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POL 102,

DEPARTMENT OF LAW,

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**QUESTION 1.**

How can a Lebanese retain or lose his or newly acquired citizenship?

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It is important to know that there are several ways to which one can obtain citizenship in Nigeria. They are; By Naturalization

By Birth

By Registration

Naturalization is the legal act by which a citizen of a country may acquire citizenship of another country. As an example, a Lebanese citizen may seek interest in residing in Nigeria, and as a result will come down to the country of his interest and apply for citizenship. There will be requirements for him to meet before he can become a recognized Nigerian citizen. The following are requirements for a naturalized citizenship in Nigeria:

• He has to have lived in Nigeria for a period not less than 15 years immediately preceding the date of his application or has resided in Nigeria continuously for a period of 12 months preceding the application and has in the past 20 years preceding the 12 months resided for an aggregate period that is not less than 15 years.

• He must be capable of contributing to the general wellbeing and progress of Nigeria.

• He must be among the independent ratio and must not be less than seventeen years old.

• He is of good character and does not hold any past records of violence.

• He is, in the opinion of the governor in the state where he intends to reside, acceptable to the local community and has assimilated into the way of life of such community.

• Finally, he has subscribed to the oath of allegiance as contained in the seventh schedule of the constitution.

If the Lebanese man in question meets the stated requirements, he will become recognized as a full-fledged citizen of the Federal Republic of Nigeria. This also implies that the rights and duties applicable to every Nigerian citizen will become applicable to him to. Moreover, it also means that he is subject to the country’s laws. Breaking any laws set by the Nigerian state legislature will bring about the necessary punishment. Note that Nigerian citizenship by naturalization or registration would not take effect until the applicant renounces his citizenship of any other country within 12 months after registration or grant of a certificate of naturalization.

However, there is a way this Lebanese man in question can lose his acquired citizenship. The following are the ways which a naturalized citizen of the federal republic of Nigeria;

The Nigerian President can deprive a naturalized citizen of his Nigerian citizenship if such person is convicted and receives an imprisonment of three years or more within a period of seven years after he was naturalized.

The President can also deprive a registered or naturalized citizen of Nigeria of his citizenship if he is considered to be disloyal to the Federal Republic of Nigeria. This consideration would be based on his acts or speech or after due enquiry by the President in a manner stated in the regulations. Please note that the act or speech must relate to what he did or said from the records of proceedings of a court of law or tribunal established by law.

Also, the President may deprive a citizen by registration or naturalization of his citizenship if he trades with the enemy of Nigeria during the period of war in which Nigeria is physically involved or conducts business that is against the interest of Nigeria. This applies to both registration and naturalization. Voluntary renunciation of Nigerian citizenship is permitted by law.

Note finally that the president has the power to make regulations that are not inconsistent with the provision of the Constitution regarding the citizenship and the status of anybody subject to the rules of citizenship. The law requires that whatever regulations made by the president in respect of citizenship shall be laid before the National Assembly.

**QUESTION 2:**

Social contract theory explains the evolution of states, what other theories explain the same, and their strengths?

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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, MacIver, 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. V. G. Atambayev 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.