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QUESTIONS

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.

Lebanese nationality law governs the acquisition, transmission and loss of Lebanese citizenship. Lebanese citizenship is the status of being a citizen of Lebanon and it can be obtained by birth or naturalization. Lebanese nationality is transmitted by paternity (father). Therefore, a Lebanese man who holds Lebanese citizenship can automatically confer citizenship to his children and foreign wife (only if entered in the Civil Acts Register in the Republic of Lebanon). Under the current law, descendants of Lebanese emigrants can only receive citizenship from their father and women cannot pass on citizenship to their children or foreign spouses.

On 12 November 2015, the parliament of Lebanon approved a draft law that would allow “foreigners of Lebanese origin to get citizenship”, the minister of Foreign Affairs and Emigrants Gebran Bassil announced on 5 may 2016 the beginning of the implementation of citizenship law for Lebanese Diaspora.

Since the state is organized and the government is established for the welfare of the citizen, it becomes essential that we should know the term “citizen”. The term ‘citizen’ can be understood in a narrow sense, it means the resident of a city or one who enjoys the privilege of living in a city. While in a broad sense citizen means a person who resides within the territorial limits of the state.

Speaking in terms of political science, citizen means a person who is the member of the state and who enjoys social and political rights. In our country an adult of twenty-one years of age enjoys, regardless of the distinction of caste, color, and creed, education, property and residence, etc.

As a matter of fact, the concept of citizenship goes back to the ancient city states where the population was divided into two classes- the citizens and the slaves. The citizens enjoyed both civil and political rights. They directly or indirectly participate in all the functions of the civil and political life of the state. Whereas the slaves enjoyed none of such rights and suffered from all kinds of political and economic disabilities. In this way in ancient Greece term ‘citizen’ was used in its narrow sense. Only those who enjoyed the civil and political rights and who participated in the functions of the civil and political life of people were regarded as citizens.

Since every individual of the total population privileged to enjoy these rights, the number of the slaves was far in excess of citizens. The number of citizens comprised 20,000 of the total population and the rest were regarded as slaves who did not enjoy any such rights.

In short, we can say that in ancient Greek states this right to citizenship was enjoyed by only a selected few persons. Much similar process was followed in ancient Rome. People belonging to only rich class, known as patricians, were privileged to enjoy the civil and political rights.

Only the patricians the patricians participated in the functions of the civil and political life of the state. The rest of the population was not privileged to enjoy any of such rights. Much similar process was adopted in the medieval age. But in modern times, the dawn of democracy has turned the tables in most of the states. In such states every adult enjoys the right to vote. This process is being adopted in India. Canada, Sri Lanka, Japan, Belgium, Holland, Norway, Sweden, Denmark, England, Lanka, Australia, United States of America, etc. Even in the communist countries almost all the adults are enjoying the right to vote.

The Soviet Union, Yugoslavia, Bulgaria, Poland, Czechoslovakia, etc., are some of the states where the policy of adult suffrage has been adopted. In Switzerland, women are not privileged to enjoy the right to vote. In Pakistan and in many backward Afro-Asian countries citizens are not privileged to enjoy a number of civil and political rights. It is hoped that in due course of time people will enjoy all the rights in these countries also. The U.N. is trying its best in this respect.

**Definition of the citizen:**

According to Aristotle, citizen is he “who has the power to take part in the deliberative or judicial administration of any state is said by us to be a citizen of the state”. Vattal has defined citizen as, “the members of a civil society bound to this society by certain duties, subject to its authority and equal participants in its advantages”.

“Citizenship”, according to Laski, “is the contribution of one’s instructed judgment to the public good”.

**On the basis of definitions given above, we arrive at the conclusion that in order to become a citizen one must have the following:**

(1) The membership of the state.

(2) The Social and Political rights.

(3) Sentiment of devotion to the state.

**Distinction between an alien and a citizen:**

There is marked distinction between an alien and a citizen. A citizen enjoys civil and political rights in his own country. Whereas an alien is not privileged to enjoy the political rights of the country but sometimes he is privileged to enjoy a few of the social rights. It depends entirely on the government of the country, in which he lives, to permit him to enjoy the social rights or not.

**Aliens are of three types:**

(1) Resident aliens;

(2) Temporary aliens;

(3) Ambassadors.

The people who have left their native land and have settled in the foreign countries are known as resident aliens For example, a number of Indians have permanently settled in Sri Lanka, Burma, Canada, South Africa, Australia, U.S.A, England, etc.

They are no more the citizens of India. But it depends on the government of the respective states to grant these residents the citizenship of their country or not. Temporary aliens are those people who visit foreign countries in order to serve their purposes and when their purposes are served, they go back to their native land.

For example every year a number of students go to foreign countries in order to receive higher education. Traders visit foreign countries for the purpose of trade. When their purposes are served, they come back to their home.

Ambassadors are those aliens who settle in foreign countries as the representatives of their governments. For example, the representative of foreign countries live in India and the representatives of Indian government live in foreign countries.

**Foreign friends and enemies:**

Every country has some friends and some enemies. Friendly countries are called foreign friends and enemy countries, foreign enemies. For example, during the Second World War, France, U.S.S.R., America, Canada, Australia, etc., were foreign friends to England; and Germany, Japan and Italy were foreign enemies to England.

We do not have good relations with South Africa and China and they can be called foreign enemies of India. On the contrary, we have good relations with U.S.S.R., U.S.A., Rumania, Czechoslovakia, Yugoslavia, and Egypt and so they can be called our foreign friends.

Previously, we did not have good relations with Pakistan and the result was Indo-Pak conflicts in 1965. But Tashkent Summit held in January, 1966 resulted in an agreement between Mr. Lal Bahadur Shastri, the then prime Minister of India, and president Ayub Khan of Pakistan.

The agreement could remain effective only for a bit longer. The relations between the two countries were once again strained and the result was the second indo-Pakistan conflict in December, 1971. But historic simla summit held in July, 1972 resulted in an agreement between Prime Minister Indira Gandhi and President Bhutto. In spite of that Pakistan continued hostile attitude towards India.

**How can the citizenship be acquired?**

Citizens are of two types: natural born and naturalized. Natural born citizens are those who are the citizens of a state by virtue of their birth or blood relations. Naturalized citizens are those foreigners who are granted the citizenship of the fulfillment of some conditions laid down by the respective country.

A person who desires to be the citizen of a foreign country has to give up the citizenship of his native country. No persons can be the citizen of more than one country at the same time. Any person can acquire the citizenship of a foreign country after having fulfilled the condition laid down by that country for this purpose.

**How the citizenship is lost?**

**A person loses his citizenship in the following manner:**

(1) If a person willingly gives up the citizenship of his country and becomes a foreign citizen;

(2) A woman loses her citizenship if she marries a foreigner;

(3) A person loses his citizenship if he remains absent from his country for a longer period of time. But if he gets his citizenship renewed every year through the embassy of his country, he does not lose his citizenship;

(4) A person can be deprived of his citizenship if he proves a traitor to the country or if he runs away from the army;

(5) A person loses his citizenship if he joins Foreign Service or receives a foreign honor without the permission of his own government

**Qualities of a good citizen and hindrances in the way of good citizenship:**

**The following are the qualities of a good citizen:**

(1) Social sentiment;

(2) Good health and sound physique;

(3) Sentiment of world citizenship;

(4) Moderate thinking and self-control;

(5) Unselfishness and helpful attitude to others;

(6) Patriotism and the elimination of untouchability:

(7) The proper use of adult suffrage.

**The following are the hindrances in the way of good citizenship:**

(1) Selfishness;

(2) Favoritism and Nepotism;

(3) Indifferences;

(4) Feeling of groupism;

(5) Idleness;

(6) Illiteracy;

(7) Poverty,

(8) Capitalism;

(9)Feeling of Untouchability;

(10) Provincialism, Communalism, and aggressive nationalism.

A good citizenship can be established only after eliminating the hindrances mentioned above. So every state is adopting measures to eliminate these evils. Ideals citizenship can lead to the progress of the country and to the security of world- peace.

2.

**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 kings who rule 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 of 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.”**

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 Fay 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 emphasized 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 nighteenth century the Kings of Austria, Prussia and Russia formed the Holy Alliance under the notion that they were appointed by God to rule over their people. Anyway, the European Kings took shelter under the divine origin theory in order to justify their dictatorships.

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

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

**Causes of the Decline of the Divine Theory:**

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

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

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

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

**Criticism of the Divine Theory:**

**There are seven lines of argument in the hands of R. N. Gilchrist levelled against the divine theory:**

The first line of argument of Gilchrist is that the state is a human institution organized 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 slate.

The sixth line of argument is that the divine theory runs counter to the universally accepted conception that the state is the result of a historical evolution. The generally accepted theory of the origin of the state is that various factors like religion, family, force and political consciousness were behind the growth of the state.

The seventh line of argument is that the divine theory is undemocratic. The inevitable implication of the theory in content and tone will make the King absolute and his government never democratic. So the theme of the theory is against the spirit of democracy.

**Value of the Divine Theory:**

Although the divine theory is totally discredited as an origin of the state, there are some good things in it. The summum bonum of the theory is that it stimulated discipline and law-abidingness among the subjects at a time when these were the needs of the hour in those anarchical conditions. This theory also created the moral responsibility of the rulers, because they were cast with a divine injunction to rule to the perfect satisfaction of the heaven.

**Decline of the Divine Right Theory:**

As an origin of the state, the divine right theory is no longer alive. It is a defunct dogma. The emergence of the social contract theory which held the wishes of the people in high halo dwarfed the godly wishes in the creation of the state. When human activities were considered the motive force of the state, the divine one receded to the background and finally vanished away.

The important role assigned to the man in the creation of the state by the social contract theory shattered all hopes for the divine right theory. The second factor in the decline of the divine right theory was the Reformation Movement in the sixteenth century Europe, which curbed the authority of the Pope and the Church and at the same time, brought the monarch and the people in the limelight.

The scientific and logical thinking associated with the Renaissance and the Reformation enabled men to look into the theory of the origin of the state as something which must be created by non-church and non-god bodies. With the decline of the authority of religion declined the divine authority.

The final nail of the coffin of the divine right theory was the modern theory of Thomas Hill Green that democracy, i.e., will of the people was the basis of the state.

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

The principal exponent of this theory is Sir Henry Maine.

According to him, the city is a conglomeration of several families which developed under the control and authority of the eldest male member of the family.

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. 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.

#### Criticism of the Theory:

**The patriarchal theory as the origin of the state is subjected to the following criticisms:**

In the first place, the origin of the state is due to several factors like family, religion, force, political necessity, etc. So by identifying the origin of the state with family, one makes the same fallacy as taking one cause instead of several causes. To say in the words of J. C. Frazer- **“Human society is built up by a complexity of causes.”**

In the second place, the theory is incorrect, because in the opinion of several critics the primary social unit was a matriarchal family rather than a patriarchal family. According to Meclennan, Morgan and Edward Jenks who are staunch supporters of the theory, the matriarchal family and polyandry were the basis of the state.

The kinship through the female line in primitive society was responsible for the growth of the state. The process was that polyandry resulted into matriarchal society and the matriarchal society led to the state.

In the third place, the patriarchal theory is built on the wrong premise that the patriarchal family was the origin of the state. Edward Jenks suggested the correct theory that tribe rather than family was the beginning of the state, on the basis of his studies in Australia and Malaya Archipelago.

In the fourth place, Sir Henry Maine over simplified the origin of the state by attribution it to the family alone. It is because of this over simplicity that the theory has to be rejected as untenable. The authority of the father over the children is only temporary, because his authority ends when the children grow in age. But the authority of the state over the population is perpetual.

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

The chief exponents of the matriarchal theory are Morgan, Meclennan and Edward Jenks. According to them, there was never any patriarchal family in the primitive society and that the patriarchal family came into existence only when the institution of permanent marriage was in vogue.

But among the primitive society, instead of permanent marriage there was a sort of sex anarchy. Under that condition, the mother rather than the father was the head of the family. The kinship was established through the mother.

Edward Jenks who made a thorough study of the tribes of Australia came to the conclusion that the Australian tribes were 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 introduced. We find the existence of the Queen ruling over in Malabar and the princesses ruling over the Maratha countries. These are examples of the matriarchal systems of life.

#### Criticism of the Theory:

**The matriarchal theory is attacked on the following grounds:**

First, the state was created by several factors, of which the family was one. So this theory makes only a partial study of the origin of the state. Force, religion, politics, family and contract were all there to contribute to the growth of the state.

Secondly, like the patriarchal theory, this theory also mistakenly analyses the origin of the family as the origin of the slate. The state is something more than an expanded family. They are quite different in essence, organization, functions and purposes.

Thirdly, the theory is historically false. It is not a fact of history that the matriarchal system was the only system at a particular time. As a matter of fact, both patriarchal system and matriarchal system prevailed side-by-side. There was a parallel development of both the systems. We may conclude with the words of Stephen Leacock- **“Here it may be a patriarchal family; there it may be a matriarchal family, but there is no denying the fact that family is at the basis of the state”**.

**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.

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.

**The same people established the kingdom of England by defeating the local people there in the eleventh century A.D. Stephen Butler Leachock** Secondly, by emphasizing the spiritual aspect of the church the clergymen condemned the authority of the state as one of brute force. This indirectly lends credence to the theory of force as the original factor in the creation of the state.

Thirdly, the socialists also, by condemning the coercive power of the state as one bent upon curbing and exploiting the workers, admit of force as the basis of the state.

Lastly, the theory of force is supported by the German philosophers like Friedrich Hegel, Immanuel Kant, John Bernhardi and Triestchki. They maintain that war and force are the deciding factors in the creation of the state. Today in the words of Triestchki – “State is power; it is a sin for a state to be weak. That state is the public power of offence and defense.