**NAME: OBIA-AMAUWA JENNIFER EBERECHI**

**MATRIC NUMBER: 19/LAW01/161**

**COURSE CODE: POL 102**

**COURSE TITLE: CITIZENSHIP AND THE STATE11**

**COLLEGE OF LAW**

**Question: 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.**

**HOW A LEBANESE CAN RETAIN OR LOSE HIS OR HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP**

Citizenship is the status of a person who is recognized under the custom or law as being a legal member of a sovereign state belonging to a nation. The idea of citizenship has been defined as the capacity of individuals to defend their rights in front of the governmental authority. Citizenship implies freedom with accompanying responsibilities. It also implies that citizens have certain rights, duties and responsibilities that are denied or only partially extended to aliens and other non-citizens also residing in a country. Generally, full political rights, including the right to vote and to hold public office, are often predicated upon citizens. Individual states and nations recognize citizenship of persons according to their policies, regulations and criteria as to who is entitled to its citizenship. The usual responsibilities of citizenship are allegiance, taxation and military service. This broader term denotes various relations between an individual and the state that do not necessarily confer political rights but do imply other privileges, particularly protection abroad.

The Longman Contemporary English Dictionary defines a citizen as “someone who lives in a particular town, country or state and has rights and responsibilities there, whether they are living there or not.” Similarly Stanford Encyclopedia of Philosophy defines a citizen as “ a member of a political community who enjoys the right and assumes the duties of membership.” From the foregoing, a citizen can be said to be a natural or legal member of a political community entitled to rights and privileges that the state can provide an in turn assumes obligations required by law for the wellbeing of the state. With the above understanding of who a citizen is we can now explain the concept of citizenship.

The Modern day conception of citizenship is very much influenced by the democratic system of government. Modern citizenship unlike the Greek citizenship is much more passive. While not discarding the idea of political participation, it favors the system of political representation where governance is delegated to some persons who represent others in government affairs, protecting their rights while the citizens fulfill their civic duties to the state. The concept of citizenship first began in the town and city-states of ‘ancient Greece’ where it generally applied to property owners but not to women, slaves or the poorer members of the community. The Romans were the first who used citizenship as a means to distinguish the residents of the city of Rome from people in other Roman territories Rome conquered and incorporated. As their empire continued to grow, the Romans granted citizenship to their allies throughout Italy and then to the people in other Roman provinces, until AD 212 when citizenship were extended to all free inhabitants of the empire. The concept of national citizenship virtually disappeared in Europe during the Middle Ages and was replaced by a system of ‘feudal rights and obligations’. In the late middle ages and renaissance period, the holding of citizenship in various cities and towns of Italy and Germany became a guarantee of immunity for merchants and other privileged persons from the claims and prerogative of feudal overloads. Modern concepts of citizenship crystallized in the 18th century during the American and French Revolutions, when the term citizen came to suggest the possession of certain liberties in the face of the coercive powers of absolutist monarch.

**FACTORS THAT DETERMINE CITIZENSHIP AND THEIR ACCEPTANCE IN NIGERIAN CONSTITUTION**

There are universally accepted ways of obtaining the citizenship of a country. The Nigerian constitution recognizes and accepts these factors as well as the three dimensions and two models of citizenship discussed above. Citizenship may be gained through birth, through parentage, through marriage or through naturalization

1. Citizenship by birth: This is the case where one automatically becomes a citizen of a state or country because he was born there.
2. Citizenship through Parentage: In this case, a person becomes a citizen of a state if one or both of his parents are citizens of that state. Also a person born outside a particular country becomes a citizen of that country as long as one or both of his parents are citizens of that country. Before the advent of the sex equality campaign in the 20th century, this right used to be limited to only paternal lineage as it is still obtainable in some African ethnic nationalities where citizenship is based on paternal ancestry or ethnicity. There are also presently limitations in many countries to the right of citizenship by descent to a certain number of generations with regard to those born outside the state or country. Citizenship by parentage just as that by birth cannot be withdrawn or revoked since it is given automatically by nature. It can also not be denied or rejected
3. Citizenship by Marriage: In this case citizenship is obtained by marrying a citizen of a particular state or country. This form of citizenship is facing challenges in modern times because of sham or contract marriage in immigration destination countries where citizens for the purpose of payment marry non-citizens to assist them obtain citizenship with no intention of living as husband and wife.
4. Citizenship through Naturalization: This is a situation where citizenship is granted to persons who have lawfully entered a country to reside or have been granted political asylum. After residing in this host country for some specific period of time stipulated by law and exhibited reasonable knowledge of the language and culture of the place and being of good conduct without serious criminal record, the immigrant is granted citizenship upon application. This form of citizenship also called “contract of citizenship” by Raphael (1970, 86) unlike that by birth and by parentage can be revoke by legitimate authority in cases of serious crimes, hence it is conditional on having a reasonably good behavior.

Based on the 1999 Constitution of Nigeria as amended, the requirements to gain citizenship in Nigeria aside by birth (that is, if you are born in Nigeria) is through Registration and Naturalization.

**By Registration:** 26. (1) Subject to the provisions of section 28 of the 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;

1. 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:** 27. (1) Subject to the provision of section 28 of the 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 naturalization.

(2) No person shall be qualified to apply for the grant of a certificate or naturalization, 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 propose 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;

1. Resided in Nigeria for a continuous period of fifteen years, or
2. 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.

**Deprivation of citizenship**

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 the war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

Based on the question giving, the only way a Lebanese can gain his Nigerian citizenship is by Registration or Naturalization and he can lose his citizenship Voluntary or Involuntary.

1. VOLUNTARY: Voluntary renunciation of Nigerian citizenship is permitted by law. Contact the Embassy for details and required paperwork.
2. INVOLUNTARY: The following are grounds for involuntary loss of Nigerian citizenship; Registered or Naturalized citizen voluntarily acquired the citizenship of a foreign country.

* Naturalized citizens, 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.

**SOCIAL CONTRACT THEORY EXPLAINS THE EVOLUTION OF STATES, WHAT OTHER THEORIES EXPLAIN THE SAME AND THEIR STRENGTHS**

**THE DIVINE THEORY ORIGIN:**

1. DIVINE ORIGIN THEORY: The oldest theory about the evolution or origin of 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

**STRENGTHS 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.

**THE PATRIARCHIAL THEORY**

1. The Patriarchal Theory: 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 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 household. Several gens made one clan. A group of clan 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.

**FORCE THEORY**

1. 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 a 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.

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.”

**STRENGTHS OF THE FORCE THEORY**

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. Like the Aryans, 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 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.