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 organized in some sort of tribes known as totem groups. Their affinity was not on the basis of blood relationship but through some symbols like tree or animal. One totem group men were to marry all the women of another totem group. This would lead to polyandry and polygamy also.

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

**Force 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.

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

History supports the force theory as the origin of the state. According to Edward Jenks: “Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare.”

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

The kingdoms of Norway, Sweden and Denmark arc historical examples of the creation of states by the use of force. In the same process, Spain emerged as a new state in the sixth century A.D. In the ninth century A.D. the Normans conquered and established the state of Russia.

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.

**Merits of the Theory:**

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

First, the theory contains the truth that some states at certain points of time were definitely created by force or brought to existence by the show of force. When the Aryans came to India they carried with them weapons of all kinds and horses to use in the war against the non-Aryans and by defeating the non-Aryans they carved out a kingdom in India. Later on, the Aryans sprawled their kingdoms and broad-based their government and ruled with the backing of the people.

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

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

**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.