NAME: EMERENINI ABIGAIL CHISOM

MATRIC NO: 19/LAW01/087

COURSE CODE: POL 102

WORK TO DO: HOW CAN A LEBANESE RETAIN OR LOSE HIS OR HER NEWLY ACQUIRED NIGERIAN CITTIZENSHIP.

2 SOCIAL CONTRACT THEORY EXPLAINS THE EVOLUTION OF STATES, WHICH OTHER THOERIES EXPLAIN THE SAME, AND THEIR STRENGTHS.

ANSWERS:

1. First we have to consider the meaning of citizenship;

**Citizenship** is the [status](https://en.wikipedia.org/wiki/Status_(law)) of a person recognized under the [custom](https://en.wikipedia.org/wiki/Custom_(law)) or [law](https://en.wikipedia.org/wiki/Law) as being a [legal](https://en.wikipedia.org/wiki/Law) member of a [sovereign state](https://en.wikipedia.org/wiki/Sovereign_state) or belonging to a [nation](https://en.wikipedia.org/wiki/Nation). The idea of citizenship has been defined as the capacity of individuals to defend their [rights](https://en.wikipedia.org/wiki/Rights) in front of the [governmental](https://en.wikipedia.org/wiki/Government) authority.[[1]](https://en.wikipedia.org/wiki/Citizenship#cite_note-1) Individual states and nations recognize citizenship of persons according to their own policies, regulations and criteria as to who is entitled to its citizenship.

According to the 1999 constitution of the Federal Republic of Nigeria a person can be recognized or granted citizenship on a number of bases. Usually citizenship based on circumstances of birth is automatic, but in other cases an application may be required.

**By birth-namely(jus sanginus)**- (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:** 26. (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](https://en.wikipedia.org/wiki/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:** 27. (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-

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

(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.

**Born within a country (**[***jus soli***](https://en.wikipedia.org/wiki/Jus_soli)**)**. Some people are automatically citizens of the state in which they are born. This form of citizenship originated in [England](https://en.wikipedia.org/wiki/England), where those who were born within the realm were [subjects of the monarch](https://en.wikipedia.org/wiki/British_subject#Prior_to_1949) (a concept pre-dating citizenship) and is common in [common law](https://en.wikipedia.org/wiki/Common_law) countries. Most countries in [the Americas](https://en.wikipedia.org/wiki/Americas) grant unconditional jus soli citizenship, while it has been limited or abolished in almost all other countries.

* + In many cases, both *jus soli* and *jus sanguinis* hold citizenship either by place or parentage (or both).

**Citizenship by marriage (**[***jus matrimonii***](https://en.wikipedia.org/wiki/Jus_matrimonii)). Many countries fast-track naturalization based on the marriage of a person to a citizen. Countries which are destinations for such immigration often have regulations to try to detect [sham marriages](https://en.wikipedia.org/wiki/Sham_marriage), where a citizen marries a non-citizen typically for payment, without them having the intention of living together.[[7]](https://en.wikipedia.org/wiki/Citizenship#cite_note-8) Many countries ([United Kingdom](https://en.wikipedia.org/wiki/United_Kingdom), [Germany](https://en.wikipedia.org/wiki/Germany), [United States](https://en.wikipedia.org/wiki/United_States), [Canada](https://en.wikipedia.org/wiki/Canada)) allow citizenship by marriage only if the foreign spouse is a permanent resident of the country in which citizenship is sought; others ([Switzerland](https://en.wikipedia.org/wiki/Switzerland), [Luxembourg](https://en.wikipedia.org/wiki/Luxembourg)) allow foreign spouses of expatriate citizens to obtain citizenship after a certain period of marriage, and sometimes also subject to language skills and proof of cultural integration (e.g. regular visits to the spouse's country of citizenship).

**Citizenship by investment or**[**Economic Citizenship**](https://en.wikipedia.org/wiki/Economic_Citizenship). Wealthy people invest money in property or businesses, buy government bonds or simply donate cash directly, in exchange for citizenship and a passport.

This are the above ways in which a Lebanese can retain his or her Nigerian citizenship.

Now how can he or she lose their Nigerian citizenship:

From the 1999 constitution of the Federal Republic of Nigeria a person can lose his citizenship if;

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](https://en.wikipedia.org/wiki/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.

**Other reasons by which citizenship can be relinquished or deprived**  
Here, citizenship is involuntarily taken away by the government from an individual whose act and conduct has been confirmed to be inconsistent with the provisions of the constitution. Take for instance where:

* Such person(s) has committed an act of treason or an attempt to overthrow the government by force and being convicted by a court of law or tribunal may be deprived of his citizenship by the president although subject to the fact that such person is not a citizen by birth. **see S. 30 (2) of the 1999 constitution**
* Such person(s) has traded or assisted the enemy of Nigeria during the time of war with the intent to cause damage to the interest of Nigeria. **See S. 30 (2) (b) of the 1999 constitution.**

**Conditions/procedure for renunciation**

**Eligibility**

* Such person must be aged 18 years and above (exception to a married woman below age 18 (**S. 29 (4)(b)**)
* Such person must be of a sound mind
* Such person must have acquired or would likely be granted citizenship in another country
* Such person has no criminal or financial liability to the state

**The procedure for renunciation of citizenship in Nigeria**

* Visit to the appropriate authority i.e the Ministry of interior, Nigerian immigration service or the Nigerian embassy in the country where the person resides.
* Fill the application form with complete information which must be signed and certified before a magistrate, notary public, justice of peace or commissioner of oath  
  Submit the application form(s) with the following documents:

1. Copy of the foreign passport
2. Copy of the foreign citizenship certificate or copy of confirmation that the applicant will become the citizen of a foreign country  
   Birth certificate
3. Citizenship certificate (if any)
4. National Identity card (if any)
5. Passport-sized photograph of the applicant
6. Nigerian passport or other traveling document
7. Marriage document (for female applicant below age 18)

Proof of acquisition of citizenship in another country  
**Note:** The president reserves the power to withhold the registration of any declaration and renunciation of citizenship during war in which Nigeria is physically involved and where it is in his opinion that such declaration will be contrary to public policy. **See S. 29 (3) (a) (b)** of the 1999 constitution.

# 2 **Divine Theory Of Origin Of State**

**Introductory.** While introducing the State, in the first Article, we said that it originated in the bare needs of life and continues in existence for the good life of man. But it is shrouded in mystery when and how the State came into existence. The recent researches in the sciences of [Anthropology](https://www.anthropologie.com/), Ethnology, and Comparative Philology throw some light on the subject, but all this is newt sufficient to offer a matter of fact explanation of the origin of the State. Speculation is then, the only alternative and we examine a number of theories that have been advanced from time to time varying with the credulity of the age. The most important of these theories are:

**1. The Theory of Divine Origin**

**2. The Theory of Force.**

**3. The Theory of Social Contract.**

**4. The Patriarchal and Matriarchal Theories.**

**5. The Historical or Evolutionary Theory.**

The Historical or Evolutionary Theory is now accepted as the Correct theory of the [origin of the State](https://www.politicalscienceview.com/the-origin-of-the-state/). The Patriarchal and Matriarchal Theories, which seek to explain that family is the nucleus of the State and either father or mother had really been the head of the family in ancient times, are not separate theories of the origin of the State .  They form part of the accepted Historical or Evolutionary Theory, although we have treated them separately for clarity and proper understanding. The theories of Divine Origin, Force and Social [Social Contract](https://www.politicalscienceview.com/best-books-about-political-science/" \t "_blank) are speculative and stand rejected. But it does not mean that they have no practical utility. Each one of these theories contains some element of truth and aids us in penetrating the realm of the past and helps to find out how and why the  State came into existence.

To examine and reject  a speculative theory is a means of arriving at the truth. It is only by groping in the dark that we hope to reach the light. Leacock has tightly said that the rejection of what is false in the speculative theories of the past will aid in establishing more valid conclusions on the residual basis of what is true.  What exists is never new. It is a monument of human effort, the result of prolonged activity. we cannot understand any contemporary institution without some knowledge of its genetic background. Speculative theories exhibit the spirit of the time in which they flourished and are, consequently, the index of the people their thoughts, and their environments and describe the forces that moulded and shaped the practices of the State. Finally, speculative theories led to the development of political thought.

Men of merit thought and considered, discussed and criticized the various theories enunciated from time to time and it paved the way for further developments in political thinking [The Social Contract theory](https://www.politicalscienceview.com/the-theory-of-social-contract/) replaced the theory of Divine Origin and the former was replaced by the Historical or Evolutionary theory.

## Divine Theory of Origin Of State

# Divine right

**divine right,**doctrine that sovereigns derive their right to rule by virtue of their birth alone—a right based on the law of God and of nature. Authority is transmitted to a ruler from his ancestors, whom God himself appointed to rule. Because the sovereign was responsible not to the governed, but to God alone, active resistance to a king was a sin ensuring damnation. The doctrine evolved partly in reaction against papal claims to wield authority in the political sphere. In England, King James I and his son Charles I made many claims based on divine right, and a notable exponent of the theory was Sir Robert [Filmer](https://www.infoplease.com/encyclopedia/social-science/government/bios/filmer-sir-robert). It ceased to be important in England after the Glorious Revolution of 1688. The epitome of the doctrine is found in the rule of Louis XIV of France.

**The Theory Explained.** Divine Theory of Origin Of State, though one of the earliest, has a simple explanation to offer. It is a theory of political authority and not a theory of the origin of the State. The State, its advocates maintain, was created by God and governed by His deputy or Vicegerent. It was His will that men should live in the world in a state of political society and He sent His deputy to rule over them. The ruler was a divinely appointed agent and he was responsible for his actions to God alone. As the ruler was the deputy of God, obedience to him was held to be a religious duty and resistance a sin. The advocates of the Divine Origin Theory, in this way, placed the ruler above the people as well as law. Nothing on earth could limit his will and restrict his power. His word was law and his actions were always just and benevolent. To complain against the authority of the ruler and to characteristic his actions as unjust was a sin for which there was divine punishment.

The theory of the Divine Origin of the State is as old as [Political Science](https://www.politicalscienceview.com/) itself. There is sufficient evidence to prove now that early States were based on this conception and all political authority was connected with certain unseen powers. The earliest ruler was a combination of priest and king or the magic man and king The authority and reverence which a ruler commanded depended upon his position as a priest or a magic man . Religion and politics were so inextricably mixed up in the primitive society that not a hazy line of demarcation Could be drawn between the two.

Even today, the State of Pakistan does not seem to draw a distinction between, religion and politics. Sir Mohammad Zafarullah Khan, the then Pakistan Foreign Minister, while speaking on the Objective Resolution in the Pakistan Constituent Assembly in 1949, said: Those who sought to draw a distinction between the spheres of religion and politics as being mutually exclusive put too narrow a construction upon the functions of religion. The abrogated Constitutions declared Pakistan an Islamic Republic to be governed With the Islamic principles. President Zia-ul-Haque significantly modified the 1973 constitution to bring it in conformity to the injunctions of Islam. In addition to Islamic Arab States, the Islamic Republic of Iran, the Islamic Republic State of Bangladesh and the Islamic State of Afghanistan are the most recent examples of theocratic States.

The theory that the State and its authority has a Divine Origin and sanction finds equivocal support in the scriptures of almost all religions in the world. In the Mahabharata, it is recounted that the people approached God and requested him to grant them a ruler who should save them from the anarchy and chaos prevailing in the state of nature. “Without a Chief, O Lord”, they prayed ,we are perishing. Give us a Chief whom we shall worship in concert and who will protect us The theory of Divine Origin, however, received a new impetus with the advent of Christianity. Render unto Caesar the things that are Caesar’s, said Jesus Christ, and Paul amplified this in his Epistle to the Romans, which has been quoted by writers time and again in support of the theory of Divine Origin. We are, thus, told, Let every soul be subject unto the higher powers. For there is no power but of God the powers that be are ordained of God. Whosoever, therefore, resisteth the power, resisteth the Ordinance of God and they that resist shall receive themselves damnation. The theory of Divine Origin so enunciated, believed in and accepted, thus, implied

1. That God deliberately created the State and this specific act of His grace was to save mankind from destruction

2. that God sent his Deputy or Vicegerent to rule over mankind. The ruler was a divinely  appointed agent and he was responsible for his actions to God alone whose Deputy the ruler was. All were ordained to submit to his authority and disobedience to his I command was a sin for which there was divine punishment.

### **The Divine Right Of Kings.**

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

The Stuarts in England found refuge in the doctrine of the Divine Right of Kings and its leading exponent was James I Sir Robert Filmer was its enthusiastic supporter. Bousset advocated it in France and supported the despotism of Louis XIV. It was claimed that Kings ruled by divine right and the subjects had no recourse against them. “Kings”, wrote James I, “are breathing images of God upon earth” and disobedience to their commands was disobedience to God. As it is atheism and blasphemy to dispute what God can do, so it is presumption and high contempt in a subject to dispute What a King can do, or to say that a King cannot do this or that. Even rebellion in the cause of religion was deemed a sacrilege because, the State of monarchy is the supreme-st thing upon earth for Kings are not only God’s lieutenants upon earth, and sit upon God’s throne, but even by God himself they are called Gods. As men are children of God, so are men children of the King and they owe him an equal obedience, Without a King there could be no civil society, as the people were a mere heedless multitude incapable of making laws. All law proceeded from the King as the divinely instituted law-giver of his people. The only choice for the people was submission to the authority of the King or complete anarchy. The King could not be held answerable for his actions to human judgment. He was responsible to God alone. A bad King will be Judged by God but he must hot be judged by his subjects Or by any human agency for enforcing the law, such as the estates or the courts. The law resided ultimately in the breast of the King.

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 bf a King that it should pass from father to soil.***

***3. The King is answerable to God alone and***

***4. Resistance to the lawful authority of a King is a sin.***

The theory of the Divine Right of Kings, originally used in the Middle Ages to serve as a bulwark against the claims of the Church, Fathers, was later used by Kings and their supporters to defend their existence against the political consciousness of the peoples: when the people claimed that ultimately power and sovereign authority rested with them.

## Evaluation of the Theory.

That the State is divinely created does not find any place in the present political thought. The State is essentially a human institution, Sand it comes into existence when a number of people occupying a definite territory Organize themselves politically for achieving common ends, The laws of the State are made by men and enforced by them. The State,therefore, oliginated in the bare needs of the life of man and continues in existence for the satisfaction of those needs and aspirations for a good life. To accept it as the creation of God IS to defy nature itself and to exalt the State to a position above criticism and change.

The Divine Origin theory is dangerous as it justifies the arbitrary exercise of royal authority by holding that authority has a religious sanction and origin, and Kings are the vicars of God. When the ruler is made responsible for his actions to God alone and law is held to reside ultimately in the breast of the King is tantamount to preaching absolutism and making the King a despot.

Even if it be conceded that the King is the vicegerent or deputy of God, then, how can the existence of a bad King be justified.  History abounds in examples of bad and vicious Kings. God personifies virtue, grace and benevolence and so should be His deputy It is, accordingly, bad logic to accept the dogma of James I that Kings are breathing images  of God upon earth. Even in the scriptures the theory does riot find unequivocal support. The Bible tells us, Render unto Caesar the things that are Caesar’s and unto God the things that are God’s.This saying of Christ does not justify the Divine Origin of the State Finally, the theory does not consider any other form of government except monarchy and that, too, [absolute monarchy](https://www.politicalscienceview.com/advantages-and-disadvantages-of-monarchy/) Such a form of [government](https://www.politicalscienceview.com/state-and-government/) is antagonistic to the democratic ideal which accepts consent as the basis of the State.

Divine Theory of Origin Of State is dismissed as an explanation of the origin of the State At the same time, the theory has a certain value. We cannot ignore the part which religion played in the development of the State. The early rulers combined unto themselves the authority and functions of a king and a priest. Law had a religious sanction and divine or religious law appealed to primitive man more than human law. Obedience to the State was deemed a religious duty and religious worship was Supported by government, Belief in a common religion was, thus, a great combining factor which welded the people in the pursuit of common ends. It taught men to obey when they were not yet ready to govern themselves Finally, the theory of Divine Origin adds a moral tone to the functions of the State. To regard the State as the work of God is to give it a high moral status, to make it something which the citizen may revere and support, something which he may regard as the perfection of human life.

Divine Theory of origin of State and with that the Divine Right of Kings was discredited in the seventeenth and eighteenth centuries in  the West and was replaced by the Social Contract Theory and Rousseau’s concept of popular sovereignty. Thus, the Voice of God gave place to the voice of the people.