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**POL 102**

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**QUESTION ONE: HOW CAN A LEBANESE RETAIN OR LOSE HIS NEWLY ACQUIRED NIGERIAN CITIZENSHIP?**

**THE MEANING OF CITIZENSHIP**

Citizenship is the status of a person recognised under the custom or law, as being a legal member of a sovereign state or belonging to a nation. The idea of citizenship has been defined as the capacity of individuals to defend their rights, in the presence of government authority. Citizenship is the status enjoyed by nationals of a country, which entitles them to full legal, economic, social and political rights. Every country has its own law governing citizenship and other aspects of their citizens’ lives. It is also known as nationality. A person may have multiple nationalities. An individual is recognised as a Nigerian or Lebanese if he/she attains the citizenship of either country.

**THE NATURE OF CITIZENSHIP**

1. LEGAL CITIZENSHIP: It simply means “having legal status”. A citizen of a country enjoys certain legal rights, in contrast to aliens, who may be admitted and may enjoy some citizenship rights, but not all. Legal citizenship may involve political rights, such as the right to vote and be voted for.
2. SOCIOLOGICAL CITIZENSHIP: This category means that a person may be a “citizen” of a country (or of a larger unit, such as the European Union), as well as holding other identities such as race, class, religious affliction, etc.
3. PATICIPATORY CITIZENSHIP: The idea of “participation” as an important part of citizenship has raised the issue of what in reality (asides from legal provision) makes such participation possible. Obvious factors include the opportunity to work and to contribute to society, a reasonable level of income, access to public authorities and channels for the expression of views.

**DIFFERENCES BETWEEN A CITIZEN AND A NON-CITIZEN**

A citizen is a member of a political community who enjoys the rights and assumes the duties of membership. According to Merriam Webster’s Collegiate Dictionary, a citizen is “a member of a state to whom he/she owes allegiance, and is entitled to its protection”. Hence, a non-citizen is someone who is not a member of a sate, neither does he/she owe allegiance. The differences are thus:

1. The rights of a citizen are irrevocable, while those of a non-citizen could be revoked at any time.
2. A citizen has the right to vote and be voted for, while a non-citizen can neither vote nor be voted for.
3. A citizen has full legal rights, while a non-citizen’s legal rights are limited.
4. A citizen can never be deported under any circumstance, while non-citizens can be deported.
5. A citizen’s rights are constitutionally entrenched, while those of a non-citizen are not.

**TYPES OF CITIZENSHIP**

There are three types of citizenship according to the constitution of the federal republic of Nigeria and they are also follows;

1. Citizenship by birth: An individual attains this kind of citizenship if one or both of the individual’s parents or grandparents are citizens of a given state. This kind of citizenship is usually automatic and is common in civil law countries.
2. Citizenship by registration: This kind of citizenship is open to 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.
3. Citizenship by naturalisation: Naturalisation is the legal act or process by which a non-citizen of a country may acquire citizenship or nationality of that country. It may be done automatically by a statute, i.e., without any effort on the part of the individual, or it may involve an application or a motion and approval by legal authorities. The rules of naturalisation vary from country to country. Through this process, an individual that is Lebanese by birth can attain Nigerian citizenship.

The qualifications needed for an individual to apply for a grant of a certificate of naturalisation in Nigeria according to the 1999 Constitution of The Federal Republic of Nigeria (As Amended) are as follows:

1. he is a person of full age and capacity;
2. he is a person of character;
3. he has shown a clear intention of his desire to be domiciled in Nigeria;
4. he is, in the opinion of the Governor of the State where he is or 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;
5. he is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;
6. he has taken the Oath of Allegiance prescribed in the Seventh Schedule of this Constitution; and
7. he has, immediately preceding the date of his application, either –
8. resided in Nigeria for a continuous period of fifteen years; or
9. resided in Nigeria continuously for period of twelve months, and during a period of twenty years immediately preceding that period of twelve months, has resided in Nigeria accounting in the aggregate to not less than fifteen years.

**DUAL CITIZENSHIP**:

This is the status of having multiple citizenship, where a single person is legally recognised as a citizen of two or more countries at the same time. Dual citizenship can be acquired through birth, naturalisation, marriage and investment. Some countries that allow dual citizenship include: Algeria, America, Angola, Brazil, Burkina Faso, Lebanon etc.

**THE BENEFITS OF DUAL CITIZENSHIP**:

1. SECURITY: A second passport from a stable country can be life-saving in the event of any kind of any kind of political, economic or social unrest in one’s home country.
2. BUSINESS: New business opportunities are open to dual citizens, as they can transact businesses in their host and second countries.

**THE CONDITIONS TO ATTAIN DUAL CITIZENSHIP IN NIGERIA**

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.
2. Any registration of a person as a citizen of Nigeria or the grant of a certificate by naturalisation to a person who is a citizen of a country other than Nigeria at the time of such registration or grant shall, if he is not a citizen by birth of that other country, be conditional upon effective renunciation of that citizenship or nationality of that other country, within a period of not more than five months from the date of such registration or grant.

This is to say that only people deemed as Nigerians can attain dual citizenship.

**LOSS OF CITIZENSHIP**

Loss of citizenship, also called loss of nationality, is the event of ceasing to be a citizen of a country under the nationality law of that country. There are two ways that loss of citizenship occurs; either through denaturalisation or renunciation of citizenship.

Denaturalisation is a loss of citizenship forced by a sovereign state whereas renunciation of citizenship is the voluntary act of relinquishing one’s citizenship or nationality.

**THE CONDITIONS NECESSARY FOR RENUNCIATION OF CITIZENSHIP ACCORDING TO THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED)**

1. Any citizen of Nigeria of full age, who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner of 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 –
4. the declaration is made during any war in which Nigeria is physically involved; or
5. in his opinion, it is otherwise contrary to public policy.

WHERE;

1. “full age” means the age of eighteen years and above;
2. any woman who is married shall be deemed to be of full age.

**CONDITIONS THAT WARRANT THE DERIVATION OF CITIZENSHIP ACCORDING TO THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED)**

1. The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, if he is satisfied that such a person has, within a period of seven years after becoming naturalised, 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 a citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of the proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that –
3. the person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or
4. 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.

A Lebanese or any individual with any nationality can lose their Nigerian citizenship if they fill in the above conditions.

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

The state is an artificial creation that can be related to concretely through the institutions set up in its name to define it as well as make decisions as to the organisation and regulation of the public domain. A state is a form of human association distinguished from other social groups by its purpose, the [establishment of order and security](https://googleweblight.com/i?u=https://www.britannica.com/topic/public-administration&hl=); its methods, the laws and their enforcement; its territory, the area of jurisdiction or geographic boundaries; and finally by its [sovereignty](https://googleweblight.com/i?u=https://www.britannica.com/topic/sovereignty&hl=).

Over time, different theories on how the state originated emerged. These theories include:

1. The Theory of Social Contract
2. The Theory of Force.
3. The Theory of Divine Origin.
4. The Patriarchal and Matriarchal Theories.
5. The Historical or Evolutionary Theory
6. The Marxist Theory

**THEORY OF SOCIAL CONTRACT**

The most famous theory with regard to the origin of the state is the social contract theory. The theory goes to tell that the stale came into existence out of a contract between the people and the sovereign at some point of time. The concept of social contract theory is that in the beginning man lived in the state of nature, with no laws and in brutal anarchy. A stage came in the history of man when the state of nature was exchanged with civil society to lead a regulated life under a political authority. The net result of this changeover was that the people gained security of life and property and social security, but lost the natural liberty which they had been enjoying in the state of nature.

Social contracts are the origin of society; without a firm social contract, society as we know it would not be possible. A social contract is only possible with the consent of the people, thus establishing the legitimacy of the state over the people and accountability of the state to the people. It establishes the political community and civil society. Thomas Hobbes, John Locke and Jean-Jacques Rousseau were the major proponents of this theory.

**The strengths of the social contract theory include:**

1. The theory replaced the theory of divine origin of state that held that the state was created by God.
2. It opposed arbitrary rule
3. It encouraged the growth of democracy

**THEORY OF DIVINE ORIGIN**

This theory is also known as the theory of the divine right of kings. This theory holds that the state is established by a supreme being, rulers or leaders are divinely appointed hence are not accountable to any authority but God and that whoever resists the power of the ruler sins against the supreme being. 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. The theory of the Divine Origin of the State is as old as [Political Science](https://www.politicalscienceview.com) itself.

There are several drawbacks to this theory. Firstly, the state is recognised as a human institution and the view that God has anything to do with the creation of the state cannot be accepted. Secondly, this theory encourages dictatorship as the ruler is only responsible to God and does not heed public opinion. The theory is also highly unscientific and unrealistic.

The theory of the divine origin of the state has some strengths. This theory ensures total obedience to the laws as disobedience of the law counts as opposition against the supreme being. The 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.

**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.

The following criticisms are levelled against the theory of force. In the first place, the element of force is not the only factor in the origin of the state; religion, politics, family and process of evolution are behind the foundation of the state. Thus to say that force is the origin of the state is to commit the same fallacy that one of the causes is responsible for a thing while all the causes were at work for it. A state may be created by force temporarily. But to perpetuate it something more is essential.

In the second place, the theory of force runs counter to the universally accepted maxim of Thomas Hill Green- “Will, not force, is the basis of the state.” No state can be permanent by bayonets and daggers. It must have the general voluntary acceptance by the people.

In the third place, the theory of force is inconsistent with individual liberty. The moment one accepts that the basis of a state is force, how can one expect liberty there? The theory of force may be temporarily the order of the day in despotism as against democracy.

In the fourth place, the doctrine of survival of the fittest which is relied upon by the champions of the force theory has erroneously applied a system that is applicable to the animal world to human world. If force was the determining factor, how could Mahatma Gandhi’s non-violence triumph over the brute force of the British Imperialists?

**The theory of force, though untenable as an explanation of the origin of the state, has some redeeming features.** First, the theory contains the truth that some states at certain points of time were definitely created by force or brought to existence by the show of force. The use of force led to the build-up of empires and kingdoms.

Secondly, the theory highlights the fact that force is an indispensable to the state and without it a state can neither exist nor function. The theory also made the states conscious of building adequate defence and army to protect the territorial integrity of the state.

**THE PATRIARCHAL AND MATRIARCHAL THEORIES**

These theories hold that the state emerged as a result of the expansion of families into clans or tribes then to larger units like kingdoms and empires.The patriarchal theory argues that the unit of primitive society was the family, in which descent was traced through males and in which the eldest male parent was absolutely supreme.

The theory further argues that in the case of break up in the single family obviously coordinated by the head of the first family (the chief or patriarch), into more families, the aggregation of the commonwealth of tribes makes the state. It is also essential to know that this theory conceives the state as an extension of the family in such a way that the head of the state could be viewed as the father and the people, his/her children.

It must be emphasized therefore that the patriarchal society which, according to this theory, was the foundation of the modern state, was characterised by three features namely: male kinship, permanent marriage and paternal authority. The greatest supporter of this group is Sir Henry Maine.

The matriarchal theory is similar to the patriarchal theory except that it holds that the primitive group had no common male head, and that kinship among them could be traced only through the woman. The emphasis of this theory is on female kinship, permanent marriage and maternal authority.

The matriarchal theory is subject to the same criticism as the patriarchal on the grounds that it is incorrect to regard matriarchal society as the oldest form of social organisation everywhere. Rather, the truth is that there seems to be ‘a parallel development of which the patriarchal line is thicker and longer.

**The strengths of these theories include:**

1. The theory encouraged close relationships among family members
2. It is more logical that the theories that preceded it

**HISTORICAL/EVOLUTIONARY THEORY**

This theory conceived the state coming into existence as the result of natural, slow evolution extending over a long period of time and ultimately shaping itself to the complex nature of the modern state. This theory holds that the state is neither the handiwork of God, nor the result of superior physical force, nor the creation of a convention, nor a mere expansion of the family. Based on this conviction, it is evident according to scholars that the theories previously discussed must for reasons already stated, be rejected as unsatisfactory.

The evolutionary theory is premised on a gradual and continuous development of human society out of a grossly imperfect beginning through crude but improving forms of manifestation towards a perfect and universal organisation of mankind. It posits that there are a number of factors that aided the evolution of the state such as the influences as kinship, religion, war, migration and political consciousness.

Kinship is the most important factor and is based on blood relation and is the first, strongest bond of unity. Over time families expanded into clans and tribes with kinship as the only factor that bound them together.

Religion is concerned with every part of life. Religion served as a common ground for people that are not related by blood to unite. Physical force was applied to develop kingdoms and empires. The need to protect whatever property was owned from foreign raids made people come together to develop a state. Warship and immigration also prompted the rise of permanent leadership. A sense of loyalty to the leader was established through wars. Political consciousness in this case means awareness to have a common authority to meet certain common ends aided in state building.

The main supporters of this theory are J. W. Burgess, Maclver, Garner and Gettell.

**The strengths of this theory include;**

1. The evolutionary theory is logical and scientific
2. This theory pointed out that there is no single factor responsible for the creation of a state. The state is the result of a combination of factors and diverse situations.

**THE MARXIST THEORY**

The Marxists are of the view that the state is a creation by the class-struggle with the help of force. 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. The Marxists began with the primitive society where there was no surplus wealth to quarrel with and so there was no state.

With the passing of time, society was getting split over hostile classes with conflicting interests. This class antagonism was the root cause of the state. When agriculture was learnt as an art of culture there was ample food which resulted in private property. The insoluble contra-dictions as a result of division of labour became so acute that it was not possible for any class to keep reconciled in the state or to keep the quarrelling classes under control.

The most dominant class that controlled the mode of production came to establish the state to ensure its dominance over the other classes who did not own the modes of production. The state thus became an instrument of domination and oppression of one class over the other classes.

Thus the state came in to ensure the right of the dominant class to exploit the other classes. As the dominant classes kept on changing hands so also changed the character of the state. So 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.

Emphasising the economic factor as the key element in the class struggle, Fredrich 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 is 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 realisation of a higher and total form of modern civilisation. Here we find that the author is more in agreement with the German idealist Hegel than the Marxists.

This is in broad analysis of the Marxist views as culled from the writings and opinions of Engels, Lenin and Gramsci.