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MATRIC NUMBER:19/LAW01/251

COURSE CODE:POL 102

COURSE TITTLE:CITIZENSHIP AND STATE II

**QUESTION**:

Assignment :(term paper)

N.B: Don’t exceed 15pages

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 CAN A LEBANEASE RETAIN OR LOOSE HIS OR HER NEWLY ACQUIRED NIGERIAN CITIZENSHIP**

To understand the process in which a person can loose or retain his citizenship in a particular country or in this case Nigeria, it is important to understand what the word ‘citizenship’ stands for.

According to *yourdictionary,* citizenship is the status of being a citizen, along with the rights, duties and privileges of being a citizen. Gaining a citizenship in Nigeria is relatively easily as it differs from person to person and generalizing in this case would be wrong. The following ways are various grounds through which a foreigner (Lebanese) can gain or retain his citizenship in Nigeria;

* By Registration
* By Naturalization

To be able to retain your citizenship in Nigeria, certain laws must be

adhere to so as to claim rights which being a citizen offers.

* Citizenship by Registration: Applying to become a citizen of a particular country can be said to be citizenship by registration, citizenship is granted after due process of the state has been followed and complied with and the individual is willing to accepts the laws of the state he is applying to become a citizen.
* Citizenship by Naturalization: The following are the conditions according to the laws of Nigeria that a Lebanese who is also a foreigner can gain citizenship through naturalization.

1. Subject to the provisions of section 28 of the Nigerian Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for 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 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.

**LEBANESE: HOW TO LOSE A NIGERIAN CITIZENSHIP**

According to <https://en.wikipedia.org/wiki/Nigerian_nationality_law> two major ways in which a person can lose his citizenship are:

* Voluntary Renunciation: This is a voluntary act of relinquishing ones citizenship or nationality, or in this case, the act of relinquishing ones Nigerian citizenship as a foreigner (Lebanese). This act is done willingly and for various reasons which are as follows, multiple citizenship, conscription, oath of allegiance, just to mention a few. As a foreigner with multiple citizenship, your pledge should belong to your country , this is because pledging allegiance to another country which you either have citizenship or not will automatically revoke your rights in the county which you reside.
* Involuntary Withdrawal of citizenship: 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. The following are various reasons a foreigner’s citizenship can be revoked;

1. 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****
2. 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.****

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

* Visit to the appropriate authority which is 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.  
 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.

****Some consequences for renunciation of citizenship****Below are some of the consequences of renouncing one’s citizenship in Nigeria. The right and qualification to vote and be voted for has been relinquished. See ****S. 65 (1) (a) (b), S.131 (1) (a), S.177(1) (a)**** of the 1999 constitution for qualifications. Federal government bears no responsibility for protection and assistance while traveling overseas.

1. Automatically the citizenship of the children born abroad has also been relinquished because the parent are no longer a citizen of Nigeria
2. No more access to Federal government jobs once citizenship has been relinquished
3. The right to unrestricted/freedom to travel into and out of the country have been given up. See ****S. 41 (1)**** of the 1999 constitution which guarantees freedom of movement to every citizens of Nigeria.

****Conclusion****  
Renouncing one’s citizenship is one of the most sensitive and a lifetime decisions anyone can make. It is advisable to weigh the advantages alongside the disadvantages. It is recommended to consult the appropriate authority and most importantly a legal practitioner when making such decisions.

1. Social contract Theory explains the evolution of states ,what other theories explains the same and their strengths.

Before we proceed to other theories that explain the evolution of state,we must first explain social contract theory in relation to other theories.

**What is State?**

State is defined as a territory with its own government and borders within a larger country.

**What is evolutionary theory of state?**

The historical evolutionary theory holds the view that the state has originated through a gradual evolutionary process.

**What does Social contract Theory say about the evolution of states?**

The social contract theory is not only the most ancient but also the most famous of the theories regarding the origin of the state. The substance of this theory is that state is the result of an agreement entered into by men who originally had no governmental organisation. In the first period there was no government and no law. The people lived in a state of nature. After some time they decided to set up a state. That they did by means of a contract.

  The social contract theory described the original condition of men as the 'state of nature'. To escape from the condition of the state of nature man made a social contract. To some writers the contract was pre-social and to others it was pre-political.

Writers on this theory are agreed on the point that the state of nature preceded the establishment of government there was no organised life in the state of nature. Each lived according to his own wish and fancies. No man made laws were there to control man. The law known to men living in the state of nature was the law of nature or natural law. There was none to interpret the law or adjudicate. Hence men lived under uncertain conditions.

  When men felt the need to escape from this type of life he did so by common agreement or contract. As a result of this, a civil society was created. Thus creation of civil society preceded the emergence of the state.

**Other theories that explain the Evolution of State;**

1.      The Theory of Divine origin

2.      Matriarchal and Patriarchal Theory

3.      Force Theory.

4.      Evolutionary Theory.

**1.Theory of divine origin:**

The theory of divine origin is the oldest among all theories. According to this theory state is established and governed by God himself. God may rule the state directly or indirectly through some ruler who is regarded as an agent of God.

  The trace of divine origin is seen in the epic Mahabarat. According to the Mahabarat there was anarchy in the beginning in the society and the people prayed to God to come to their rescue.They offered the following prayer. 'Without a chief, O Lord we are perishing Give us a chief, whom we shall worship and who will protect us'. It was under these circumstances that God appointed the king to rule the people.

To quote King James I of England,

 'Kings are justly called gods for they exercise a manner of resemblance of divine power on earth. Kings are accountable to God above and only. The people cannot question him for the right or wrong done by him.

The rise of Christianity and the growth of the power of the church in the medieval period led to a conflict between church and state and an active discussion of the divine origin of political power. All were agreed that the ultimate source of authority was divine but the supporters of the church say that Pope alone received his power directly from God.

Kings are breathing images of God upon earth. Even if the king be wicked, the subject has no right to rebel against him. To rebel against the king is to rebel against God himself for the God's chosen Vassal.

 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; and

4.   Resistance to the lawful authority of a king is a sin.

The theory of divine origin was popular for a long time but later on it began to decline on account of many factors.

**criticism**

  The theory of divine origin has been criticised on many grounds.

 To say that God selects this or that man as ruler is contrary to experience and common sense. God cannot be expected to do such worldly things for human beings. The theory is dangerous because it pinpoints the unlimited and arbitrary power of the kings.

* The theory of divine origin of the state advocates only monarchical form of government. The monarchical form of government is practically disappearing from the world. No wonder the theory of divine origin also does not find its supporters in modern times.
* We all believe in the theory of evolution. Everything in the world has grown up by slow degrees and consequently the same must have been the case with the state. It is too much to believe that one day God thought of creating the state and created one.
* The theory put emphasis on revelation and not reason. In modern times we attribute everything to reason and hence it is not accepted today.
* Although the theory has many defects and is no longer accepted today, it cannot be denied that it had its utility.
* The theory of social contract with its emphasis on consent, was a great deadlock to the theory of divine origin. It was maintained that state was created by individuals by means of a contract and not by God. The separation of the church from the state was also partly responsible for the decline of the theory.

## **MATRIARCHAL THEORY**

Mclennan, Morgan and Jenks are the notable exponents of 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 uncertainty of male parentage kinship was reckoned through 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 group called a horde or pack organised for matrimonial purposes.

The matriarchal family developed as indicated below.

1.  First there was a tribe and it was the oldest and primary social group.

2.  In course of time a tribe breaks into clans.

3.  Clans in their turn give place to households.

4.  Atlast comes the modern family.

### **Criticism**

* The matriarchal theory is more sociological than political. It seeks to explain the origin of family and not that of the state.
* There is no adequate proof in support of the matriarchal system as the universal and necessary beginning of society.

## **PATRIARCHAL THEORY**

  The Patriarchal theory explains that the state originated from the patriarchal family or the family in which the pater or father was the head.

  State is 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 control and authority was complete in all respects over all its members. When his children married there was 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. The chief exponent of the patriarchal theory is Sir Henry Maine.

  The following important points may be noted in Maine's Patriarchal theory.

 1. In the Patriarchal family the element of paternity was the chief fact.

 2. Descent was traced not only through males and from the same ancestor. None of the descendants of a female was included in the primitive notion of family relationship. Kinship was accordingly, purely negative.

 3.     Permanent marriage was the rule whether monogamy or polygamy

 4.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.

 5. 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 had developed into several families; yet all of them were fully conscious of their ultimate kinship. Bound together by ties of common anchestors, they associated in a wider common fellowship group, the gens, owing allegiance to some elected elder - perhaps the oldest living ascendent 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 the state.

In support of his statement, Sir Henry Maine cited the patriarchs of the old testament 'families' and 'brotherhood' of Athens, the patriapotestos in Rome and the Hindu Joint family system in India.

**Criticism**

* Modern theories show that the patriarchal family was not universal, the patriarchal theory was subjected to severe attacks.
* Patriarchal and matriarchal theories are in essence sociological rather than political theories.
* Stephen Leacock says nonetheless, both the theories sufficiently establish that family is the original link in the evolution of the state.

## Both these theories do not satisfactorily explain the origin of the state. Matriarchal and patriarchal could have been prevalent in certain early societies. But it is wrong to assume that the creation of state was occasioned by these systems. There was not substantial proof to support the universal validity of these theories.

## **FORCE THEORY**

  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-Bernhardy and Trietschke are the exponents of force theory. A number of rulers also believed in this theory. 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.

There were other factors besides force which helped the expansion of the state. Similarly force alone is not the basis of state and it cannot be maintained by force.

**Criticism**

  Force indeed has played an important part in the origin and development of the state. Some of the greatest empires of today have been established through blood and iron.

  The theory of force unduly emphasis the principle of the survival of the fittest. It means that might is right and those who are physically weak should go to the wall. It is dangerous to employ such a principle in the internal existence of the state. Every state will be at perpetual war with the rest. This is a condition of chaos, pure and simple endangering the peace and security of the world. The attention and efforts of every state will be directed towards war preparedness and to win the war if it comes. War which is an alias for murder, glorifies brute process, suppressing the moral forces. This is the mean self of man and not his real self.

## This theory justifies despotism. It is opposed to the idea of freedom. It is too much to believe that the state is created and maintained by sheer force and the spiritual and moral values have absolutely no place in life.

## **The Historical or Evolutionary theory**

  Five theories in explanation of the origin of the state, but no single theory offers an adequate explanation. The theory which explains and is now accepted as a convincing origin of the state, is the Historical or Evolutionary theory. It explains the 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 more scientific.

  The state is neither the handiwork of God, nor the result of superior physical force, nor the creation of evolution or convention, nor a mere expansion of the family. The state is not a mere artificial mechanical creation but an institution of natural growth or historical evolution says professor Garner.

There were a number of factors which helped the evolution of the state. They were kinship, religion, war, migration economic activities and political consciousness. The important factors which contributed to the growth of the state are

1.       Kinship

2.       Religion

3.       Property and defence

4.       Force

5.       Political consciousness

## **Kinship**

  Kinship is the most important and was based upon blood relationship and kinship was the first strongest bond of unity. Family constituted the first link in the process of the evolution of the state with the expansion of the family arose new families and the multiplication of families led to the formation of clans and tribes. Kinship was the only factor which bound the people together.

According to Professor Mac Iver, the magic of names

'reinforced the sense of kinship, as the course of generations enlarged the group. The blood bond of sonship changed imperceptibly into the social bond of the wider brotherhood. The authority of the father passes into the power of the chief once more under the aegis of kinship new forms arise which transcend it. Kinship creates society and society at length creates the state'.

**Religion**

  Religion provided the bond of unity in early society. It also affected all walks of life. The worship of a common ancestor and common goods created a sense of social solidarity. There was fear in the hearts of men as far as religion was concerned. Even today we see religious practices, affairs and faith in uniting people. In the early days a number of races are united by religion and unity was essential for the creation of state.

**Force**

  Force also played an important part in the evolution of the state. It was the use of physical force that was responsible for the growth of kingdoms and empires.

**Property and Defence**

  Property and depence played a vital role in the evolution of state in ancient times particularly among the people who were nomads and wagabonds and tribals. Prof. Laski has referred to the necessity of acquiring property by the members of society and protecting the property aequired with reference to the population mentioned above.This led to making adjustments in the social system and relationship between the members of different groups. The need to protect property ultimately compelled the ancient people to establish the state.

**Political consciousness**

  The last is political consciousness arising from the fundamental needs of life for protection and order.When the people settle down on a definite territory in pursuit of their, subsistence and a desire to secure it from encroachment by others. The need for regulating things and persons is felt imminently and this is the essence of political consciousness.

**Conclusion**

  It follows that many factors helped the growth of the state. No single factor alone was responsible for its origin. Sometimes all and sometimes many of them help the process by which uncivilized society was transformed into a state of all the theories which seek to explain the origin of the states, the evolutionary theory is the most satisfactory. It should be noted that no theory pin-points the time at which the state originated as a consequence of many factors working in union at different times.