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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.**

**ANSWERS.**

**1.** Before answering the question stated here, you have to define who a citizen is, the meaning of citizenship, and how a non-citizen can lose his or her citizenship before talking about how a Lebanese can gain or lose his or her newly acquired Nigerian citizenship.

**WHO IS A CITIZEN?**

A citizen is a bonafide member of a particular country. A citizen is a native or naturalized member of a state or nation who owes allegiance to its government and is entitled to its protection (**distinguished from alien**). An inhabitant of a city or town, especially one entitled to its privileges or franchises. A citizen of a country is someone on which all the political and social rights of the country are conferred upon. A citizen enjoys rights and privileges a non-citizen have no access to. A citizen is a person who is a member of a particular country and who has rights because of being given rights. **Some of these rights are:**

- Right to life
- Right to freedom of speech
- Right to freedom of movement
- Right to fair hearing
- Right to family and private life
- Right to vote and be voted for
- Right to personal liberty
- Right to freedom of association and assembly
- Right to dignity of human person.

Citizens of a country have some responsibilities and duties expected of them in the country. These responsibilities are regarded as the **duties of a citizen in a country.**

**Some of these duties are;**

- Respect and obey federal, state, and local laws
- Support and defend the constitution
- Participate in the democratic process
- Stay informed of the issues affecting your community
- Pay income and other taxes honestly, and on time, to federal, state, and local authorities
- Participate in your local community and
- Defending your country if the need should arise

**DEFINITION OF CITIZENSHIP.**

Citizenship is the status of a person recognized under the custom or law as being a legal member of a sovereign state or belonging to a nation. Citizenship can also be defined as the process by which a person becomes a legitimate member of a particular state. The idea of citizenship has been defined as the capacity of individuals to defend their rights in front of the governmental authority. Individual states and nations recognize citizenship of persons according to their own policies, regulations and criteria as to who is entitled to its citizenship.

A person may have multiple citizenships. **A person who does not have citizenship of any state is said to be stateless**, while one who lives on state borders whose territorial status is uncertain is a border-lander. **The statute governing citizenship, its types, procedure for acquisition, renunciation, dual citizenship, and deprivation of citizenship in Nigeria is the 1999 constitution.**

#### **TYPES OF CITIZENSHIP.**

1. Citizenship by birth: This is the type of citizenship that occurs when a person is born in a particular place. Citizenship by birth is the most common mode of acquiring citizenship. This generally means that a person is a citizen of the country the person is born into. This may not totally represent the position in Nigeria. In Nigeria, a person can acquire citizenship by birth, in reference to **Section 25 of the 199 Constitution**, in different way in which they may include;

- A person who is born in Nigeria after 1st of October 1960 who either one of his parents or any of his grandparents are citizens of Nigeria is automatically a citizen of Nigeria. The meaning of this is that a person born in Nigeria can still be a citizen even when none of his parents are Nigerians provided any of his grandparents are citizens of Nigeria.
- Also, in a case where neither of his parents or any of his grandparents are citizens of Nigeria, the fact that he was born in Nigeria has made him a citizen of Nigeria by birth.
- A person born in Nigeria before 1st October 1960 who either his parents or grandparents belongs to or belonged to a community indigenous to Nigeria is a citizen of Nigeria by birth.
- Another instance in which a person can acquire citizenship by birth is when a person is born outside Nigeria but one of his two parents is a citizen of Nigeria. **In reference to Section 25 sub-section(1)**. This simply means that not because a person was born outside Nigeria that the person will be rub of his citizenship that was provided by either of his parents as a citizen of Nigeria.

2. Citizenship by Registration: This is another way of acquiring Citizenship in Nigeria. Citizenship by registration is a type of citizenship given to a person who marries someone in a particular country because marriage entails registration.

This applies to the following people;

- Any woman who is or has been married to a citizen of Nigeria. This provision is applied to a woman who was married to a Nigerian man but is divorced. A non-Nigerian man who is married to a Nigerian woman cannot be citizen of Nigeria by Registration.
- A person of all age and capacity was born outside Nigeria any of whose grandparents is a citizen of Nigeria. Full age in Nigeria c context is said to be a person who is 18 years of age and above. A person born outside Nigeria and neither of his parents are citizens of Nigeria cannot be a citizen by birth but stands the chance to be a citizen by registration provided he is of age (18 and above) and capacity and also any of whose grandparents is a citizen of Nigeria.

And such a person would apply to be registered as a citizen of Nigeria and upon certain requirements and to the satisfaction of the president would be registered a citizen of Nigeria. Such requirements are;

- If he is a person of good character
- If he has shown a clear intention of his desire to be domiciled in Nigeria and
- If he has taken the **Oath of Allegiance** prescribed in the Seventh Schedule to the 1999 constitution.

3. Citizenship by Naturalization: This occurs when a person resides in a particular place for a long period of time. A person can acquire c citizenship of Nigeria through Naturalization. A person can apply to the President for the grant of a certificate of

Naturalization. There are some requirements which had to be met to the satisfaction of the President. The following are the requirements for naturalization and they include;

- If he is a person of full age and capacity
- If he is a person of good character
- If he has shown a clear intention of his desire to be domiciled in Nigeria
- If he is, in the opinion of the Governor of the state where he or she is to propose to be resident, acceptable to the Local Community in which he is to live permanently and has assimilated into their way of life in that community
- If he has taken the Oath of Allegiance prescribed in the Seventh Schedule to the 1999 constitution and
- If he has, immediately preceding the date of his application.

#### **HOW TO BECOME A CITIZEN OF A COUNTRY .**

- Marriage
- Good character
- One's contribution to the country
- One's readiness to stay in a country
- Obeying the laws of the country
- Statutory age
- Residency e.g (the person must have stayed in the country for the particular number of years stated in the country).

#### **LIMITATIONS TO RIGHTS OF CITIZENS.**

The rights of the citizens in the 1999 constitution are not absolute, they are limited to certain extent. There are some conditions in which these rights can be limited some of this limitations are;

- During emergency period like war, or threat to internal security, a citizen may be detained without trial by the authority if the person is regarded as a security case.
- The right to freedom of assembly or association can be limited when the association or assembly is not in accordance to the laid down laws of the land. For example, Cultism (an unlawful and secret group).
- Right to freedom of movement can be curtailed if a particular citizen has a criminal case pending in court in which giving the criminal bail might jeopardize the investigation of the case by the law enforcement agencies. The right to freedom of movement can also be limited in a case of war when there is a high case of insecurity.
- The right to vote and be voted for can be limited or cut short if the particular citizen is not of age (18 years and above).

When a non-citizen of a country is granted citizenship in a foreign country, although he is now a recognized as a legal citizen, he can either retain or lose his citizenship of the country. This means that even if a person has secured a citizenship in a foreign country, it is their decision to either retain it rightfully or lose it. A person can reside in Nigeria for a long period of time and still not be regarded to be a citizen of Nigeria. A particular person may not be born in Nigeria but still confabulate the citizen status of Nigeria. A non-citizen who has just acquired his citizenship can lose it if he fails to oblige his rightful duties and also fails to respect and obey the laid down rules.

#### **HOW A LEBANESE CAN LOSE HIS OR HER NEWLY ACQUIRED CITIZENSHIP IN NIGERIA.**

A Lebanese who just newly acquired Nigerian citizenship is already regarded as a legal and legitimate member of Nigeria. And such a person can still lose his or her citizenship to the following reasons;

- Residing outside the country on a permanent basis
- Open renunciation of the country
- Failure to fulfil conditions given to him or her

- For minors, the loss of their parents citizenship (the punishment does not go to the minors but instead to the parents of the minors).
- Voluntary acquisition of another citizenship
- Serving in a foreign military or foreign government and
- In the cat of adaption by a foreign citizen, or other change in the child's legal relation to the parents such as annulment of maternity or paternity.

## **2. ANSWER TO NUMBER TWO QUESTION.**

Apart from social contract theory, there are so many other theories that explain the theory of state and they are as follows;

- Evolutionary or Historical theory.
- The theory of Divine Origin.
- Marxian theory.
- Force theory.
- Patriarchal theory.
- Matriarchal theory.

These are the other theories that explain the theory of state. This theories listed will be explained more intensely in the following paragraphs.

### **• EVOLUTIONARY OR HISTORICAL THEORY.**

Evolution theory is the area that focuses on further development and refinement of the modern synthesis of evolution and genetics. The evolutionary theory states that most states evolved from family. It explains that 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 scientific, this theory was not formed by God nor the result of physical force but instead a mere expansion of the family.

**PROFESSOR GARNER states "that the state is not a mere artificial mechanical creation but an institution of natural growth or the historical evolution".** The Evolutionary theory is also know as sociological or the correct theory of the origin of the state. So long as social sciences had not made any development and it was very difficult to determine the correct theory of the origin of the state. The advancement of the fields of history, anthropology and archaeology helped in finding out various forces and factors responsible for the creation of the state. The Evolutionary Theory is regarded as the true and correct theory regarding the origin of the state. This theory helps in understanding the forces and factors, which created the state and historical stage through which it passed. There are some factors that contributed to the evolution of states, and there are as follows;

1. Kinship
2. Magic and Religion
3. Property and the rise of Economic Classes
4. War and Force
5. Political Consciousness.

### **KINSHIP.**

The state is based on the principle of command and obedience. In the earliest stages we find such a relationship in the family based on blood and birth. In this respect the matriarchal and patriarchal societies became the basis of the origin of the state. There were families, clans and tribes, whose memberships were based on blood relationship which was the first element of social unity and the first basis of organization and discipline. There used to be a council of elders with chief as political authority whose

command was obeyed by all the members of the tribe. In this way the path was paved for the development of the state.

#### MAGIC AND RELIGION.

In the ancient times people were not civilised and advanced. So they did not understand the forces of nature. At that stage man was at the mercy of the nature. So he tried to control them by different practices which later on got the name of magic. Some people tribes had the knowledge of these forces. So they acquired superiority over others and became their leaders. With the passage of time such men became the priest-kings. Slowly and gradually religion became a powerful instrument for keeping control over the people. Even today religion plays an important role in the state activities.

#### PROPERTY AND THE RISE OF ECONOMIC CLASSES.

In the beginning people roamed from place to place in search of greener pastures and water. They did not know what agriculture was and how crops were cultivated. As a result of this they did not occupy a particular territory and lead a settled life. With the passage of time population increased and man was compelled to lead a settled life. This compelled them to occupy land with this they arose the need to have an authority to define and enforce the rights of the families or individuals within the territory of the settled community. This authority was also supposed to be defend the wealth, which consisted mainly of land and domestic animals. In other words a common authority was needed to define property rights and property relations and to decide issues like inheritance, theft, exchange of goods and so on. It is said where there is no property there can be no government. This means that the government and the state came into existence with the beginning of the private property and the division of the society with classes.

#### WAR AND FORCE.

War and force also played an important role in the development of the state. Wherever force is used there is a definite purpose for it. In the beginning force was used to capture animals, wealth and land of the neighbouring tribes. So we can say that the wars in the beginning were for economic purposes. War changed the tribes into political entity. As a result there came into being a permanent leadership. During the time of war the tribal chose their leaders who led them in the war. Since war became a permanent feature of the tribal life, leadership also became permanent. With the passage of time a powerful tribal leader after many successful wars became the king. In this way tribal state was changed into kingdoms and in this way the modern state came into being.

#### POLITICAL CONSCIOUSNESS.

This means the thought of knowledge as to why political organization is needed. In the beginning there was the need for defence and protection of life, liberty, and property, regulation of social relations and so many others. Political consciousness began in ancient times. It is a very slow process. It took a very long time for man to ask about the political authority. The day people asked the question why political consciousness began and about its progresses and development. This also helped in the growth and development of the state and government.

#### **STRENGTHS OF THE EVOLUTIONARY OR HISTORICAL THEORY**

1. It brought harmony to the individuals (people) who practised it.
2. It encourages peaceful co-existence amongst each other.

#### **• THE THEORY OF DIVINE ORIGIN:**

The theory of divine theory is the oldest theory. It is also known as the theory of divine right of Kings. The advocates of this theory believe that the state did not come into existence by any effort of man but by God who created it. The king who rules over the state is an agent of God on planet earth. The king derives his authority from God and for all his action he is responsible to God alone. Obedience to the king is ordained by only

God and the violation of it is regarded as a sin. The king is above everyone including the law and he is not subject to any question or nobody has the right to question his decisions. The king is accountable to God alone. The main points in the doctrine of the Divine Right of Kings may, thus, be summed up:

1. Monarchy is divinely ordained and the King draws his authority from God.
2. Monarchy is hereditary and it is the divine right of a King that it should pass from father to son.
3. The King is answerable to God alone.
4. Resistance to the lawful authority of a King is a sin.

The theory of Divine Rights of Kings, originally used in the Middle Ages.

#### HISTORY OF DIVINE THEORY.

The conception of the divine creation of the state may be traced back to remote antiquity. It was a 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 functions also the state is said to be created by 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 in 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 titled "The Law of the Free Monarchies, where it is stated that 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 ages 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 is 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 theoretic 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. The theory of divine theory also states that the leaders of a state come about as a result of the ordination from God. This is a very common method of the origin of states these days and it was also one of the most popular ones in the past.

### **STRENGTHS OF THE THEORY OF DIVINE ORIGIN.**

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

#### **• THE MARXIST THEORY OF STATE:**

The marxist theory of state deals with questions about the role of the state in the society, and more specifically its relations to class and class struggle. The Marxist are of the view that the state is a creation of class struggle with the help of force. So therefore, it is the theory of the origin of state within a little recognition of force which is also a theory of the state. The marxist started within the primitive society where there was no surplus of wealth with and that's the same with state.

As time went on, society was getting split over hostile classes with conflicting interests. Class antagonism was the main cause of the state. Marxist theory of state is the most protruding theory. Marxist theoretical views challenges the basic concepts of liberal states as well as emphasises that it subjugates majority men of society to accomplish its objectives. It is to be abolished or smashed without the emancipation of common men will never be possible. Marx stated that every state is a tyranny. It is said that every state is forced by extra-moral, extra-legal force.

Marx (1818-1883) and his colleague Engels (1820-1895) have distinct explanations and statements which established state theory. In the Communist Manifesto, the state is the "Political power, properly so called, is merely the organised power of one class for oppressing another". In the same book we find them saying "The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie".

Hal Draper in his Karl Marx's Theory of Upheaval explained that "The state is the institution or complex institutions which bases itself on the availability of forcible coercion by special agencies of society in order to maintain the dominance of a ruling class, preserve the existing property relations from basic change and keep all other classes in subjection.

Draper's description of Marxist state is not basically different from the definitions given by Marx and Engels in the Communist Manifesto. The state is basically an instrument of class domination. In other work the state is used by the bourgeoisie to exploit the common people and in that sense it is a mechanism for mistreatment. This idea has been expounded by Lenin.

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. Talking on the economic factor as the key element in the class struggle, Fred Rich 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's 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 band his state, namely the USSR where the proletariat was the

dominant class which was to exploit the other classes. Lenin emphasised on the element of force to be resorted to by the proletariat against the bourgeoisie. Thus, Lenin incorporated the element of force 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 realization of a higher and total form of modern civilization. Here we find that the author is more in the agreement with the German idealist Hegel than the Marxists.

This is a 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. 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 recognizes the use of force in the modern statecraft.

The Marxists have revealed two models of the Marxist theory of state. One is the instrumentalist model and the other is relative autonomy model which is in opposition to the other model.

### **STRENGTHS OF THE MARXIST THEORY OF STATE .**

1. The creation of a system of true equality: Though the Marxist system of government is concerned as communism, it places emphasis on human rights, with its foundation encompassing equal gender roles, health care and access to education. As Marx believed, there should be equality before the law and societal services, where everyone has an equal chance and opportunity with no dominant gender. This simply means that every person would be able to get access to the most important things he needs regardless of whatever he does, wherever he lives or how much he makes to provide a better living for those depending on him.
2. It provides benefits to the society at large: Critically looking at the Marxist theory, it considers the society as a whole, which entails that it acknowledges all the social forces involved, including the power interests of different groups. Stressing the role of class struggle or conflict within the society between the bourgeoisie and the proletariat, it is also effective in explaining change in the society. It also organizes society under capitalism, where the bourgeoisie tends to maximize profit with the proletariat.

### **• THE FORCE THEORY:**

Another early theory of the origin of 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 are 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 Leacock 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 and from kingdom to empire is but a continuation from the same process".

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 socialist 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 Bernhardt and 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 Bernhardt- "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".

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-Bernhardt and Trietschke are the exponents of force theory. A number of rulers also believed in this theory because they assume it is very effective. 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. Force alone is not the basis of state and it cannot be maintained by force.,

### **STRENGTHS OF THE FORCE THEORY OF STATE.**

The theory of force, though untenable as an explanation of the origin of the state, has some redeeming strengths and they include:

1. 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. And later on, the Aryans sprawled their kingdoms and broad-based their government and ruled with the backing of the people.
2. 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. 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.

• **PATRIARCHAL THEORY OF ORIGIN OF STATE:**

What comes to your mind when you hear patriarchal theory, it simply means that it is a paternal theory (which is it has to do with the father being the head of the house).

The Patriarchal theory explains that the state originated from the patriarchal family or the family in which the father was the head. 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 of the family which is the 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 gens which stands for 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 a state.

Sir Henry Maine's analysis of the growth of a 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 foundations 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 through marriages with various women because both monogamy and polygamy were the order of the day. The eldest son had a prominent role in the house.

Another major advocate 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 form the state which is the self-supporting unit".

State is also an enlargement of the family. Originally the family consisted of a man, his wife and children. The father was the head of the family and his controlled authority was complete in all respects over all its members. When his children married there was then an expansion in the original family and it led to the establishment of new families. But the authority of the father and head of the original family remained as before, and it was duly acknowledged by all his descendants. This constituted the patriarchal family. Thus, the chief exponent of this theory is Sir Henry Maine.

Some important points of the patriarchal theory includes the following;

- In the patriarchal theory, the element of paternity most the major fact.
- Descendants was traced not only through males and from the same ancestor. None of the descendants of the female were included in the primitive notion of family relationship.

The rule of kinship was accordingly, purely negative.

- Permanent marriage was the rule whether monogamy or polygamy.
- The head of the family was the basis of all authority, and his power was unqualified over his children and their houses and other relations of all descendants howsoever numerous.

He controlled not only the business affairs of the group which he headed but its religion and its conduct. The family was the primal unit of political society. 'The seed led

of all larger growths of governments, as Woodrow Wilson calls it'. The single family have developed into several families; yet all of them were fully conscious of their ultimate kinship. Bound together by ties of common ancestors, they associated in a wider common fellowship group. The gens, owing allegiance to some elected leader- perhaps the oldest living ascendant or the most capable. Similarly, the gens broadened into the tribe. The pastoral [pursuits gave way to agriculture and settled life on a definite land became a matter of necessity, land tribes united to form a state.

In there support of his statement, Sir Henry Maine cited the patriarchs of the Old Testament 'families' and 'brotherhood' of Athens, the patriapotesos in Rome and the Hindu Joint family system in India.

### **STRENGTHS OF PATRIARCHAL THEORY.**

It is a socially-constructed system where males have primary power.

#### **• MATRIARCHAL THEORY OF STATE:**

The exact thing that comes to mind when I hear of matriarchal theory is the mother been the head and maternal authority in the family. this theory creates a picture whereby the mother is regarded as the head of the family or rather holds authority in the home.

The chief exponents of this theory are Morgan, McLennan and Edward Jenks. According the the listed exponents, there was never any patriarchal family in the primitive society and 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 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 also lead to polyandry and polygamy as well.

The Matriarchal theory continued until the advent of the pastoral age when the permanent marriage was introduced. We can also find the existence of the Queen ruling over the Malabar and the princesses ruling over the Maratha countries. These are the examples of the matriarchal system of life.

McLennan, Morgan and Jenks are the notable exponents of the matriarchal theory. The matriarchal system was prior to the patriarchal system and tribe. There was no permanent Institution of marriage. A woman had more than one husband and because of the un certainty of male parentage, kinship was reckoned through the woman that is from mother to daughters.

In the place of a family consisting of a man, his wife and children there was a large and loosely connected groups called a horde or pack organized for matrimonial purposes.

The matriarchal family developed as indicated below;

- First there was a tribe and it was the oldest and primary social group.
- In course of time a tribe breaks into clans
- Clan in their turn give place to households
- At last comes the modern family.

### **STRENGTHS OF THE MATRIARCHAL THEORY OF STATE.**

The whole written history of the human race has been a story of conflict, warfare, genocide, slavery, injustice, poverty, and we do not actually find much difference today in our TV news. We have had many great thinkers trying to solve these problems, through either religion or politics, but what is noticeable with all these solutions, is. That they all

have failed Religions for example; Christianity, Islam and Buddhism and so many more have not succeeded stopping conflict and wars . And I many other cases seems to make the situation worse, as conflict between different religions and religious sectors have caused so many wars.s



