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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.**

 Answer

(1) The following are ways to gain citizenship in Nigeria

By Birth

By Registration

By Naturalisation

By birth-namely- (a) 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; 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.

(b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria

(2) In this section, "the date of independence" means the 1st day of October 1960.

By registration: (1) 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.

(2) The provisions of this section shall apply to-

(a) 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: (1) 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 naturalisation.

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

\* (a) He is a person of full age and capacity;

\* (b) He is a person of good character;

\* (c) He has shown a clear intention of his desire to be domiciled in Nigeria;

\* (d) He is, in the opinion of the 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;

\* (e) He is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;

\* (f) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and

\* (g) He has, immediately preceding the date of his application, either- order

(i) Resided in Nigeria for a continuous period of fifteen years;

(ii) 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.

28. (.1) 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.

29. (1) 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.

(2) The President shall cause the declaration made under subsection (1) of this section to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

(3) The President may withhold the registration of any declaration made under subsection (1) of this section if-

(a) The declaration is made during any war in which Nigeria is physically involved; or

(b) In his opinion, it is otherwise contrary to public policy.

(4) For the purposes of subsection (1) of this section.

(a) "full age" means the age of eighteen years and above;

(b) Any woman who is married shall be deemed to be of full age.

30. (1) 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.

(2) 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 -

(a) The person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or

(b) 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.

31. 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.

32. (1) 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.

(2) Any regulations made by the president pursuant to the provisions of this section shall be laid before the National Assembly NIGERIA

CITIZENSHIP: Citizenship is based upon the Constitution of the Federal Republic of Nigeria, dated 1989. (UKC-Commonwealth Nation) Those born before or on the date of independence, October 1, 1960, whose parents or grandparents were born in Nigeria and who were legally residing in Nigeria at the time, are considered citizens of Nigeria. BY BIRTH: Birth within the territory of Nigeria does not automatically confer citizenship. BY DESCENT: Child, at least one of whose parents is a citizen of Nigeria, regardless of the child's country of birth. REGISTRATION: The following persons are eligible to become citizens through registration: A foreign woman who marries a citizen of Nigeria. Person who is of adult age (17), born outside Nigeria, any of whose grandparents is or was a citizen of Nigeria. A foreign child adopted by Nigerian parents. BY NATURALIZATION: Nigerian citizenship may be acquired upon fulfillment of the following conditions: Person is of full age (17), has resided in Nigeria for at least 15 years, is of good character, plans to remain in Nigeria, is familiar with Nigerian language and customs, has a viable means of support, and has renounced previous citizenship.

LOSS OF CITIZENSHIP:

VOLUNTARY: 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.

(2)According to evolutionary theory, government originates from a family or clan-bound structure, which can explain the formation of the world's first political structures. These earliest and very loosely formed governments were the result of a shift from hunter-gatherer societies to more settled agricultural societies. As families joined to form clans and clans joined to form villages, the need for leaders and a central organizational structure developed. These leaders helped determine how to address still unfamiliar issues, such as water rights for crop irrigation and the distribution of other resources. They also provided an increased sense of safety and security for the society. In many early societies, these first states developed monarchies, with rule based on membership in a ruling family. In modern times, some governments continue to be led by a succession of members from the same family. For example, in the monarchy of Saudi Arabia, the king has been descended from the Āl Saʿūd family since 1744.

Essay # 1. 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 fay deep in the profusion of the SastSastra.

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 Avaloktesvara.

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 dictatorship

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.

With the divine right theory, government originates with power vested in an individual by God or gods. Generally, monarchs lead governments of this type. This theory was followed in ancient times, including by the ancient Egyptians and Maya. The idea of divine right experienced a resurgence in western Europe in the 16th to the 18th centuries, when King James I of England, several French monarchs, and other rulers asserted that their authority came directly from God—and thus could not be challenged. Russian czars, such as Peter the Great, believed their autocratic rule was God-given, and they used their power to gain territory, wage war, and impose taxation on their subjects.

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 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 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.

# 2. 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 organised 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.

# 3. 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 organised 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.

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, organisation, 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”.

# 4. 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.

The same people established the kingdom of England by defeating the local people there in the eleventh century A.D. Stephen Butler Leachock sums up the founding of states by the use of force in these words:

“The beginnings of the state are to be sought in the capture and enslavement of man-by-man, in the conquest and subjugation acquired by superior physical force. The progressive growth from tribe to kingdom and from kingdom to empire is but a continuation from the same process.”

History of the Theory:

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.

Secondly, by emphasising 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 defence. The grandeur of history lies in the perpetual conflict of nations and the appeal to arms will be valid until the end of history.”

According to Bernhardi-“Might is the supreme right, and the dispute as to what is right is decided by the arbitrement of war. War gives a biologically just decision since its decision rest on the very nature of things.”

The force theory is the idea that government originates from taking control of the state by force and is often found in a dictatorship—a type of government characterized by one-person or one-party authoritarian rule. Historically, this has been achieved in some cases through forcible invasion or occupation when a more dominant people or state takes control of the political system of a less powerful people or state, imposing its governmental system on that group. New governments can also be formed by force during revolutions or coups within a country. A coup is the overthrow of an established government, and the resulting leader or dictator is most often a military figure. An example of the force theory occurred in Cuba in 1959, when revolutionary Fidel Castro and a small force of guerrilla soldiers defeated the national army and took control of the government. In some cases, governments created by force take on some characteristics of a monarchy, with government power handed down within the dictator's family. Examples are the Assad regime in Syria and the Kim regime in North Korea.

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?

Lastly, the force theory is to be discarded because political consciousness rather than force is the origin of the state. Without political consciousness of the people the state cannot be created. This is so because man is by nature a political animal. It is that political conscience that lay deep in the foundation of the state.

We may conclude with the words of R. N. Gilchrist- “The state, government and indeed all institutions are the result of man’s consciousness, the creation of which have arisen from his appreciation of a moral end.”

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.