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QUESTION

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

First of all, we will discuss on the concept of citizenship

THE CONCEPT OF 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 Encyclopedia 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 in the year 2004, “citizenship is a collection of rights and obligations which give an individual a formal legal identity.”

There are a few ways someone can acquire citizenship of a country such as: By birth, through naturalization, by descent, through registration etc. Now it’s not just about acquiring it, you also have to do all you can to retain it and not lose it. According to this context, there are a few ways a Lebanese citizen can lose his/her citizenship

HOW A LEBANESE CAN LOSE HIS NEWLY ACQUIRED NIGERIAN CITIZENSHIP

RENUNCIATION OF CITIZENSHIP

The 1999 constitution, unlike the previous constitutions, makes provisions for a Nigerian citizen of full age to renounce his or her citizenship. This is a voluntary way of losing citizenship. The person must make a declaration of renunciation in the ordained manner, and the declaration shall be registered, after which the person stops being a Nigerian. However, the president may withhold such registration if; made during a war that Nigeria is involved in or if in his opinion it is other wise contrary to public policy. Although, it isn’t certain the circumstances under which such declaration would be regarded as being contrary to public policy, but the president is given the full discretion to determine when this is so. There is however no doubt that this would depend on the circumstance under which such a declared is made and the personality of the person making the declaration. For example, if a person who used to be the Minister of health makes a declaration of renunciation, the president may, based on the fact that it is contrary to public policy and taking into consideration the health issues surrounding Nigeria especially during this corona virus pandemic, refuse to register such a declaration of renunciation of citizenship.

DEPRIVATION OF CITIZENSHIP

Out of the categories of citizenship provided for under the constitution, it is only a citizen by birth that cannot be deprived of his/her citizenship no matter what. However, this is an involuntary way of losing ones citizenship. If a naturalized citizen, before seven years of residence, is sentenced to three years or more, the president has the right to deprive him/her of her citizenship. This would be an indication of the fact that he cannot fulfill some of the conditions precedent to the grant of certificate of naturalization such as being a person of good character, and one who is capable of making useful contribution to the 'advancement progress and well being of Nigeria'.

The president can also deprive both a registered and naturalized citizen of their Nigerian citizenship if from the record of proceedings of a court or tribunal, or after due inquiry, he is satisfied that such a person is disloyal to Nigeria or has, during a war in which Nigeria is physically involved in, unlawfully trades with the enemy or associates od communicates with the enemy in such a manner that gives assistance to the enemy, or to the detriment of, or intent to cause damage to the interest of Nigeria. It is obvious that this kind of situation can more easily occur under the present situation where such citizens are allowed to retain their citizenship by birth, this would create a conflict of interest if Nigeria is at war with the country of their birth. Under such a circumstance it would be more difficult to prove disloyalty to Nigeria or aiding of the enemy against the interests of Nigeria. Also, a naturalized citizen that voluntarily acquires the citizenship of a foreign country can be deprived of his/her citizenship.

According to the above explanations, we can understand how one can lose his/her Nigerian citizenship. To understand how one can retain his /her Nigerian citizenship is quite easy. All you have to do is ensure you don’t do all mentioned above on how to lose ones citizenship.

If you want to retain your citizenship, you’re expected to:

1. Not renounce your acquired citizenship no matter what happens or how you feel. A Lebanese that has acquired Nigerian citizenship is expected to ensure he/she doesn’t make any declaration of renouncing his/her citizenship.
2. Be found as a goodly behaved person and someone that makes contributions for the betterment and advancement of Nigeria as a whole. A Lebanese that has acquired Nigerian citizenship through naturalization is expected to not be sentenced to a three years or more jail term within seven years of residence in Nigeria.
3. Not be found disloyal to Nigeria in the court or tribunal as a citizen of Nigeria through naturalization or registration.
4. Not engage in any form of trade with an enemy nation of Nigeria, he or she is also expected to not associate, communicate or in any means serve as a help to the enemy nation of Nigeria during a war as a citizen of Nigeria through naturalization or registration.
5. Finally, as a citizen of Nigeria through naturalization, he/she is expected to not receive citizenship from a foreign country.

2 THEORIES OF STATE

Introduction: These are the theories on the origin of the state as have been formed and developed as a result of the political thought and philosophy in the ancient times until the enlightenment period in Europe.

1. THE FORCE THEORY OF STATE:

This theory proposes that the origin of state is developed through the use of force. One person or a small group of people claim control over the population in a specific area by force. Once the rule is well established the state is established. This theory is generally a result of war. One example: Adolf Hitler and his control over Germany that led to the attempted control of Europe, as well as the mass genocide of the Jewish population. According to this theory, the state originated due to force exerted by the strong over the weak. The idea contained in the statement is that 'war begat the king'. The same view is expressed by Hume, Oppenheim, Jenks-Bernhardy and Trietschke are the exponents of force theory. A number of rulers also believed in this theory. The powerful conquered the weak state is the outcome of the process of aggressive exploitation of the weaker by the stronger. Might without right is antagonist to individual liberty.

There were other factors besides force which helped the expansion of the state. Similarly force alone is not the basis of state and it cannot be maintained by force. Force indeed has played an important part in the origin and development of the state. Some of the greatest empires of today have been established through blood and iron.

The theory of force unduly emphasis the principle of the survival of the fittest. It means that might is right and those who are physically weak should go to the wall. It is dangerous to employ such a principle in the internal existence of the state. Every state will be at perpetual war with the rest. This is a condition of chaos, pure and simple endangering the peace and security of the world. The attention and efforts of every state will be directed towards war preparedness and to win the war if it comes. War which is an alias for murder, glorifies brute process, suppressing the moral forces. This is the mean self of man and not his real self.

This theory justifies despotism. It is opposed to the idea of freedom. It is too much to believe that the state is created and maintained by sheer force and the spiritual and moral values have absolutely no place in life. 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. This theory was criticized on the claim of force that is a factor in the formation of state.

1. THE EVOLUTIONARY THEORY:

This theory states that the state evolved over time, starting with the primitive family. One person in the family was determined to be the leader of the family. On a primitive level, a basic government was formed. Over decades, the family became a clan and a clan became a tribe. The state was identified when the tribe settled in a designated area and claimed it as their own. Five theories in explanation of the 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, nor a mere expansion of the family. The state is not a 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. Kinship

2. Religion

3. Property and defence

4. Force

5. Political consciousness

1. THE DIVINE RIGHT THEORY OF STATE

The divine right theory holds that God created the state. God gave certain individuals of royal birth the divine right to rule. Since God divinely ordained its rulers and they were accountable to God, the population obeyed the ruler as they were required to obey God. This theory existed in many countries such as England and Europe throughout the middle Ages. 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 a theory of the origin of the 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 He sent His deputy to rule over them. The ruler was a divinely appointed agent and he was responsible for his actions 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 advocates 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 just and benevolent. To complain against the authority of the ruler and to characteristic his actions as unjust was a sin for which there was divine punishment.

The theory of the Divine Origin of the State is as old as Political Science itself. There is sufficient evidence to prove now that early States were based on this 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 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 of Divine Origin so enunciated, believed in and accepted, thus, implied That God deliberately created the State and this 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 actions to God 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 divine punishment.

The Divine Right of Kings.

There were direct and precise instructions to the faithful. Although the Roman Empire was a pagan empire, Paul had ordered Christians to accept its authority as derived from God and thereby admitted that the State, whatever the personal morality of the monarch, was divinely ordained. During the middle Ages in Europe the theory of the Divine Origin of the State was transformed into the doctrine of the Divine Right of Kings. The temporal authority, having emerged victorious over the spiritual authority, claimed that it was a divine favor to the Vicegerents of divine authority. Even today the Queen of Great Britain is a Queen “by the Grace of God”.

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 had no recourse against them. “Kings”, wrote James I, “are breathing images of God upon earth” and disobedience to their commands was disobedience to God. As it is atheism and blasphemy 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 cannot do this or that. Even rebellion in the cause of religion was deemed a sacrilege because, the State of monarchy is the supreme-st thing upon earth for Kings are not only God’s lieutenants upon earth, and sit upon God’s throne, but even by God himself they are called Gods. As men are children of God, so are men children of the King and they owe him an equal obedience, Without a King there could be no civil society, as the people were a mere heedless multitude incapable of making laws. All law proceeded from the King as the divinely instituted law-giver of his people. The only choice for the people was submission to the authority of the King or complete anarchy. The King could not be held answerable for his actions to human judgment. He was responsible to God alone. A bad King will 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 estates or the courts. The law resided ultimately in the breast of the King. However, this theory finds little acceptance because there is a general belief that reason reign over belief, despite its criticism, its merit is that it creates in a mass of people, a sense of the value of order and obedience to law.

THE MATRIARCHAL THEORY OF STATE

The Matriarchal theory of state is very old. There are many people who support this theory. There was a time in human history when 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 dependent on the fruits and hunting animals. When two groups were met, there would be union between a man and woman. After this the groups separated, children born as a result of this union did not know their fathers and their mothers. So, all relationships and descent were traced through the mother. At this stage people were still leading 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 theory which changed into Patriarchal society and the state was born.

Even today we find traces of Matriarchal Society among the ancient people of Australia, Malaya, Indonesia, Madagascar and Red Indians of North America.

CRITICISMS OF THE MATRIARCHAL THEORY

The matriarchal theory of state explains partially the pre-history of man. It explains that pre-nature society was very simple. It only explains the origin of the society and not sufficient to explain the origin and development of the state.

PATRIARCHAL THEORY OF STATE

According to patriarchal theory of the sate the state is nothing but an expansion of the family. In the beginning there was a husband and wife and children. The father was the chief controlling authority. With the passage of time, the family expanded and changed into clan which further developed into a tribe. This tribe occupied a village, each having a chief. Many such villages united in a single community, which was nearly self-sufficient. Aristotle has given the name of state to such a perfect community. The state was headed by a king. So the family place was taken by the state and the father’s position was occupied by the king.

The chief supporter this theory Sir Henry Maine who says that in every family the eldest male parent was the controlling authority. He had complete control over the lives of the members and the property of the family. Later on the family expanded and clans came into being. Further tribes were formed and finally the state.

CRITICISMS ON THE PARTRIACHAL THEORY OF STATE

Patriarchal theory of statement explains the development of the state through one factor only that is kingship. The supporters of this theory say that the state is nothing but an expansion of the family. This is a very, simple explanation. There is great difference between family and the state. The authority of the father is natural and limited while that of the ruler is political and unlimited. Besides, the authority of the parent decreases as they grow old but the authority of the state increases with the passage of time.

MARXIST THEORY OF STATE

The Marxist theory of origin of state is to be found in the writings and views of the revolutionaries, philosophers and thinkers like Karl Marx, Lenin, Stalin and Mao. According to the Marxist theory, the state neither originates in the will of society nor is it maintained for the benefit of all sections of society. In fact, society and state are essentially different. Society is a natural institution but the state is not. According to Henri- ‘Marx maintains that the essence of man is not political but social. Man is not a political animal. The social forces that blindly seek a way out of their conflicts become subject to political power, the state, the state does not come into existence for the fulfilment of a moral purpose and it doesn’t emanate from the ill of the people, it originates in conflict and operates as an instrument of domination. According to Marx, the forces of production constitute the basis of all social relationship. They belong to the sub-structure while religion, morals, social customs and politics belong to the super-structure. So, like other superstructure of society, the state rests upon economic conditions. Thus, Marx observed that in the social production which men carry on, they enter into definite relations that are indispensable and independent of their will. These relations of production correspond to a definite state of development of their material powers of production. The sum total of these relations pf production constitutes the economic structure of society. The mode of production in material life determines the general character of the social, political and spiritual processes of life. Hence, the origin of the state should be traced in the material conditions of production prevailing at different historical stages. As soon as mankind emerge from communism, at every stage of history, a particular class assumes ownership and control of the means of production and becomes the dominant class in all the spheres of social life. The dominant class alone known as the bourgeoisies has the freedom and in order to preserve it, it creates an executive by the use of which it hopes to maintain its position, thus, the state comes into existence.