

Name: Seun Oluwamodede

Matric No: 19/law01/210

Course code: pol102

Department: Law

Question: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

N:B: don't exceed 15 pages

How a lebanese can retain or lose his or her newly acquired Nigerian citizenship

Citizenship is the status of a person recognized 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 front of the governmental authority. Individual states and nations recognize citizenship of persons according to their own policies, regulations and criteria as to who is entitled to its citizenship, hence, the topic on how a lebanese can retain or lose his or her citizenship.

A lebanese can retain his or her citizenship in Nigeria by birth; that is a person(s) born in Nigeria before or after independence and whose parents or grandparents belonged to a community indigenous to Nigeria or any person born outside Nigeria either of whose parents is a citizen of Nigeria. Subject to section 25.(1) of Nigeria 1999 constitution as amended, the following persons are citizens of Nigeria by birth-namely-

(a) every person born in Nigeria before the date of independence, 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 in Nigeria after the date of independence either of whose parents or any of whose grandparents is a citizen of Nigeria; and

(c) every person born outside Nigeria either of whose parents is a citizen of Nigeria.

Moreover, a Lebanese can also retain his/her citizenship by registration. This is usually done by the President who may register any person as a citizen of Nigeria, if he is satisfied that such person(s) is of good character, he/she has shown a clear intention to be domiciled in Nigeria and has taken the Oath of Allegiance. Such person(s) are usually women who are married to Nigerians or people born outside Nigeria who are of full age and capacity and either whose grandparents are Nigerians. Subject to the provisions of section 28 of the 1999 Nigeria 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 which one should be 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 prescribed in the Seventh Schedule to this Constitution.

Nevertheless, a Lebanese can also retain his Nigeria citizenship. Naturalisation: Any person(s) may also apply to the President of Nigeria to be granted certificate of naturalisation provided he/she satisfy the following conditions: He/She must be a person of full age and capacity; He/She is a person of good character; He/She has shown a clear intention to be domiciled in Nigeria; , He/She is in the opinion of the governor where he/she plans to reside to be acceptable to the local community and has assimilated the way of life of Nigerians; He/She has made or is capable of making contributions to the advancement, progress and well being of Nigeria; He/She has taken the Oath of Allegiance; He/She has resided in Nigeria for a period of fifteen (15) years; He/She has resided in Nigeria for a period of twelve

(12) months and preceding that he/she has stayed in Nigeria for periods amounting in aggregate to not less than fifteen years.

LOSS OF CITIZENSHIP:

However, a lebanese can lose his/her newly acquired citizenship Subject to Chapter Three, Section 30, Subsection 1 and 2 of the Federal Republic of Nigeria 1999 constitution as Amended. Simply, a citizen could forfeit or be deprived of citizenship withdrawn his/her citizenship on the following grounds:

When a registered or naturalised citizen voluntarily acquires the citizenship of a foreign country;

Naturalised citizen before seven (7) years of residence is sentenced to prison for three (3) years or more;

Registered or naturalised citizen is convicted of acts of disloyalty to the Federal Republic of Nigeria.

Also, he/she can forfeit his Nigerian citizenship voluntarily by renunciation. If he/she is not a citizen of Nigeria by birth, he/she can contact the Embassy for details and required paperwork to renounce his Nigerian citizenship because Voluntary renunciation of Nigerian citizenship is permitted by law.

however, 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.

The President shall cause the declaration made under section 29(1) of the 1999 constitution as amended to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

The President may withhold the registration of any declaration made under section 29(1) of the 1999 constitution as amended 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.

2)social contract theory explains the evolution of states, what other theories explain the same, and their strengths

Apart from the social contract theory, other theories that explains the evolution of states are; the theory of Divine origin

Force theory

Patriarchal Theory

Matriarchal Theory:

Historical or Evolutionary theory

Marxist Theory of Origin of State

The theory of Divine origin

This is the oldest theory among the origin of the state. It stated about the right of kings. it established the 'Divine Rights' of kings. The formal statement of this theory is that the state has been established by and ordinated of God; its rulers divinely appointed; they are accountable to no authority but God, as described in the Bible. The combination of earlier rulers were priest and king or the magic man and king. According to Maclver, the magic man was priest and king. All are combined as one. In the epic Mahabarath, it is recorded God appointed Manu to rule the people as per their request to protect them. James in his work "The Law of Free Monarchies' ', kings are justly called God, for they exercise a manner of resemblance of divine power on earth, King are accountable for God only. The people cannot question him for the right or wrong done by him. James has stated the following rights of the king in Law of free Monarchies;

- i. Monarchy is divinely oriented.
- ii. Hereditary right is indispensable

iii. Kings are accountable for God alone.

iv. Resistance to a lawful king is sin.

Thus, 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.

Strength of the theory of divine origin

Although divine command theory has been rejected as a working ethical theory, there are a few ways in which it does provide an advantage as an ethical framework. First, God's commands set forth universal moral rules. The rules can be applied to anyone, at all times and places. The belief that God is eternal and never changes means that his commands are as relevant today as when they were first recorded.

Second, God's commands don't depend on what others think are right or wrong. His commands are completely objective. For example, one of God's commandments is not to commit murder (Exodus 21:13). Even if your friends believe that murder is acceptable (for instance, capital punishment), they are still wrong because their beliefs oppose God's will. Under this theory, morality exists outside of human reasoning because God is the ultimate authority.

Third, if you disobey God, you will be punished. If you follow his commands, you'll be rewarded. God is both omnipotent and omnipresent. If you choose to disobey, your punishment is inescapable. If you obey, God will bless you with eternal life and a place in heaven. Those who believe have a strong incentive to follow his commands.

Finally, traditional religions are centuries old and have recorded many of God's commands. Religious texts allow us to know and understand the character of God, and they make it easier to know how to act morally. For Christian believers, the Word of God is in The Bible and they are secure in the concrete, moral teachings written in its pages.

Force Theory: The exponents of the force theory were of the view that the origin of state and its development was based on force, that is, force used by the strong over the weak and their consequent control over them. In such a way, wherever the strong group out did the weak the strong became the master and ruled the weak. The strong group became vested with ruling power and the defeated were made their subjects. According to the Jenks “Historically, there is not even the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare”. The warring clans and tribes established their authority in a definite territory. Their chief became the ruler on the basis of his physical force. The state is born out of force. Exist in force and die in the absence of force. According to Bluntschli, force is an indispensable element of the organization of the state. In the two world wars, Great Britain defended its territory against the Nazi forces only with the military power. Further, the Russian military power stopped the aggression of the German forces. The theory of Force, therefore, traces the origin and development of the State to conquest and justifies its authority, by the proposition that might is right. The theory has, thus, four Implications. First, force is not only a historical factor, but is the present essential feature of the State secondly, that the States were born of force only thirdly, that power is their justification and *raison d’etre* and, finally, that the maintenance and extension of power within and without is the sole aim of the State.

Strength of force theory

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. We may see even more of this blood and iron in the days to come. Force is an essential element Of the State. Internally, the State requires force to ensure Obedience to its commands. Externally, it is necessary to repel aggression and to preserve the integrity of the State. Without force no State can exist and sovereignty of the State always rests ultimately on force. Kant said, “Even a population of devils would find it to their advantage to establish a coercive State by general consent.”

Patriarchal Theory: Family is the foremost constituent of society as it is the oldest of all human institutions and plays an important role in the evolution of state. Aristotle says, “the state is the natural expansion of the family”. According to Leacock “First, the household, then patriarchal family, then, the tribe or persons of kindred descent and family nation – so emerged the social series created on this basis”. Sir Henry Maine (1822 – 88) the chief supporter of the Patriarchal theory has stated, “the elementary group in the family, connected by common subjection to the highest male ascendant: the aggregation of families form gens or house: the aggregation of house make the tribe – the aggregation of tribes consist the commonwealth”. In brief, state is the extension of family, the head of the state is the father; people consist of his children. To strengthen his view, he cited the examples from ‘Old Testament’, the Brotherhoods of Athens, the Patria Potestas of Rome, and the Indian joint family system, further he added, “the eldest male parent – the oldest ascendant was absolutely supreme in his household and his domination extended to life and death and was as unqualified master for his children and their houses, so for his wives”. Thus, the Patriarchal theory was established on the principle of three features;

- (i). Male kinship
- (ii). Permanent Marriage and
- (iii). Paternal authority

The strength

it has the merit on the ground as the theory emphasised the element kinship in making the origin of the state

Matriarchal Theory: The fundamental idea of Matriarchal theory is that “maternity is a fact; paternity is a fiction”. According to this theory in primitive society, there exist Matriarchal groups or hordes. The kinship could be traced only through mother and there was no common male head. Chief exponents of the theory are Mc Herman, Morgan and Jenks. In their publications, “Primitive Society” (1866), “Studies in ancient society” (1877), “A history of politics” (1900) have described the Matriarchal theory. According to them, the Matriarchal system was prior to the patriarchal system. There was no male head kinship was found out through mother (and mother to daughter). There was no permanent institution of marriage. The permanent form of marriage was association of polyandry, women had more than one

husband. Therefore, in this kind of society the kinship was traced through women and not in men. In this system children belong to the clan of their mother. After the mother's death, the elder daughter takes over the property. To support their idea, they had chosen the similar system existing in Australia,

Malaya, Bangladesh and Malabar. According to them, 'family leads to the formation of gens and gens to that of tribes, the expansion of tribes to village, expansion of village to state'

strength

The Matriarchal theory traces the origin of the state from primitive society. It points out that the evolution of the state started from the tribe and not from family and it has been verified by anthropologists. Kinship played an important role in the evolution of the social and political system.

Historical or Evolutionary theory: All the five theories were analyzed before regarding 'The Origin of the State' is inadequate, incomplete, defective and speculative. It was not able to give the true and correct explanation of the origin of the state. It was lacking on the ground of logic, legal, philosophical and historical defects. It is an assumption and the emphasis is on the one or two facts which is insufficient to come to a definite conclusion. In this regard, Dr. Garner has aptly stated, "the state is neither the hand work of God; nor the result of superior physical force; nor the creation of resolution of convention, nor a mere expansion of family. The state is not a mere artificial creation but an institution or natural growth of historical evolution". J W Burgers reported that "state has a continuous development of human society out of a grossly imperfect beginning through crude but improving forms of manifestation towards a perfect and universal organization of mankind". According to Leacock "the state is a growth, an evolution, the result of a gradual process running throughout all the known history of men and receiving into remote and unknown past". A detailed examination of the rise of the state resulted in that there were many factors which have contributed to the evolution of the state. The state is a historical and natural growth. Natural instinct, kinship, religion, property defence and commerce, force and political consciousness have been the dominant factors. It is a gradual evolutionary process. State is not a divine organization; it is natural formation; it is not based on force only yet it is the influence of factors; it is not based on contract or consent; nevertheless, political consciousness is the life and blood of state.

State is not a mere expansion of family however blood relationship is an important factor in evolution of state. On thorough study and analysis of all the theories, it is revealed that historical or evolutionary theory is more realistic and scientific in approach. Therefore modern political researchers have considered this theory as realistic and scientific in Gilchrist “ **Principles of Political Science**”, **Page No. 88**.explaining the evolution of state. No single factor is responsible for the growth of the state,different factors contributed for the development of the state. Thus, the important factors contributed to the growth of the state are;

1. Natural Instinct

Reasoning faculty of men ‘by way of thinking himself’ makes way to instinct.

Fundamentally, the state is based on the gregarious instinct and reason. The statement of Aristotle that man is by nature a social and political animal and he who by nature and not by mere accident is without a state is either above humanity or below it further he stated that the state came into existence for the sake of more life but it continues for the sake of good life . Nature implies man to live in society in order to regulate society based on customary rules and regulations. In course of time, rules and regulations took the form of laws, society gradually became a political organization which paved the way for the evolution of the state to which nature and social environment assisted in the development. Thus, the natural and social instinct of man had a conclusive role in the growth and development of state.

2. Kinship

The important features of state namely organization and authority, command and obedience, can be traced in the bond of kinship. Gettle rightly pointed out that kinship strengthens the bond of unity and contributes to form the political organization. Many features of early state are prescribed to modern state. Mac Iver stated that in kinship creates society and society at length creates the states. Sir Henry Maine pointed out, “the most recent researches into the primitive history of society point to the conclusion that the earliest tie which knitted men together in communities was consanguinity or kinship”. The early period family was a social institution and tribe a political institution. The disputes were resolved by the head of the tribe. The unification of the tribe formed the state. Thus kinship played an important role in the growth and development of the state.

3. Religion

Another important factor that brought people together in ancient society was religion. The primitive men were in fear of various natural phenomena and objects. The magicians made use of the fear, ignorance and superstition of their fellow men and established a dominant control over them. Later magic gave way to religion, fear to worship and prayer consequently, with the passage of time, the magician was replaced by the priest. Religion and politics were mixed up in early society. The priest assumed the power of the king. The priest cum king appealed to God by means of prayer to safeguard the interest of the community. According to Gettle, “kinship and religion were, therefore, two aspects of the same thing and the unity and obligation of the groups were given religious sanctions.⁵⁴ Its important part in this regard is that in the primitive era religion made man civilized, cultured and culture to discipline”. Gettle has aptly stated, “thousands of years were needed to create that discipline and submission to authority on which all successful governments must rest and their chief means in the early part of the process where theories and despotism are based mainly on the supernatural sanction of religion”. The tribes of Arabia were united by Prophet Mohammed on the basis of religion⁵⁶. Likewise small and big kingdoms were established in the name of religion. There has been a close relationship between the religion and politics which united the people. Thus, religion made its predominant presence in the growth and development of state

4. Property and defense

The primitive people passed three stages to acquire prosperity: (i) hunt man stage (ii) herd man stage (iii) agricultural stage. In course of time, people came to know the practical use of agriculture which made them settle at one place and in this way village came into existence. Further, the art of agriculture trade developed and successfully and commerce expanded, as a result, the idea of property and the interest in keeping it with them led to conflicts. To protect the property, people of one tribe united together to defend themselves and their property. Thus, in order to avoid dispute, the need for law and regulation and to administer the necessity of state were thought of. Gettle has rightly stated that as wealth increased, so the idea of property also developed and laws were needed for protection and regulation of property rights and for the settlement of property disputes⁵⁷. Thus, property, defence, economics and commerce played an important role in the development and establishment of the state.

5. Force

Averment of the arts of agriculture made the people settle at a place. In course of time, to save their property and belongings, they themselves united together. The tribe which was well organized under a strong leader defeated the weak neighboring tribes and attacked their territory. They created boundaries and established rights. According to German thinker Nietzsche "the strong people are the rare great minds who alone are fit to direct the destiny of the people". Bluntschli stated that force is an essential organization of state. In this regard, the view of Prof. Mac Iver is that the emergence of the state, "is not due to force, although in the process of expansion of force undoubtedly played a part.

6. Political Consciousness

The final important factor that helps to bring out the growth and development of the state was the dawn of political consciousness among the people. Political consciousness indicates the recognition of certain conclusions to be achieved through political organization. At the beginning, there was no awareness of unity of interest. In course of time, the importance of defending people against the enemy took both internal and external; maintaining law & order regulation rose upon the mind of the people. They felt the awareness of the authority to regulate social issues and protect their life and property. This consciousness and unity paved the way for a particular organization., that is the state. In this connection Prof. Gilchrist has stated "underlying all other elements in state formation including kinship and religion is political consciousness, the supreme element"⁵⁹. According to Bluntschli, "desire for social life leads to the organization of state".

Further, investigation reveals that the facts contributed played a different role in attaining the constituent portion of the statehood. The method adopted by each community varies from each other and is different according to the environment. In this regard, Sumner and Keller rightly pointed out that "As there are no charms or even sharply marked lines of demarcation between periods of evolution but zones of transition only, it is impossible to say at what point the state first appears as it is to determine when moral becomes law or at what hour the child becomes youth or youth a man".

Strength

State is not a mere expansion of family however blood relationship is an important factor in evolution of state. On thorough study and analysis of all the theories, it is revealed that

historical or evolutionary theory is more realistic and scientific in approach. Therefore modern political researchers have considered this theory as realistic and scientific in approach.

Marxist Theory of Origin of State

The French Revolution of 1789 provided a view of ideas of Socialism similar to Liberty, Equality and Fraternity. For which detailed ideological basis was given by Marx, Angel and Lenin. According to them, the early state evolved gradually and steadily as a result of disappearance of primitive communes which were stateless communities formed as a tribal gentile constitution. They lived on hunting, fishing, fruit gathering and Cattle grazing. Marx Said, “Man become an individual only through the process of History”. These groups of people in course of time raised to the formation of Socio-Economic states which paved way for foundation of raised of state .Marx, Engels and their followers (particularly Lenin) had no faith on the social contract theory as the origin of state. They have viewed the origin from a materialistic’ standpoint which emphasises that though the state is the creation of man, behind this there is no emotion, idea but the influence of material conditions which they termed as economic conditions.

They have divided the development of society into an old communist social system, slave society, feudal society and industrial society. In the old communist society there was no state because there was no existence of private property. The system of private property worked as a potential cause of the rise of state.

The owners of private property felt insecurity as to its protection and they felt the necessity of a super power which could provide protection ultimately. How the system of private property helped the creation of the state?

(1) As soon as there was private property, two classes of men there appeared—one was the owner of property and the other was without property.

(2) The conflict between them became prominent. Property owners wanted to subjugate the other class.

(3) Property owners created a force within the society and this force ultimately assumed the status of state.

From the study of history Marx and Engels have concluded that the state—for all practical purposes—was set up in the slave society. Because in the slave society there were mainly two classes—the owners of slaves and the slaves themselves. The owners of the slaves required an organisation to control and dominate slaves.

Engels in his *The Origin of Family, Private Property and State* has elaborately analysed the origin and development of state. The state is not something coming out of society. It is rather the product of society. He said, “The state is, by no means, a power forced on society from without... Rather it is a product of society at a certain stage of development”.

People inhabiting society laid the foundation of state for the realisation of their class interests. What is the class interest and how could the state fulfill this? Engels in this book has categorically stated that the interests of the owners of property are at diametrically opposite to those who are not the owners; because of this there were clashes of interests between these two classes and the interests were irreconcilable.

At the same time there developed an animosity between these two classes and again this antagonism could not be settled. All these led to a situation which necessitated a state structure.

The owners of the property came to be regarded as a separate class whose sole aims were to control the persons who were not the owners of property and to devise a mechanism whose chief function would be to help the property owners. The state in this way was created as a public power.

The man-made state had two main functions—to provide security to the owners of wealth or owners of means of production and to collect taxes from the members of society. Engels has further observed that though the state is the product of society, slowly but steadily it became the owner of enormous power and it stood above society.

But though the state stood above the society it was always friendly with the owners of property. Therefore, the state is the outcome of human contrivance and was made with specific aims. It is now clear that according to Marx and Engels the origin of the state has nothing to do with the social contract or the divine right theory. They have analysed the origin purely from materialistic point of view.