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ASSIGNMENT:

- 1. How can a Lebanese retain or lose his or her newly acquired Nigerian citizenship**
- 2. Social Contract Theory explains the evolution of states, what other theories explain the same, and their strengths**

1. The means with which a Lebanese citizen can lose his/her Nigerian citizenship comes under two main categories. But first we discuss how such a person attain Nigerian citizenship. A foreigner can attain Citizenship in two main ways which is by:

A. Registration

B. Naturalisation

A. Registration: For a person who is not a citizen of Nigeria by birth, such person can become a citizen of Nigeria by registration. According to the provision of S. 26 (1) such person must satisfy the President that:

1. He is of good character
2. Has demonstrated a clear intention of his desire to be domiciled in Nigeria
3. He has subscribed to the oath of allegiance as provided for in the seventh schedule to the Constitution.

According to the provision of S. 26 (2) only two categories of people can apply for citizenship by registration:

2. Any woman who is or has been married to a Nigerian citizen.
3. Any person of full age and capacity born outside Nigeria and has any of his grandparents as a Nigerian citizen.

B. Naturalisation: A person who isn't qualified to be a citizen of Nigeria by birth or by registration can still apply to be naturalised as a Nigerian citizen. To do this, such person can apply to the president for a certificate of Naturalisation. However, according to the provisions of S. 27 (2) (a) – (g) such person must satisfy the president that:

1. He is of full age and capacity
2. He is of good character
3. He has demonstrated a clear intention to be domiciled in Nigeria.
4. He is, in the opinion of the governor in the state where he intends to reside, acceptable to the local community and has assimilated into the way of life of such community.
5. He is a person who has made or is capable of contributing to the progress, wellbeing and development of Nigeria.
6. He has subscribed to the oath of allegiance as contained in the seventh schedule of the constitution.
7. He has lived in Nigeria for a period not less than 15 years immediately preceding the date of his application to be naturalised or he has resided in Nigeria continuously for a period of 12 months preceding the application and has in the past 20 years preceding the 12 months r

HOW A LEBANESE CAN LOOSE NIGERIAN CITIZENSHIP

The Nigerian President can deprive a naturalised citizen of his Nigerian citizenship if such person bags an imprisonment of three years or more within a period of seven years after he was naturalised.

The President can also deprive a registered or naturalised citizen of Nigeria of his citizenship if he is considered to be disloyal to the Federal Republic of Nigeria. This consideration would be based on his acts or speech or after due enquiry by the President in a manner stated in the regulations. Please note that the act or speech must relate to what he did or said from the records of proceedings of a court of law or tribunal established by law.

Also, the President may deprive a citizen by registration or naturalisation of his citizenship if he trades with the enemy of Nigeria during the period of war in which Nigeria is physically involved or conducts business that is against the interest of Nigeria. This applies to both registration and naturalisation.

The Social Contract Theory:

Genesis of the Theory:

The most famous theory with regard to the origin of the state is the social contract theory. The theory goes to tell that the state came into existence out of a contract between the people and the sovereign at some point of time.

According to this theory, there were two divisions in human history – one period is prior to the establishment of the state called the “**state of nature**” and the other period is one subsequent to the foundation of the state called the “**civil society**”. The state of nature was bereft of society, government and political authority. There was no law to regulate the relations of the people in the state of nature.

There were three exponents of this theory. They were Thomas Hobbes, John Locke and Jean-Jacques Rousseau who differed about the life in the state of nature, reason for converting the state of nature to civil society and the terms of the contract. They all, however, agreed that a stage came in the history of man when the state of nature was exchanged with civil society to lead a regulated life under a political authority.

The net result of this changeover was that the people gained security of life and property and social security, but lost the natural liberty which they had been enjoying in the state of nature.

The crux of the social contract theory is that men create government for the purpose of securing their pre-existing natural rights – that the rights come first, that the government is created to protect these rights. These ideas were based on the concepts of a state of nature, natural law and natural rights.

According to John Locke, prior to the establishment of society, men lived in a “state of nature”. Thomas Hobbes, an anti-democratic philosopher, emphasised, that in the state of nature there was no government to make and enforce laws, men made war on each other and life was “solitary, poor, nasty, brutish and short”.

But Locke argued that even in a state of nature there was a law governing conduct – there was the “natural law”, comprising universal unvarying principle of right and wrong and known to men through the use of reason. Thus Locke would have us believe that if an Englishman was to meet a Frenchman on an uninhabited and ungoverned island, he would not be free to deprive the Frenchman of his life, liberty or property. Otherwise, he would violate the natural law and hence was liable to punishment.

Thus according to Locke, the state of nature was not a lawless condition, but was an inconvenient condition. Each man had to protect his own rights and there was no agreed-upon judge to settle disputes about the application of the natural law to particular controversies. Realising this, men decided to make a “compact” with one another in which each would give to the community the right to create a government equipped to enforce the natural law.

In this way, every man agreed to abide by the decisions made by the majority and to comply with the laws enacted by the people’s representative, provided they did not encroach upon his fundamental rights. In this way, the power of the ruler was curtailed.

Background of Social Contract:

The doctrine of social contract is faintly mentioned in the ancient period by both the western and Indian philosophers. Plato was the first among the western thinkers to use the term. It is also referred to in the Arthashastra of Kautilya.

The ideas of the contractual obligations were mouthed by the anti-monarchical writers like Richard Hooker, Hugo Grotius, John Milton, Sir William Blackstone, Immanuel Kant, Johann G. Fichte and Edmund Burke.

It is admitted at all hands that the two English political thinkers, namely Thomas Hobbes and John Locke as well as the French political thinker Jean-Jacques Rousseau, gave the concrete shape to this theory. This trio is considered as the godfathers of the social contract theory.

The theories of foundation of the state were laid down in the great works on social contract, particularly those of the English philosophers Thomas Hobbes and John Locke in the seventeenth century and the French philosopher Jean-Jacques Rousseau in the eighteenth century. The back ground of their theories 'was the aftermath of the Protestant Reformation which had shaken the fundamental constitution of European Christendom and had broken up the divinely sanctioned contractual relation. Another significant thing was that the Holy Roman Empire was torn apart by the wars of the Reformation.

In England King Henry VIII made the Church of England independent of Rome. Under these circumstances, there was a need to search for a new basis of order and stability, loyalty and obedience. In such search, the political theorists, and especially the Protestants among them, turned to the old concept in the Bible about a covenant or contract such as the one between God and Abraham and the Israelites of the Old Testament. This gave the presumption that God had created the political unit by choosing his partners in an eternal covenant.

The result was that the secular theorists of the social contract reversed the process of choice. They discarded the old idea that God chose his subjects. The new theory was that it was the people who, through their representatives, succeeded in choosing their rulers and the method of governance by means of a social contract or construction. The social contract theorists suggested that the political unit was established by means of promise or promises in the Biblical fashion.

Nature of Social Contract Theory:

According to the social contract theory the state was the creation of the people living in a state of nature which was a lawless and order-less system. The slate of nature

was controlled by unwritten laws prescribed not by men but by nature. The exponents of the theory gave conflicting views about the nature of the state of nature. Some considered it gloomy, while others painted it as bright like paradise.

For some reasons the people did not like the system and terminated it by an agreement to save one man from the rapacity of the other. The nature-made laws were replaced by man-made laws. The originally independent people subordinated themselves to the will of either the whole community or a particular person or a group of persons. The three proponents of the theory interpreted the theory in their own way.

Divine Origin Theory:

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 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.

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.

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.

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?

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.

Marxian 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 contradictions 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.

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.

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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.

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