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 **Assignment tittle :1: How can a Lebanese retain or lose his or her newly acquired Nigerian citizenship**

**2: social control theory explains the evolution of state, what other theories explains the same, and their strengths**

 **Citizenship** is the status of being a **citizen**. If **you** have **citizenship** in a country, **you** have the right to live there, work, vote, and pay taxes! **Citizenship** comes from the Latin word for city, because in the earlier days of human governments, people identified themselves as belonging to cities more than countries.  An **example** of **citizenship** is someone being born in Nigeria and having access to all the same freedoms and rights as those already living in Nigeria.

 Types of citizenship

 Citizenship by birth: People who were born in Nigeria before and after the date of independence; People whose parents, grandparents or other relatives belong to indigenous Nigerian communities. And what is meant by the indigenous communities from Nigeria? Nigeria is a country with hundreds of tribes and if your parents or grandparents belong to one of these tribes, you can be or become a citizen of Nigeria by birth. It includes Igbo, Yoruba, Hausa, Fulani, Efik and many other tribes. If your parents or grandparents were or are citizens of Nigeria, you can be or become a citizen of Nigeria by birth.

 Citizenship by registration: The provisions of section 26 of the Nigerian Constitution explain that a person who is not Nigerian by birth can become a citizen of Nigeria by registration. A person can apply to become a Nigerian citizen by registration if he or she satisfies these conditions: The person is of good character (This statement should be testified by two people, and one of them should be a religious minister). This person expresses and shows a clear intention of his inclination/desire/wish to be domiciled in Nigeria. This person has subscribed to the oath of allegiance to Nigeria, which is provided by the seventh schedule of the Nigerian Constitution. The provisions of section 26 of the Nigerian Constitution also state that the following categories of the citizen can apply for the Nigerian immigration: A woman who is or has been married to a citizen of Nigeria. It also includes every person who has parents or grandparents of any indigenous Nigerian tribe.

Citizenship by naturalization: If a person cannot apply to become a Nigerian citizen by birth or registration, he can still apply to become a naturalized Nigerian citizen if he meets these requirements: This person is of full age. This person is of good character (like in the type before). This person has shown a clear desire to be domiciled in the country. The governor of the state where the person applying for citizenship wants to reside has to confirm the desire of the community to assimilate this person; The person should be capable of contributing to the wellbeing of Nigeria and its citizens. The person has lived in Nigeria for fifteen years preceding the application date.

**Loss of citizenship**, also referred to as **loss of nationality**, is the event of ceasing to be a citizen of a country under the nationality law of that country. It is a blanket term covering both involuntary loss of citizenship, such as through denaturalization, as well as voluntary renunciation of citizenship

In a study of the nationality laws of thirty-three European countries, found nine broadly-defined cases in which a citizen of a country may lose his or her citizenship

1. Voluntary acquisition of another citizenship
2. Residing abroad on a permanent basis
3. Fraud in the naturalization process, including sham marriages, or failure to give up the other citizenship in countries which require that as a condition of naturalization
4. Serving in a foreign military or foreign government
5. Upon adoption by a foreign citizen, or other change in the child's legal relation to the parents such as annulment of maternity/paternity
6. For a minor, upon the loss of citizenship by the parents
7. Failure to fulfill conditions, for example in Japan, where Japanese children born with an additional citizenship lose Japanese citizenship if they fail to give up the other citizenship before the age of 22
8. Voluntary renunciation

Various international treaties limit the cases in which loss of nationality may occur. In most cases this limits the government's power to deprive the individual of citizenship, but this also may limit the individual's ability to voluntarily make themselves stateless.

1. A Lebanese can retain his newly acquired citizenship in Nigeria if he has met with the provisions of the 1999 constitution of the federal republic of Nigeria. The constitution gives that dual citizenship is not constitutionally permitted [**Section 28 of the 1999 Constitution of the Federal** **Republic of Nigeria (As Amended)],** 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;

(b) He has shown a clear intention of his desire to be domiciled in Nigeria; and

(c) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.

The above has stated the ways the Lebanese could acquire his citizenship and maintain it. He can also retain his citizenship by forfeiting his citizenship of another country of which he didn’t acquire by birth but rather by another means. **Section 28(2) of The 1999 Constitution of the Federal Republic of Nigeria (As Amended) (Dual Citizenship)** states that, “Any registration of a person as a citizen of Nigeria or the grant of a certificate by naturalization 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”. All these constitute to his legal membership of the Nigeria.

 The fact of the Lebanese losing his newly acquired Nigerian citizenship depends on if it’s voluntary or involuntary; voluntary renunciation of Nigerian citizenship is permitted by law. Contact the Embassy for details and required paperwork. 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 **Section 30 (1) & (2) of The 1999 Constitution of the Federal Republic of Nigeria (As Amended) (Deprivation of Citizenship):**

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 naturalized, been sentenced to imprisonment for a term of not less than three years.

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 –

1. the person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or
2. 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.

Another criteria to lose acquisition of Nigerian citizenship depends on the inability of the Lebanese man to forfeit citizenship of another country the he holds citizenship by any other means other than birth. **Section 28(1) & (2) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) (Dual Citizenship),** “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.” It further states in (2) that; “Any registration of a person as a citizen of Nigeria or the grant of a certificate by naturalization 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.”

It must be noted however that, by virtue of dual citizenship is not permitted constitutionally.

2. (I) ***Social contract theory*** explains evolution of the state theories, it says that people who live together in society in accordance with an agreement that establishes more and political rules of behavior. Some people believe that if we live according to a social contract, we can live morally by our own choice and not because a divine being requires it. Social contract can be explicit such as laws, or implicit, such as raising one’s hand in class to speak. According to the social contract theory the state was the creation of the people living in a state of nature which was a lawless and order-less system. The slate of nature was controlled by unwritten laws prescribed not by men but by nature. The exponents of the theory gave conflicting views about the nature of the state of nature. Some considered it gloomy, while others painted it as bright like paradise. For some reasons the people did not like the system and terminated it by an agreement to save one man from the rapacity of the other. The nature-made laws were replaced by man-made laws. The originally independent people subordinated themselves to the will of either the whole community or a particular person or a group of persons. The three proponents of the theory interpreted the theory in their own way. Many sociologists form theories about this particular theory; among them were Thomas Hobbes, John Locke and Jean-Jacques Rousseau.

The strengths of this theory are thus although as an explanation of the origin of the state the social contract theory is unacceptable, it has some merits or values. First, the theory dashed to the ground the more worthless theory that the state was the creation of God. There might not be any social contract anywhere in history but it carried the message of the supremacy of the people in the statecraft and gave encouragement to the growth of democracy and gave a deterrent to the arbitrariness of any government. Immanuel Kant’s observation “The contract is not to be assumed as historical fact for as such it is not possible; but it is a rational idea which has its practical reality in that the legislator may so order his laws as if they were the outcome of a social contract.”

The second merit of the theory is that it helped the growth of the modern concept of sovereignty. It is, therefore, said that John Austin’s concept of legal sovereignty is a direct outcome of Thomas Hobbes’ concept of the Leviathan.

The third benefit of this theory is that John Locke answered some of the most critical questions by clearly distinguishing the state from the government.

The fourth fruit from the social contract theory is the concept of popular sovereignty as propounded by Jean-Jacques Rousseau so much so that Rousseau’s social contract inspired several peoples in the world to overthrow their despised rulers.

Thus the contractual theory of the government may be historically gleaned for the first time in 1581 in the Netherlands, where the people dismissed the lawful King Philip II. “The King”, the people said, “has broken his contract and the King, therefore, is dismissed like any other unfaithful servant”. We have a good example of an agreement between the ruler and the people in Indian history. On the death of Iltutmish, the Sultan of the Slave Dynasty in 1236 A.D. the throne passed on to Ruknuddin Firoz Shah, who proved to be a worthless fellow. There was chaos and unrest all over the country.

At this stage, on a Friday, Iltutmish’s daughter Raziya came out to the public in red clothes and gave the undertaking that he could deliver the goods to the country if she was made the Sultan and she gave the undertaking that if the proved unequal to the task, the people would have freedom to depose her.

A fifth boon of this theory of consent was constitutional experiments in several countries. In the next two centuries this theory ignited three mighty world revolutions, first in 1688 in England called the Glorious Revolution, the second in 1776 in America called the War of American Independence and the third in 1789 in France called the French Revolution.

The English Revolution of 1688 proclaimed that the government is accountable to the people and if the government goes astray the people can overthrow it and establish a new one. The Declaration of Independence on 4 July 1776 announced- “That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.” The diction used in the Declaration of the Rights of Man and the Citizen during the French Revolution is- “The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security and resistance of oppression.” Thus all these three big political experiments emphasized on the element of the consent of the people as a factor to be reckoned with in the governance of the country.

In the political thought of Hobbes, Locke and Rousseau may be found theoretical considerations of the practical issues that were to confront the authors of the American and French constitutions. The influence of theories of social contract, especially as they relate to the issue of natural rights and the proper functions of government, effected the constitution-making of the revolutionary era that began with the War of American Independence and was indeed enshrined in the great political manifestos of the time, namely the Declaration of American Independence, the Bill of Rights and the French Declaration of the Rights of man and citizen. The constitutional experience of these countries had great influence on the liberal thoughts in Europe and other parts of the world during the nineteenth century and these found expression in the constitutions that were demanded from the European Kings. The extent to which the ideal of constitutional democracy has become entwined with the practice of constitutional government is the main features of the constitutions of the countries of Europe, Asia and Africa in addition to the USA.

**(II)*.Force theory of the state***: Another early theory of the origin of the state is the theory of force. The exponents of this theory hold that wars and aggressions by some powerful tribe were the principal factors in the creation of the state. They rely on the oft-quoted saying **“war begot the King”** as the historical explanation of the origin of the state.

The force or might prevailed over the right in the primitive society. A man physically stronger established his authority over the less strong persons. The strongest person in a tribe is, therefore, made 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 theory of force, though untenable as an explanation of the origin of the state, has some strengths and 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. When the Aryans came to India they carried with them weapons of all kinds and horses to use in the war against the non-Aryans and by defeating the non-Aryans they carved out a kingdom in India. Later on, the Aryans sprawled their kingdoms and broad-based their government and ruled with the backing of the people.

Secondly, the other silver lining of the theory is that it made the slates conscious of building adequate defense and army to protect the territorial integrity of the state. That is why we find commanders of war or Senapati as an important post in the ancient kingdoms.

In the modern state, we find a substantial amount of money used on defense budget. Every state in the modern world has got a defense minister which unmistakably recognizes the use of force in modern statecraft too.

***(III).Historical or evolutionary theory of the state:*** 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 Kinship, Religion, Property and defense, Force, 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 Defense:** Property and defense played a vital role in the evolution of state in ancient times particularly among the people who were nomads, vagabonds and tribals. 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.

The concluding strength of the theory is that 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.

**(IV).*Divine theory of the state***: The oldest theory about the origin of the state is the divine origin theory. It is also known as the theory of divine right of Kings. The exponents of this theory believe that the state did not come into being by any effort of man. It is created by God. The King who rules over the state is an agent of God on earth. The King derives his authority from God and for all his actions he is responsible to God alone. Obedience to the King is ordained to God and violation of it will be a sin. The King is above law and no subject has any right to question his authority or his action. The King is responsible of God alone.

The conception of the divine creation of the state may be traced back to remote antiquity. It was universal belief with the ancient people that the King is the representative of God on earth and the state is a bliss of God. Thus the King had both political and religious entity. In the religious books also the state is said to be created by God. In some religions this conception is explicit, but in others it is implicit.

The divine origin of the state is gleaned first the Old Testament of the Bible. There we find St. Paul saying- **“Let every soul be subject unto the higher powers; for there is no power but of God; the powers that be, are ordained by God. Whosoever resist the power, resisted the ordinance of God and they that resist shall receive to themselves damnation.”** This theory prevailed in the old age when religion and politics were combined in the person of the King. In ancient India the Kings ruled over the people according to the injunction of the Dharma, which stood for both religion and politics. Laws fay deep in the profusion of the Sastras. In the medieval period the Christians held the Pope in semi-God status. In the Muslim world the Caliph was the Priest-King. The Dalai Lama was the head of the Theocratic state of Tibet. He was considered there as the incarnation of the Buddhist god Avalokitesvara. Both the church and the state in their mutual rivalry used the theory of the divine origin in the medieval age. The church asserted the supremacy of the church over the state. On the other hand, the state because of its divine nature emphasized on its supremacy over the church. The Stuart King James I claimed that he derived his authority directly from God. According to him, the King is wise and intelligent, but his subjects are wicked. Even if the King is bad, the people have no right to rebel against him. Even in the nineteenth century the Kings of Austria, Prussia and Russia formed the Holy Alliance under the notion that they were appointed by God to rule over their people. Anyway, the European Kings took shelter under the divine origin theory in order to justify their dictatorships. Be that as it may, during a large part of human history the state was viewed as direct divine creation and theocratic in nature. The theory was in currency so long as religion was considered to be the chief motive force of all human activities.

In the twentieth century this, theory came under criticism being an incorrect explanation of the origin of the state. With the growth of scientific outlook this theory faded into oblivion. Today’s trend is that the state is a historical growth. We shall now discuss the causes of the decline of the theory.

Although the divine theory is totally discredited as an origin of the state, there are some good things in it. The summum bonum of the theory is that it stimulated discipline and law-abidingness among the subjects at a time when these were the needs of the hour in those anarchical conditions. This theory also created the moral responsibility of the rulers, because they were cast with a divine injunction to rule to the perfect satisfaction of the heaven.

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