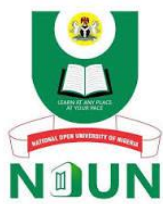


**COURSE  
GUIDE**

**PAD 102  
GOVERNMENT AND THE CITIZENS**

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## **Introduction**

PAD102 Government and the Citizens is a 3-credit unit course for students of public administration at 100 levels. The course provides an opportunity for you to acquire a detailed knowledge and understanding of E-Governance and Innovations.

PAD102 Government and the Citizens aims of this course are to provide students with a comprehensive understanding of Discuss a range of key concepts and features of government and state, along with an exploration of the concept of citizenship. By examining various forms of government and state, the unit aims to provide a comprehensive understanding of how political systems are structured and function in different contexts. Additionally, the unit will delve into the concept of citizenship, including its forms and features, to help students grasp the rights, responsibilities, and roles of individuals within a state. Ultimately, the goal of PAD102 is to prepare students for successful careers in Government and the Citizens by building a strong foundation of expertise and proficiency in this field. It also provides some guidance on the way to approach your tutor-marked assignments (TMA) and your examination.

## **Course Aims & Objectives**

The aims of this course are to:

- define the concept of Government
- list and explain the Forms of Government
- explain the concept of State
- list and explain the Forms of State
- state and explain the Features of a State
- explain the Concept of Citizenship
- list and explain the Forms of Citizenship
- state and explain the Features of Citizenship.

## **Working through This Course**

To complete this course, you are to carefully study each unit, beginning with this course guide, especially since the course provides an opportunity for you to understand the Government and the citizens in public administration. Also make a habit of noting down any question you have for tutorials.

## **Study Units**

There are five modules in this course broken into 25 units.

Each module is preceded with a listing of the units contained in it, and a table of contents, an introduction, a list of objectives and the main content in turn precedes each unit, including self-assessment exercises (SAEs). At the end of each unit, you will find one or more tutor-marked assignment (TMA) which you are expected to work on and submit for marking.

## **Textbooks and References**

At the end of each unit, you will find a list of relevant reference materials which you may yourself wish to consult as the need arises, even though efforts have been made to provide you with the most important information you need to pass this course. However, it is advised that as a second-year student, you should cultivate the habit of consulting as many relevant materials as you are able to within the time available to you. In particular, make sure you consult whatever material you are advised to consult before attempting any exercise.

## **Assessment**

Two types of assessment are involved in the course: the self-assessment exercise (SAEs), and the tutor-marked assessment (TMA) questions. Your answers to the SAEs are not meant to be submitted, but they are also important since they give you an opportunity to assess your own understanding of course content. Tutor-marked assignments on the other hand are to be carefully answered and kept in your assignment file for submission and marking. This will count for 30% of your total score in the course.

## **Final Examination and Grading**

The final examination for this course will take two hours and carry 70% of the total course grade. The examination questions will reflect the SAEs and TMAs that you have already worked on. It is advised that you spend the time between completing the last unit and the examination to revise the entire course. You will certainly find it helpful to also review both your SAEs and TMAs before the examination.

## Course Marking Scheme

Assessment	Marks
Tutor Mark Assignments 1-3	Four assignments, the best three will be selected (each count 10%) = 30% of course marks
Final Examination	70% of overall course marks
Total	100% of course marks

## What You Will Learn in This Course

In this course, you will gain a comprehensive understanding of E-Governance and Innovations, covering various essential topics that are crucial for successfully managing office functions. Through detailed discussions and practical examples, you will explore the fundamental principles and best practices in the field of E-Governance and Innovations, including organizational structure, communication strategies, time management, and office technology. Moreover, you will delve into the importance of effective leadership and decision-making within an office setting, learning how to coordinate teams, resolve conflicts, and improve productivity. By the end of this course, you will have acquired a robust skill set and knowledge base in E-Governance and Innovations that will empower you to excel in administrative roles and contribute meaningfully to your organization's success.

**MAIN  
COURSE**

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**MODULE 1**

Unit 1	Government and the State
Unit 2	Origin of the State
Unit 3	Theories of the State
Unit 4	The Nigerian State
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**Unit 1 Government and the State****Unit Structure**

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Government and the Citizen
  - 1.3.1 Concept of Government
  - 1.3.2 Forms of Government
  - 1.3.3 Federal/Central Government
  - 1.3.4 State/Regional Government
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  - 1.3.6 The Role of Government to Citizens
  - 1.3.7 The Role of Citizens to Government and the State
- 1.4 The State
  - 1.4.1 Concept of State
  - 1.4.2 The Forms of State
  - 1.4.3 Features of a State
  - 1.4.4 Role of the State and Nations
- 1.5 The Concept of Citizenship
  - 1.5.1 Forms of Citizenship
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  - 1.5.3 Role of Citizenship in Society
  - 1.5.4 Who is a Nigerian Citizen?
  - 1.5.5 Process of Becoming a Nigerian Citizen
- 1.6 Summary
- 1.7 References/Further Readings/Web Resources
- 1.8 Possible Answers to Self-Assessment Exercise(s)

**1.1 Introduction**

This unit we would discuss the ‘State in Political Analysis’ will examine what constitutes a State as well as its nature and features in a political system.



## 1.2 Learning Outcomes

By the end of this unit, you will be able to:

- Define the concept of Government
- List and explain the Forms of Government
- Discuss the Federal/Central Government
- Explain the State/Regional Government
- Describe Local/Municipal Government
- List and explain the role of Government to citizens
- Mention and explain the role of Citizens to Government and the state
- Explain the concept of State
- List and explain the Forms of State
- State and explain the Features of a State
- Mention and explain the Role of the State and Nations
- Explain the Concept of Citizenship
- List and explain the Forms of Citizenship
- State and explain the Features of Citizenship
- Explain the Role of Citizenship in Society



## 1.3 Government and the Citizen

### 1.3.1 Concept of Government

Government refers to the system or group of people governing an organized community, often a state. It is a structured institution that establishes laws, policies, and regulations to maintain order, provide public services, and ensure the welfare of its citizens. Governments exercise authority and perform administrative functions that include legislating, executing, and adjudicating laws within a defined territory (Hague & Harrop, 2013). The concept of government is fundamental to the functioning of a society as it provides the framework within which social, economic, and political activities take place.

### 1.3.2 Forms of Government

There are various forms of government, each with distinct characteristics:

**Democracy:** In a democratic system, power is vested in the hands of the people, either directly or through elected representatives. It is characterized by free and fair elections, rule of law, and protection of

human rights (Dahl, 1998).

**Monarchy:** A monarchy is a form of government where a single person, usually a king or queen, holds supreme authority. The position is often hereditary. Monarchies can be absolute, where the monarch has total power, or constitutional, where their powers are limited by law (Bogdanor, 1995).

**Oligarchy:** This form of government is ruled by a small group of people, often from the same socio-economic class. Power is concentrated among the few, and decisions benefit the elite (Aristotle, 1996).

**Autocracy:** In an autocracy, a single person holds all the power and makes decisions without consulting others. This form of government can manifest as a dictatorship or despotism, where the leader has absolute control over all aspects of life (Linz, 2000).

**Republic:** A republic is a form of government in which the country is considered a "public matter," and the head of state is an elected or nominated president, not a monarch. Citizens have the power to elect their leaders (Wood, 1998).

### 1.3.3 Federal/Central Government

A Federal or Central Government is the national government of a federated state, which shares power with individual states or regions. In a federal system, the central government typically has authority over national defense, foreign policy, and economic regulations, while regional governments handle local matters. Federalism is designed to balance power between the central and regional governments, ensuring that neither becomes too powerful (Elazar, 1991). The United States, Germany, and Nigeria are examples of countries with a federal system of government.

### 1.3.4 State/Regional Government

State or Regional Governments operate below the national level, managing a specific territory within the country. They have their own set of laws, policies, and administrative structures, which allow them to address local issues more effectively. State governments often have jurisdiction over education, transportation, and law enforcement within their territories. The power of state governments varies depending on the country's constitution and the degree of autonomy granted by the central government (Watts, 2008).

### 1.3.5 Local/Municipal Government

Local or Municipal Government is the lowest level of government that deals directly with the needs of the community. It is responsible for providing essential services such as water, sanitation, waste management, and public safety. Local governments are often governed by elected councils or boards, which make decisions based on the specific needs and preferences of the local population. The role of local government is critical as it is closest to the citizens and can respond more quickly to their needs (Baldersheim & Ståhlberg, 2002).

### 1.3.6 The Role of Government to Citizens

The role of government to its citizens includes:

- 1. Protection:** The government provides protection through law enforcement, military defense, and disaster response to ensure the safety and security of its citizens (Andrews & Boyne, 2010).

The role of government to its citizens is multifaceted and central to the functioning of any society. Among its most crucial responsibilities is **protection**, a broad concept that encompasses various forms of safeguarding the well-being of the populace. This protection is not limited to a single area but rather spans multiple dimensions, each critical to maintaining the stability and safety of the nation.

First and foremost, the government provides protection through law enforcement. This involves the creation, implementation, and enforcement of laws that govern behavior within society.

Law enforcement agencies, such as the police, are tasked with ensuring that these laws are followed, thereby maintaining order and preventing criminal activities. This aspect of protection also includes the judicial system, which interprets laws and administers justice, ensuring that those who violate the law are held accountable. By maintaining law and order, the government helps create a stable environment where citizens can live without fear of unlawful actions against them.

In addition to law enforcement, the government is responsible for **military defense**. This form of protection is vital in safeguarding the nation against external threats. The military is tasked with defending the country's borders, protecting its sovereignty, and responding to any acts of aggression from foreign entities. In times of war or conflict, the military plays a critical role in ensuring the survival and continuity of the state. This aspect of government protection also includes intelligence

agencies that work to detect and prevent threats before they materialize, thereby enhancing national security.

Another essential element of protection provided by the government is its role in disaster response. Natural disasters, such as earthquakes, floods, hurricanes, and pandemics, can have devastating effects on communities. The government, through various agencies, is responsible for coordinating disaster preparedness and response efforts. This includes early warning systems, emergency services, and post-disaster recovery and relief operations. By mobilizing resources and coordinating efforts at local, national, and sometimes even international levels, the government works to minimize the impact of disasters on its citizens, ensuring their safety and aiding in the recovery process.

Moreover, the government's protective role extends to public health. By establishing healthcare systems, enforcing health regulations, and managing public health crises, the government plays a key role in protecting citizens from diseases and other health threats. Public health agencies monitor and control the spread of infectious diseases, regulate food and water safety, and promote healthy living through various initiatives. This aspect of protection is crucial in ensuring the overall well-being of the population.

In summary, the government's role in protecting its citizens is comprehensive, encompassing law enforcement, military defense, disaster response, and public health. These functions are fundamental to the security, stability, and well-being of society, enabling citizens to live in a safe and orderly environment. Through these protective measures, the government upholds its responsibility to create a secure and resilient nation where its people can thrive

**2. Provision of Public Goods:** Governments are responsible for providing public goods such as infrastructure, education, and healthcare, which are essential for the well-being of the population (Musgrave, 1959).

The role of government in ensuring the well-being of its citizens is multi-faceted, with one of its primary responsibilities being the provision of public goods. Public goods are essential services and infrastructure that are typically non-excludable and non-rivalrous, meaning they are available to all members of society without diminishing in availability as more people use them. This category includes infrastructure, education, healthcare, and other essential services that are foundational to a functioning society and economy.

**Provision of Public Goods:** Governments are tasked with the crucial role of providing public goods because these services are often not

adequately supplied by the private market due to their non-profitable nature or the inability to exclude non-payers. Infrastructure such as roads, bridges, public transportation, and utilities form the backbone of economic activity, enabling commerce, communication, and mobility. Without government intervention, the development of such infrastructure might lag, stifling economic growth and development. Moreover, infrastructure investments by the government can stimulate economic activity by creating jobs and improving access to markets and resources.

Education is another critical public good provided by the government. By offering access to quality education, governments ensure that all citizens have the opportunity to develop their skills and knowledge, which is vital for personal development and for the economic and social progress of the nation. An educated population is more likely to be innovative, productive, and capable of contributing to the nation's prosperity. Furthermore, education promotes social cohesion and equity by providing everyone, regardless of their background, with the tools to improve their socio-economic status.

Healthcare is also a fundamental public good that governments are responsible for providing. Accessible and affordable healthcare ensures that citizens can maintain their health, which is essential for a productive society. By investing in healthcare, governments help to reduce the burden of disease, improve life expectancy, and enhance the quality of life for all citizens. Public healthcare systems also help to mitigate health inequalities by ensuring that even the most vulnerable populations receive necessary medical care.

In summary, the provision of public goods by the government is essential for the overall development and well-being of society. These goods—ranging from infrastructure to education and healthcare—are vital for promoting economic growth, social equity, and the general welfare of the population. Without government intervention in these areas, many essential services would be underprovided, leading to significant social and economic challenges. Thus, the government's role in providing public goods is not just a matter of policy but a cornerstone of a prosperous and equitable society.

**3. Regulation:** The government enacts laws and regulations to maintain order, protect the environment, and ensure fair business practices (Stiglitz, 2000).

The role of government in the lives of its citizens is multifaceted and crucial for the overall stability and prosperity of society. One of the primary responsibilities of the government is to enact laws and

regulations that maintain order within the country. This encompasses a wide range of activities, from ensuring public safety to regulating economic activities. By establishing laws, the government creates a framework within which individuals and businesses can operate with a sense of security and predictability. These laws serve as guidelines for acceptable behavior, defining the rights and responsibilities of citizens and organizations alike. For instance, criminal laws deter and punish unlawful activities, thereby protecting citizens from harm and fostering a sense of justice.

In addition to maintaining order, the government also plays a pivotal role in protecting the environment. This has become increasingly important in the face of global environmental challenges such as climate change, pollution, and biodiversity loss. The government enacts environmental regulations that limit the impact of human activities on natural resources and ecosystems. These regulations may include restrictions on emissions, waste disposal, and the use of hazardous materials, all aimed at preserving the environment for current and future generations. By enforcing these regulations, the government ensures that economic development does not come at the expense of environmental sustainability.

Furthermore, the government is responsible for ensuring fair business practices, which is essential for a healthy and competitive economy. By establishing and enforcing regulations that promote transparency, accountability, and fair competition, the government protects consumers from exploitation and businesses from unfair competition. This includes laws against monopolies, fraud, and deceptive advertising. Additionally, the government may implement policies that encourage innovation and entrepreneurship while preventing practices that could lead to market failures or economic instability.

Overall, the government's role in enacting laws and regulations is fundamental to the well-being of its citizens and the long-term stability of society. These regulations not only maintain order but also protect the environment and ensure that businesses operate fairly and ethically, contributing to a thriving and just society.

- 4. Social Welfare:** Governments provide social services, including unemployment benefits, pensions, and social security, to support vulnerable populations (Esping-Andersen, 1990).

The role of government in providing for its citizens is multifaceted, with social welfare being one of the most critical components. Social welfare encompasses a range of government programs and policies designed to ensure that all citizens, particularly the vulnerable and disadvantaged,

have access to basic necessities such as food, shelter, healthcare, and education. These programs are essential for maintaining social stability and ensuring that all members of society have the opportunity to lead dignified and productive lives.

Governments provide social services, including unemployment benefits, pensions, and social security, to support vulnerable populations. Unemployment benefits are designed to provide temporary financial assistance to individuals who have lost their jobs through no fault of their own. This support helps individuals meet their basic needs while they search for new employment, reducing the immediate economic strain on families and preventing them from falling into poverty. Additionally, these benefits contribute to overall economic stability by maintaining consumer spending during periods of unemployment.

Pensions are another crucial aspect of social welfare, ensuring that older citizens who are no longer able to work have a steady source of income. Pensions not only provide financial security for retirees but also contribute to the well-being of society as a whole by reducing the economic burden on families who might otherwise be responsible for supporting elderly relatives. This support allows older individuals to live independently and with dignity, reducing the risk of poverty and social isolation among the elderly population.

Social security programs are designed to provide a safety net for individuals and families who are unable to support themselves due to disability, illness, or other factors. These programs are vital in preventing poverty and ensuring that all citizens have access to basic needs, regardless of their circumstances. Social security also plays a significant role in promoting social equity by redistributing wealth and resources to those who need them most.

In addition to these direct financial supports, governments also provide a range of other social services, including healthcare, education, and housing assistance. These services are essential for ensuring that all citizens have the opportunity to lead healthy, productive lives and contribute to society. By investing in social welfare programs, governments not only support vulnerable populations but also promote social cohesion and economic stability, ultimately benefiting society as a whole.

Overall, the role of government in providing social welfare is a fundamental aspect of modern governance. These programs are essential for ensuring that all citizens have access to the basic necessities of life and are able to participate fully in society. By supporting vulnerable populations, governments help to create a more equitable and just society, where all individuals have the opportunity to thrive.



- 5. Economic Stability:** The government plays a role in managing the economy through fiscal and monetary policies to promote growth and stability (Keynes, 1936).

The role of government in ensuring economic stability is multifaceted, involving the use of various tools and policies to promote sustained economic growth and minimize fluctuations in the economy. Governments are tasked with managing both fiscal and monetary policies to create an environment where businesses can thrive, unemployment can be minimized, and inflation can be kept in check.

**Fiscal Policy:** Fiscal policy involves government spending and taxation. By adjusting its spending levels and tax rates, the government can influence the economy. During periods of economic downturn, the government may increase spending or reduce taxes to stimulate demand. For example, by investing in infrastructure projects, the government can create jobs, thereby increasing household income and boosting consumer spending. Conversely, during times of economic overheating, where inflation becomes a concern, the government might reduce its spending or increase taxes to cool down the economy. This balancing act is crucial for maintaining economic stability and ensuring that the economy does not experience extreme booms or busts.

**Monetary Policy:** Monetary policy, on the other hand, is managed by a country's central bank and involves controlling the money supply and interest rates. By manipulating these factors, the central bank can influence inflation and unemployment rates. For instance, lowering interest rates makes borrowing cheaper, encouraging businesses to invest and consumers to spend, which stimulates economic growth. On the other hand, raising interest rates can help control inflation by making borrowing more expensive, thereby reducing spending and slowing down the economy.

**Regulatory Measures:** Beyond fiscal and monetary policies, the government also implements regulatory measures to ensure a stable economic environment. These include enforcing laws related to labor, trade, and environmental standards, which help maintain fairness and sustainability in the economy. Additionally, the government may intervene in markets to correct failures, such as monopolies or environmental degradation, which can lead to inefficiencies and destabilize the economy.

In summary, the government's role in economic stability is critical for the overall well-being of its citizens. By effectively managing fiscal and monetary policies, along with enforcing regulations, the government can

create a stable economic environment that promotes growth, reduces unemployment, and keeps inflation at manageable levels, ensuring long-term prosperity for the nation.

### **1.3.7 The Role of Citizens to Government and the State**

The role of citizens to the government and the state includes:

#### **i. Obedience to Laws**

Citizens are expected to obey the laws of the land, which ensures order and stability in society (Tyler, 2006). Citizens play a crucial role in maintaining a stable and orderly society through their obedience to the laws established by the government and state. Upholding and respecting these laws is essential for ensuring the smooth functioning of our communities and upholding justice and integrity. By following the legal framework set by authorities, citizens contribute significantly to the overall well-being of society, fostering a sense of security and harmony. Obedience to laws is not just a civic duty but a moral obligation that every individual should fulfill to promote a culture of lawfulness and respect for the rule of law. It is through the collective adherence to these laws that a sense of accountability and responsibility is instilled in the citizenry, creating a foundation of trust and social cohesion. In essence, the respect for and obedience to laws by citizens serve as the cornerstone of a just, orderly, and progressive society where individual rights are safeguarded, and communal interests are balanced for the greater good.

#### **ii. Participation in Governance**

Citizens have the right and responsibility to participate in the democratic process, including voting, running for office, and engaging in public discourse (Verba, Schlozman, & Brady, 1995). Citizens play a crucial role in the functioning of a government and the state by actively engaging in governance processes. It is both a right and a duty for citizens to partake in the democratic system through various means. This includes exercising their voting rights during elections, enabling them to have a say in crucial decision-making processes. Moreover, citizens also have the opportunity to run for public office, giving them a direct role in shaping policies and representing the interests of the community. In addition to voting and running for office, engaging in public discourse is another essential way for citizens to contribute to governance. By voicing their opinions, concerns, and ideas, citizens can actively participate in discussions that influence policy-making and societal changes. In essence, the active participation of citizens in governance ensures a vibrant democracy where the voices of the people are heard and reflected in the decision-making process, ultimately leading to a more inclusive and representative government that upholds the values and interests of the population.

**iii. Payment of Taxes:**

Citizens are required to pay taxes, which fund government services and infrastructure (Smith, 1776).

Citizens play a crucial role in the functioning and sustainability of their government and state. Among their primary responsibilities is the payment of taxes, a fundamental civic duty that supports the government's ability to provide essential services and maintain infrastructure. Taxes are the lifeblood of any government, enabling it to fulfill its mandate of ensuring public welfare, security, and the smooth functioning of society.

**iv. Funding Public Services**

Taxes are indispensable for the government to deliver a wide array of public services that benefit all citizens. These services include education, healthcare, transportation, public safety, and social security programs. For instance, public schools and universities are often funded through tax revenues, making education accessible to a broader population. Similarly, public healthcare systems rely on tax funds to provide medical services to citizens, ensuring that everyone, regardless of their financial status, can receive essential healthcare.

The quality and availability of these services directly correlate with the government's financial capacity, which is largely derived from tax revenues. Without the contributions of citizens through taxes, the government would struggle to maintain the standard and reach of these services, leading to disparities in access and quality that could undermine social equity and cohesion.

Taxes also play a critical role in the development and maintenance of infrastructure. Roads, bridges, public transportation systems, and utilities such as water and electricity are all funded by tax revenues. Infrastructure is the backbone of a nation's economy, facilitating trade, communication, and mobility. When citizens contribute to the state through taxes, they are, in essence, investing in the country's future growth and development.

Moreover, a well-maintained infrastructure enhances the quality of life for citizens, making daily activities more convenient and safe. It also attracts investments, both domestic and foreign, thereby creating jobs and further strengthening the economy. The connection between tax payments and infrastructure development underscores the importance of every citizen's contribution to the state's overall prosperity.

Paying taxes is not just a legal obligation; it is also a moral duty that reflects a citizen's commitment to the collective well-being of society. Through tax payments, citizens participate in a system of shared responsibility, contributing to the common good. This act fosters a sense of solidarity among citizens, as they realize that their contributions help support the less fortunate and provide for the needs of the entire community.

In a democratic society, tax payments are a tangible expression of the social contract between the government and its citizens. Citizens pay taxes with the expectation that the government will use these funds wisely and transparently to serve the public interest. In return, the government is accountable to the citizens for its spending and the quality of services it provides.

The payment of taxes by citizens is a fundamental pillar of government and state functioning. It funds essential public services, supports infrastructure development, and promotes social responsibility. By fulfilling this duty, citizens contribute to the stability, growth, and prosperity of their nation. The role of citizens in paying taxes cannot be overstated, as it is integral to the success and sustainability of both government operations and the broader societal structure.

**Respect for Rights:** Citizens must respect the rights and freedoms of others, contributing to a harmonious society (Rawls, 1971). The role of citizens in relation to the government and the state is foundational to the functioning of any democracy. Citizens play an essential part in shaping the political landscape through their active participation in various aspects of governance. The most direct form of this participation is voting in elections, where citizens exercise their right to choose representatives who will make decisions on their behalf. However, the role of citizens goes far beyond merely casting ballots. Citizens are also responsible for staying informed about political, social, and economic issues that affect their lives and the broader community. This awareness allows them to hold elected officials accountable and to participate meaningfully in public discourse.

Moreover, citizens contribute to the state by fulfilling legal obligations, such as paying taxes and abiding by laws, which in turn fund public services and ensure order within society. Taxes collected from citizens support essential services like education, healthcare, and infrastructure development, all of which contribute to the well-being and progress of the state. Beyond these formal roles, citizens also engage in civic duties, such as participating in community service, volunteering, and other forms of social engagement that strengthen the social fabric. By contributing to the common good, citizens help to foster a sense of

solidarity and mutual responsibility within the state.

In a more abstract sense, citizens also serve as the moral and ethical compass of the state. Through activism, advocacy, and public debate, they can influence governmental policies and push for reforms that reflect the values and aspirations of society. This is particularly important in ensuring that the state remains responsive to the needs and rights of its people, rather than becoming detached or authoritarian. Thus, the role of citizens is multi-faceted, encompassing political, legal, social, and moral responsibilities, all of which are crucial to the health and vitality of the state.

Respecting the rights and freedoms of others is a cornerstone of a harmonious and functioning society. In a democratic state, where individuals enjoy a broad range of personal freedoms, it is essential that citizens recognize and respect the rights of their fellow inhabitants.

This mutual respect is not only a moral obligation but also a legal one, as enshrined in the constitutions and laws of most nations. By upholding the rights of others, citizens contribute to a society where everyone can enjoy their freedoms without fear of discrimination, oppression, or violence.

Respect for rights begins with understanding that each individual has inherent dignity and worth, regardless of their background, beliefs, or circumstances. This respect manifests in various ways, such as observing freedom of speech, allowing others to express their opinions, even if they differ from one's own. It also involves recognizing the rights to privacy, freedom of movement, and the right to fair treatment under the law. When citizens respect these rights, they help to create an environment of trust and cooperation, which is essential for social cohesion.

Moreover, respecting the rights and freedoms of others is a proactive endeavor. It requires citizens to not only refrain from infringing on the rights of others but also to stand up against injustices and inequalities that may arise. For example, this could involve advocating for the rights of marginalized groups or supporting policies that promote equality and justice. In doing so, citizens help to build a society where everyone has the opportunity to thrive.

In essence, the respect for rights is a shared responsibility that all citizens must uphold to ensure that the society remains peaceful and just. When individuals understand and honor the rights of others, they contribute to a collective sense of security and well-being, which is foundational to any civilized society. This respect is what ultimately

allows a diverse population to live together harmoniously, despite differences in culture, religion, or ideology.

**Civic Responsibility:** This includes activities such as community service, environmental conservation, and contributing to the common good (Putnam, 2000). Citizens play a crucial role in the functioning of government and the state, serving as both participants and beneficiaries in the democratic process. The relationship between citizens and the state is symbiotic, as the government exists to serve the people, while citizens, in turn, uphold and support the structures of governance through their active involvement. One of the fundamental roles of citizens is to participate in the democratic process, which includes voting, running for office, and engaging in public discourse. Voting is the most direct way for citizens to influence government policies and the selection of leaders. By participating in elections, citizens ensure that their voices are heard and that the government reflects the will of the people. Additionally, citizens have the responsibility to stay informed about public issues, enabling them to make educated decisions that contribute to the betterment of society.

Beyond participation in the electoral process, citizens are also responsible for holding the government accountable. This can be achieved through various means such as engaging in activism, participating in public forums, and supporting or opposing policies based on their impact on society. Citizens have the right to demand transparency and accountability from their leaders, ensuring that government actions align with the public interest. Furthermore, the role of citizens extends to obeying the law, paying taxes, and respecting the rights and freedoms of others. These responsibilities are essential for maintaining order, ensuring the provision of public goods and services, and protecting individual liberties.

Citizens also contribute to the state by fostering a sense of national identity and unity. This involves promoting values such as patriotism, social cohesion, and respect for diversity. By actively participating in civic life and supporting the principles of democracy, citizens help to strengthen the social fabric of the nation, ensuring that the state remains stable and resilient in the face of challenges.

Civic responsibility encompasses a wide range of activities that individuals undertake to contribute to the well-being of their communities and society at large. These responsibilities are not only about obeying laws and paying taxes but also about actively participating in efforts that promote the common good. Community service is one of the most tangible expressions of civic responsibility. It involves volunteering time and resources to help others, whether

through organized programs or individual efforts. Community service can take many forms, such as tutoring students, helping the elderly, or participating in food drives. These actions not only address immediate needs but also build stronger, more connected communities.

Environmental conservation is another critical aspect of civic responsibility. Citizens have a duty to protect the environment for current and future generations. This can be achieved through activities such as recycling, reducing waste, conserving energy, and advocating for policies that protect natural resources. Environmental stewardship reflects a broader commitment to the common good, recognizing that a healthy environment is essential for the well-being of all.

Contributing to the common good also involves engaging in the democratic process, not just through voting but by participating in public debates, joining civic organizations, and advocating for social justice. Civic responsibility includes standing up against injustices, supporting policies that promote equality, and working to eliminate barriers that prevent individuals from fully participating in society. This broader engagement helps to create a more just and equitable society, where the rights and dignity of all individuals are respected.

### **Self-Assessment Exercises 1**

Define the concept of Government  
List and explain the Forms of Government

## **1.4 The State**

### **1.4.1 Concept of State**

The concept of the state is central to political science and international relations. It refers to a political entity that possesses sovereignty, which is the supreme authority within a defined territory. A state is characterized by a structured government that maintains the rule of law, administers justice, and ensures the welfare of its citizens. The state is distinct from other social institutions, such as families or businesses, in that it has the ultimate authority to use force if necessary to maintain order and implement policies (Heywood, 2019). The idea of the state has evolved over time, influenced by historical events, philosophical debates, and legal frameworks.

### **1.4.2 The Forms of State**

**Unitary State:** A unitary state is a sovereign state governed as a single entity where the central government holds the ultimate authority. All administrative divisions (if any) exercise only powers that the central

government chooses to delegate. An example is the United Kingdom, where most of the decision-making power is concentrated at the national level (Hague & Harrop, 2013).

**Federal State:** In a federal state, sovereignty is constitutionally divided between a central governing authority and constituent political units (like states or provinces). This form of government allows regions or states within the country to have their own laws and governance structures, as seen in countries like the United States and Germany (Watts, 1999).

**Confederal State:** A confederal state is a union of sovereign states, united for purposes of common action often in relation to other states. In a confederation, the central authority is typically weaker than the governments of the individual member states, and its power is derived from the consent of the member states. Historical examples include the United States under the Articles of Confederation (1781-1789) and the Confederate States of America during the American Civil War (Riker, 1964).

### 1.4.3 Features of a State

**Sovereignty:** The state has supreme and independent authority over a specific territory. Sovereignty means that no external power can interfere with the internal affairs of the state (Bodin, 1576).

**Territory:** A state must have clearly defined geographical boundaries within which it exercises its authority. This includes land, water, and airspace (Anderson, 1996).

**Population:** A state comprises a population, which includes all the individuals who reside within its territory and are subject to its laws. The population is essential for the state to function, as they contribute to its cultural, economic, and political life (Gellner, 1983).

**Government:** The government is the machinery through which the state's will is formulated, expressed, and carried out. It includes the executive, legislature, and judiciary, which work together to ensure law and order, protect citizens' rights, and implement public policies (Locke, 1690).

**Legal System:** A state operates under a legal framework that governs the behavior of its citizens and institutions. The legal system provides mechanisms for resolving disputes, enforcing rights, and ensuring justice (Hart, 1961).

### The Role of the State and Nations



The state plays a crucial role in organizing society, providing security, and creating the conditions necessary for economic and social development. It also represents the nation on the international stage, engaging in diplomacy, trade, and conflict resolution. Nations, on the other hand, refer to groups of people who share a common identity, often based on language, culture, or ethnicity. While a state is a political and legal entity, a nation is a sociocultural one. The role of the state is to integrate and harmonize the diverse elements within the nation, fostering unity and a sense of common purpose (Anderson, 1991).

## Self-Assessment Exercises 2

Explain the concept of State  
List and explain the Forms of State

### 1.5 The Concept of Citizenship

Citizenship is a legal status and identity that confers specific rights, responsibilities, and privileges upon an individual within a state. It signifies a person's formal membership in a nation or country, entailing both legal and moral obligations. The concept of citizenship goes beyond mere residence; it involves active participation in the civic life of a nation, loyalty to the state, and the recognition of certain protections and rights guaranteed by law (Marshall, 1950).

#### 1.5.1 Forms of Citizenship

Citizenship can take various forms, reflecting different pathways and legal frameworks:

**Birthright Citizenship:** This is the most common form of citizenship, granted to individuals born within a country's territory. It is based on the principle of *jus soli*, meaning "right of the soil." For example, in the United States, anyone born on American soil is automatically a citizen (Shachar, 2009).

**Naturalized Citizenship:** This form of citizenship is granted to non-citizens who fulfill certain legal requirements. The process typically involves residency in the country for a specified period, proficiency in the national language, and knowledge of the country's history and government (Bloemraad, 2006).

**Citizenship by Descent:** This type of citizenship is granted based on *jus sanguinis*, or "right of blood." It allows individuals to claim citizenship through their parents or grandparents, regardless of where they were

born (Honohan, 2017).

**Dual or Multiple Citizenship:** Some countries allow individuals to simultaneously hold citizenship in more than one country. This can arise through birth, marriage, or naturalization (Faist, 2007).

### 1.5.2 Features of Citizenship

Several key features characterize citizenship:

**Rights and Privileges:** Citizens are entitled to specific rights, such as the right to vote, the right to work, and access to social services. These rights are often enshrined in a country's constitution (Turner, 1993).

**Duties and Obligations:** Citizenship involves responsibilities, such as obeying the law, paying taxes, and serving in the military if required. These obligations ensure the functioning and stability of the state (Marshall, 1950).

**Legal Recognition:** Citizenship is a legal status recognized by the state, often documented through birth certificates, passports, or identity cards (Shachar, 2009).

**Sense of Belonging:** Citizenship fosters a sense of belonging and identity within a national community. It connects individuals to the cultural, social, and political fabric of the state (Turner, 1993).

### 1.5.3 Role of Citizenship in Society

Citizenship plays a vital role in the functioning of society:

**Political Participation:** Citizenship allows individuals to participate in the democratic process, including voting in elections and running for public office. This participation is crucial for maintaining a representative government (Dahl, 1998).

**Social Integration:** Citizenship promotes social cohesion by creating a shared identity among individuals. It encourages participation in community activities and fosters mutual respect and understanding (Putnam, 2000).

**Economic Contribution:** Citizens contribute to the economy through work, innovation, and entrepreneurship. They also support the state's financial needs through taxation (Marshall, 1950).

**Legal Protection:** Citizenship provides individuals with legal protection

under national and international law. This includes protection from arbitrary arrest, deportation, and other legal injustices (Shachar, 2009).

#### **1.5.4 Who is a Nigerian Citizen?**

A Nigerian citizen is an individual who possesses the legal status and rights associated with Nigerian nationality. According to the 1999 Constitution of Nigeria, a person can acquire Nigerian citizenship by birth, descent, registration, or naturalization (Constitution of Nigeria, 1999).

### 1.5.5 Process of Becoming a Nigerian Citizen

The process of becoming a Nigerian citizen varies based on the method of acquisition:

**Citizenship by Birth:** This applies to individuals born in Nigeria to Nigerian parents or grandparents. It is the most straightforward form of citizenship (Constitution of Nigeria, 1999).

**Citizenship by Descent:** Individuals born outside Nigeria to Nigerian parents can claim citizenship by descent. This requires proof of lineage through parents or grandparents (Constitution of Nigeria, 1999).

**Citizenship by Registration:** This form is available to foreign nationals married to Nigerian citizens or to individuals of Nigerian descent who wish to formalize their citizenship (Constitution of Nigeria, 1999).

**Citizenship by Naturalization:** Non-Nigerians who have lived in Nigeria for a specified period (usually 15 years) and meet certain legal requirements can apply for naturalization. This process involves background checks, an oath of allegiance, and approval by the President (Constitution of Nigeria, 1999).



## 1.6 Summary

The unit examined the Government is an essential institution in any society, providing structure, protection, and services to its citizens. There are various forms of government, each with its unique characteristics and mechanisms for governing. At different levels—federal, state, and local governments have distinct roles in managing the affairs of the state and serving the public. The relationship between the government and its citizens is reciprocal, with each playing a vital role in maintaining a functional and prosperous society.

Understanding the concept and structure of government is crucial for appreciating the complexities of governance and civic responsibility. Governments at all levels work to ensure the well-being of their citizens, while citizens, in turn, have duties that sustain and enhance the state. A well-functioning government, supported by active and responsible citizens, is the cornerstone of a stable and thriving society.

the state is a fundamental political entity that exercises sovereignty over a defined territory and population. There are various forms of states, each with its own structure of governance, including unitary, federal,

and confederal states. The features of a state, such as sovereignty, territory, population, government, and a legal system, are essential for its functioning. The state plays a vital role in the organization of society and the maintenance of order, while nations provide the cultural and social fabric that binds people together.

The concept of the state is integral to understanding political systems and the governance of societies. Different forms of states exist to accommodate various governance needs and historical contexts. The state's features and its role in society underline its importance in maintaining order, providing public goods, and representing its people on the global stage. As the world continues to evolve, the state will remain a central actor in both domestic and international affairs.

Citizenship is a complex legal and social construct that defines an individual's relationship with the state. It encompasses various forms, features, and roles within society. In Nigeria, citizenship can be acquired through birth, descent, registration, or naturalization, each with specific legal pathways and requirements. Citizenship is crucial for political participation, social integration, economic contribution, and legal protection.

Citizenship is more than a legal status; it is a fundamental aspect of identity and belonging within a nation. It carries both rights and responsibilities, shaping the individual's role in society and their relationship with the state. Understanding the concept, forms, features, and processes of citizenship is essential for appreciating its significance in the modern world.



## 1.7 References/Further Readings/Web Resources

Anderson, B. (1991). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Verso.

Anderson, J. (1996). *The Rise of the Modern State*. Polity Press.

Andrews, R., & Boyne, G. A. (2010). Capacity, leadership, and organizational performance: Testing the black box model of public management. *Public Administration Review*, 70(3), 443-454.

Aristotle. (1996). *Politics*. Oxford University Press.

Baldersheim, H., & Ståhlberg, K. (2002). *Nordic Region-Building in a*

- Global Context*. Ashgate.
- Bloemraad, I. (2006). *Becoming a citizen: Incorporating immigrants and refugees in the United States and Canada*. University of California Press.
- Bodin, J. (1576). *Six Books of the Commonwealth*.
- Bogdanor, V. (1995). *The Monarchy and the Constitution*. Oxford University Press.
- Constitution of Nigeria. (1999). *Constitution of the Federal Republic of Nigeria*.
- Dahl, R. A. (1998). *On Democracy*. Yale University Press.
- Dahl, R. A. (1998). *On democracy*. Yale University Press.
- Elazar, D. J. (1991). *Exploring Federalism*. University of Alabama Press.
- Esping-Andersen, G. (1990). *The Three Worlds of Welfare Capitalism*. Princeton University Press.
- Faist, T. (2007). *Dual citizenship in Europe: From nationhood to societal integration*. Ashgate Publishing.
- Gellner, E. (1983). *Nations and Nationalism*. Cornell University Press.
- Hague, R., & Harrop, M. (2013). *Comparative Government and Politics: An Introduction*. Palgrave Macmillan.
- Hague, R., & Harrop, M. (2013). *Comparative Government and Politics: An Introduction* (9th ed.). Palgrave Macmillan.
- Hart, H. L. A. (1961). *The Concept of Law*. Clarendon Press.
- Heywood, A. (2019). *Politics* (5th ed.). Macmillan International Higher Education.
- Honohan, I. (2017). *Citizenship: The political framework*. In A. Shachar et al. (Eds.), *The Oxford Handbook of Citizenship*. Oxford University Press.
- Keynes, J. M. (1936). *The General Theory of Employment, Interest, and Money*. Macmillan.

- Linz, J. J. (2000). *Totalitarian and Authoritarian Regimes*. Lynne Rienner Publishers.
- Locke, J. (1690). *Two Treatises of Government*.
- Marshall, T. H. (1950). *Citizenship and social class*. Cambridge University Press.
- Musgrave, R. A. (1959). *The Theory of Public Finance*. McGraw-Hill.
- Putnam, R. D. (2000). *Bowling Alone: The Collapse and Revival of American Community*. Simon and Schuster.
- Putnam, R. D. (2000). *Bowling alone: The collapse and revival of American community*. Simon & Schuster.
- Rawls, J. (1971). *A Theory of Justice*. Harvard University Press.
- Riker, W. H. (1964). *Federalism: Origin, Operation, Significance*. Little, Brown.
- Shachar, A. (2009). *The birthright lottery: Citizenship and global inequality*. Harvard University Press.
- Smith, A. (1776). *The Wealth of Nations*. W. Strahan and T. Cadell.
- Stiglitz, J. E. (2000). *Economics of the Public Sector*. W. W. Norton & Company.
- Turner, B. S. (1993). *Citizenship and social theory*. Sage Publications.
- Tyler, T. R. (2006). *Why People Obey the Law*. Princeton University Press.
- Verba, S., Scholzman, K. L., & Brady, H. E. (1995). *Voice and Equality: Civic Voluntarism in American Politics*. Harvard University Press.
- Watts, R. L. (1999). *Comparing Federal Systems* (2nd ed.). McGill-Queen's University Press.
- Watts, R. L. (2008). *Comparing Federal Systems*. McGill-Queen's University Press.
- Wood, G. S. (1998). *The Creation of the American Republic, 1776-1787*. University of North Carolina Press.







1.8

## Possible Answers to SAEs

### Q1. What do you understand by a State?

#### Answers to SAEs 1

##### Concept of Government

Government refers to the system or group of people governing an organized community, often a state. It is a structured institution that establishes laws, policies, and regulations to maintain order, provide public services, and ensure the welfare of its citizens. Governments exercise authority and perform administrative functions that include legislating, executing, and adjudicating laws within a defined territory (Hague & Harrop, 2013).

##### Forms of Government

There are various forms of government, each with distinct characteristics:

**Democracy:** In a democratic system, power is vested in the hands of the people, either directly or through elected representatives. It is characterized by free and fair elections, rule of law, and protection of human rights (Dahl, 1998).

**Monarchy:** A monarchy is a form of government where a single person, usually a king or queen, holds supreme authority. The position is often hereditary. Monarchies can be absolute, where the monarch has total power, or constitutional, where their powers are limited by law (Bogdanor, 1995).

**Oligarchy:** This form of government is ruled by a small group of people, often from the same socio-economic class. Power is concentrated among the few, and decisions benefit the elite (Aristotle, 1996).

**Autocracy:** In an autocracy, a single person holds all the power and makes decisions without consulting others. This form of government can manifest as a dictatorship or despotism, where the leader has absolute control over all aspects of life (Linz, 2000).

**Republic:** A republic is a form of government in which the country is considered a "public matter," and the head of state is an elected or nominated president, not a monarch. Citizens have the power to elect

their leaders (Wood, 1998)

## **Answers to SAEs 2**

### **Concept of State**

The concept of the state is central to political science and international relations. It refers to a political entity that possesses sovereignty, which is the supreme authority within a defined territory. A state is characterized by a structured government that maintains the rule of law, administers justice, and ensures the welfare of its citizens. The state is distinct from other social institutions, such as families or businesses, in that it has the ultimate authority to use force if necessary to maintain order and implement policies (Heywood, 2019). The idea of the state has evolved over time, influenced by historical events, philosophical debates, and legal frameworks.

### **The Forms of State**

**Unitary State:** A unitary state is a sovereign state governed as a single entity where the central government holds the ultimate authority. All administrative divisions (if any) exercise only powers that the central government chooses to delegate. An example is the United Kingdom, where most of the decision-making power is concentrated at the national level (Hague & Harrop, 2013).

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**Confederal State:** A confederal state is a union of sovereign states, united for purposes of common action often in relation to other states. In a confederation, the central authority is typically weaker than the governments of the individual member states, and its power is derived from the consent of the member states. Historical examples include the United States under the Articles of Confederation (1781-1789) and the Confederate States of America during the American Civil War (Riker, 1964).

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## Unit 2      Origin of the State

### Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 State the origin of a state
- 2.4 State the various approaches of the origin of the state
  - 2.4.1 The Force Explanation
  - 2.4.2 The Marxism Approach
  - 2.4.3 The Historical/Evolutionary Approach
- 2.5 Summary
- 2.6 References/Further Readings/Web Resources
- 2.7 Possible Answers to Self-Assessment Exercise(s)



### 2.1 Introduction

In the last unit, we discussed the nature of the Government and the state as well as citizenship; Government is an essential institution in any society, providing structure, protection, and services to its citizens. There are various forms of government, each with its unique characteristics and mechanisms for governing. At different levels—federal, state, and local governments have distinct roles in managing the affairs of the state and serving the public. The relationship between the government and its citizens is reciprocal, with each playing a vital role in maintaining a functional and prosperous society.

This unit; we will be discussing the Theory of Divine Origin which posits that the state was created by divine will, with rulers seen as representatives of a higher power on Earth. This theory suggests that authority is granted by a deity, and subjects are bound to obey the ruler as a divine mandate. It has been widely used in ancient and medieval times to justify monarchies and theocratic governance structures. This approach emphasizes the sacred nature of political authority and often intertwines religious doctrine with state governance. The origin of the state has been a subject of extensive debate, with several approaches offering different perspectives on how states came into existence. These approaches include the Divine Origin theory, which attributes the creation of the state to divine will; the Force Explanation, which suggests that states were established through conquest and coercion; the Marxist Approach, which views the state as a tool for class domination; and the Historical/Evolutionary Approach, which posits that states developed gradually through social and economic changes. Each of these approaches offers unique insights into the complex process of state formation. The Force Explanation asserts that the state was created

through the use of force, often involving conquest or military domination. According to this view, political power is established and maintained by those who can impose their will on others, leading to the formation of a governing authority. This approach highlights the role of conflict, warfare, and coercion in the emergence of states, where the ability to control resources and people becomes central to state formation. It emphasizes the idea that power dynamics, rather than mutual consent, are fundamental to the creation of political structures. The Marxism Approach to the origin of the state is grounded in the materialist conception of history, viewing the state as a product of class struggle. According to Marxist theory, the state arises to protect the interests of the dominant class, serving as an instrument of oppression to maintain the existing class structure. This approach argues that the state is not a neutral entity but rather a mechanism for the ruling class to enforce its economic and social dominance. It posits that the state will eventually wither away as class distinctions are abolished, leading to a classless, stateless society. The Historical/Evolutionary Approach suggests that the state emerged gradually over time as human societies became more complex.



## 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the state the origin of a state
- Analyse the state the various approaches of the origin of the state



## 2.3 The Theory of Divine Origin

This theory is also known as the theory of the divine right of kings. Its main propositions are: That the State was established by an ordinance of God. Its rulers/leaders are divinely appointed hence are not accountable to any authority but God. The justification for this proposition is in line with the specific injunction in the Bible (Rom13:1-2) that every soul or body is subject unto the higher powers ordained of God who is most supreme and that whoever resists the power of the ordinance of God shall receive unto them damnation. Following from the above propositions, the essential feature scholars have argued that it is not only that God created the state in the sense that all human institutions may be believed to have had their origin in divine creation but that the will of God is supposed to be made known by revelation immediately to certain persons who are His earthly vice- regents and by them communicated to the people.

It is glaring therefore that in this theory obedience to the state becomes a religion as well as a civil duty and disobedience is obviously a sacrilege. This position is evidenced in the claims of certain rulers, like James I of England, who governed absolutely without being accountable to their people. Furthermore, in spite of the obvious defect of the theory, one of its merits is that it that it may create in the mass of the people, a sense of the value of order and obedience to law, so necessary for the stability of the state – and in the rulers a moral accountability to God for the manner in which they exercise their power.

### **Self-Assessment Exercises 1**

1. Explain the historical origin of the state.
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## **2.4 Various approaches of the origin of the state**

### **2.4.1 The Force Explanation**

This theory proposes that the state is the result of the subjugation of the weaker by the stronger. The reason for this perhaps may not be far from the fact that historically ‘there is no least difficulty in proving that all political communities of the modern type were obliged to their existence to successful warfare’. In effect, as a justification of this, in the eighteenth century. As cited by Hume in Appadorai, 1968: The basic argument is that consequent upon the increase of population and the consequent pressure on the means of subsistence invariably there would be also an improvement in the art of warfare. It is therefore in this light that he conceived that a state is founded when a leader, with his band of warriors, gets permanent control of a definite territory of a considerable size. This may occur in two ways: Firstly, when the leader, after firmly establishing his or her position as ruler of his/her own tribe, extends his/her authority over neighboring tribes until he or she comes to rule over a large territory.

This is what seems to have happened in Scandinavia, where, in the ninth century, ‘the innumerable tribes became gradually consolidated, as the result of hard fighting, into the three historic kingdoms of Norway, Denmark and Sweden’. Secondly, a state is founded by successful migrations and conquests. This was the history of the Normans, ‘who, in the ninth century, became the ruling power in Russia. Expectedly, the new type of community founded by consolidation or by migration and conquest in order words differed from the tribes because of their territorial character. The understanding here therefore is that all those who live within the territory of the ruler (and not only those who were related to him by blood) were bound to obey his/her commands. This theory like others has also been criticised not only on the claim that

force is a factor in the formation of a state but rather as an element with various causes such as kinship, religion, force and political consciousness.

#### **2.4.2 The Marxism Approach**

The class theory of origin of state has considerable impact in modern times. The principal proponent of this theory is Karl Marx, who likened the formation of political society (including the modern state), he argued that base on the nature of the economic of the society, the mode of production of a given society determines not only the type of classes that would emerge, but the patterns of social, political, religious, legal, ideology, and other relations in the society. Marx uses historical analysis to trace how different political societies had been formed, altered and changed as a result of changes in modes of production. In each historical epoch, the combination of forces of production determined power, authority and government. He mainly focuses more on recent historical epoch” the capitalist epoch”. The capitalist society is marked by three main classes: The “wage labourers, capitalist, and land owners-constitute the great classes of modern society based on a capitalist mode of production”.

#### **2.4.3 The Historical/Evolutionary Approach**

The evolutionary approach is generally accepted because it did not consider the state neither as a divine institution nor as a deliberate human contrivance. Rather, it conceived the state coming into existence as the result of natural evolution. The proposition therefore of the state as a product of history was aptly captured succinctly by J.W. Burgess who explained that 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.’ The beginnings of government cannot be traced to a particular time or cause because of the result of various factors through ages such as the influences as kinship, religion, war and political consciousness.

#### **Key Influence of Historical/Evolutional approach**

**Kingship:** In early society, the first and strongest bond and government was kingship. This bond expectedly, clearly defined family discipline which would scarcely be possible among races in which blood-relationship was subject to profound confusion and in which family organisation, therefore, had no clear basis of authority on which to rest. In every case, it would seem the origin of what we should deem worthy of the name of government must have awaited the development of some such definite family as that in which the father was known and known as

ruler. However, whether or not the patriarchal family was the first form of the family, it must have been adequate as the first form of government.

Common worship: This undoubtedly is another element in the welding together of families and tribes. This worship evolved from primitive animism to ancestor-worship. When ancestor-worship became the prevailing form of religion, religion was inseparably linked with kinship for, at the family or communal altar; the worshipper did homage to the great dead of his/her family or group and craved protection and guidance. In some tribes, also we find that the medicine-man or magician, who naturally held a predominant position, acquired or was elevated to the position of kingship. The primitive man had implicit faith in the existence of spirits, the spirits of the dead and the spirits of nature. The medicine-man or woman, professing ability to control them by means of his/her sorcery, naturally came to be regarded with mysterious awe and acquired unique influence.

### Self-Assessment Exercises 2

Explain the developments that led to the force explanation of the state.  
Describe the key Influence of Historical/Evolutional approach



## 2.5 Summary

**The Theory of Divine Origin:** The Theory of Divine Origin posits that the state was created by divine will, with rulers seen as representatives of a higher power on Earth. This theory suggests that authority is granted by a deity, and subjects are bound to obey the ruler as a divine mandate. It has been widely used in ancient and medieval times to justify monarchies and theocratic governance structures. This approach emphasizes the sacred nature of political authority and often intertwines religious doctrine with state governance.

**Various Approaches of the Origin of the State:** The origin of the state has been a subject of extensive debate, with several approaches offering different perspectives on how states came into existence. These approaches include the Divine Origin theory, which attributes the creation of the state to divine will; the Force Explanation, which suggests that states were established through conquest and coercion; the Marxist Approach, which views the state as a tool for class domination; and the Historical/Evolutionary Approach, which posits that states developed gradually through social and economic changes. Each of these approaches offers unique insights into the complex process of state formation.

**The Force Explanation:** The Force Explanation asserts that the state was created through the use of force, often involving conquest or military domination. According to this view, political power is established and maintained by those who can impose their will on others, leading to the formation of a governing authority. This approach highlights the role of conflict, warfare, and coercion in the emergence of states, where the ability to control resources and people becomes central to state formation. It emphasizes the idea that power dynamics, rather than mutual consent, are fundamental to the creation of political structures.

**The Marxism Approach:** The Marxism Approach to the origin of the state is grounded in the materialist conception of history, viewing the state as a product of class struggle. According to Marxist theory, the state arises to protect the interests of the dominant class, serving as an instrument of oppression to maintain the existing class structure. This approach argues that the state is not a neutral entity but rather a mechanism for the ruling class to enforce its economic and social dominance. It posits that the state will eventually wither away as class distinctions are abolished, leading to a classless, stateless society.

**The Historical/Evolutionary Approach:** The Historical/Evolutionary Approach suggests that the state emerged gradually over time as human societies became more complex. This approach emphasizes the role of social, economic, and political factors in the development of states, arguing that states evolved from simpler forms of social organization, such as tribes or clans. It posits that as societies grew in size and complexity, the need for centralized authority and governance structures led to the formation of the state. This perspective views state formation as a natural progression, shaped by historical circumstances and the adaptive needs of society.



## 2.6 References/Further Readings/Web Resources

- Adeigbo, A. (1991.) *Readings in Social and Political Philosophy*. Volume one. Claverianum Press. Ibadan.
- Appadorai, A. (1968.). *The Substance of Politics*. Oxford University Press.
- Nwosu H. & Ray, O. (1986). *Introduction to Politics*. Enugu - Nigeria: Forth dimension publishing CO. LTD.





## 2.7 Possible Answers to SAEs

### Q1. Explain the historical origin of the state

#### Answers to SAEs 1

This theory is also known as the theory of the divine right of kings. Its main propositions are: That the State was established by an ordinance of God. Its rulers/leaders are divinely appointed hence are not accountable to any authority but God. The justification for this proposition is in line with the specific injunction in the Bible (Rom13:1-2) that every soul or body is subject unto the higher powers ordained of God who is most supreme. And that whoever resists the power of the ordinance of God shall receive unto themselves damnation. Following from the above propositions, the essential feature scholars have argued that it is not only that God created the state in the sense that all human institutions may be believed to have had their origin in divine creation but that the will of God is supposed to be made known by revelation immediately to certain persons who are His earthly vice- regents and by them communicated to the people.

It is glaring therefore that in this theory obedience to the state becomes a religion as well as a civil duty and disobedience is obviously a sacrilege. This position is evidenced in the claims of certain rulers, like James I of England, who governed absolutely without being accountable to their people. Furthermore, in spite of the obvious defect of the theory, one of its merits is that it that it may create in the mass of the people, a sense of the value of order and obedience to law, so necessary for the stability of the state – and in the rulers a moral accountability to God for the manner in which they exercise their power.

#### Answers to SAEs 2

### Q1. Explain the developments that led to the force explanation of the state

This theory proposes that the state is the result of the subjugation of the weaker by the stronger. The reason for this perhaps may not be far from the fact that historically ‘there is no least difficulty in proving that all political communities of the modern type were obliged to their existence to successful warfare’. In effect, as a justification of this, in the eighteenth century. As cited by Hume in Appadorai, 1968: The basic argument is that consequent upon the increase of population and the consequent pressure on the means of subsistence invariably there would be also an improvement in the art of warfare. It is therefore in this light

that he conceived that a state is founded when a leader, with his band of warriors, gets permanent control of a definite territory of a considerable size. This may occur in two ways: Firstly, when the leader, after firmly establishing his or her position as ruler of his/her own tribe, extends his/her authority over neighboring tribes until he or she comes to rule over a large territory.

This is what seems to have happened in Scandinavia, where, in the ninth century, 'the innumerable tribes became gradually consolidated, as the result of hard fighting, into the three historic kingdoms of Norway, Denmark and Sweden'. Secondly, a state is founded by successful migrations and conquests. This was the history of the Normans, 'who, in the ninth century, became the ruling power in Russia. Expectedly, the new type of community founded by consolidation or by migration and conquest in order words differed from the tribes because of their territorial character. The understanding here therefore is that all those who live within the territory of the ruler (and not only those who were related to him by blood) were bound to obey his/her commands. This theory like others has also been criticised not only on the claim that force is a factor in the formation of a state but rather as an element with various causes such as kinship, religion, force and political consciousness.

Q2. Describe the key Influence of Historical/Evolutional approach

Key Influence of Historical/Evolutional approach

**Kingship:** In early society, the first and strongest bond and government was kingship. This bond expectedly, clearly defined family discipline which would scarcely be possible among races in which blood-relationship was subject to profound confusion and in which family organisation, therefore, had no clear basis of authority on which to rest. In every case, it would seem the origin of what we should deem worthy of the name of government must have awaited the development of some such definite family as that in which the father was known and known as ruler. However, whether or not the patriarchal family was the first form of the family, it must have been adequate as the first form of government.

**Common worship:** This undoubtedly is another element in the welding together of families and tribes. This worship evolved from primitive animism to ancestor-worship. When ancestor-worship became the prevailing form of religion, religion was inseparably linked with kinship for, at the family or communal altar; the worshipper did homage to the great dead of his/her family or group and craved protection and guidance. In some tribes, also we find that the medicine-man or magician, who naturally held a predominant position, acquired or was elevated to the position of kingship. The primitive man had implicit faith in the existence of spirits, the spirits of the dead and the spirits of nature.



## Unit 3 Theories of the State

### Unit Structure

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### 3.1 Introduction

Having looked at the history of the state it would be appropriate to examine the consolidation of the modern state through the various theories of the modern state such as the theory of the State of Nature and Social Contract, liberal-Democratic Theory and the Marxist Theory. The essence here is not just to indulge in blanket statements about the theory

and nature of the state but to see which of them provides more insight into the analysis of Citizen and State relations in perspective within the Nigerian context.



### 3.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the define a theory
- What is a Theory?
- Discuss the theories of origin of Political Authority
- Explain the Social Contract Theory
- Highlight the proponents of Social Contract Theory
- Describe the pplication of Social Contract Theory in the Political System
- Mention Merits of the Social Contract Theory
- Explain the defects of the Social Contract Theory
- Discuss the Thomas Hobbes (1588-1679)
- Highlight the Proponents of Thomas Hobbes
- Describe the application of Thomas Hobbes in the Political System
- Discuss the John Locke (1632-1704)
- Explain the John Locke (1632-1704) on Government and the Citizens
- Examine the Proponents of John Locke on Government and the Citizens
- Discuss the Application of John Locke on Government and the Citizens
- Describe the Jean Jacques Rousseau (1712-1778)
- Examine the Jean-Jacques Rousseau (1712-1778) on Government and the Citizens
- Highlight the Proponents of Jean-Jacques Rousseau on Government and the Citizens
- Describe the Application of Jean-Jacques Rousseau on Government and the Citizens
- Explain the absolute nature of the State
- Discuss the Liberal-Democratic Theorists
- Examine the Marxist Theory of the State
- Outline the Basic Elements of Marxist Theory



### 3.3 What is a Theory?

A theory is a systematic framework used to explain and predict phenomena within a particular field of study. It consists of interrelated concepts and propositions that offer explanations for observed patterns and predict future occurrences (Smith & Jones, 2020). Theories are essential in both the natural and social sciences, as they provide a basis for understanding complex systems and guide empirical research (Johnson, 2019).

### Self-Assessment Exercises 1

What is a Theory?

It is significant to know that Hobbes (1588-1679) was an English man who lived in the days of the Civil War (1642-51). Discuss

### 3.4 Theories of origin of Political Authority

The origin of this theory is premised on 'an agreement entered into by men (and expectedly women) that originally had no governmental organisation which resulted into a state. However, to understand the essence of a contractual agreement (the idea of a social contract) which can be found in the political treatises both of the East and the West?

**Hobbes' Social Contract Theory:** Thomas Hobbes, in his work *Leviathan* (1651), proposed that in a state of nature, humans live in a "war of all against all," where life is "solitary, poor, nasty, brutish, and short." To escape this condition, individuals collectively agree to form a society by surrendering some of their freedoms to a sovereign authority in exchange for security and order. This social contract establishes political authority as necessary to avoid chaos and ensure survival, where the sovereign power must be absolute to maintain peace.

**Locke's Social Contract Theory:** John Locke, in *Two Treatises of Government* (1689), argued that individuals in a state of nature are free and equal, governed by natural law. However, to protect their life, liberty, and property, they consent to form a government. Unlike Hobbes, Locke believed that political authority should be limited, with the government having the responsibility to protect natural rights. If the government fails to do so or becomes tyrannical, the people have the right to revolt and establish a new government.

**Rousseau's Social Contract Theory:** Jean-Jacques Rousseau, in *The Social Contract* (1762), contended that in the state of nature, humans were noble savages living in harmony, but the advent of private property led to inequality and conflict. To reclaim freedom, people enter into a social contract where they collectively agree to be governed by the "general will," which represents the common interest. Political authority, therefore, arises from the collective will of the people, and its legitimacy

is based on serving the common good. Rousseau's concept emphasizes direct democracy and the idea that sovereignty lies with the people.

### **3.4.1 The Social Contract Theory**

#### **Social Contract Theory**

The Social Contract Theory is a philosophical concept that postulates the legitimacy of political authority is derived from a contract or agreement among individuals to form a society and abide by its rules. This theory suggests that individuals consent, either explicitly or implicitly, to surrender certain freedoms and submit to the authority of the state in exchange for protection of their remaining rights. The social contract, therefore, is an agreement between the governed and the government, establishing the rights and duties of each party (Rousseau, 1762; Hobbes, 1651; Locke, 1690).

### **3.4.2 Proponents of Social Contract Theory**

The most prominent proponents of Social Contract Theory include Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Hobbes, in his work *Leviathan* (1651), argued that in the state of nature, human life would be "solitary, poor, nasty, brutish, and short" due to the inherent selfishness of individuals. To avoid this, people enter into a social contract, surrendering their freedoms to an absolute sovereign who maintains peace and order (Hobbes, 1651).

John Locke, on the other hand, presented a more optimistic view in his *Two Treatises of Government* (1690). He argued that individuals in the state of nature possess natural rights to life, liberty, and property, and that the social contract serves to protect these rights. Unlike Hobbes, Locke believed that if a government fails to protect these rights, the people have the right to overthrow it (Locke, 1690).

Jean-Jacques Rousseau, in *The Social Contract* (1762), offered a different perspective, emphasizing collective sovereignty. Rousseau argued that the social contract is an agreement among free individuals to create a community governed by the "general will," which represents the collective interest of the people. He believed that true freedom is found in adherence to laws that individuals prescribe for themselves within this collective framework (Rousseau, 1762).

### **3.4.3 Application of Social Contract Theory in the Political System**

Social Contract Theory has had a profound impact on modern political systems, particularly in the development of democratic governance. The ideas of Locke and Rousseau, in particular, influenced the development

of constitutional democracies, where governments are formed based on the consent of the governed and is accountable to the people.

In the United States, the Declaration of Independence (1776) and the Constitution (1787) are grounded in social contract principles. The Declaration asserts that governments derive their powers from the "consent of the governed," echoing Locke's views on natural rights and the right to revolution. The U.S. Constitution establishes a system of checks and balances to ensure that no branch of government becomes too powerful, reflecting the social contract's emphasis on limiting government authority to protect individual rights (U.S. Constitution, 1787).

Similarly, the concept of the general will, as proposed by Rousseau, has influenced the development of direct democracy in countries like Switzerland, where citizens have a direct role in decision-making through referendums and initiatives (Rousseau, 1762).

#### **3.4.4 Merits of the Social Contract Theory**

The theory has some merits such as:

It serves as a reminder to Government of the human purposes which the State can serve so as to justify its existence. As Kant, the German philosopher, said: This is because 'The legislator is under the obligation to order his/her laws as if they were the outcome of a social contract.'

In line with Locke and Rousseau's idea that civil society rests not on the consent of the ruler but of the ruled the theory instituted what subsequently became an important factor in the development of modern democracy.

#### **3.4.5 Defects of the Social Contract Theory**

Despite its merits the theory has some defects:

It is untenable: From the historical point of view various scholars argue that the contract theory of the origin of political authority is untenable not because there were no historical records when the compacts must have been made but because historical evidence through which inference about the primitive conditions may be imagined were impossible to lay hands on.

The theory pre-supposes individuals as agents of contracts. However, this runs contrary to the Maine research revelations which showed that the progress of societies has been from status to contract. According to Maine, this conclusion was reached because contract essentially is understood as not the beginning but the end of society.



### 3.5 Thomas Hobbes (1588-1679)

Thomas Hobbes, an English philosopher, is widely recognized for his contributions to political philosophy. Born in 1588, Hobbes is best known for his work "Leviathan" (1651), where he articulated his views on the nature of human beings and the structure of society. Hobbes believed that in the state of nature, humans were driven by self-interest and that life was "solitary, poor, nasty, brutish, and short" (Hobbes, 1651). He argued that in order to escape this chaotic state, individuals entered into a social contract, agreeing to surrender some of their freedoms to a sovereign authority in exchange for protection and the maintenance of order.

It is significant to know that Hobbes (1588-1679) was an English man who lived in the days of the Civil War (1642-51). This is important because it gives an insight in explaining the nature of his political thought which seems inclined towards absolutism. This inclination was natural at a time when the most important need of his country was a strong government to maintain law and order. This background shaped the government of his political inquiry (The Leviathan, 1651) by his analysis of human nature in the conception of man as being essentially selfish who is moved to action not by intellect or reason, but by appetites, desires and passions. The summation is that the state of nature is none other than a society where men lived without any common power set over them. This 'condition' in the state of nature' is called Warre; and such a warre (war) as is of every man, against every man'-not war in the organised sense but a perpetual struggle of all against all, competition, diffidence and love of glory being the three main causes. It is pertinent to note that law and justice are absent; hence, the life of man could be summed up as 'solitary, poor, nasty, brutish and short'.

Thomas Hobbes (1588-1679) was a prominent English philosopher who lived during a tumultuous period marked by the English Civil War (1642-51). This context is crucial in understanding the development of his political theories, particularly his views on the origin of political authority. The instability and violence of the Civil War significantly influenced Hobbes' belief in the necessity of a strong, centralized authority to prevent chaos and maintain social order. His seminal work, *Leviathan*, argues that in a state of nature, human life would be "solitary, poor, nasty, brutish, and short," necessitating the establishment of a social contract where individuals cede certain freedoms to a sovereign in exchange for security and order.

Hobbes also recognized that even in the primitive natural state, there are in some sense laws of nature whose essence is self-preservation i.e. ‘the liberty each man hath to preserve his own life’. In detail, these laws are: to seek peace and to ensure that it is followed; to relinquish the right to all things which being retained hinders the peace of mankind; to ‘perform their covenants made’. Therefore, the only way to peace is for men to give up so much of their natural rights as are inconsistent with living in peace. To therefore achieve this, a supreme coercive power is instituted, however, the contracting parties are not the community and the government, but subject with every man saying to every other that ‘I authorise and give up my right of governing myself to this man or this assembly of men (government) on this condition that thou give up thy right to him and authorise all his actions in like manner’. In line with the fulfilling of this right, a state is thus created. However, certain consequences follow from the creation of state in this manner, some of which are that: It is pertinent to note that despite the aforementioned, Hobbes theory of social contract ideas have been criticised severally on the following counts:

That it is unhistorical; given that primitive society rested on status, not on contract.

That there is a disconnect between his view of human nature as essentially selfish in the state of nature and is transformed from being a savage to a saint the state of contract

### **3.5.1 Proponents of Thomas Hobbes**

Hobbes' ideas have been supported and expanded upon by various scholars and political theorists over the centuries. For instance, some modern proponents of Hobbes' theories argue that his conception of the social contract is foundational for understanding the necessity of a centralized authority in contemporary governance. They highlight how Hobbes' emphasis on security and order remains relevant in discussions about the role of the state in protecting citizens from internal and external threats (Tuck, 2002). Additionally, proponents emphasize Hobbes' contributions to the development of realist theories in international relations, where the notion of the anarchic state of nature is applied to the relations between nations (Williams, 2006).

### **3.5.2 Application of Thomas Hobbes in the Political System**

Hobbes' ideas have had a profound influence on the development of modern political systems, particularly in the context of sovereignty and governance. His concept of the Leviathan, a powerful sovereign that individuals collectively empower to maintain peace and security, has

been applied in various forms of government, particularly in authoritarian regimes where centralized power is justified as necessary for maintaining order (Skinner, 1996). In democratic systems, while the absolute authority Hobbes envisioned is often rejected, the underlying principle that governments are necessary to avoid chaos and ensure societal stability is widely accepted. Furthermore, Hobbes' ideas have been instrumental in shaping constitutional frameworks that emphasize the need for a strong executive to enforce laws and maintain public order (Warrender, 1957).

### **3.6 John Locke (1632-1704)**

The purpose of Locke (1632 – 1704) in his *Two Treatises of Government* (1690) was to justify the English Revolution of 1688 after James II had been deposed from the throne and William of Orange invited to occupy it. Locke's argument can be summarised as follows:

That in the state of nature man was free and equal because each lives according to his own liking even though this freedom, however, is not licensed.

There was a natural law or the law of reason which commands that no one shall impair the life, the health, the freedom or the possessions of another. In other words, the law of nature of Locke stresses the freedom and preservation because there is no common superior to enforce the law of reason hence each individual is obliged to work out his own interpretation. The point to note is that while the state of nature is not a state of chaos as Hobbes may want us to believe, however, the insecurity of enjoyment of rights among men and women was very evident. Essentially, his contention is that the state or political society is instituted so as to remedy the inconveniences of the state of nature which can be summed as follows:

The quest for an established known law that will be received and allowed by common consent to be the standard of judging right and wrong as well as the adoption of a common measure to decide all controversies and the desire of a known judge that will not be biased with authority to determine all differences according to the established law. The want of power to back and support the sentence when right and to give it due execution.

All these features bring to the fore that the state for Locke, is created through the medium of a contract in which each individual agrees with every other to give up to the community the natural right of enforcing the law of reason, in order that life, liberty and property may be preserved. It is therefore significant to note that for Locke, unlike

Hobbes, power resides with the community and not with the government. It must also be stressed that the contract is not general but limited and specific so much so that the natural right of enforcing the law of reason (natural rights of life, liberty and property) reserved to the individual limit the just power of the community is given up. To this end, government is seen to be in the nature of a trust and in this way only such powers as were transferred at the time of the change from a state of nature is embraced. It becomes essential therefore that the legislative power constituted by the consent of the people should not be arbitrary but become the supreme power in the commonwealth. In order words, it must be exercised, as it is given, for the good of the subjects. To this effect, the Legislature must dispense justice through laws and authorised judges. This ensures that no man can be deprived of his/her property without his/her consent nor can taxes be levied without the consent of the people or their representatives. Also, the Legislature cannot transfer its powers to any other person or body and it must be a delegated power from the people who can remove or alter the Legislature, when they find that it acts contrary to the trust reposed in it.

Following the aforementioned, it appears that there is no sovereign in Locke's state in line with the Hobbesian analogy. The community is supreme even though its supreme power is latent, however, this power does not come into play so long as the government is acting according to the trust reposed in it; but when it acts contrary to that trust, the power of the community manifests itself in its right to replace that government by another. It is apparent from the above, that integral to Locke's system is the fact that the government may be dissolved while society remains intact. In other words, Locke's theory borders on constitutional or limited government which by implication means 'a government resting on the consent of the governed'. In practice, it means that for a government to hold on to power it must be conditioned by the people hence the government expectedly should pay heed to their wishes. This conclusion by Locke was determined by distinguishing between the agreement to form a civil society and the agreement within that society to set up some particular government. In effect, if the acts of that government are contrary to the interests of the community as a whole Locke argues that there is a possibility of changing the government without destroying the continuity of civil society itself. In sum, though Locke's method may be criticised as being unhistorical; his position that the cardinal idea that government is a trust with consent as the basis of government cannot be overlooked. Also, there is value in his concept of natural rights now generally discredited because of his conception of it as the rights of the individual anterior to organised society. A concept which is invaluable especially because of its incorporation of T.H. Green's interpretation that the nature of man demands certain rights or some conditions of life which at a particular state of civilisation are

necessary for the fulfillment of his personality.

### **3.6.1 John Locke (1632-1704) on Government and the Citizens**

John Locke, an influential Enlightenment thinker, profoundly shaped the modern concept of government and its relationship with citizens. His theory of the social contract posits that government is a result of an agreement between individuals who choose to form a society. Locke believed that in the state of nature, people lived in a condition of perfect freedom and equality, governed by natural law (Locke, 1689/1980). However, to protect their natural rights—life, liberty, and property—people agreed to establish a government. This government derives its legitimacy from the consent of the governed, and its primary role is to safeguard these rights. Locke asserted that if a government fails to protect these rights or becomes tyrannical, citizens have the right to revolt and establish a new government (Locke, 1689/1980).

### **3.6.2 Proponents of John Locke on Government and the Citizens**

Many philosophers and political theorists have championed Locke's ideas on government and citizenship. For instance, Thomas Jefferson was heavily influenced by Locke's writings when drafting the American Declaration of Independence, which emphasizes the rights to life, liberty, and the pursuit of happiness (Jefferson, 1776). Additionally, John Stuart Mill advocated for individual liberty and limited government intervention, drawing on Locke's emphasis on personal freedom and government by consent (Mill, 1859/2003). Modern liberal democracies continue to reflect Locke's influence, particularly in their emphasis on constitutionalism, individual rights, and the rule of law.

### **3.6.3 Application of John Locke on Government and the Citizens**

Locke's principles have had a profound impact on the development of democratic governance worldwide. His ideas are evident in the structure of modern constitutional democracies, where governments are elected by the people and are accountable to them. For instance, the United States Constitution embodies Locke's concepts of separation of powers and checks and balances, which are designed to prevent any single branch of government from becoming tyrannical (U.S. Const.). Furthermore, the notion of government as a protector of citizens' natural rights is enshrined in international human rights documents, such as the Universal Declaration of Human Rights (United Nations, 1948).

## **3.7 Jean Jacques Rousseau (1712-1778)**

The social contract theory of Rousseau (1712 – 78) developed in his

*Contract Social* (1762) is important on two grounds: First, it inspired the French Revolution of 1789 which was a revolt against the despotic French monarchy. Second, it is the springboard of the theory of popular sovereignty. According to Rousseau, man is essentially good and sympathetic and these qualities definitely ensured a period of idyllic happiness, men being free and equal in a state of nature. However, since human relationships cannot be conflicts, and cannot be overruled in any society evidently with introduction of private property and growth in population quarrels arose thereby and compelling men and women to give up their natural freedom in a contract so as to create a civil society. This contract supposedly is a form of association which protects the person and property of each associate according to the virtue of which everyone while remaining free as before’.

The implication of the above propositions is that;

Every one surrenders completely all rights to the *community* which becomes sovereign unlike the *Government* as in Hobbes.

The sovereignty of the community is as absolute just as the Government in Hobbes is implying that from the outset there was no need to limit its sovereignty in the interest of the subjects. The reason for this is none other than that the sovereign body is always all that it ought to be having been formed by only the individuals who constitute it. The implied meaning is that it can have no contrary interest against the individuals who formed it based on the supposition that all private interests more or less will not be in existence. Most importantly, bearing in mind that the will of the individual may conflict with the general will of the community which constitutes the sovereign because the social pact necessarily involves a tacit agreement that anyone refusing to conform to the general will shall be forced to do so by the whole body politic, i.e., ‘shall be forced to be free’. This is because the universal conformity to the general will guarantees each individual freedom from dependence on any other person or persons.

It is also interesting to note that after the contract, the individual remains as free as he/she was before for no specific reason other than the fact that the act of each given him/herself up to all, it actually amounts to given up to no one because the same right that is given up by him/herself is evidently acquired over every associate, with greater power to preserve what is left.

Law is an expression of the general will and can be made only in an assembly of the whole people sovereignty can never be alienated or isolated, represented or divided. In effect, the sovereign, who is a collective being, can be represented only by himself.

The Government is never the same as the sovereign because of their distinguished functions of the executive and the legislative functions as well as the fact that the exercise of government is the exercise according to the law of the executive power.

Moreover, the act by which a Government is established is twofold: The passing of a law by the sovereign to the effect that there shall be a Government and the appointment of governors who will act in execution of this law.

Based on the above, it appears that some elements of Rousseau's social contract are fusion of Hobbes and Locke. The influence of Hobbes in his theory is evident in the conception of the State as the result of a contract entered into by men who originally lived in a state of nature where there was only one contract in which individuals surrendered all their rights though the Government was not a party. However, an interesting aspect of this contract is that after making the contract the individuals may have only such rights as are allowed to them by law; the implication of this is an absolute sovereignty. The absolute sovereignty of the Government according to Hobbes did not sit well with Rousseau hence he posited that the Government was dependent upon the people in other words, agreeing with the essentials of the conclusion of Locke.

It is worthy to note the conclusion of two elements in his theory where he differed from Hobbes. The elements are:

- That the theory makes the individual surrender his rights not to the ruler but to the community;
- A clear-cut difference exists between the State and the Government. It is also important to take into consideration that although both elements are more or less like Locke's views Rousseau differs from Locke in more ways than one as the arguments above proves.

In sum, the importance of Rousseau in political thought is evidenced in the following positions:

- That the complete surrender of rights on the part of the natural man makes sovereignty absolute while for Locke there is no absolute sovereignty because the surrender is partial.
- The popular sovereignty in Rousseau is in continual exercise while for Locke the supremacy of the people is not in the fore front and is only manifested when the Government acts contrary to its trust.

- There is only one contract, the social pact thereby expunging the idea of a governmental compact from the contract theory.

### **3.7.1 Jean-Jacques Rousseau (1712-1778) on Government and the Citizens**

Jean-Jacques Rousseau (1712-1778) was a profound philosopher whose ideas on government and the relationship between the state and its citizens have significantly influenced political theory. In his seminal work *The Social Contract* (1762), Rousseau introduces the concept of the "general will," which he describes as the collective will of the citizens that represents their common good. According to Rousseau, legitimate political authority is derived from the consent of the governed, which is expressed through the general will. He argues that individuals must surrender some of their freedoms to the state to ensure the protection of their remaining rights and the common good (Rousseau, 1762/2020).

Rousseau's vision of government is rooted in the belief that the state exists to serve the citizens and that all laws must reflect the general will. He asserts that when the government fails to represent the general will, it loses its legitimacy, and the social contract is broken, thereby justifying the citizens' right to revolt (Rousseau, 1762/2020). Rousseau also emphasizes the importance of direct democracy, where citizens actively participate in decision-making, thus ensuring that their voices are heard and respected.

### **3.7.2 Proponents of Jean-Jacques Rousseau on Government and the Citizens**

Rousseau's ideas have found numerous proponents among political theorists and philosophers. Among them, John Stuart Mill praised Rousseau's emphasis on liberty and the role of the individual in shaping society. Mill recognized the value of Rousseau's ideas in promoting a participatory government where citizens have a direct influence on the laws that govern them (Mill, 1859/2006). Additionally, Immanuel Kant was deeply influenced by Rousseau's thoughts on freedom and autonomy, integrating them into his own ethical and political theories (Kant, 1785/1993).

Modern proponents of Rousseau's ideas can be found in the field of participatory democracy, where scholars advocate for greater citizen involvement in governance, as a means to more accurately reflect the will of the people (Pateman, 1970). Rousseau's critique of representative democracy resonates with contemporary debates on the effectiveness of modern democratic systems, where some argue that representative



institutions often fail to truly capture the general will (Dryzek, 2000).

### **3.7.3 Application of Jean-Jacques Rousseau on Government and the Citizens**

The application of Rousseau's ideas can be seen in various forms of governance, particularly in systems that prioritize direct democracy and citizen engagement. In Switzerland, for example, the use of referenda and popular initiatives aligns with Rousseau's concept of the general will, where citizens directly influence laws and policies (Linder, 2010). Additionally, Rousseau's ideas have been influential in the development of social contract theories in modern political philosophy, where the legitimacy of government is often evaluated based on its ability to reflect the collective will of the people (Rawls, 1971).

Rousseau's philosophy also finds application in educational systems that emphasize civic education and the development of responsible citizens. By encouraging students to actively participate in community and governmental processes, these systems aim to foster a sense of civic duty and awareness, reflecting Rousseau's belief in the importance of active citizen participation (Gutmann, 1987).

### **3.8 The absolute nature of the State**

His theory served as the basis for democracy and the justification of revolutions against arbitrary rule. This doctrine is premised on two or three simple principles:

- i. That men are by nature free and equal, That the rights of government must be based on some compact freely entered into by these equal and independent individuals,
- ii. That the nature of the compact is such that the individual becomes part of the sovereign people, which has the inalienable right of determining its own constitution and legislation as entrenched in the Declaration of the Rights of Man (1789), the charter of the French Revolution
- iii. His theory demonstrated entirely that will, not force, is the basis of the State. The implication of this is that government depends on the consent of the governed.
- iv. His idea that the sovereign community was logically the only lawmaker subsequently had the indirect effect of stimulating direct legislation by the people through the referendum and the initiative.
- v. Another important issue to note is that despite the importance of Rousseau in political thought, a particular inadequacy cannot be overlooked in political analysis. The obvious inadequacy is none other than his analysis did not envisage the fact that the

unrestricted power of the general will might result in absolutism typical of the older kingdoms and oligarchies. In other words, to argue that the general will is always the disinterested will of the community for the common good, and therefore always right appears not to be plausible because there is no guarantee that the will of the community will always turn out to be for the common good. This is further compounded by the realisation by Rousseau that there is a thin line between the general will so defined and the will of all (which is the sum total of particularist and sectional interests) More so, to Rousseau the sovereign are the people themselves gathered in solemn general assembly, without private interest, as a whole incapable of injustice to any members.

### 3.9 Liberal-Democratic Theorists

These theorists venerate individual interest and personal freedom to such an extent that they see the role of the state purely in terms of the protection of individual rights and liberties. For them, political society(the state) is a ‘human contrivance for the protection of the individuals property in his person and goods and (therefore) for the maintenance of orderly relations of exchange between individuals who are regarded as proprietors themselves”(Macpherson,1962).The state, according to the liberal- democratic view, is a neutral, though coercive, force whose function is , as John Locke would put it, the preservation of the people’s lives, liberty and property, irrespective of the social class to which they may belong. Some of the proponent of the theory who contributed immensely to the development of the liberal democratic theory are as follows: John Trenchard United Kingdom (1662-1723), Charles de Montesquieu lived in France between 1689-1755 as well as Thomas Gordon who originated from United Kingdom.

It is important to highlight the similarities and differences in Organic and the Liberal-Democratic theories.

#### Similarities

The Hegelian Organic Theory of the State and the Liberal-Democratic Theorists agree on the following:

- Both deny the class, composition nature and historical character of the state.
- Both assume that the state is a neutral political power.
- Both agree that the state is an inevitable socio-political institution.

#### Difference

The only difference in their positions is this: while the liberal theorists agree with Hegel that the state is necessary in human society, for them,

it is a “necessary nuisance” whose power over the individual should be as minimal as possible.

### 3.10 The Marxist Theory of the State

This theory does not agree with the above positions. To Karl Marx, the state is, essentially, a coercive apparatus which is usually in the service of the ruling class in a class-divided society, and it is a “product and manifestation” of irreconcilable class antagonisms in society. In the *Communist Manifesto*, Karl Marx and Frederick Engels wrote that “the executive of the modern state is built on a committee for managing the common affair of the whole bourgeoisie”. This contention aptly captures the class basis of the state and as an instrument of dominating other classes even though within classical Marxism, there is the conception of the state as *independent*, though rooted in the economic basis of society. In the *Eighteenth Brumaire of Louis Bonaparte*, K. Marx aptly explains this independent nature of the state using the revolutionary events in France evidenced in the industrial action of the bourgeoisie revolution which led to the overthrow of financial oligarchy. With the crushing of the democratic forces by the industrial bourgeoisie and the events leading to the rise of Louis Bonaparte (Bonaparte represents a class, and the most numerous class of French society at that) as Marx notes, under the second Bonaparte, “the state seemed to have made itself completely independent”. In other words, there emerged the independent character of the state. However, although the state was independent of the factions of bourgeoisie class, “yet” the independent nature of the state at the political level is deeply rooted in the balance of class forces and the struggles emanating from the principal contradictions within the state.

#### 3.10.1 Basic Elements of Marxist Theory

1. The state as a political power is not inevitable since eventually it (the state) would cease to exist. This important position is rooted in the fact that the state did not exist in the earlier periods of development of the society when the mode of production was very rudimentary and undifferentiated, no division in the social conditions, except between the two sexes, no division of society into categories of rulers and ruled, therefore there were no antagonistic classes. Instead, “social relations were regulated by the force of habit, custom and tradition embodying common life and work.
2. Institution of the social division of labour and the subsequent division of society into two classes: masters and slaves, exploiters and exploited. This came to be because of the development of the

means of production e.g. in agriculture, domestic craft etc., so that human labour can produce more than necessary for its maintenance. This development resulted in an increased amount of work by every household community or family which subsequently resulted in the need for more power, which was obtained through war, the captives of which were made slaves.

The need for the establishment of a public power to control the antagonistic relations/struggle between “classes with conflicting economic interests’ such as the class of exploiters and the class of exploited. However, the state in playing this role expectedly is not neutral as it becomes the instrument of the oppression of one class in this case the non-owners of the means of production by another class, i.e. the class of owners of the means of production (economically dominant class). This brings to 3. The need for the establishment of a public power to control the antagonistic relations/struggle between “classes with conflicting economic interests’ such as the class of exploiters and the class of exploited. However, the state in playing this role expectedly is not neutral as it becomes the instrument of the oppression of one class in this case the non-owners of the means of production by another class, i.e. the class of owners of the means of production (economically dominant class). This brings to bear the fact that the state contrary to Hegelian position does not reconcile the antagonistic classes in society. Instead, it maintains existing socio-political relations in any class-divided society, so as to preserve the hegemony of one class over another.

The character of the state and the type of “order” it maintains in any given society will be determined by the nature of its socio- economic formation. This is because of the mode of production prevalent in a society and its attendant social relations.

The state seeks to regulate relations between members of the ruling class so that they can maintain their cohesion as well as protecting the interests of the ruling class beyond its borders, by protecting its territory against external incursion and, at times, extending the frontiers of this territory at the expense of weak countries. It also regulates, through legal means, the whole system of social relations- ethnic, family, etc.; finally, it also attempts of deal with some economic and cultural problems as they arise.

The Free State or the welfare states are illusory as it is only logical that the organisation of ruling class for the maintenance of its own interest cannot be free. For in protecting the interests of the economically and politically dominant class in society, it ends up suppressing the interest of the oppressed class.

## Self-Assessment Exercises 2

What are there any similarities or differences between the theories Hegelian Organic Theory and the Liberal-Democratic Theorists?  
What are the basic features of the Marxist theory and how is it different from other theories?



### 3.11 Summary

This unit examined the concept of **Theory**. **It was said that a** theory is a systematic framework used to explain and predict phenomena within a particular field of study. It consists of interrelated concepts and propositions that offer explanations for observed patterns and predict future occurrences (Smith & Jones, 2020). Theories are essential in both the natural and social sciences, as they provide a basis for understanding complex systems and guide empirical research (Johnson, 2019).

#### **Theory of the State of Nature and Social Contract**

The theory of the state of nature and social contract is a philosophical concept that explores the origins of society and government. Rooted in the works of philosophers like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, this theory posits that in the absence of political authority, humans would exist in a "state of nature" characterized by absolute freedom but also by insecurity and constant conflict (Hobbes, 1651/2021; Locke, 1689/2022).

To escape this precarious condition, individuals collectively agree to form a social contract, wherein they relinquish some of their freedoms to a governing body in exchange for protection and the maintenance of social order. This contract forms the basis of legitimate government and civil society (Rousseau, 1762/2020). The social contract theory has significantly influenced modern political thought, particularly in the development of democratic governance.

The liberal-democratic theory emphasizes the protection of individual rights, the rule of law, and the importance of democratic governance. This theory advocates for a political system in which power is derived from the consent of the governed and is exercised through free and fair elections (Rawls, 1971). It also underscores the importance of constitutional checks and balances to prevent the abuse of power and ensure accountability (Dahl, 1989).

Liberal-democratic theory is grounded in the belief that individuals are rational actors capable of making informed decisions about their governance. It supports the idea that political institutions should be

designed to protect personal freedoms and promote equality of opportunity (Nozick, 1974).

The Marxist theory, developed by Karl Marx and Friedrich Engels, offers a critique of capitalist societies and posits that history is driven by class struggles. According to Marxist theory, society is divided into two main classes: the bourgeoisie, who own the means of production, and the proletariat, who sell their labor (Marx & Engels, 1848/2020).

Marxist theory argues that the capitalist system is inherently exploitative, as it allows the bourgeoisie to accumulate wealth at the expense of the proletariat. The theory predicts that this exploitation will eventually lead to a revolutionary overthrow of the capitalist system and the establishment of a classless, communist society (Marx, 1867/1992). Marxist theory has had a profound impact on political thought and has inspired various socialist movements around the world.

Theories provide structured explanations for complex phenomena and are essential for advancing knowledge in various fields. The theory of the state of nature and social contract explores the origins of government and civil society, while the liberal-democratic theory emphasizes individual rights and democratic governance. In contrast, Marxist theory critiques capitalist societies and envisions a revolutionary shift towards communism.

The exploration of these theories reveals the diversity of thought that has shaped modern political and social structures. While the social contract and liberal-democratic theories have contributed to the development of democratic institutions, Marxist theory offers a critical perspective on capitalism and its implications. Understanding these theories is crucial for analyzing contemporary political dynamics and envisioning future societal developments.

Jean-Jacques Rousseau's ideas on government and the citizens emphasize the importance of the general will, direct democracy, and the social contract. Rousseau argues that legitimate political authority arises from the consent of the governed, and that governments must serve the common good as expressed through the general will. His ideas have influenced many political thinkers and have found application in various governance systems, particularly those that prioritize citizen engagement and direct democracy.

Rousseau's contributions to political theory continue to resonate in contemporary discussions on democracy, governance, and citizen participation. His insistence on the primacy of the general will and the active role of citizens in shaping their government challenges modern

democratic systems to better reflect the true will of the people. As political systems continue to evolve, Rousseau's ideas remain a vital reference point for understanding the relationship between government and citizens.



### 3.12 References/Further Readings/Web Resources

- Adeigbo, A. (1991). *Readings in Social and Political Philosophy*. Volume one. Claverianum Press. Ibadan.
- Appadorai, A. (1968). *The Substance of Politics*. Oxford University Press.
- Dahl, R. A. (1989). *Democracy and its critics*. Yale University Press.
- David, Hume. (1969). *A Treatise of Human Nature*. Middlesex. Penguin Publishers.
- Dryzek, J. S. (2000). *Deliberative democracy and beyond: Liberals, critics, contestations*. Oxford University Press.
- Durkheim, E. (1984). *The Division of Labour in Society*. Macmillan.
- Giddens, A. (2013). *Sociology* (7th ed.). Polity Press.
- Gutmann, A. (1987). *Democratic education*. Princeton University Press.
- Hamza, Alavi. (1979). 'The State in Post- colonial Societies: Pakistan and Bangladesh' In: *the Goulbourne, Politics and State in the Third World*.(ed.). Macmillan Press.
- Hobbes, T. (1651). *Leviathan*. Andrew Crooke.
- Hobbes, T. (1651). *Leviathan*. London: Andrew Crooke.
- Hobbes, T. (2021). *Leviathan*. (Original work published 1651). Penguin Classics.
- Jefferson, T. (1776). *The Declaration of Independence*. United States of America.
- John, Locke. (1689.). *Treatise of Government*.
- Johnson, M. (2019). *The foundations of theory: An introduction to theoretical frameworks*. Academic Press.
- Kant, I. (1993). *Grounding for the metaphysics of morals* (J. W. Ellington, Trans.). Hackett Publishing Company. (Original work published 1785)



- Karl, Marx, & E. Engels. (1977). *Manifesto of the Communist Party*.
- Karl, Marx.(1977). *The Eighteenth Brumaire of Louis Bonaparte*. Moscow Progress Publishers.
- Linder, W. (2010). *Swiss democracy: Possible solutions to conflict in multicultural societies*. Palgrave Macmillan.
- Locke, J. (1689/1980). *Two Treatises of Government* (P. Laslett, Ed.). Cambridge University Press.
- Locke, J. (1690). *Two Treatises of Government*. Awnsham Churchill.
- Locke, J. (2022). *Two treatises of government*. (Original work published 1689). Oxford University Press.
- Marx, K. (1867). *Capital: A Critique of Political Economy* (Vol. 1). Penguin Classics.
- Marx, K. (1992). *Capital: A critique of political economy* (Vol. 1). (Original work published 1867). Penguin Classics.
- Marx, K., & Engels, F. (2020). *The communist manifesto*. (Original work published 1848). Oxford University Press.
- Mill, J. S. (1859/2003). *On Liberty*. Penguin Classics.
- Mill, J. S. (2006). *On liberty*. Dover Publications. (Original work published 1859) Moscow Progress Publishers.
- Nozick, R. (1974). *Anarchy, state, and utopia*. Basic Books.
- Pateman, C. (1970). *Participation and democratic theory*. Cambridge University Press.
- Rawls, J. (1971). *A theory of justice*. Harvard University Press.
- Rawls, J. (1971). *A theory of justice*. Harvard University Press.
- Rousseau, J.-J. (1762). *The Social Contract*. Marc-Michel Rey.
- Rousseau, J.-J. (2020). *The social contract* (J. H. Brumfitt & J. C. Hall, Trans.). Createspace Independent Publishing Platform. (Original work published 1762)

- Rousseau, J.-J. (2020). *The social contract*. (Original work published 1762). Penguin Classics.
- Skinner, Q. (1996). *Reason and rhetoric in the philosophy of Hobbes*. Cambridge: Cambridge University Press.
- Smith, A., & Jones, B. (2020). *The role of theory in the social sciences*. Cambridge University Press.
- Thomas, Hobbes. (1946). *Leviathan*. Oxford University Press.
- Tuck, R. (2002). *Hobbes: A very short introduction*. Oxford: Oxford University Press.
- U.S. Const. (1787). *The Constitution of the United States of America*.
- U.S. Constitution. (1787). *The Constitution of the United States of America*.
- United Nations. (1948). *Universal Declaration of Human Rights*. United Nations General Assembly.
- Warrender, H. (1957). *The Political Philosophy of Hobbes: His Theory of Obligation*. Oxford: Clarendon Press.
- Williams, M. C. (2006). *The Realist Tradition and the Limits of International Relations*. Cambridge: Cambridge University Press.



### 3.13 Possible Answers to SAEs

#### Answers to SAEs 1

Q1. What is a Theory?

A theory is a systematic framework used to explain and predict phenomena within a particular field of study. It consists of interrelated concepts and propositions that offer explanations for observed patterns and predict future occurrences (Smith & Jones, 2020). Theories are essential in both the natural and social sciences, as they provide a basis for understanding complex systems and guide empirical research (Johnson, 2019).

Q2. It is significant to know that Hobbes (1588-1679) was an English man who lived in the days of the Civil War (1642-51). Discuss.

A. It is significant to know that Hobbes (1588-1679) was an English man who lived in the days of the Civil War (1642-51). This is important because it gives an insight in explaining the nature of his political thought which seems inclined towards absolutism. This inclination was natural at a time when the most important need of his country was a strong government to maintain law and order. This background shaped the government of his political inquiry (*The Leviathan*, 1651) by his analysis of human nature in the conception of man as being essentially selfish who is moved to action not by intellect or reason, but by appetites, desires and passions. The summation is that the state of nature is none other than a society where men lived without any common power set over them. This 'condition' in the state of nature' is called Warre; and such a warre (war) as is of every man, against every man'-not war in the organised sense but a perpetual struggle of all against all, competition, diffidence and love of glory being the three main causes. It is pertinent to note that law and justice are absent, hence, the life of man could be summed up as 'solitary, poor, nasty, brutish and short'.

Hobbes also recognised that even in the primitive natural state, there are in some sense laws of nature whose essence is self-preservation i.e. 'the liberty each man hath to preserve his own life'. In detail, these laws are: to seek peace and to ensure that it is followed; to relinquish the right to all things which being retained hinders the peace of mankind; to 'perform their covenants made'. Therefore, the only way to peace is for men to give up so much of their natural rights as are inconsistent with living in peace. To therefore achieve this, a supreme coercive power is instituted, however, the contracting parties are not the community and the government, but subject with every man saying to every other that 'I authorise and give up my right of governing myself to this man or this assembly of men (government) on this condition that

thou give up thy right to him and authorise all his actions in like manner'. In line with the fulfilling of this right, a state is thus created.

Q1. What are there any similarities or differences between the theories Hegelian Organic Theory and the Liberal-Democratic Theorists?

### Answers to SAEs 2

#### Similarities

The Hegelian Organic Theory of the State and the Liberal-Democratic Theorists agree on the following:

- Both deny the class, composition nature and historical character of the state.
- Both assume that the state is a neutral political power.
- Both agree that the state is an inevitable socio-political institution.

#### Difference

The only difference in their positions is this: while the liberal theorists agree with Hegel that the state is necessary in human society, for them, it is a “necessary nuisance” whose power over the individual should be as minimal as possible.

#### The Marxist Theory of the State

This theory does not agree with the above positions. To Karl Marx, the state is, essentially, a coercive apparatus which is usually in the service of the ruling class in a class-divided society, and it is a “product and manifestation” of irreconcilable class antagonisms in society. In the *Communist Manifesto*, Karl Marx and Frederick Engels wrote that “the executive of the modern state is built on a committee for managing the common affair of the whole bourgeoisie”. This contention aptly captures the class basis of the state and as an instrument of dominating other classes even though within classical Marxism, there is the conception of the state as *independent*, though rooted in the economic basis of society. In the Eighteenth *Brumaire of Louis Bonaparte*, K. Marx aptly explains this independent nature of the state using the revolutionary events in France evidenced in the industrial action of the bourgeoisie revolution which led to the overthrow of financial oligarchy. With the crushing of the democratic forces by the industrial bourgeoisie and the events leading to the rise of Louis Bonaparte (Bonaparte represents a class, and the most numerous class of French society at that) as Marx notes, under the second Bonaparte, “the state seemed to have made itself completely independent”. In other words, there emerged the independent character of the state. However, although the state was independent of the factions of bourgeoisie class, “yet” the independent nature of the state at the political level is deeply rooted in the balance of class forces and the struggles emanating from the principal contradictions within the

state.

Q2. What are the basic features of the Marxist theory and how is it different from other theories?

#### Basic Elements of Marxist Theory

1. The state as a political power is not inevitable since eventually it (the state) would cease to exist. This important position is rooted in the fact that the state did not exist in the earlier periods of development of the society when the mode of production was very rudimentary and undifferentiated, no division in the social conditions, except between the two sexes, no division of society into categories of rulers and ruled, therefore there were no antagonistic classes. Instead, “social relations were regulated by the force of habit, custom and tradition embodying common life and work.

2. Institution of the social division of labour and the subsequent division of society into two classes: masters and slaves, exploiters and exploited. This came to be because of the development of the means of production e.g. in agriculture, domestic craft etc., so that human labour can produce more than necessary for its maintenance. This development resulted in an increased amount of work by every household community or family which subsequently resulted in the need for more power, which was obtained through war, the captives of which were made slaves.

The need for the establishment of a public power to control the antagonistic relations/struggle between “classes with conflicting economic interests’ such as the class of exploiters and the class of exploited. However, the state in playing this role expectedly is not neutral as it becomes the instrument of the oppression of one class in this case the non-owners of the means of production by another class, i.e. the class of owners of the means of production (economically dominant class). This brings to 3. The need for the establishment of a public power to control the antagonistic relations/struggle between “classes with conflicting economic interests’ such as the class of exploiters and the class of exploited. However, the state in playing this role expectedly is not neutral as it becomes the instrument of the oppression of one class in this case the non-owners of the means of production by another class, i.e. the class of owners of the means of production (economically dominant class). This brings to bear the fact that the state contrary to Hegelian position does not reconcile the antagonistic classes in society. Instead, it maintains existing socio-political relations in any class-divided society, so as to preserve the hegemony of one class over another.

The character of the state and the type of “order” it maintains in any

given society will be determined by the nature of its socio- economic formation. This is because of the mode of production prevalent in a society and its attendant social relations.

The state seeks to regulate relations between members of the ruling class so that they can maintain their cohesion as well as protecting the interests of the ruling class beyond its borders, by protecting its territory against external incursion and, at times, extending the frontiers of this territory at the expense of weak countries. It also regulates, through legal means, the whole system of social relations- ethnic, family, etc.; finally, it also attempts of deal with some economic and cultural problems as they arise.

## Unit 4      The Nigerian State

### Unit Structure

- 4.1 Introduction
- 4.2 Learning Outcomes
- 4.3 Historical Context
  - 4.3.1 Pre-Colonial Period
- 4.4 Theocracy
  - 4.4.1 The Search for Theocracy in Primordial Nigeria
- 4.5 Colonialism and the Creation of the Nigerian State
- 4.6 Independence/Post Independence
- 4.7 Re-Orientating the Nigerian society
- 4.8 Summary
- 4.9 References/Further Readings/Web Resources
- 4.10 Possible Answers to Self-Assessment Exercise(s)



### 4.1 Introduction

In the last unit, we tried to conceptualize what the state is as well as bring to bear what constitutes its major concepts and features in general. However, that analysis would not explain the peculiarities of the Nigerian state in relation to the citizens. As a result, this unit will try to account for the peculiarities of the Nigerian state by reviewing the pre-colonial, colonial and post-colonial periods in order to understand the character of the Nigerian state to date as well as how to re-orient the Nigerian society.



### 4.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the historical context- pre-Colonial Period
- Analyse the colonialism – the creation of the Nigerian State
- Demonstrate the independence/ post-independence
- Evaluate the re-orientating the Nigerian society



## 4.3 Historical Context

### 4.3.1 Pre-Colonial Period

Pre-Colonial Period: Exploring the Primordial Communities Originally, the pre-colonial societies (now known as Nigeria) were made up of diverse polities inhabited by a variety of ethnic groups with diverse cultures and linguistic traditions at different levels of state formation and development. Within these indigenous communities, traditional leadership institutions served the dual purpose of both cultural and political leadership of their communities. Apart from focusing on the ideals of common good of all, the indigenous social orders schemes sustained a consensual order that prides itself in public accountability because the communities checked leadership excesses on public trust and expectations so as to ensure harmony of relationships between the ruler and the ruled. It is important to note too that the autonomous political units with imprecise boundaries were subject to alteration depending on the leaders. This is because some societies had ‘organised’ political entities while many political entities had not evolved any above their lineage.

This is because the heterogeneous nature of the societies/groups as well as the complexity of developing collective identities will not make it easy to achieve uniformity of political and social organisations. Let us now do a review of the three types of socio-political groupings in Nigeria so as to understand how the indigenous societies through their different age-old institutional forms, norms and values ensured reciprocity in relations between the ruler and the ruled around basic principles. The first, socio-political groupings comprised of *centralised states* exemplified in the institution of Caliphate in the Bornu and Sakkwato areas that shared indigenous African values and Islamic political system. Here, the ruler ruled in association with a traditional council of state that formulates and implements policies within the framework of sharia (the law which Allah has revealed to guide human affairs). This feat was achieved because the legitimacy and credibility of the leadership was based on ruling in accordance with the Sharia law (the law which God has revealed for man’s direction of human affairs). The implication of this explanation is that the law becomes supreme and not the ruler or people.

The second socio-political grouping is comprised of the *centralised states* of Western/mid-western states of Yoruba and Edo lands. This group premised on indigenous African values ensured that the ruler (a constitutional monarch) did not act without the consent of the state council which had a way of relieving the monarch of power and



authority if any acted in the contrary so as to uphold laws of governance. The third indigenous socio-political group in pre-colonial Nigeria comprised of people of diffused governmental authority where the elders make decisions based on consensus that are unanimously agreed upon which expectedly will be binding on all. This was the situation among the Igbo, Ijaw, Isoko, Tiv, Ukwani and Urhobo societies. Among the Igbo though, the terms '*acephalous and stateless*' are often applied to them to depict a set of highly decentralised, segmentary lineage-oriented cultural groups (Ardener, 1959, 113-113; Onunwa, 1990:422-444) dominant around the eastern region of Nigeria. Thus, although there is no agreement of the origin of the Igbos as a preliterate stock (Afigbo, 1980:73) their segmentary lineage forms as a main scheme of social control does not amount to problems in leadership.

Rather, they are deeply republican people with mapped out public schemes for administering their public affairs through native customs and traditions that abhor indiscipline. The understanding is that the political or culturally-rooted leadership that can manage power and authority is not lacking. In effect, what holds in the Igbo traditional concept of political power and authority (often diffuse in character), is structured and determined by the concept of *Umunna* (within this context the leaders emerge through the family institution which most times are patrilineal) while the memberships of associations are also based on title systems. From the brief review, the apparent common strand among the three socio-political groupings is that all the three had theocratic tendencies (based on morality) which not only ensured justice and peace but accountability and administrative efficiency (lacking in the modern Nigerian State). This was achieved through the checks on the exercise of power reinforced by social structures as council chiefs, age- grade associations, warrior bands and religious institutions evident in the dexterity with which rule of law was applied in judging situations. It is therefore clear that the pre-colonial system of administration was not autocratic and absolutist in nature. However, despite the feature of morality of the indigenous societies they had their weaknesses because there was one form of vice or another as we have today.

#### **4.4 Theocracy**

Religion has been an important force for facilitating radical political and social change, providing' the motivation, ideology and justification for rebellion or revolt against established governments. Religiously inspired revolutionary movements have occurred throughout history in a bid to founding theocratic states in which God or some conceived deity would direct the affairs of the society through human agents. Often led by a messianic figure, many of such revolutionary movements have produced significant political and social innovations that have been beneficial or

detrimental to the well-being of the society it was out to improve. The phenomenon of religio-political insurgence often began as a dream of re-enacting a past or creating a future "Golden Age" that would usher in an era of justice and bliss on earth. Undergirding such millenarian expectation was a general dissatisfaction with the existing political order believed to have been brought about as a result of human deviation from divine mandate. Imbued with the conviction that the contemporary travail which had reduced human dignity and value was after all redeemable through some divine intervention, an ideological spirit of heroism would be infused on believers that could sustain their struggle against the forces of evil and decay that have engulfed the society. In the attempt to bring the anticipated new order in line with the mover's conception of justice, a necessary myth that would instill fear and hatred for the old system must be put in place to provide legitimacy for intervention. Sometimes the regime that must be toppled could be a foreign occupationist power. At other times, the wrath is directed against domestic elitist class that seemed to be 70; the Search for Theocracy in Nigeria playing the role of mercenary collaborators, with external forces of exploitation, which are inimical to the collective interest of the people.

This inquiry is not so much a systematic study of either politics or religion per se, but a synopsis of the interplay between the two phenomena that generate socio-political upheavals in which religion is the causal variable. In the pursuit we shall attempt to discover the conditions under which religion could promote national disintegration than cohesion and identify the general concepts and attitudes that could easily precipitate revolutionary sentiments. Notice will also be taken of the decisive roles of charismatic figures in abating religio-political conflicts and the extent to which the central objectives of such theocratic millennialism have been accomplished here on earth (Ibrahim M, 1998).

#### **4.4.1 The Search for Theocracy in Primordial Nigeria**

Historical antecedence for the drive for theocracy in Nigeria could be divided into four periods: the pre-colonial, colonial, independent civilian and military regimes. Nigerian societies that did not come directly under the influence of Islam and Christianity have maintained their peculiar African theocracy that is devoid of violence. Tribal communities in Africa are not concerned about proselytisation, because they operate under closed cultural contexts. Each practices its faith as handed down by its ancestors without the ambition to impose its ways on others. Even in situations where ethnic conflicts provoke wars that bring about annexation of an outer group; their religious systems are only assimilated into the commonwealth of faith for the peace and security of the chiefdom. The integration enhances the spirit of tolerance and

harmony. When the state is threatened by external aggression, the various deities are all called upon to forestall the impending danger.

The preference for a secularist state was based on two considerations, namely, the intolerance that had characterised the Islamic and Christian theocracies the world over, and secondly the religious pluralism of the Nigerian societies they had put together as Nigeria could hardly have accommodated orient religious system. Secularism in administration became therefore, the common denominator on which all religious interests could converge without any scuffle, while at the same time their rights to private religious conviction were guaranteed. Under the colonial government secularism worked perfectly since religion was kept out of government business. In this way the danger of parochial fanaticism was averted. Both the rulers and the ruled had the liberty to rise within the hierarchy of the nation's administration. What would later constitute a problem was the imbalance in the regional demarcation that placed an unduly large population at the disposal of a section of the country to manipulate national politics to the detriment of the others.

The gross oversight of the colonial government on the secularity of the country or its sympathetic leaning on Islam was what gave the civilian administration of the first republic the franchise to fall back on religion as an integral part of Nigeria's politics soon after independence (Ibrahim M, 1998).

### **Self-Assessment Exercises 1**

- i. Explain the historical context of the Nigerian state the main features of each era
- ii. Religion has been an important force for facilitating radical political and social change. Discuss

## **4.5 Colonialism and the Creation of the Nigerian State**

In historical terms, it is a fact that Nigeria came into being in its present form in 1914 with the amalgamation by Sir Frederick Lugard of the two British protectorates of Northern and Southern Nigeria. This dramatically affected the demographic constitution of the citizenry. The union was so sudden and included such widely differing groups of people that not only the British who created it, but the inhabitants themselves often doubted its stability. This is evidenced in the exacerbating identity differences between the three major ethnic groups (Hausa, Igbo and Yoruba) and the minorities which now dominate a Nigeria's social and political scene. It also culminated in the perception of northern Nigeria as being predominantly Muslim while the South would be portrayed as being predominantly Christian, further exacerbating the differences. What is worthy of note is that it appeared that demographic constituency of the new state was politically

engineered in order to placate certain interests.

Basically, colonialism or 'colonial situation' (Balandier, 1951, 1966) was a disruptive force evolution of the Nigerian state and of democracy variously. Balandier's argument was that understanding the realities of the society under colonial rule cannot be divorced from the interplay of the relationships between the coloniser and the colonised so much so that it brought about 'dislocation of state-society' relations.

It is this dislocation that has underpinned the character of the Nigerian state as it relates to ethnicity, minority issues as well as the politics of citizenship. The first concerns border on the formation of the new state as well as the definition of the citizenry occurred simultaneously. Second, the modernisation process was the dividing point between pre-colonial primordial structures, so much so that traditional institutions were not only marginalised but aided the transformation of the rural 'tribesman' who was not conscious of their differences into the modern 'urban' 'ethnic man' (cf, Mitchell, 1960; Wallestein, 1960). Third, the colonial state was created basically to ensure law and order with no 'welfarist' pretensions which was *sine qua non* for furthering the ends of colonialism which is contrary to colonial ideologies of 'civilising mission'.

In sum, the anti-colonial orientation fostered non-challant attitudes towards the state and its apparati, and the conviction that nothing was wrong with 'stealing from it". By and large, in sum, it was conceived as normal to for an individual to loot the state's treasury to the benefit of his/her group. It also bequeathed commerce over industry and state over civil society and market forces. This provided the basis for state-led corruption that is a hallmark of governance in Nigeria. However, because the citizens disagreed with this manner of government, some sections of the state were encouraged not to pay taxes and, in others, to vandalise government properties. This practice not only exploited Nigeria's diversity but to date is one of the crises of citizenship and identity in contemporary Nigeria. In fact, it is important to state that within this context, the colonial situation propelled the 'ethnic associations to turn into political parties and interest groups, thereby becoming the major claimants to power'. Thus, political struggles became primarily an instrument for securing access to state resources for particular ethnic and social groups and thus becoming detached from the people and their social movements.

Consequent upon the detachment, the ethnic group had to take up some of the welfare functions which the state failed to provide such as recruiting fellow ethnics to fill positions over which s/he had control,

and to concentrate government projects in his or her ethnic homeland if s/he is in charge of the responsible government department. The summary of the impact of colonialism transcends being an episode as some African historians have argued (cf. Ade-Ajayi, 1968), to epochal dislocations. This is in no other sense that apart from the result of the continuities in the 'dislocations' which has underpinned the character of the Nigerian state as it relates to ethnicity, minority issues as well as the politics of citizenship it also nurtured an already fragmented elite class. Accordingly, colonialism created the 'infrastructure' for ethnicity through building alien and mostly artificial political structures that lumped diverse people together. This is in terms of: urbanization, improved transportation and communication facilities creating new abodes of acquaintances; through Western education, social amenities, new jobs, the monetisation and integration of the economy all of which nurtured unequal competition for scarce resources (Osaghae, 1994).

#### **4.6 Independence/Post Independence**

Starting from the late 1940s, the local anti-colonial movement instead of demanding greater participation of the local elite in the colonial enterprise, the movement changed its demands to the quest for full independence. Subsequently, on the 1<sup>st</sup> of October, 1960 despite many difficulties and differences among its various component groups, Nigeria became a sovereign State. Consequent upon this, independent efforts were made by the new government to meet the social compact forged during the national mobilisation against civilian rule. However, contrary to expectations, independence unfortunately did not change the issues raised in (colonialism) given that the First Republic became mired in ethnic and regionally-based power politics so much so that it was riddled with unparalleled violence, vote-rigging, nepotism, corruption and mismanagement.

The reflection of the political upheaval in the country, inevitably, led to the country being under military dictatorship for more than 30 years of its existence as an independent nation, starting in January 1966 with the coup of Major Chukwuma Kaduna Nzeogwu. Consequent upon this truncation of civilian rule, Nigeria had to endure nine military coups with seven military heads of state who constantly justified their usurpation of state power on one objective: to restore order and good governance in the polity. But ironically, successive regimes, with the exception of Ironsi and Buhari/Idiagbon (1983-1985), who promised and initiated transition to civilian rule programmes it was only the Obasanjo (1976-1979) and Abubakar (1998-1999) regimes that fulfilled them. With the successful execution of the transition programme (June 1998 to 29 May, 1999) the Abubakar regime finally nipped in the bud, 12 years of wide goose chase of Babangida's 'transition without

end' which had commenced in 1986.

With the transition to civilian rule, the democratic process expectedly should be rooted in a full-fledged democratic process premised on democratic culture that will protect the rights of Nigerian citizens (not only a few) and invariably must express their views through unrestricted communication between the government and the governed as well as active citizens' participation in governance. However, this was not so because military rule is not only an aspect of militarism but a total culture and a way of life. Expectedly, military intervention in politics culminated into the militarisation of society so much so that the political culture of the leaders as it relates to relationship with citizens has been that of intolerance and impatience in the face of dissent. In fact, to date the militarist culture is still reflected in the behaviour of many elected officials under civilian rule so much so that the character of party politics has been on disagreements along ethnic lines over the allocation of national resources, including top government positions, and the frequent 'ethnicisation' of military coup d'états and regimes which indeed are dysfunctional to national development. In effect, it not only led to the elevation of force, order, intimidation, compulsion and control but also to the excessive centralisation of power. In effect, to date the need for a symbiotic relationship between the executive and the legislature is still undermined. For example, while the attitude of the executive is largely intolerant the legislature tends to over exert its oversight powers on the executive. At the state level the governors are always at strife with the legislature so much so that impeachment clause is invoked even in issues undeserving. Little wonder that legitimacy of the 1999 constitution has been contested to the extent that there is agitation for genuine democratic reforms. The concept of a constitutional democracy requires the elected government to be responsive to the needs of the people, their rights, well-being and safety and not following a military command structure. At this point, it is pertinent to state that the 'political culture' of democracy constitutes a reflection of norms and values that place a premium on the freedom of the individual-freedom from the state abuse and infringement of rights by other individuals.

Guarantees equality before the law. Provides opportunities for all citizens to have equal access to the material and cultural resources that guarantees basic livelihood.

However, the paradox is that the Nigerian democratic culture appears to be in a dilemma in achieving these features because of the manifestations of authoritarianism such as arbitrariness, intemperate language, total absence of debate, intimidation of civil society, total disregard of civil rights, absence of rule of law and due process, total

disregard of civil rights and non-independence of the judiciary.

The important point therefore from the aforementioned is that Citizen – State relations has been riddled with frustrations not because Nigerians are still impatient with matters that require due process but because the structure of the State and pattern of allocation of resources needs to be demilitarised. In the absence of these, Nigerians will not only continue to be intolerant of one another but be embroiled in the lack of acceptance of ethnic diversities, religious pluralism and cultural differences. This frustration with the pattern of orientation has culminated in the resort to violence which is now a common feature in Citizen-State relations.

In sum, the issues raised above bring to bear the fact that independence which obviously was merely a ‘change of guards’ rather than state apparatus unfortunately did not change the issues raised in (colonialism)

#### **4.7 Re-Orientating the Nigerian society**

What is therefore needed is the total reorientation of Nigerian society from authoritarian culture to embrace the norms and values of democracy which can be achieved through a ‘massive education of the citizenry’ through the media and civil society organisations. The reorienting of the society must be at three levels: the family, society and the State.

**The Family:** The expectation is that as the first arena of contact, children inevitably should absorb democratic norms and values. However, in most homes the opposite is the case because children are commanded instead of being consulted. The expectation is that attitudes should guide behaviour and anything short of this is termed discrepancies between attitudes and behaviour. To therefore be a part of the process of re-orientating the family towards a democratic culture, children’s rights need to be inculcated in the home in order to nurture future democrats (IDEA, 2000:53). In effect, for a well-rounded upbringing parents should be less autocratic, less overbearing and less rigid with children. In effect, children should be socialised. The essence of this is to checkmate the incremental possibility of militarised society.

**Society:** The essence of building a strong civic culture among the citizens is that most civil society organisations due to the incursion of military in governance have tended to focus on the civil and political rights to the detriment of economic, social and cultural rights. However, it must be reiterated that democracy must yield dividends in order to reinforce civil society only through political education at all levels of society. This is pertinent because as long as the attitude of the leadership

is positive towards the culture of democracy the citizens will inevitably be obligated to it. In effect, Nigeria needs to build on its institutions as well as on policies that are people-oriented so as to enhance the development of its citizenry.

The necessary issues should focus on issues such as: education- (this institution should be where democratic values are imparted through teaching of civics which borders on the need to create an atmosphere for students to transcend the limitations of their different provincial knowledge and orientation), media- (this institution is a part of democratic institutions that need re-education and re-orientation on legislative processes and procedures), arts- ( the idioms of arts and popular culture i.e. songs, theatre, dance, drama, masquerades, poetry and novel forms should be used to consolidate a democracy of a state), political parties-(government should democratise the formation of political parties), religious-( the freedom and rights of all religious groups in Nigeria must be guaranteed) and traditional institutions-(the appointment, maintenance and deposition of traditional rulers should be the prerogative of the people through the king-makers), human rights-commission, gender equality, corruption and decentralisation.

The State: The problems and challenges of the structure of the Nigerian state can only be achieved when the problems and challenges that are itemised below are addressed. These are:

- i. The practice of a federal system should be in reality such that power should be devolved to an acceptable level in the federating unit and not on paper.
- ii. There should be an adherence to the provisions of revenue allocation that would be in the adherence with the Constitutional Allocation of Revenue between the Federal, States as well as the Local Government are in sections 162-168
- iii. The executive should display more of openness and transparency in leadership.
- iv. The civil service should jettison bureaucracy and ensure that people are served promptly, politely and efficiently.
- v. The legislature should make laws independent from the influence of the executive.
- vi. The anti-corruption should not be about witch-hunting but an agenda aimed at nipping corruption in the bud.

### **Self-Assessment Exercises 2**

List and explain the three levels reorienting of the society.  
Discuss independence/Post Independence.





#### 4.8 Summary

The unit explained the peculiarities of the Nigerian state from the pre-colonial, colonial and post-colonial continuity in relation to the character as well how the Nigerian society can be re-oriented through some institutions. The continuity of all the factors mentioned experienced in the colonial to the post-colonial Nigeria should be seen as complementary rather than independent, of one another. This is because both account for the character and peculiarities of citizen-state relationship in Nigeria



#### 4.9 References/Further Readings/Web Resources

- Ade, J.F. Ajayi. (1968). "The Continuity of African Institutions Under Colonialism" Ranger I.O. (ed.). *In, Emerging Themes of African History*. Nairobi.
- Adefemi, Isumonah & Jaye, Gaskia. (2001). *Ethnic Groups and Conflicts in Nigeria. South South Zone*. Vol 3 Ibadan. Programme on Ethnic and Federal Studies (PEFS).
- Balandier, G. (1951). "La Situation Coloniale: Approche Theoretique" Cashiers International de Sociologue." In, Immanuel Wallestern, (ed.). ( 1966). *Social Change: The Colonial Situation*. John Wiley and Sons.
- Billey, Dudley.(1973). *Instability and Political Order: Politics and Crises in Nigeria*. Ibadan.:Ibadan University Press.
- Ekeh, Peter.P.(1980). *Colonialism and Social Structure*. An Inaugural Lecture. Ibadan. University of Ibadan.
- Ekeh, Peter, P. (1975). "Colonialism and Two Publics in Africa: A Theoretical Statement." *Comparative Studies in Society and History*. Vol 17. No 1.
- Ekeh, Peter P.(1975). "Colonialism and Two Publics in Africa: A Theoretical Statement" *Comparative Studies in Society and History*. Vol 17. No 1.
- Emmanuel, Wallestern, (ed.). (1966).*Social Change: The ColonialSituation*. John Wiley and Sons.

Ibrahim M, Ahmadu (1998). *The Search for Theocracy in Nigeria: The Religious Gamble and National Cohesion*

Institute for Democracy and Electoral Assistance (IDEA). (2000). *Democracy in Nigeria Continuing Dialogues for Nation Building*. Capacity –Building Series 10. Sweden . IDEA.

Osaghae, Eghosa E. (1988). “The Complexities of Nigeria’s Federal Character and the Inadequacies of the Federal Character Principle in Nigeria”. *Journal of Ethnic Studies*. Vol.16. No3.

Osaghae, Eghosa E. (1994). Ethnicity in Africa or African Ethnicity-The Search for a Contextual Understanding”. *African Perspective and Development(ed.)* ULF Hurimelstrand Kabiri Kuyanji and Edward Uburugu. James Curry Ltd.

Otite ,O. (1990). *Ethnic Pluralism and Ethnicity in Nigeria(With Comparative Materials)*.Lagos.Shaneson.C.I.



#### 4.10 Possible Answers to SAEs

Q1. Explain the historical context of the Nigerian state the main features of each era

Q2. Religion has been an important force for facilitating radical political and social change. Discuss

Answers to SAEs 1

Q1. Explain the historical context of the Nigerian state the main features of each era

Pre-Colonial Period: Exploring the Primordial Communities Originally, the pre-colonial societies (now known as Nigeria) were made up of diverse polities inhabited by a variety of ethnic groups with diverse cultures and linguistic traditions at different levels of state formation and development. Within these indigenous communities, traditional leadership institutions served the dual purpose of both cultural and political leadership of their communities. Apart from focusing on the ideals of common good of all, the indigenous social orders schemes sustained a consensual order that prides itself in public accountability because the communities checked leadership excesses on public trust and expectations so as to ensure harmony of relationships between the ruler and the ruled. It is important to note too that the autonomous

political units with imprecise boundaries were subject to alteration depending on the leaders. This is because some societies had 'organised' political entities while many political entities had not evolved any above their lineage.

This is because the heterogeneous nature of the societies/groups as well as the complexity of developing collective identities will not make it easy to achieve uniformity of political and social organisations. Let us now do a review of the three types of socio-political groupings in Nigeria so as to understand how the indigenous societies through their different age-old institutional forms, norms and values ensured reciprocity in relations between the ruler and the ruled around basic principles. The first, socio-political groupings comprised of *centralised states* exemplified in the institution of Caliphate in the Bornu and Sakkwato areas that shared indigenous African values and Islamic political system. Here, the ruler ruled in association with a traditional council of state that formulates and implements policies within the framework of sharia (the law which Allah has revealed to guide human affairs). This feat was achieved because the legitimacy and credibility of the leadership was based on ruling in accordance with the Sharia law (the law which God has revealed for man's direction of human affairs). The implication of this explanation is that the law becomes supreme and not the ruler or people.

The second socio-political grouping is comprised of the *centralised states* of Western/mid-western states of Yoruba and Edo lands. This group premised on indigenous African values ensured that the ruler (a constitutional monarch) did not act without the consent of the state council which had a way of relieving the monarch of power and authority if any acted in the contrary so as to uphold laws of governance. The third indigenous socio-political group in pre-colonial Nigeria comprised of people of diffused governmental authority where the elders make decisions based on consensus that are unanimously agreed upon which expectedly will be binding on all. This was the situation among the Igbo, Ijaw, Isoko, Tiv, Ukwani and Urhobo societies. Among the Igbo though, the terms '*acephalous and stateless*' are often applied to them to depict a set of highly decentralised, segmentary lineage-oriented cultural groups (Ardener, 1959, 113-113; Onunwa, 1990:422-444) dominant around the eastern region of Nigeria. Thus, although there is no agreement of the origin of the Igbos as a preliterate stock (Afigbo, 1980:73) their segmentary lineage forms as a main scheme of social control does not amount to problems in leadership.

Rather, they are deeply republican people with mapped out public schemes for administering their public affairs through native customs

and traditions that abhor indiscipline. The understanding is that the political or culturally-rooted leadership that can manage power and authority is not lacking. In effect, what holds in the Igbo traditional concept of political power and authority (often diffuse in character), is structured and determined by the concept of *Umunna* (within this context the leaders emerge through the family institution which most times are patrilineal) while the memberships of associations are also based on title systems. From the brief review, the apparent common strand among the three socio-political groupings is that all the three had theocratic tendencies (based on morality) which not only ensured justice and peace but accountability and administrative efficiency (lacking in the modern Nigerian State). This was achieved through the checks on the exercise of power reinforced by social structures as council chiefs, age- grade associations, warrior bands and religious institutions evident in the dexterity with which rule of law was applied in judging situations. It is therefore clear that the pre-colonial system of administration was not autocratic and absolutist in nature. However, despite the feature of morality of the indigenous societies they had their weaknesses because there was one form of vice or another as we have today.

Q2. Religion has been an important force for facilitating radical political and social change. Discuss

#### Theocracy

Religion has been an important force for facilitating radical political and social change, providing' the motivation, ideology and justification for rebellion or revolt against established governments. Religiously inspired revolutionary movements have occurred throughout history in a bid to founding theocratic states in which God or some conceived deity would direct the affairs of the society through human agents. Often led by a messianic figure, many of such revolutionary movements have produced significant political and social innovations that have been beneficial or detrimental to the well-being of the society it was out to improve. The phenomenon of religio-political insurgence often began as a dream of re- enacting a past or creating a future "Golden Age" that would usher in an era of justice and bliss on earth. Undergirding such millenarian expectation was a general dissatisfaction with the existing political order believed to have been brought about as a result of human deviation from divine mandate. Imbued with the conviction that the contemporary travail which had reduced human dignity and value was after all redeemable through some divine intervention, an ideological spirit of heroism would be infused on believers that could sustain their struggle against the forces of evil and decay that have engulfed the society. In the attempt to bring the anticipated new order in line with the mover's conception of justice, a necessary myth that would instill fear and hatred for the old system must be put in place to provide legitimacy for

intervention. Sometimes the regime that must be toppled could be a foreign occupationist power. At other times, the wrath is directed against domestic elitist class that seemed to be 70; the Search for Theocracy in Nigeria playing the role of mercenary collaborators, with external forces of exploitation, which are inimical to the collective interest of the people.

This inquiry is not so much a systematic study of either politics or religion per se, but a synopsis of the interplay between the two phenomena that generate socio-political upheavals in which religion is the causal variable. In the pursuit we shall attempt to discover the conditions under which religion could promote national disintegration than cohesion and identify the general concepts and attitudes that could easily precipitate revolutionary sentiments. Notice will also be taken of the decisive roles of charismatic figures in abating religio-political conflicts and the extent to which the central objectives of such theocratic millennialism have been accomplished here on earth (Ibrahim M, 1998).

Q1. List and explain the three levels reorienting of the society.

Q2. Discuss independence/Post Independence.

### **Answers to SAEs 2**

Q1. List and explain the three levels reorienting of the society.

The reorienting of the society must be at three levels: the family, society and the State.

**The Family:** The expectation is that as the first arena of contact, children inevitably should absorb democratic norms and values. However, in most homes the opposite is the case because children are commanded instead of being consulted. The expectation is that attitudes should guide behaviour and anything short of this is termed discrepancies between attitudes and behaviour. To therefore be a part of the process of re-orientating the family towards a democratic culture, children's rights need to be inculcated in the home in order to nurture future democrats (IDEA, 2000:53). In effect, for a well-rounded upbringing parents should be less autocratic, less overbearing and less rigid with children. In effect, children should be socialised. The essence of this is to checkmate the incremental possibility of militarised society.

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society. This is pertinent because as long as the attitude of the leadership is positive towards the culture of democracy the citizens will inevitably be obligated to it. In effect, Nigeria needs to build on its institutions as well as on policies that are people-oriented so as to enhance the development of its citizenry.

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- The executive should display more of openness and transparency in leadership.
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- The legislature should make laws independent from the influence of the executive.
- The anti-corruption should not be about witch-hunting but an agenda aimed at nipping corruption in the bud.

## **Q2. Discuss independence/Post Independence**

Starting from the late 1940s, the local anti-colonial movement instead of demanding greater participation of the local elite in the colonial enterprise, the movement changed its demands to the quest for full

independence. Subsequently, on the 1<sup>st</sup> of October, 1960 despite many difficulties and differences among its various component groups, Nigeria became a sovereign State. Consequent upon this, independent efforts were made by the new government to meet the social compact forged during the national mobilisation against civilian rule. However, contrary to expectations, independence unfortunately did not change the issues raised in (colonialism) given that the First Republic became mired in ethnic and regionally-based power politics so much so that it was riddled with unparalleled violence, vote-rigging, nepotism, corruption and mismanagement.

The reflection of the political upheaval in the country, inevitably, led to the country being under military dictatorship for more than 30 years of its existence as an independent nation, starting in January 1966 with the coup of Major Chukwuma Kaduna Nzeogwu. Consequent upon this truncation of civilian rule, Nigeria had to endure nine military coups with seven military heads of state who constantly justified their usurpation of state power on one objective: to restore order and good governance in the polity. But ironically, successive regimes, with the exception of Ironsi and Buhari/Idiagbon (1983-1985), who promised and initiated transition to civilian rule programmes it was only the Obasanjo (1976-1979) and Abubakar (1998-1999) regimes that fulfilled them. With the successful execution of the transition programme (June 1998 to 29 May, 1999) the Abubakar regime finally nipped in the bud, 12 years of wide goose chase of Babangida's 'transition without end' which had commenced in 1986.

With the transition to civilian rule, the democratic process expectedly should be rooted in a full-fledged democratic process premised on democratic culture that will protect the rights of Nigerian citizens (not only a few) and invariably must express their views through unrestricted communication between the government and the governed as well as active citizens' participation in governance. However, this was not so because military rule is not only an aspect of militarism but a total culture and a way of life. Expectedly, military intervention in politics culminated into the militarisation of society so much so that the political culture of the leaders as it relates to relationship with citizens has been that of intolerance and impatience in the face of dissent. In fact, to date the militarist culture is still reflected in the behaviour of many elected officials under civilian rule so much so that the character of party politics has been on disagreements along ethnic lines over the allocation of national resources, including top government positions, and the frequent 'ethnicisation' of military coup d'états and regimes which indeed are dysfunctional to national development. In effect, it not only led to the elevation of force, order, intimidation, compulsion and control but also to the excessive centralisation of power. In effect, to date the

need for a symbiotic relationship between the executive and the legislature is still undermined. For example, while the attitude of the executive is largely intolerant the legislature tends to over exert its oversight powers on the executive. At the state level the governors are always at strife with the legislature so much so that impeachment clause is invoked even in issues undeserving. Little wonder that legitimacy of the 1999 constitution has been contested to the extent that there is agitation for genuine democratic reforms. The concept of a constitutional democracy requires the elected government to be responsive to the needs of the people, their rights, well-being and safety and not following a military command structure. At this point, it is pertinent to state that the 'political culture' of democracy constitutes: A reflection of norms and values that place a premium on the freedom of the individual-freedom from the state abuse and infringement of rights by other individuals.

Guarantees equality before the law. Provides opportunities for all citizens to have equal access to the material and cultural resources that guarantees basic livelihood.

However, the paradox is that the Nigerian democratic culture appears to be in a dilemma in achieving these features because of the manifestations of authoritarianism such as arbitrariness, intemperate language, total absence of debate, intimidation of civil society, total disregard of civil rights, absence of rule of law and due process, total disregard of civil rights and non-independence of the judiciary.



## Unit 5 Society and the citizens

### Unit Structure

- 5.1 Introduction
- 5.2 Learning Outcomes
- 5.3 Society and the citizens
  - 5.3.1 What Constitutes the Society?
- 5.4 Citizens in the Society
- 5.5 Dislocation of State-Society Relations
- 5.6 Civil Organizations
- 5.7 Summary
- 5.8 References/Further Readings/Web Resources
- 5.9 Possible Answers to Self-Assessment Exercise(s)



### 5.1 Introduction

In our last unit, we explained the peculiarities of the Nigerian state from the pre-colonial, colonial and post-colonial continuity in relation to the character as well how the Nigerian society can be re-oriented through some institutions. The continuity of all the factors mentioned experienced in the colonial to the post-colonial Nigeria should be seen as complementary rather than independent, of one another. This is because both account for the character and peculiarities of citizen-state relationship in Nigeria.

This unit we will examine the multifaceted concept of society, which constitutes an intricate web of interdependent individuals, communities, institutions, and norms that shape the collective identity and behavior of a particular group within a geographical region. Society is not just a physical entity but a dynamic framework that evolves through time, influenced by various factors like culture, politics, economy, and technology.

When examining citizens within a society, it is essential to consider the diverse roles, responsibilities, and rights they hold. Citizens are the foundation of a society, comprising individuals who contribute to the social fabric through their participation in various spheres such as politics, economics, culture, and community engagement. They possess inherent agency, enabling them to shape and impact the direction and well-being of their society.

The dislocation of state-society relations is a critical theme that the unit will explore, focusing on the complex interactions and power dynamics between governing bodies and the broader social order. This dislocation

can manifest in various forms, such as tensions between state policies and societal needs, erosion of trust in government institutions, or conflicts arising from discrepancies in values and interests. Understanding and addressing these disruptions are vital to maintaining a harmonious and responsive state-society relationship.

Civil organizations play a crucial role within society by serving as intermediaries between citizens and the state, advocating for social change, providing essential services, and representing diverse interests and concerns. These organizations operate independently from the government and contribute to the vibrancy and resilience of civil society by promoting dialogue, empowerment, and accountability. Their presence helps bridge the gap between the state and the citizens, fostering a more inclusive and participatory society.



## 5.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the Society and the citizens
- Explain the Constitutes the Society
- Describe the Citizens in the Society
- Discuss the Dislocation of State-Society Relations
- Explain the Civil Organizations



## 5.3 Society and the citizens

### 5.3.1 What Constitutes the Society?

Society is a complex structure composed of individuals, institutions, and relationships that collectively create a framework within which humans live and interact. The foundation of any society is its people, who bring diverse backgrounds, beliefs, and behaviors. According to sociological theories, the relationships and interactions between individuals contribute to the formation of social norms and values, which in turn influence the behavior of individuals within the society (Giddens, 2013). These norms and values are reinforced through institutions such as family, education, religion, and government, each playing a crucial role in shaping the fabric of society (Durkheim, 1984). Additionally, economic systems and the distribution of resources significantly impact societal structures, determining social classes and influencing power dynamics (Marx, 1867). Thus, society is an intricate web of interactions, institutions, and cultural norms that guide human behavior and social

development.

In essence, society is defined by the interactions and relationships among its members, shaped by the norms and values upheld by various institutions. These institutions, including family, education, religion, and government, provide the structure within which societal norms are created and maintained. Economic factors also play a significant role in the constitution of society by influencing social stratification and power relations. The complex interplay of these elements forms the foundation of any society, guiding human behavior and fostering social cohesion.

Understanding what constitutes society is essential for comprehending the broader dynamics of human interaction and social organization. The relationships among individuals, the influence of institutions, and the impact of economic systems all contribute to the formation and maintenance of societal norms and values. By recognizing these components, we can better appreciate the complexity of social structures and the factors that influence social change.

#### **5.4 Citizens in the Society**

**Citizenship** is a complex and multifaceted concept that refers to the status and responsibilities of individuals within a political and social community. It encompasses rights, duties, and participation in the civic life of the society. In modern democratic societies, citizenship is often tied to notions of equality, justice, and participation in governance (Smith, 2022). Citizenship grants individuals the right to vote, access public services, and protection under the law. However, it also imposes responsibilities such as obeying laws, paying taxes, and contributing to the common good (Jones, 2021).

The role of citizens in society is crucial for the functioning of democratic systems. Active citizenship involves engagement in political processes, community service, and advocacy for social justice. As Barber (2020) suggests, a vibrant democracy requires citizens who are informed, engaged, and willing to participate in public discourse. This participation fosters a sense of belonging and helps to strengthen the social fabric of the community.

Moreover, the concept of citizenship has evolved over time. In the globalized world, transnational citizenship has emerged, where individuals hold multiple citizenships or engage in civic activities beyond their national borders (Castles, 2019). This has led to new challenges and opportunities, as individuals navigate their identities and responsibilities in a world where national boundaries are increasingly porous.

The individual is essentially a member of a society. Society here is identified as the sum of social organisations which interact within the state's boundaries, as well as with the state. These organisations range from ethnic, religious, linguistic and kinship groups, clan and tribe associations, to patron-client relations, economic groups and diverse modes of production (agricultural, industrial, share cropping, pastoral) (Rania, 1996:152). The common strand for these organisations is their struggle to formulate and enforce their own rules and regulations for the ordering of social and political life. The implication of this is that the society with its numerous and diverging social organisations had long preceded the formation of the State. Owing to most accounts of the origin of the state (both the bourgeois and Marxian theories of the state), the state evolved from the society. However, while the former holds that the state and society maintain equilibrium in their relations, the latter argue that the state dominates society and is an instrument of class domination (cf Maclver, 1964; Weldon, 1962, Engels, 1978, Lenin, 1977). To this end, the State can be said to be 'embedded' in the society in mutual interrelation with other societal actors (Rolf, 1996:99). This makes it subject to pressures and influences from actors of the organisations representing the society in an attempt to create a certain balance between State and society.

### **Self-Assessment Exercises 1**

How do civil organisations contribute to strengthen the relationship between the state and society?

## **5.5 Dislocation of State-Society Relations**

*Colonialism:* Prior to colonialism various pre-colonial societies of Nigeria were organised into identifiable political systems corresponding to their environmental needs. The classification was able to: centralised or decentralised, comprising three basic categories as large states, small states, and politically autonomous communities (Abejide, 2004:10). However, with the advent of colonialism (between 1885 and 1960) evidently these policies were collapsed invariably stunting not only the expansion and the autonomous development but national integration. This obviously stimulated inter-ethnic jealousies which explain why the Nigerian population has been incapable of developing and interacting as diverse citizens. Rather, it has been claims of citizenship as Yoruba, Igbo, Hausa, Ijaw, Itsekiri, Tiv, Fulani and a host of others. This subversion due to colonialism no doubt is the bane of ethnicity and a dearth in national integration as citizens in the superstructure known as Nigeria.

Based on the above perspective it is obvious that dislocation of state and society relations is traceable to the history of Nigeria (and indeed

Africa) brought about by colonialism. In effect, because the modern state was created by colonizers i.e. they didn't evolve from within society but outside of it the state has been purported as not only an importation but an imposed creation which expectedly was devoid of morality. Scholars have therefore argued that while the society retained a moral order due to the commitments of individuals at community level, on the contrary the state was founded on a moral vacuum. It is this distorted growth of the public realm, given the tradition which dates back to the Greek which conceive of the society as a private realm and the state as a public realm that has made ethnicity such a salient force in Africa. This dislocation further underpinned the character of the Nigerian state-state society in relation to ethnicity, minority issues as well as the politics of citizenship.

The fragmented moral order by plurality of groups contained in the state, state-society relations produced not simply the public-private realm dichotomy, but also a dichotomised public realm (Osaghae, 1994). To this end, emphasis was on the individual's duties to fellow ethnics and ethnic group at large. Obviously, it is expected that social organisations under the leadership of "strong men" such as chiefs, landlords, bosses, rich peasants, clan leaders, money lenders and local business men will exercise social control by using a variety of sanctions, rewards and symbols to induce people to behave according to certain rules and norms. Expectedly, also, these social organisations and their 'strong men' prevent state leaders in developing the state's own mobilisation capabilities, which in turn weakens the state. Flowing from the above, the relationship between the Nigerian State and Society like most developing states is segmented along ethnic, socio- economic, religious and other fault lines.

This non-indication of much commonality among non-state actors led to competition for a resource which begins at the level of access and control of the state by the various factions of the ruling class culminating into civil strifes and conflicts as well as the social and political engineering in tow. To aid this struggle, each faction mobilises existing cleavages and identities in the society especially those of ethnic groups and religion (Isumonah and Gaskia, 2001:4) couched under ethnic militia groups. For example the Movement for the Emancipation of Niger Delta (MEND), Movement for the Sovereign State of Biafra (MASSOB) in the East and the defunct ODUAP People's congress bear witness to this. The mobilising force is 'parochialism or primordial attachments' i.e. the mobilisation via the people's attachment to a leader whose charisma becomes the major source of legitimation and whose organisation becomes the link between civil-society interests and the public sphere.

## 5.6 Civil Organizations

An important aspect in these societies are the existence of important independent institutions known as civil organisations which contribute to the effectiveness and stability of the democratic government because of their ‘internal’ effects on the individual members and their external influence on the wider society (Putnam, 1993:89). Given that ‘civil society’ has a variety of meanings for this course, however, let us adopt Mouzelis (1996:52), rather restrictive definition because he argues that to stretch the civil society notion to cover also non-state groups and institutions that exist in all state societies (e.g. traditional chiefdoms) weakens the concept’s analytical utility. Civil society, to him, refers to all social groups and institutions which, in all *conditions of modernity* lie between primordial kinship groups and institutions on the one hand, and state groups and institutions on the other. By *conditions of modernity*, he means social settings where not only the public and private spheres are clearly differentiated, but in which exist also a large-scale mobilization of the population and its independent inclusion into the national, economic, political, and cultural arenas.

In line with this definition, a strong civil society strengthens state and society through:

- i. Ensuring that the rule of law conditions effectively protect citizens from state arbitrariness;
- ii. The existence of strongly organised non-state interest groups is capable of checking eventual abuses of power by those who control the means of administration and coercion.
- iii. That there is an existence of a balanced pluralism among civil-society interests so that none can establish absolute dominance.

This point presupposes that where people are brought in an authoritarian fashion it can be said to be a weak civil society.

Based on these features, it would not be out of place to query if political parties should be considered as part of a state or civil society? There are theorists in favour of either as well as those who distinguish between the state, civil society and political society and locate the parties in the political – society category. For our purpose in this course, political parties (that the main objective is to capture power) can be considered as the major organisational means for articulating civil-society interests with the state particularly in a democratic dispensation. This is because previously the distribution of political, civil and socio-economic rights was uneven and restricted. In fact, where it was available, the lower classes, although brought into the national centre, were left out as far as basic rights were concerned i.e. the rights guaranteeing them a reasonable share in the distribution of political power, wealth and social

prestige.

Thus, given that basic rights was achieved either from above (by elites competing among themselves for the political support of the underprivileged), or from below (via the economic and political organisation of urban and rural workers) the popular struggle for the acquisition of rights began on the political level. For instance, what previously was centred on efforts to obtain the right to vote or to form associations has now transcended in recent times in the form of popular movements demanding the improvements in the quality of life in all aspects (environmental movement, gender, etc.). All these bring to bear the fact that democratisation is not only about the political but also the economic and cultural spheres. In specific terms civil society organisations play a legitimate role in ensuring that established principles guide both the specific actions of the state and the overall goals of national development. They are important actors in helping to create and strengthen the culture of rights within a communities and country.

### **Comparison between State and society**

The state is legal construct acting under constitutional terms, whereas the society usually acts on variety of purposes- religious, moral, intellectual etc.

The method by which the state obtains, support is largely through legal coercion by declaring and enforcing laws. Society, on the other hand, relies largely on persuasion.

The organisation and structure of the two are different; state is generally organized as one whereas the society has a multiplicity of organisations. Functionally, items covered by the state and society are not mutually independent. But both act differently on these aspects. There is legal action and social action. Law can make an individual attend church service, social action but can it convert you into a religious person i.e. the “inwards development”?

### **Self-Assessment Exercises 2**

1. Itemize what you understand in the state-society relations.
2. Analyze the comparison between State and society



## **5.7 Summary**

In this unit, the peculiarities of the Nigerian society, the dislocations due

to colonialism as well as the role of civil societies in a state were explained. The unit explained what a society is, especially the epochal dislocation of state-society relations due to colonialism. It also explained the role of civil organisations in the society.

Citizenship in society is a dynamic concept that involves a balance between rights and responsibilities. It is foundational to democratic governance, requiring active participation from individuals to ensure that the society functions effectively. The evolution of citizenship, particularly in the context of globalization, highlights the changing nature of civic engagement and the need for citizens to adapt to new societal norms.

The concept of citizenship is integral to the functioning of society. It encompasses not only the legal status of individuals but also their active participation in the civic life of their communities. As societies continue to evolve, so too will the concept of citizenship, challenging individuals to redefine their roles and responsibilities in a globalized world. The strength of a society, therefore, lies in the active and informed participation of its citizens.



## 5.8 References/Further Readings/Web Resources

- Adefemi, Isumonah & Jaye, Gaskia. (2001). *Ethnic Groups and Conflicts in Nigeria. South South Zone. Vol 3* Ibadan. Programme on Ethnic and Federal Studies (PEFS).
- Barber, B. (2020). *Strong democracy: Participatory politics for a new age*. University of California Press.
- Castles, S. (2019). *Migration and citizenship: Globalization and the politics of belonging*. Palgrave Macmillan.
- Jones, R. (2021). *The responsibilities of citizenship in modern society*. Routledge.
- Matte, Halskov Hansen & Arild, Englesen RUUD. (1996). *Weak? Strong? Civil? Embedded? New Perspectives on State-Society Relations in the Non-Western World*. Centre for Development. University of Oslo.
- Osaghae, Eghosa, E. (1994). *Ethnicity in Africa or African Ethnicity-The Search for a Contextual Understanding*”. *African Perspective and Development*(ed.) ULF Hurimelstrand Kabiri Kuyanji and



Edward Uburugu. James Curry Ltd.

Putnam, R. (1993). *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press

Smith, A. (2022). *The rights and duties of citizens in democratic societies*. Oxford University Press.



## 5.9 Possible Answers to SAEs

Q1. How do civil organisations contribute to strengthen the relationship between the state and society?

Answers to SAEs 1

Q1. How do civil organisations contribute to strengthen the relationship between the state and society?

The individual is essentially a member of a society. Society here is identified as the sum of social organisations which interact within the state's boundaries, as well as with the state. These organisations range from ethnic, religious, linguistic and kinship groups, clan and tribe associations, to patron-client relations, economic groups and diverse modes of production (agricultural, industrial, share cropping, pastoral) (Rania, 1996:152). The common strand for these organisations is their struggle to formulate and enforce their own rules and regulations for the ordering of social and political life. The implication of this is that the society with its numerous and diverging social organisations had long preceded the formation of the State. Owing to most accounts of the origin of the state (both the bourgeois and Marxian theories of the state), the state evolved from the society. However, while the former holds that the state and society maintain equilibrium in their relations, the latter argue that the state dominates society and is an instrument of class domination (cf Maclver, 1964; Weldon, 1962, Engels, 1978, Lenin, 1977). To this end, the State can be said to be 'embedded' in the society in mutual interrelation with other societal actors (Rolf, 1996:99). This makes it subject to pressures and influences from actors of the organisations representing the society in an attempt to create a certain balance between State and society.

Q1. Itemize what you understand in the state-society relations.

Answers to SAEs 2

Q1. Itemize what you understand in the state-society relations.

Q2. Analyze the comparison between State and society

*Colonialism:* Prior to colonialism various pre-colonial societies of Nigeria were organised into identifiable political systems corresponding to their environmental needs. The classification was able to: centralised or decentralised, comprising three basic categories as large states, small states, and politically autonomous communities (Abejide, 2004:10). However, with the advent of colonialism (between 1885 and 1960) evidently these policies were collapsed invariably stunting not only the expansion and the autonomous development but national integration. This obviously stimulated inter-ethnic jealousies which explain why the Nigerian population has been incapable of developing and interacting as diverse citizens. Rather, it has been claims of citizenship as Yoruba, Igbo, Hausa, Ijaw, Itsekiri, Tiv, Fulani and a host of others. This subversion due to colonialism no doubt is the bane of ethnicity and a dearth in national integration as citizens in the superstructure known as Nigeria.

Based on the above perspective it is obvious that dislocation of state and society relations is traceable to the history of Nigeria (and indeed Africa) brought about by colonialism. In effect, because the modern state was created by colonizers i.e. they didn't evolve from within society but outside of it the state has been purported as not only an importation but an imposed creation which expectedly was devoid of morality. Scholars have therefore argued that while the society retained a moral order due to the commitments of individuals at community level, on the contrary the state was founded on a moral vacuum. It is this distorted growth of the public realm, given the tradition which dates back to the Greek which conceive of the society as a private realm and the state as a public realm that has made ethnicity such a salient force in Africa. This dislocation further underpinned the character of the Nigerian state-society in relation to ethnicity, minority issues as well as the politics of citizenship. The fragmented moral order by plurality of groups contained in the state, state-society relations produced not simply the public-private realm dichotomy, but also a dichotomised public realm (Osaghae, 1994). To this end, emphasis was on the individual's duties to fellow ethnics and ethnic group at large. Obviously, it is expected that social organisations under the leadership of "strong men" such as chiefs, landlords, bosses, rich peasants, clan leaders, money lenders and local business men will exercise social control by using a variety of sanctions, rewards and symbols to induce people to behave according to certain rules and norms. Expectedly, also, these social organisations and their 'strong men' prevent state leaders in developing the state's own mobilisation capabilities, which in turn weakens the state. Flowing from the above, the relationship between the Nigerian State and Society like most developing states is segmented along ethnic, socio-economic, religious and other fault lines.

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Q2. Analyze the comparison between State and society

Comparison between State and society

The state is legal construct acting under constitutional terms, whereas the society usually acts on variety of purposes- religious, moral, intellectual etc.

The method by which the state obtains, support is largely through legal coercion by declaring and enforcing laws. Society, on the other hand, relies largely on persuasion.

The organisation and structure of the two are different; state is generally organized as one whereas the society has a multiplicity of organisations.

Functionally, items covered by the state and society are not mutually

**MODULE 2**

Unit 1	Principles of Political Obligation
Unit 2	Principles of Natural Duties
Unit 3	Morality and Citizen's morality
Unit 4	Public/Basic Goods
Unit 5	Civil Disobedience

**Unit 1 Principles of Political Obligation****Unit Structure**

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Political Obligation?
  - 1.3.1 Citizen's Political Obligation
  - 1.3.2 Political Obligation
- 1.4 The notion of fairness in citizen's Obligation
- 1.5 Summary
- 1.6 References/Further Readings/Web Resources
- 1.7 Possible Answers to Self-Assessment Exercise(s)

**1.1 Introduction**

In the last unit, we discussed the constituent society, which constitutes an intricate web of interdependent individuals, communities, institutions, and norms that shape the collective identity and behavior of a particular group within a geographical region. Society is not just a physical entity but a dynamic framework that evolves through time, influenced by various factors like culture, politics, economy, and technology. We examined citizens within a society, we also considered the diverse roles, responsibilities, and rights they hold. Citizens are the foundation of a society, comprising individuals who contribute to the social fabric through their participation in various spheres such as politics, economics, culture, and community engagement. They possess inherent agency, enabling them to shape and impact the direction and well-being of their society. The dislocation of state-society relations is a critical theme that the unit also explored the complex interactions and power dynamics between governing bodies and the broader social order. This dislocation can manifest in various forms, such as tensions between state policies and societal needs, erosion of trust in government institutions, or conflicts arising from discrepancies in values and interests. Understanding and addressing these disruptions are vital to maintaining a harmonious and responsive state-society relationship.

This unit will examine the right to be obeyed; this unit will also examine what constitutes political obligation'. Consequently, it will focus on the following questions: why a citizen should be obligated to the state? What are the proper limits of the authority of the state and when may a citizen refuse to be obligated to it? How does the state achieve this obedience for instance, in a democratic setting? Is it through the use of coercive force of the military? Especially in the sense in which authority of the State to issue commands and, at the same time, to correlate the right to obedience has led to conflict between the claims of authority and of those individuals who say they do not feel any obligations to the State.



## 1.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss and state the meaning of political obligation
- Analyse and explain why a citizen should be obligated to the state and vice versa
- Demonstrate and state how the state achieves this obedience?



## 1.3 Political Obligation?

### 1.3.1 Citizen's Political Obligation

**Citizen's political obligation** refers to the moral or legal duty that individuals owe to their state or government (Musa, 2022). This obligation is rooted in the social contract theory, where citizens agree to obey the laws and regulations of the state in exchange for protection and the provision of public goods (Rawls, 1971). Political obligation encompasses various aspects, including obeying laws, paying taxes, and participating in civic duties like voting and jury service.

Philosophers such as John Locke argue that political obligation arises from the consent of the governed, implying that citizens have a duty to follow laws they have implicitly agreed to by being part of a political community (Locke, 1689/1993). This view aligns with the democratic principle that legitimate political authority is derived from the consent of the people. Conversely, Thomas Hobbes posits that political obligation is based on self-preservation; citizens obey the state to avoid the chaos of the state of nature, where life is "solitary, poor, nasty, brutish, and short" (Hobbes, 1651/1996).

The concept of **political obligation** also raises questions about civil disobedience. Henry David Thoreau, in his essay "Civil Disobedience," argues that when the state enacts unjust laws, citizens have a moral duty to resist (Thoreau, 1849/1991). This perspective highlights the tension between obeying laws for the sake of social order and resisting them to uphold higher moral principles.

In contemporary discussions, the debate over political obligation extends to issues like global citizenship and transnational obligations, questioning whether citizens owe duties beyond their nation-states (Pogge, 2008). The growing interdependence of the global community suggests that political obligation might not be confined to national boundaries, especially in addressing global challenges like climate change and human rights

### 1.3.2 Political Obligation

In broad terms, obligation means to bind morally by some favour rendered or to legally constrain by contract or by duty. In practical terms, political obligation is the legal imposition of obligation on the citizen to obey the laws of the government which usually leaves the individual no option but rather containing a penalty in-case of failure (through the law) The implication of this is that states do not found rights entrenched in state laws and degrees, to be obeyed on force but to function as enabling laws or rules which impose an obligation to obey. For instance, the individual cannot decide whether or not to pay tax or not because it is non-negotiable expectation by the State from the citizen to do so. Moreover, the membership of a state is not like that of the social institution where one is not obligated or bound by its rules. However, the legal imposition of obligation on the citizens to obey State laws, however, is congruent upon the government acting justly or ensuring through its laws that just relations prevail among its citizen-body. Thus, the premise of a citizen's obligation to the state is premised on convention and contract as explicitly stated in Rawls (1971) *A Theory of Justice*. The bane of this theory is based on an assumption about an imaginary group of future members of a proposed society who came together and proposed a social contract in which the participants or individuals (the rational contractors) choose or selected principles of justice that will govern them.

Accordingly, the *rational contractors* or the persons in the *Original position* of the proposed society or the constitutional convention agreed to be under a '*veil of ignorance*'. This '*veil of ignorance*' ensures that the individuals to the pact have minimal information about knowing their roles, status, profession (be it labourers, civil servant, a lawyer,

medical doctor etc) prior the division of labour in the society. The essence is to ensure that experience enters into choice. Scholars have argued that even in the most purely technical aspect of it, it is difficult to agree that in this fictive construct, the individual decision-maker, the party,' makes choices in what is even constructively a 'sequence'. But for Rawls, it is plausible especially considering that the supposed members of the convention, having selected their principles, would legislate on it before it becomes a 'constitution' prior application to individual cases in society (p.136).

It could be said therefore that the *rational contractors* are likely to agree to a specific set of principles of justice that the bargain embodies such as: (a) the equal liberty principle and, (b) the principle of efficiency (i.e. it promotes efficiency) believing that it will be applied impartially to every participant or anyone affected by it to sustain the basic structure of a well- ordered society or better still determine how basic goods of the society are to be distributed. The aim is justice and fairness in distribution.

However, since the laid down the fundamental charter of such a society does not constitute the how and why or even if the aforementioned principles must apply to individuals it becomes paramount to know the set of principles that the rational contractors are likely to agree to regulate the behaviour of members. The implication of this, in practical terms, is when institutional rules are to be obeyed. This implies that the rational contractors would enjoin those who have voluntarily accepted the benefits of a just cooperative scheme to bear the burdens associated with the stability of the scheme.

### Self-Assessment Exercises 1

Why a citizen should be obligated to the state and vice versa
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#### 1.4 The notion of fairness in citizen's Obligation

The notion of *fairness* defines a citizen's obligation to an institution or state. This principle is fundamental to Rawl's conception of justice because once a member has accepted the benefits of a mutually beneficial and just scheme that is based on social cooperation, that guarantees benefits only when everyone or nearly everyone co-operates, then one is bound by *duty of fair play* to do ones part. This is as against taking advantage of the free benefits by non-co-operation. Broadly, fairness borders on some consideration which is only relevant once a given distribution has been met. This definition presupposes satisfaction with some distributive end-result. However, this conception of 'fairness' as 'being satisfied with a distributive end-result' does not in any way specify what the consideration is given that 'fairness' embodies issues

like:

How fair was the bargain/contract entered into?

And whether the relevant distributive criterion, was based on, ability or need?

Based on this, it would seem that what a 'fair' bargain is in any given distributive situation will be a function of the effect on participants or beneficiaries. The application of the *principles of fairness* in the distribution of the basic goods in the society is expected to be in such a manner that ensures justice (social justice) for all its members thereby eliminating arbitrary distinction between competing claims. To therefore guarantee the fairness of distributive outcomes quite independently of the consent of the participants or beneficiaries some specified conditions must be present before a person can be said to be obligated to abide by the rules of the institution/state. The conditions are:

- i. That all the future members of the proposed society typically must voluntarily accept (and
- ii. Must intend to continue to accept) the principles of "obligation" to be chosen.

The already existing society must already have had its principle(s) of justice which should include the guarantee of the 'rule of law' embedded in satisfying the principles of justice.

Given the above conditions, it is obvious that the 'Rawlsian' society is not merely individualistic, and in that sense conflict-free, which makes it difficult in fact to imagine when and how to ascertain the 'voluntary acceptance' of an aggregation of more or less equal individuals 'of what constitutes the principle of fairness'? Given this difficult situation, it becomes apparent that the *rational contractors* or the persons in the *Original position* would not want to be obligated to defend an institution that might be unjustly based on extremely burdensome institutional rules. A typical unjust state is a bankrupt state where government engages in white elephant projects or maintains outright irresponsible public services evidenced in the state not living up to the expectation in the provision of public goods such as national defence, good roads, health programmes, law and order.

However, faced with the difficulty of ascertaining the 'voluntary acceptance' of an aggregation of individual's two considerations become apt to ensure caution. The first is that the contractors should not lose sight of the fact that the principle of equal liberty served as a guide in choosing principles for individuals in the original position. To this end, it would appear apt to accord the individuals the liberty of not obeying institutions whose benefits they have not voluntarily enjoyed.



Second, as a condition of institutional obedience, a police state may be instituted so as to regulate citizens' behaviour through force/coercion (may be through the law). This is aimed at guarding against the unpleasant (but quite possible) consequences of revolutionary tendencies of some individuals.

### Self-Assessment Exercises 2

Discuss the **fairness in citizen's obligation**



#### 1.5 Summary

This unit discussed the state-citizen dynamic, emphasizing the intricate balance between governmental authority and individual rights. It elucidated the notion that the relationship between the state and its citizens is not solely one of blind obedience but rather a nuanced interplay of mutual obligations and rights grounded in the principle of fairness. Furthermore, it highlighted instances where a citizen, in alignment with ethical considerations, may conscientiously object to certain governmental mandates without compromising the broader social contract. By shedding light on the reciprocal nature of the state's entitlement to obedience from its populace and the corresponding duty of the state to act in the best interests of its citizens, this unit underscored the importance of a symbiotic relationship based on mutual respect and accountability. Consequently, it promoted a deeper understanding of the underlying principles that govern state-citizen relationships and encouraged critical reflection on the ethical dimensions of civic duties and individual autonomy within the framework of a just and equitable society.



#### 1.6 References/Further Readings/Web Resources

- Adeigbo, F.A. (1991). *Readings in Social and Political Philosophy*. Ibadan. Claverianum Press.
- Bernard, Schaffer. & Geoff, Lamb. (1981). *Can Equity Be Organized?* UNESCO
- David, R. (1971). *A Theory of Reason for Action*. Oxford. Clarendon Press.
- Hobbes, T. (1996). *Leviathan* (R. Tuck, Ed.). Cambridge University Press. (Original work published 1651)

John, Rawls. (1971). *A Theory of Justice*. Harvard University Press. Massachussets.

Locke, J. (1993). *Two Treatises of Government* (P. Laslett, Ed.). Cambridge University Press. (Original work published 1689)

Pogge, T. (2008). *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Polity Press.

Rawls, J. (1971). *A Theory of Justice*. Harvard University Press.

Thoreau, H. D. (1991). *Civil Disobedience*. Penguin Classics. (Original work published 1849)



## 1.7 Possible Answers to SAEs

### Answers to SAEs 1

Q1. Why a citizen should be obligated to the state and vice versa.

In broad terms, obligation means to bind morally by some favour rendered or to legally constrain by contract or by duty. In practical terms, political obligation is the legal imposition of obligation on the citizen to obey the laws of the government which usually leaves the individual no option but rather containing a penalty in-case of failure (through the law) The implication of this is that states do not found rights entrenched in state laws and degrees, to be obeyed on force but to function as enabling laws or rules which impose an obligation to obey. For instance, the individual cannot decide whether or not to pay tax or not because it is non-negotiable expectation by the State from the citizen to do so. Moreover, the membership of a state is not like that of the social institution where one is not obligated or bound by its rules. However, the legal imposition of obligation on the citizens to obey State laws, however, is congruent upon the government acting justly or ensuring through its laws that just relations prevail among its citizen-body. Thus, the premise of a citizen's obligation to the state is premised on convention and contract as explicitly stated in Rawls (1971) *A Theory of Justice*. The bane of this theory is based on an assumption about an imaginary group of future members of a proposed society who came together and proposed a social contract in which the participants or individuals (the rational contractors) choose or selected principles of justice that will govern them.

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However, since the laid down the fundamental charter of such a society does not constitute the how and why or even if it is necessary that the aforementioned principles apply to individuals it becomes paramount to know the set of principles that the rational contractors are likely to agree to regulate the behaviour of members. The implication of this, in practical terms, is when institutional rules are to be obeyed. This implies that the rational contractors would enjoin those who have voluntarily accepted the benefits of a just co-operative scheme to bear the burdens associated with the stability of the scheme.

Q1. Extensively discuss your understanding of fairness as a congruent principle to a Citizen's Obligation to the State

### **Answers to SAEs 2**

The notion of *fairness* defines a citizen's obligation to an institution or state. This principle is fundamental to Rawl's conception of justice because once a member has accepted the benefits of a mutually beneficial and just scheme that is based on social co-operation, that guarantees benefits only when everyone or nearly everyone co-operates, then one is bound by *duty of fair play* to do ones part. This is as against taking advantage of the free benefits by non-co-operation. Broadly, fairness borders on some consideration which is only relevant once a given distribution has been met. This definition presupposes satisfaction

with some distributive end-result. However, this conception of ‘fairness’ as ‘being satisfied with a distributive end-result’ does not in any way specify what the consideration is given that ‘fairness’ embodies issues like:

How fair was the bargain/contract entered into?

And whether the relevant distributive criterion, was based on, ability or need?

Based on this, it would seem that what a ‘fair’ bargain is in any given distributive situation will be a function of the effect on participants or beneficiaries. The application of the *principles of fairness* in the distribution of the basic goods in the society is expected to be in such a manner that ensures justice (social justice) for all its members thereby eliminating arbitrary distinction between competing claims. To therefore guarantee the fairness of distributive outcomes quite independently of the consent of the participants or beneficiaries some specified conditions must be present before a person can be said to be obligated to abide by the rules of the institution/state. The conditions are:

That all the future members of the proposed society typically must voluntarily accept (and must intend to continue to accept) the principles of “obligation” to be chosen.

That the already existing society must already have had its principle(s) of justice which should include the guarantee of the ‘rule of law’ embedded in satisfying the principles of justice.

In view of the above conditions, it is obvious that the ‘Rawlsian’ society is not merely individualistic, and in that sense conflict-free, which makes it difficult in fact to imagine when and how to ascertain the ‘voluntary acceptance’ of an aggregation of more or less equal individuals ‘of what constitutes the principle of fairness’? In view of this difficult situation, it becomes apparent that the *rational contractors* or the persons in the *Original position* would not want to be obligated to defend an institution that might be unjustly based on extremely burdensome institutional rules. A typical unjust state is a bankrupt state where government engages in white elephant projects or maintains outright irresponsible public services evidenced in the state not living up to the expectation in the provision of public goods such as national defence, good roads, health programmes, law and order.

However, faced with the difficulty of ascertaining the ‘voluntary acceptance’ of an aggregation of individual’s two considerations become apt to ensure caution. The first is that the contractors should not lose sight of the fact that the principle of equal liberty served as a guide

in choosing principles for individuals in the original position. To this end, it would appear apt to accord the individuals the liberty of not obeying institutions whose benefits they have not voluntarily enjoyed. Second, as a condition of institutional obedience, a police state may be instituted so as to regulate citizens' behaviour through force/coercion (may be through the law). This is aimed at guarding against the unpleasant (but quite possible) consequences of revolutionary tendencies of some individuals.

## Unit 2 Principles of Natural Duties

### Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Principle or (Precepts) of Natural Duty of Justice
- 2.4 Principle of Natural Duties
- 2.5 Types of Duties
- 2.6 Summary
- 2.7 References/Further Readings/Web Resources
- 2.8 Possible Answers to Self-Assessment Exercise(s)



### 2.1 Introduction

In the last unit, we examined the State as a dominant social institution which seeks to be obeyed. The unit discussed the state-citizen dynamic, emphasizing the intricate balance between governmental authority and individual rights. It elucidated the notion that the relationship between the state and its citizens is not solely one of blind obedience but rather a nuanced interplay of mutual obligations and rights grounded in the principle of fairness.

In this unit, we will be discussing the principles of natural duties as imply on the citizenship obligation to the state.



### 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the state the principle of natural duties
- Analyze the state what constitutes a citizen's natural duty to a state



### 2.3 Principle or (Precepts) of Natural Duty of Justice

This principle conceives a citizen's support and compliance with just institutions as a natural duty. This principle rests on the fundamental distinction which Rawls (1971) makes between two distinctive principles: the principle of natural duties (which includes the natural duty of justice) and the principle (or precept) of natural justice.

This principle is based on the two principles of justice. In effect, where the basic structure of society is just, or reasonably just from the angle of a partial compliance (non-ideal) theory, then every individual in a state is bound to comply with the institutional rules. This principle is established on the features that define the rule of law or the precepts of justice associated with the general administration of law. The practice of the principles (especially the equal liberty principle) at any given moment it may be adopted at the constitution-making and legislative stages, for instance, in Nigeria- the National Assembly and House of Representatives, and when it is assented into law, it becomes the paradigm or reference point.

Paradigms not only provide a framework for problem solving, they involve a series of other commitments. Put differently, for rule of law, once the paradigm is established, it constitutes some sort of restrictions on individual rights in the sense that the rights will be defined within the ambit of the rule of law for the regular and impartial administration of public rules. The essence of this '*justice of regularity*' is to constrain all those involved in the administration of law to act in a manner which will enhance the exercise of individual liberties. The general principle which serves as a rule or guide for the notion of natural justice is that judges interpret and apply the rule correctly, or that those who enact the laws and give orders in similar cases ensure that sanctions for law- violation should be proportionate to the crime. In effect, the rule of law depends not only on the provision of adequate safeguards against abuse of power by the Executive, but also on the existence of effective government capable of maintaining law and order as well as ensuring adequate social and economic conditions of life for the society. The obvious advantages of this principle over the second arm of the principle of fairness which is more or less like it, is that it does not presuppose any act of consent or any voluntary act in order to obligate. In sum, the natural duty of justice, Rawls contends, is 'the primary basis of our political ties to a constitutional regime or rather that it is the principle which binds citizens generally to their political institutions'.

### **Self-Assessment Exercises 1**

Extensively discuss your understanding of the principle of natural duties in line with its two distinctive principles.

## **2.4 Principle of Natural Duties**

This principle (like other principles for individuals) is an important component of the notion of right given that it helps to define various interpersonal relationships and to explain how these relationships arise. It derives its content in part from the aforementioned principle

(principles of justice) irrespective of Rawls insistence that the principles of justice are principles for the design of institutions and practices, and not principles for individuals. What is particularly useful for our purpose in view of the contention of justice as fairness (earlier conceived in relation to political obligation as a duty deriving from “fair play”), is that the *fundamental natural duty, is the duty of justice*. The rule of this duty expects citizens to support and comply with just institutions already in existence. And, where no institution is in existence, to establish such institutions if it can be achieved without much inconvenience.

Essentially the natural duty of justice, Rawls contends, is the primary basis of our political ties to a constitutional regime or rather that it is the principle which binds citizens generally to their political institutions. From this analysis, one fact is immediately obvious and that is, that the principle of the natural duty is premised on the two principles of justice. So, it could be argued that where the basic structures of society have been validated with just rules, or even as just as can reasonably be, then all citizens are bound to comply with the institutional rules. I think a parallel can be drawn between the first principle and the latter. However, to say a parallel line can be drawn is not to suggest any homologous (agreeing: of the same essential nature, corresponding in relative position, general structure, and descent) relationship between the two though no logical difference exists between what the two principles and that of individuals demand.

So far, the obvious advantages of this principle are evidenced in first, the agreement with the use of ‘duty’ in connection with status or role (e.g. the relationship between the employer and the employee). This advantage brings to the fore the coercive feature of the concept of duty in relation to certain social ties or interpersonal relationships (like the duty of non-interference with property of another) which may involve their performance being enforced. Second, this principle does not presuppose any act of consent or any voluntary act in order to obligate. Third, it also, applies to everyone irrespective of their institutional relationships. However, the adoption of these principles is dependent on how rigorous or convincing the natural duty of justice will be to other natural duties. But given that Rawls did not provide any priority scale for natural duties to be applied except that negative natural duties precede the positive duties in concrete terms therefore, the natural duties of malfeasance (especially of an official illegal deed or evil-doing which one ought not to do) and non-malevolence may supersede the duty to establish and advance the state/institutions. Thus, although the natural duty of justice likes other duties, appears convincing, however, the task it assigns in relation to the law in any given situation is a *prima facie* one i.e. a task that does not involve too great a cost either to oneself or to someone else.



### **Advantages of the Principle of Natural Duties over the Principle of Fairness**

So far, some advantages are obvious.

This principle (which appears like the principle of fairness which defines obligations), does not presuppose any act of consent or any voluntary act in order to obligate. It also, applies to everyone irrespective of their institutional relationships. This principle agrees with the use of ‘duty’ in connection with status or role (e.g. the relationship between the employer and the employee).

### **2.5 Types of Duties**

Rawls acknowledges the existence of several natural duties classified into two main types:

**Negative Duties:** These duties negatively require individual members of a state to refrain from performing bad acts. Examples of this class of natural duties are principles of non-maleficence (forbidding killing or causing unnecessary suffering) and non-malevolence (which proscribes having evil, malicious intentions towards others).

**Positive natural duties:** These duties enjoin individual members in a state or an institutions to perform good actions. Put differently, the principle of positive natural duties is related to the conviction that each citizen has a natural duty to promote and support just institutions or arrangements, which is predicated on the performance of good actions. For instance, the natural duty of mutual aid, which may require, for example, that a person should do a great good to another person if such a good can be brought about at little cost to oneself. In addition to the duties of mutual aid and non-malevolence is the duty of non-interference with the property of another and guidance of, the action of highly irrational or the duty of care as regards non-rational persons such as the insane and children which every citizen is required to perform (if they can) so as to avoid unnecessary bottlenecks. It is important to state here that though Rawls did not particularly stress any distinction in relation to positive and negative duties, however, the distinction as regards negative natural duties normally preceding positive duties cannot be overemphasized given that it will facilitate the priority problem between various duties.

Sequel to the above duties, Rawls further alludes to the “duty to oppose injustice” which borders on justifiable civil disobedience (this will be explained later in unit 5 of this module). The ‘duty of opposition’ obviously from the understanding of duty in the context of institutional

rules and as a principle of various interpersonal relationships presupposes the possibility of the exertion of coercion. Coercion in this case, by implication is the direct limiting of freedom as curtailed (in the exercise of duties) by force.

Aligning the idea of duty with the idea of coercion is therefore not unusual based on the likelihood of enforcing or imposing the performance of some duty on say: the tenant to the landlord in respect of rents, the duty of the debtor to his creditor in respect of loans etc to mention a few. Based on these examples, it is apt to say that a duty essentially is something required of someone whether he or she feels like it or not.

### Self-Assessment Exercises 2

State the advantages of the principle of natural duties over that of fairness.

List and explain two main types of duties according to Rawls.



### 2.6 Summary

This unit explained what the principles of natural duties imply. It also explained that there is no major distinction between *the principle of natural duties* (included in this is the natural duty of justice) and *the principles/precepts of natural justice*. Very importantly, it brought to bear the fact that the fundamental natural duty is the duty of justice which requires citizens to support and comply with just institutions where these are already in existence, and where not, to establish such institutions it being burdensome. This unit addressed the meaning of the principle of natural duties and the types of duty as well as the advantages.



### 2.7 References/Further Readings/Web Resources

Adeigbo, F.A (1991). Readings in Social and Political Philosophy. Ibadan. Claverianum Press.

Bernard, Schaffer & Geoff, Lamb. (1981). Can Equity be Organised? UNESCO

David, Richards. (1971). A Theory of Reason for Action. Oxford.Clarendon Press.

John, Rawls. (1971). A Theory of Justice. Massachussets: Harvard

University Press.



## 2.8 Possible Answers to SAEs

Q1. Extensively discuss your understanding of the principle of natural duties in line with its two distinctive principles.

### Answers to SAEs 1

Q1. Extensively discuss your understanding of the principle of natural duties in line with its two distinctive principles.

This principle conceives a citizen's support and compliance with just institutions as a natural duty. This principle rests on the fundamental distinction which Rawls (1971) makes between two distinctive principles: the principle of natural duties (which includes the natural duty of justice) and the principle (or precept) of natural justice.

This principle is based on the two principles of justice. In effect, where the basic structure of society is just, or reasonably just from the angle of a partial compliance (non-ideal) theory, then every individual in a state is bound to comply with the institutional rules. This principle is established on the features that define the rule of law or the precepts of justice associated with the general administration of law. The practice of the principles (especially the equal liberty principle) at any given moment it may be adopted at the constitution-making and legislative stages, for instance, in Nigeria- the National Assembly and House of Representatives, and when it is assented into law, it becomes the paradigm or reference point.

Paradigms not only provide a framework for problem solving, they involve a series of other commitments. Put differently, for rule of law, once the paradigm is established, it constitutes some sort of restrictions on individual rights in the sense that the rights will be defined within the ambit of the rule of law for the regular and impartial administration of public rules. The essence of this '*justice of regularity*' is to constrain all those involved in the administration of law to act in a manner which will enhance the exercise of individual liberties. The general principle which serves as a rule or guide for the notion of natural justice is that judges interpret and apply the rule correctly, or that those who enact the laws and give orders in similar cases ensure that sanctions for law- violation should be proportionate to the crime. In effect, the rule of law depends not only on the provision of adequate safeguards against abuse of power by the Executive, but also on the existence of effective government capable of maintaining law and order as well as ensuring adequate social and economic conditions of life for the society. The obvious advantages of this principle over the second arm of the principle of fairness which is

more or less like it, is that it does not presuppose any act of consent or any voluntary act to obligate. In sum, the natural duty of justice, Rawls contends, is 'the primary basis of our political ties to a constitutional regime or rather that it is the principle which binds citizens generally to their political institutions'.

Q1. State the advantages of the principle of natural duties over that of fairness.

Q2. List and explain two main types of duties according to Rawls

### **Answers to SAEs 2**

Advantages of the Principle of Natural Duties over the Principle of Fairness

So far, some advantages are obvious.

This principle (which appears like the principle of fairness which defines obligations), does not presuppose any act of consent or any voluntary act in order to obligate.

It also, applies to everyone irrespective of their institutional relationships.

This principle agrees with the use of 'duty' in connection with status or role (e.g. the relationship between the employer and the employee).

Q2. List and explain two main types of duties according to Rawls

#### Types of Duties

Rawls acknowledges the existence of several natural duties classified into two main types:

**Negative duties:** These duties negatively require individual members of a state to refrain from performing bad acts. Examples of this class of natural duties are principles of non-maleficence (forbidding killing or causing unnecessary suffering) and non-malevolence (which proscribes having evil, malicious intentions towards others).

**Positive natural duties:** These duties enjoin individual members in a state or an institution to perform good actions. Put differently, the principle of positive natural duties is related to the conviction that each citizen has a natural duty to promote and support just institutions or arrangements, which is predicated on the performance of good actions. For instance, the natural duty of mutual aid, which may require, for example, that a person should do a great good to another person if such a good can be brought about at little cost to oneself. In addition to the duties of mutual aid and non-malevolence is the duty of non-interference

with the property of another and guidance of, the action of highly irrational or the duty of care as regards non-rational persons such as the insane and children which every citizen is required to perform (if they can) so as to avoid unnecessary bottlenecks. It is important to state here that though Rawls did not particularly stress any distinction in relation to positive and negative duties, however, the distinction as regards negative natural duties normally preceding positive duties cannot be overemphasised given that it will facilitate the priority problem between various duties.

Sequel to the above duties, Rawls further alludes to the “duty to oppose injustice” which borders on justifiable civil disobedience (this will be explained later in unit 5 of this module). The ‘duty of opposition’ obviously from the understanding of duty in the context of institutional rules and as a principle of various interpersonal relationships presupposes the possibility of the exertion of coercion. Coercion in this case, by implication is the direct limiting of freedom as curtailed (in the exercise of duties) by force. Aligning the idea of duty with the idea of coercion is therefore not unusual based on the likelihood of enforcing or imposing the performance of some duty on say: the tenant to the landlord in respect of rents, the duty of the debtor to his creditor in respect of loans etc to mention a few. Based on these examples, it is apt to say that a duty essentially is something required of someone whether he or she feels like it or not.

## Unit 3      **Morality and Citizen's morality**

### Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Morality
  - 3.3.1 What is Morality?
- 3.4 Citizen's morality
- 3.5 Conceptions of Morality
  - 3.5.1 Individualist Ethics or Subjectivism and Individualism (IE)
  - 3.5.2 Trans-Individual Ethics (TIE)
- 3.6 Prima Facie Moral Obligation
- 3.7 Types of Morality in Society
- 3.8 Summary
- 3.9 References/Further Readings/Web Resources
- 3.10 Possible Answers to Self-Assessment Exercise(s)



### **3.1 Introduction**

In the last unit, we discussed the principles of natural duties imply. It also explained that there is no major distinction between the principle of natural duties (included in this is the natural duty of justice) and the principles/precepts of natural justice. Very importantly, it brought to bear the fact that the fundamental natural duty is the duty of justice which requires citizens to support and comply with just institutions where these are already in existence, and where not, to establish such institutions it being burdensome.

In this unit, we will examine the moral constraints of political obligation based on the notion that the obligation to obey the law of a State is not solely determined by the law itself. Thus, this unit will address what morality is and its context in a political system.



### **3.2 Learning Outcomes**

By the end of this unit, you will be able to:

- Define the concept of Morality
- Discuss the citizen's morality
- Describe the conceptions of Morality
- Explain the Individualist Ethics or Subjectivism and

### Individualism (IE)

- Discuss the Trans-Individual Ethics (TIE)
- Examine the Prima Facie Moral Obligation
- Highlight the types of Morality in Society



## 3.3 Morality

### 3.3.1 What is Morality?

Morality is defined as ‘the quality attributable to human action by reason of its conformity or lack of conformity to standards or rules according to which it should be regulated’. Based on the claim that political obligation ultimately rests on moral reasoning, ‘morality’ as it relates to the context of political obligation will be defined in line with the general criteria which have emerged from an examination of the various prescriptive definitions of ‘morality’ by W.K. Frankena (1966).

According to him, individuals X’s action or principle of action is a moral one if it satisfies the following criteria:

X takes it as prescriptive.

X universalises it.

X regards it as definitive, final, overriding, or supremely authoritative. It includes or consists of judgments (rules, principles, ideas, etc) that pronounce actions and agents to be right, wrong, good, bad, etc., simply because of the effect they have on the feelings, interests, ideals, and so forth, of other persons or centres of sentient experience, actual or hypothetical (or perhaps simply because of the effects on humanity, whether in his own person or in that of another).

### Self-Assessment Exercises 1

What do you understand by morality?
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## 3.4 Citizen's Morality

Citizen's morality refers to the ethical standards and principles that guide individuals within a society, influencing their behavior in relation to others and the community as a whole (Zakari, 2022). It encompasses the shared values, norms, and beliefs that shape how citizens interact, make decisions, and contribute to the common good. This concept is crucial for the functioning of any society, as it underpins the social contract, ensuring that individuals act in ways that are not only legally compliant but also morally responsible.



At the core of citizen's morality is the idea of civic virtue, which involves a commitment to the welfare of the community over personal interests (MacIntyre, 1984). This virtue is often cultivated through education, socialization, and engagement in public life, where citizens learn to prioritize the common good, exhibit respect for others, and fulfill their civic duties. The development of such morality is essential for sustaining democracy and fostering social cohesion, as it encourages individuals to act with integrity and consider the broader implications of their actions (Putnam, 2000).

Moreover, citizen's morality is shaped by the legal and cultural frameworks within a society. Laws provide a baseline for acceptable behavior, while cultural norms offer additional moral guidance (Rawls, 1971). The interaction between these frameworks can either strengthen or weaken the moral fabric of a society. For instance, when laws align with the prevailing moral values, they reinforce the sense of justice and fairness among citizens. Conversely, a disconnect between legal requirements and moral beliefs can lead to ethical dilemmas and social unrest (Habermas, 1996).

In contemporary discussions, citizen's morality also intersects with issues of global citizenship, where the moral obligations of individuals extend beyond national borders to include concerns for human rights, environmental sustainability, and global justice (Nussbaum, 1997). This broader perspective challenges citizens to consider their responsibilities not only to their immediate community but to the global society at large.

### **3.5 Conceptions of Morality**

#### **3.5.1 Individualist Ethics or Subjectivism and Individualism (IE)**

Individualist Ethics or Subjectivism and Individualism (IE) are a conception that makes morality a matter of authentic personal choice and decision. This existentialist view is the most extreme especially as they reject the universalization requirement on grounds that man's choices are freely (existentially) made and every existential situation is unique. Ideally, no justification is required for man's choices beyond the fact that they are existentially made hence if man's choices cannot be universalised, neither can they be prescribed. The extreme view, then, can be said to have failed to satisfy Frankena's prescriptive criteria (a) and (b) above. On the other hand, Vernard Mayo and John Ladd as well as Hare and Nowell-Smith argue that one's principles are moral as long as one conceives them to be over-riding as well as the willingness to see others take them as supreme. This position provides morality with a social dimension in that it entails legislating for others while retaining

the content and form IE which are relative to what the individual decides to accept or reject as a way of life. The key objection and criticism of the IE is worth mentioning. This is related to its refusal to accept that *content* in its existentialist form is intrinsic to morality. The implication of this in its other words is sort of saying that a moral principle can have any content whatsoever and that any principle of action (e.g. stand up and walk or manhandle the first person you encounter in the morning) can be a moral principle.

### 3.5.2 Trans-Individual Ethics (TIE)

As implied in the name, this conception of morality is beyond the individual hence in the succinct terms of its proponents such as Hart, Rawls, Bair and Margaret Macdonald among others this conception of morality is ‘a definite social trans-individual element’. To this end, Hart (1973) insists on the ‘need to understand morality as a development from the primary phenomenon of the morality of a social group. In effect, the existence of a moral point of view shared commonly by those who hold the same factual beliefs is the basic position of TIE. In other words, when one is making a judgment in the TIE, one is making two claims:

- That one’s judgment is valid for others, and
- That one’s judgment or decision is corrigible by reference to the judgments of others.

#### The Basic Difference between the Two Conceptions (IE and TIE)

The first basic difference is the insistence by the TIE theorists that the moral point of view must be socially and materially defined. This is reflected in its minimal concern for the common good, for social togetherness, for harmony (Frankena, 1965). The TIE conceives morality as a mode of human guidance, that logically involves a definite social content be it social harmony, the common good, justice, efficiency, or, in general, consideration for others. It is this common good, justice etc that constitutes the content of the said moral point of view. An important advantage, however, of the TIE conception of morality, is that it allows one to reason from statements of fact to prescriptive (normative statements, from factual- “Is statements to moral-ought statements”.

If one accepts the moral point of view or social element as a necessary and perhaps sufficient condition of morality, then all one need show is that a given principle of action is an instance of TIE. In practical terms, this means that if one accepts for instance that by abiding by the laws of the state he or she will be promoting harmony in the society, then it behooves on one morally to do so.

### 3.6 Prima Facie Moral Obligation

Based on the above analysis, we shall now ascertain if at all, these conceptions will in any way enhance the understanding of the relevance of morality in the context of political obligation. This is alongside the arguments of Hart (1973) and Rawls (1971) that justice or the existence of just relations among individuals in a cooperative venture or institution is reason enough for the duty of institutional obedience. According to Rawls, as alluded to in the previous unit, the principles of fairness or a 'fair' bargain in the distribution of the basic goods in the society is expected to be in such a manner that ensures justice (social justice) for all its members so as to eliminate arbitrary distinction between competing claims. Moreover, it will serve to justify the ideas of liberty, equality and reward for contributions to the common advantage which the principle of justice encompasses. To this end, a citizen of a state is expected to obey the government of the state. Based on this standpoint, the obligation of the citizen to obey the laws of the state is, however, congruent upon the government acting justly through its laws that just relations prevail among its citizen-body.

In specific terms, this kind of obligation is usually termed *prima facie moral obligation*. The phrase *Prima facie* specifically was used first by Ross\* in the classification of duties. In effect, *prima facie* has been used in relation to Political Obligation because an obligation to obey law is couched in an obligation to which some weight is attached (Peter, 1973). This is as it relates to an obligation which according to Ross (1930) "is not expressing a duty but something connected with duty". In effect, 'the ultimate factor in moral decisions and actions is not necessarily the 'good' act, but rather in the performance of duty which transcends the expectation of pleasure or happiness'. Some of the examples of *prima facie* duties which are based on moral relations are duties of fidelity, of reparation, of gratitude, of justice, and of self-improvement. In other words, when an individual repays a debt s/he redeems it more importantly based on the realisation that to incur a debt is to place oneself under an obligation, rather than the hope to maximise the good of the specific action.

It is important for the student to take cognizance from the foregoing contentions the fact that *prima facie duties* are not absolute or even "actual duties". These are authentic, conditional duties that must be performed. The meaning of this is that while members are conscious of the principles of fulfilling a pact/promise, there are situations when the members may be justified not to perform these duties. Hence, that an act is or becomes an actual duty is not dependent merely on the act being

within range some general classification, but on complex variables that are not abstract in nature. In sum, a *prima facie duty* is a duty that one ought to perform *ceteris paribus*” i.e. other things being equal. Meaning in essence, that unless there is some reason for being pessimistic about an obligation being voided by one party then the obligation holds and the other party is under obligation to fulfill his own obligation.

### 3.7 Types of Morality in Society

Morality in society can be broadly categorized into several types, each reflecting different dimensions of ethical thinking and behavior. These types of morality often coexist and influence one another, shaping the moral landscape of a community or society.

**Descriptive Morality:** This type of morality refers to the actual beliefs, customs, principles, and practices that are accepted and followed by a society or group. It is an empirical study of what people believe to be moral, without making any judgments about whether those beliefs are right or wrong. Descriptive morality provides a snapshot of the moral norms and values that are prevalent within a specific cultural or social context (Gert, 2005).

**Normative Morality:** Normative morality, on the other hand, deals with what people ought to do. It is prescriptive and sets standards for what is considered morally right or wrong. Normative ethics explores the principles, rules, and values that guide behavior and help individuals make moral decisions. It often involves the application of ethical theories such as utilitarianism, deontology, or virtue ethics to evaluate actions and practices (Rachels & Rachels, 2019).

**Metaethics:** Metaethics involves the examination of the nature, origins, and meaning of moral concepts. It is more concerned with the underlying questions about morality, such as the meaning of moral terms, the objectivity of moral judgments, and the relationship between moral beliefs and emotions. Metaethical discussions delve into whether moral truths exist independently of human perceptions and whether moral judgments are universal or culturally relative (Shafer-Landau, 2018).

**Applied Morality:** Applied morality, also known as applied ethics, involves the practical application of moral principles to specific issues or cases. This type of morality is concerned with how ethical theories and principles can be used to address real-world dilemmas, such as those found in medicine, business, law, and environmental ethics. Applied morality seeks to provide guidance on how to act in particular situations, often involving complex and competing interests (Singer, 2011).

**Religious Morality:** Religious morality is derived from the teachings and doctrines of religious traditions. It often involves adherence to a set of divine commands or sacred texts that dictate what is morally right or wrong. Religious morality can play a significant role in shaping the ethical beliefs and practices of individuals and communities, influencing laws, social norms, and personal conduct (Smith, 2017).

**Cultural Morality:** Cultural morality refers to the moral codes and practices that are specific to a particular cultural or ethnic group. These moral standards are often shaped by the history, traditions, and values of the culture and may differ significantly from those of other cultures. Cultural morality highlights the diversity of moral beliefs and practices across different societies and the importance of understanding and respecting this diversity (Wong, 2006).

### Self-Assessment Exercises 2

Explain and evaluate the conceptions of morality  
Explain prima Facie Moral Obligation.



### 3.8 Summary

The unit examined the Morality in society which was seen as a complex and multifaceted concept that includes descriptive, normative, metaethical, applied, religious, and cultural perspectives. Each type of morality offers unique insights into how individuals and societies define and practice what is considered right and wrong. Understanding these different types of morality is essential for navigating the moral landscape of a diverse and interconnected world.

The unit examined what morality is in relation to political obligation, the conceptions of morality and the analysis of what prima facie entails in the context of a political system.



### 3.9 References/Further Readings/Web Resources

Adeigbo, F.A. (1991). *Readings in Social and Political Philosophy*- Vol. One. Ibadan. Claverianum Press.

Frankena, W.K. (1966). "The Concept of Morality". *The Journal of Philosophy*. Vol.63. No.21.

Gert, B. (2005). *Morality: Its nature and justification* (Rev. ed.). Oxford

University Press.

Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy*. MIT Press.

MacIntyre, A. (1984). *After virtue: A study in moral theory* (2nd ed.). University of Notre Dame Press.

Nussbaum, M. C. (1997). *Cultivating humanity: A classical defense of reform in liberal education*. Harvard University Press.

Putnam, R. D. (2000). *Bowling alone: The collapse and revival of American community*. Simon & Schuster.

Rachels, J., & Rachels, S. (2019). *The elements of moral philosophy* (9th ed.). McGraw-Hill Education.

Rawls, J. (1971). *A theory of justice*. Harvard University Press.

Ross, W.D. (1930). *The Right and the Good*. Oxford. Clarendon Press  
Warnock, J. (1966). *The Object of Morality*. Oxford. Clarendon Press.

Shafer-Landau, R. (2018). *The fundamentals of ethics* (4th ed.). Oxford University Press.

Singer, P. (2011). *Practical ethics* (3rd ed.). Cambridge University Press.

Smith, W. C. (2017). *The meaning and end of religion*. Fortress Press.

Wong, D. B. (2006). *Natural moralities: A defense of pluralistic relativism*. Oxford University Press.



### 3.10 Possible Answers to SAEs

#### Answers to SAEs 1

Q1. What do you understand by morality?

Morality is defined as ‘the quality attributable to human action by reason of its conformity or lack of conformity to standards or rules according to which it should be regulated’. Based on the claim that political obligation ultimately rests on moral reasoning, ‘morality’ as it relates to the context of political obligation will be defined in line with the general criteria which have emerged from an examination of the various prescriptive definitions of ‘morality’ by W.K. Frankena (1966).

**Q1. Explain and evaluate the conceptions of morality**

**Q2. Explain prima facie moral obligation**

#### Answers to SAEs 2

##### Conceptions of Morality

Individualist Ethics or Subjectivism and Individualism (IE) This conception makes morality a matter of authentic personal choice and decision. This existentialist view is the most extreme especially as they reject the universalization requirement on grounds that man’s choices are freely (existentially) made and every existential situation is unique. Ideally, no justification is required for man’s choices beyond the fact that they are existentially made hence if man’s choices cannot be universalised, neither can they be prescribed. The extreme view, then, can be said to have failed to satisfy Frankena’s prescriptive criteria (a) and (b) above. On the other hand, Vernard Mayo and John Ladd as well as Hare and Nowell-Smith argue that one’s principles are moral as long as one conceives them to be over-riding as well as the willingness to see others take them as supreme. This position provides morality with a social dimension in that it entails legislating for others while retaining the content and form IE which are relative to what the individual decides to accept or reject as a way of life. The key objection and criticism of the IE is worth mentioning. This is related to its refusal to accept that *content* in its existentialist form is intrinsic to morality. The implication of this in its other words is sort of saying that a moral principle can have any content whatsoever and that any principle of action (e.g. stand up and walk or manhandle the first person you encounter in the morning) can be a moral principle.

### Trans-Individual Ethics (TIE)

As implied in the name, this conception of morality is beyond the individual hence in the succinct terms of its proponents such as Hart, Rawls, Bair and Margaret Macdonald among others this conception of morality is ‘a definite social trans-individual element’. To this end, Hart (1973) insists on the ‘need to understand morality as a development from the primary phenomenon of the morality of a social group. In effect, the existence of a moral point of view shared commonly by those who hold the same factual beliefs is the basic position of TIE. In other words, when one is making a judgment in the TIE, one is making two claims:

That one’s judgment is valid for others, and

That one’s judgment or decision is corrigible by reference to the judgments of others.

## **Q2. Explain prima Facie Moral Obligation**

### Understanding Prima Facie Moral Obligation

Based on the above analysis, we shall now ascertain if at all, these conceptions will in any way enhance the understanding of the relevance of morality in the context of political obligation. This is alongside the arguments of Hart (1973) and Rawls(1971) that justice or the existence of just relations among individuals in a cooperative venture or institution is reason enough for the duty of institutional obedience. According to Rawls, as alluded to in the previous unit, the principles of fairness or a ‘fair’ bargain in the distribution of the basic goods in the society is expected to be in such a manner that ensures justice (social justice) for all its members so as to eliminate arbitrary distinction between competing claims. Moreover, it will serve to justify the ideas of liberty, equality and reward for contributions to the common advantage which the principle of justice encompasses. To this end, a citizen of a state is expected to obey the government of the state. Based on this standpoint, the obligation of the citizen to obey the laws of the state is, however, congruent upon the government acting justly through its laws that just relations prevail among its citizen-body.

In specific terms, this kind of obligation is usually termed *prima facie moral obligation*. The phrase *Prima facie* specifically was used first by Ross\* in the classification of duties. In effect, *prima facie* has been used in relation to Political Obligation because an obligation to obey law is couched in an obligation to which some weight is attached (Peter, 1973). This is as it relates to an obligation which according to Ross (1930) “is not expressing a duty but something connected with duty”. In effect, ‘the ultimate factor in moral decisions and actions is not necessarily the ‘good’ act, but rather in the performance of duty which transcends the expectation of pleasure or happiness’. Some of the examples of *prima*



facie duties which are based on moral relations are duties of fidelity, of reparation, of gratitude, of justice, and of self- improvement. In other words, when an individual repays a debt s/he redeems it more importantly based on the realisation that to incur a debt is to place oneself under an obligation, rather than the hope to maximise the good of the specific action.

It is important for the student to take cognizance from the foregoing contentions the fact that *prima facie duties* are not absolute or even “actual duties”. These are authentic, conditional duties that must be performed. The meaning of this is that while members are conscious of the principles of fulfilling a pact/promise, there are situations when the members may be justified not to perform these duties. Hence, that an act is or becomes an actual duty is not dependent merely on the act being within range some general classification, but on complex variables that are not abstract in nature. In sum, a *prima facie duty* is a duty that one ought to perform *ceteris paribus*” i.e. other things being equal. Meaning in essence, that unless there is some reason for being pessimistic about an obligation being voided by one party then the obligation holds and the other party is under obligation to fulfill his own obligation.

## UNIT 4      Public/Basic Goods

### Unit Structure

- 4.1 Introduction
- 4.2 Learning Outcomes
- 4.3 Public/Basic Goods
  - 4.3.1 Public Goods
  - 4.3.2 Public Goods in Society
- 4.4 Types of Goods
- 4.5 Features of Public Goods
- 4.6 Basic Principles in the Distribution of Basic Goods
- 4.7 Summary
- 4.8 References/Further Readings/Web Resources
- 4.9 Possible Answers to SAEs



### 4.1 Introduction

In the last unit, we examined the morality in society which was seen as a complex and multifaceted concept that includes descriptive, normative, metaethical, applied, religious, and cultural perspectives. Each type of morality offers unique insights into how individuals and societies define and practice what is considered right and wrong.

This unit will address the provision of Public Goods as the most fundamental benefits of the state to the citizens in the context of a political system.



### 4.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the analysing public goods
- Analyse the types of public goods
- Demonstrate the features of public goods
- Evaluate the basic principles in its distribution



## 4.3 Public/Basic Goods

### 4.3.1 Public Goods

Public goods are commodities or services that are made available to all members of a society. Typically, these goods are characterized by two key features: non-excludability and non-rivalry. Non-excludability means that it is impossible to prevent individuals from using the good, while non-rivalry indicates that one person's use of the good does not reduce its availability to others (Samuelson, 1954). Classic examples of public goods include national defense, clean air, and public parks.

### 4.3.2 Public Goods in Society

Public goods play a crucial role in society by providing essential services and benefits that contribute to overall well-being and economic stability. Since public goods are non-excludable and non-rivalrous, private markets may underproduce them because there is little financial incentive to do so. This potential market failure often justifies government intervention, as the public sector can ensure the provision of these goods, benefiting society as a whole (Olson, 1965). Public goods also foster social equity, as they are accessible to all, regardless of income or social status. For instance, a well-maintained public park can be enjoyed by everyone, offering recreational space and improving quality of life across different demographics (Cornes & Sandler, 1996).

However, the provision of public goods also presents challenges. The "free rider" problem arises when individuals can benefit from a good without contributing to its cost, leading to potential underfunding and depletion of the resource (Hardin, 1968). For example, clean air is a public good, but without regulation, industries may pollute the environment, knowing that the cost of maintaining air quality is borne by society at large.

The essential attributes of a state as a contracted human organisation/institution is its provision of public goods. These public goods are fundamental benefits to the citizens such as national defence, good roads, health programmes, law and order which a state provides. In other words, if a state fulfills its obligation in the provision of these goods then it would have achieved the goals and objectives that are essential to human development and happiness. However, the pertinent question now is if the state is justified in the provision of public goods? A state rendering/ensuring the provision of these goods is justified based on the state as a social contract or charter. Thus, given that the state exists mainly for the welfare of the people, it behooves on government

as an agency of the state based on the principle of justice to keep part of the charter just as is expected of the people. Accordingly, these goods or objectives should be stated and specified in the constitution with the end purpose being justice and the realisation of the common good “must be of such quality and character as will evoke an abiding sense of patriotism and loyalty from the citizens of the state, and must be such as will, in their execution, benefit all the citizens substantially and without exception (Awolowo, 1981:94).

Thus, even though much value has not been reposed on the provisions of chapter 11 of the 1999 constitution based on the fact that they are neither fundamental nor justifiable in the courts (at least not directly) if the state fails in the provision of these essential services, citizens can seek redress in court. However, since it is the substantive political manifesto of the whole country’ all the provisions remain ideals. Moreover, it is important to state that the non- justifiability of the social objectives of the state not only indirectly makes a government ineffective but constitutes a shortfall on democratic principles. Thus, it is apparently wrong to ‘provide for the justifiability of the duties laid on the people towards the state and for the non- justifiability of the (social) obligations which the state owes to the people.

### **Self-Assessment Exercises 1**

The essential attributes of a state as a contracted human organisation/ institution is its provision of public goods. Discuss

## **4.4 Types of Goods**

The basic socio-economic imperatives or normative social objectives to be achieved by the state are: primary and secondary.

### **The primary Imperatives of the State**

The state is contracted as having the monopoly of unconditional constraint hence its ultimate goal is the maintenance of public peace and order and the provision of security internally and externally. The state achieves this through the political institutions i.e defence and security agencies that control the use of force within the territorial setting via law enforcement and warfare (not of interest here).As regards the former, the various units/individuals within a state maintain peace and protection of each individual group’s interest against other individuals or groups through the legal system. The assigned functions of the armed forces are also stipulated in section 217(1) of the 1999 Constitution: namely,

### **Defending Nigeria from external aggression:**

Maintaining its territorial integrity and securing its borders from violation on land, sea or air; Aiding civil authorities to help keep public

order and internal security when called upon to do so by the President, subject to such conditions as may be prescribed by an Act of the National Assembly; and Performing such other functions as may be prescribed by an Act of the National Assembly. The Constitution also in section 218(1) states that that the powers of the President (who is expected to be a civilian elected into office with the provisions of the same document- however, imperfect it may be) as Commander-in-Chief of the Armed Forces of the Federation shall include power to determine what roles and functions they are expected to perform as the country's armed forces. The essence of ruler ship under due process therefore is indicative of a generally shared aspiration towards safeguard.

### **The Secondary Imperatives of the State:**

These are socio-economic in nature. This is specifically contained in the Fundamental Objective and Directive Principles State Policy as expressed in chapter 2 13 and 24, of the 1999 constitution. The economic objectives include *inter alia*: S.16 (1)(a): harness the resource of the nation and promote national prosperity and an efficient, dynamic and self-reliance economy;

S.16 (1)(d): without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect right of every citizen to engage in any economic activities outside the major sectors of the economy;

(2) (d): that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions and unemployment, sick benefits and welfare of the disabled are provided for all citizens. Though the economic/material elements are important, the state transcends its economism/ materialism to the non-material/spiritual aspects of the aims and objectives of a state which are equally important.

These are the:

### **Social objectives:**

(2) (a): every citizen shall have equality of rights, obligations and opportunities before the law;

S.17 (2) (b): exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community, shall be prevented;

S.17 (3) (a): all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;

S.17 (3) (b): conditions of work are just and human, and that there are adequate facilities for leisure and for social, religious and cultural life;

(3) (e): there is equal pay for equal work without discrimination on account of sex, or any other ground whatsoever.

**Education objectives:**

(3) (a): free, compulsory and universal primary education

S. 18 (3) (d): free adult literacy programme.

The fourth and final objective of the state is *political* given that citizens have political rights as well. Moreover, it stems from the principle of *natural justice* which posits that political rights should be respected and treated as sacred and sacrosanct in order to maintain the unity and integrity of the state.

#### 4.5 Features of Public Goods

The fundamental benefits of public goods mentioned above will expectedly be benefiting all the citizens based on its features. To John G. Head there are two defining features of public goods namely:

*Indivisibility*: This feature relates to goods which, by their character, cannot be shared out among their beneficiaries e.g. national defence. In effect, in as much, as the government desires to defend the country against an attack, then *all* the citizens in that country are being defended. The defence of the country cannot be a defence of a section of the country or a section of its population.

*Non-excludability*. The non-excludability feature means that collective goods are such that, if they are available to some of the members, they *cannot* be denied to others in the group (whether or not these ‘others’ have cooperated to produce them). Thus, since additional consumption does not diminish the amount (of defence) available to others, it would be unwise to exclude anyone. Essentially therefore, in as much as a state is logically committed to providing collective goods for its members given the aforementioned features of collective goods, then the issue of whether or not an individual member claims these benefits ‘voluntarily’ should not constitute an issue in the context of institutional obedience. This is because obligations (especially promissory and contractual obligations) have to be voluntarily assumed in order to be binding

#### 4.6 Basic Principles in the Distribution of Basic Goods

The important issues therefore to our discussion are to determine what basic principles determine how the basic goods are distributed in the society. To Rawls the distribution theories are: First, that each person is to have an equal right to extensive basic liberty compatible with a similar liberty for others. This in essence, means that where the basic structure of society is just to a reasonable extent of partial compliance, then everyone is bound to comply with the institutional rules

irrespective of their institutional relationships. Second, social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage and (b) attached to positions and offices open to all. The second principle applies, in the first approximation, to the distribution of income and wealth and to the design of organisations that make use of differences in authority and responsibility and chains of command. Thus, while the distribution of wealth and income need not be equal, it must be to everyone's advantage and at the same time, positions of authority and offices of command must be accessible to all.

This means in effect, the acknowledgement of the positive role of the State and the use of law for the attainment of certain economic and social ends. To this end, it has been maintained that the issue of the free play of economic forces is no longer accepted by any contemporary democracy but the universally accepted right of every citizen to a minimum standard of living as a condition of liberty and human dignity even though the implementation of this ideal still lags far behind the aspiration (Friedman, 1971). From the foregoing, while the economic prosperity (material elements) of citizens as goal is important, the state should transcend its economism or materialism to the non-material/spiritual aspects of the aims and objectives of a state which are equally important. Since, citizens do not have only social and economic rights, the fourth and final objective of the state is *political* given that citizens have political rights as well. The principle of natural justice implies that men's political rights should be respected and treated as sacred and sacrosanct in order to maintain the unity and integrity of the state. To discharge one of its own solidarity and survival every state must recognise, and guarantee to all its citizens the fundamental rights of man. But restraint can be instituted for the purpose and freedom of others in situations of war, emergency, epidemic, or the execution of a judicial decision.

### Self-Assessment Exercises 2

State the primary imperatives of a state.  
State the main features of public goods.



#### 4.7 Summary

The unit explained the essential attributes of a state in its provision of public goods. Also, it explained that beyond the provision of these goods there should be principles that should serve as guide. In this unit, we addressed the concept of public goods, its features and principles. Public goods are essential for the functioning of society, offering non-

excludable and non-rivalrous benefits that improve overall well-being. Their provision often requires government intervention to overcome market failures and ensure equitable access. Despite their benefits, public goods are subject to challenges such as the free rider problem, necessitating careful management and regulation to maintain their availability and quality.



#### **4.8 References/Further Readings/Web Resources**

- Awolowo, O. (1981). *Path to Nigerian Greatness*. Enugu. Fourth Dimension Publishing Ltd.
- Cornes, R., & Sandler, T. (1996). *The Theory of Externalities, Public Goods, and Club Goods*. Cambridge University Press.
- Friedman, W. (1971). *The State and the Rule of Law in Mixed Economy*.
- Hardin, G. (1968). The tragedy of the commons. *Science*, 162(3859), 1243-1248.
- John, Rawls. (1971). *A theory of Justice*. The Belknap Press of Harvard U.P.
- Nozick, Robert. (1974). *Anarchy, State and Utopia*. New York: Basic Book.
- Olson, M. (1965). *The Logic of Collective Action: Public Goods and the Theory of Groups*. Harvard University Press.
- Samuelson, P. A. (1954). The pure theory of public expenditure. *The Review of Economics and Statistics*, 36(4), 387-389.





#### 4.9 Possible Answers to SAEs

The essential attributes of a state as a contracted human organisation/institution is its provision of public goods. Discuss

##### Answers to SAEs 1

The essential attributes of a state as a contracted human organisation/institution is its provision of public goods. These public goods are fundamental benefits to the citizens such as national defence, good roads, health programmes, law and order which a state provides. In other words, if a state fulfills its obligation in the provision of these goods then it would have achieved the goals and objectives that are essential to human development and happiness. However, the pertinent question now is if the state is justified in the provision of public goods? A state rendering/ensuring the provision of these goods is justified based on the state as a social contract or charter. Thus, given that the state exists mainly for the welfare of the people, it behooves on government as an agency of the state based on the principle of justice to keep part of the charter just as is expected of the people. Accordingly, these goods or objectives should be stated and specified in the constitution with the end purpose being justice and the realisation of the common good “must be of such quality and character as will evoke an abiding sense of patriotism and loyalty from the citizens of the state, and must be such as will, in their execution, benefit all the citizens substantially and without exception (Awolowo, 1981:94).

Thus, even though much value has not been reposed on the provisions of chapter 11 of the 1999 constitution based on the fact that they are neither fundamental nor justifiable in the courts (at least not directly) if the state fails in the provision of these essential services, citizens can seek redress in court. However, since it is the substantive political manifesto of the whole country’ all the provisions remain ideals. Moreover, it is important to state that the non- justifiability of the social objectives of the state not only indirectly makes a government ineffective but constitutes a shortfall on democratic principles. Thus, it is apparently wrong to ‘provide for the justifiability of the duties laid on the people towards the state and for the non- justifiability of the (social) obligations which the state owes to the people.

Q1. State the primary imperatives of a state.

Q2. State the main features of public goods.

##### Answers to SAEs 2

Q1. State the primary imperatives of a state.

### The primary Imperatives of the State

The state is contracted as having the monopoly of unconditional constraint hence its ultimate goal is the maintenance of public peace and order and the provision of security internally and externally. The state achieves this through the political institutions i.e defence and security agencies that control the use of force within the territorial setting via law enforcement and warfare (not of interest here). As regards the former, the various units/individuals within a state maintain peace and protection of each individual group's interest against other individuals or groups through the legal system. The assigned functions of the armed forces are also stipulated in section 217(1) of the 1999 Constitution: namely,

Defending Nigeria from external aggression;

Maintaining its territorial integrity and securing its borders from violation on land, sea or air;

Aiding civil authorities to help keep public order and internal security when called upon to do so by the President, subject to such conditions as may be prescribed by an Act of the National Assembly; and Performing such other functions as may be prescribed by an Act of the National Assembly. The Constitution also in section 218(1) states that that the powers of the President (who is expected to be a civilian elected into office with the provisions of the same document- however, imperfect it may be) as Commander-in-Chief of the Armed Forces of the Federation shall include power to determine what roles and functions they are expected to perform as the country's armed forces. The essence of ruler ship under due process therefore is indicative of a generally shared aspiration towards safeguard.

Q2. State the main features of public goods.

#### Features of Public Goods

The fundamental benefits of public goods mentioned above will expectedly be benefiting all the citizens based on its features. To John

G. Head there are two defining features of public goods namely:

*Indivisibility*: This feature relates to goods which, by their character, cannot be shared out among their beneficiaries e.g. national defence. In effect, in as much, as the government desires to defend the country against an attack, then *all* the citizens in that country are being defended. The defence of the country cannot be a defence of a section of the country or a section of its population.

*Non-excludability*. The non-excludability feature means that collective goods are such that, if they are available to some of the members, they *cannot* be denied to others in the group (whether or not these 'others' have cooperated to produce them). Thus, since additional consumption

does not diminish the amount (of defence) available to others, it would be unwise to exclude anyone. Essentially therefore, in as much as a state is logically committed to providing collective goods for its members given the aforementioned features of collective goods, then the issue of whether or not an individual member claims these benefits 'voluntarily' should not constitute an issue in the context of institutional obedience. This is because obligations (especially promissory and contractual obligations) have to be voluntarily assumed in order to be binding.

## Unit 5      Civil Disobedience

### Unit Structure

- 5.1 Introduction
- 5.2 Learning Outcomes
- 5.3 Civil Disobedience
  - 5.3.1 Civil disobedience
- 5.4 Features of Civil Disobedience
- 5.5 Civil Disobedience as an Act of Law Violation
- 5.6 Summary
- 5.7 References/Further Readings/Web Resources
- 5.8 Possible Answers to Self-Assessment Exercise(s)



### 5.1 Introduction

In our last unit, we discussed the essential attributes of a state in its provision of public goods. Also, it explained that beyond the provision of these goods there should be principles that should serve as guide. In this unit, we addressed the concept of public goods, its features and principles. Public goods are essential for the functioning of society, offering non-excludable and non-rivalrous benefits that improve overall well-being.

In this unit, we will address stringent considerations that may over-ride the moral obligation to obey the law-as a form of protest known as civil disobedience in the context of a political system. This unit not only defines civil disobedience but highlights the set of criteria for deciding.



### 5.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the specify how an act of disobedience to law may not constitute civil disobedience
- Describe when an act is properly an instance of civil disobedience
- Explain the basic features of civil disobedience.



## 5.3 Civil Disobedience

### 5.3.1 Civil disobedience

Civil disobedience refers to the active, non-violent refusal to obey certain laws, demands, or commands of a government or occupying power without resorting to physical violence (Zakari, 2022). In Nigeria, civil disobedience has historically been a significant tool for citizens to express dissatisfaction with government policies, protest injustices, and demand changes in governance. Civil disobedience in Nigeria takes various forms, including protests, strikes, boycotts, and sit-ins.

One prominent example of civil disobedience in Nigeria is the widespread protests against fuel price hikes, known as the "Occupy Nigeria" movement in January 2012. The Nigerian government announced the removal of fuel subsidies, leading to a sharp increase in fuel prices. This decision sparked nationwide protests that brought together diverse groups of Nigerians who participated in street protests, strikes, and social media campaigns to demand a reversal of the decision. The movement was largely peaceful and demonstrated the power of civil disobedience in pushing the government to reconsider its policies (Adesoji, 2017).

Another significant example is the #EndSARS protests in October 2020. The protests were sparked by widespread allegations of police brutality, particularly by the Special Anti-Robbery Squad (SARS). Citizens, especially the youth, took to the streets in massive numbers to demand the disbandment of SARS and an end to police violence. The protests were largely peaceful, with protesters organizing sit-ins, marches, and online campaigns. Although the movement was met with violence from security forces, it highlighted the role of civil disobedience in raising awareness and pushing for social change in Nigeria (Obi-Ani, Anikwenze, & Isiani, 2020).

Civil disobedience in Nigeria has also manifested in the form of labor strikes. For instance, the Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC) have frequently organized strikes to protest against government policies perceived as detrimental to workers. These strikes often disrupt economic activities and force the government to negotiate with labor unions (Adewumi & Adenugba, 2010).

It was Peter Singer (1973) who argued that “for whatever reasons there are for obeying the law in any society, there may be stronger reasons against doing so in particular cases”. The obvious implication of this is that an individual or citizens political obligations are not only not

absolute but closely tied with the related notions of dissent and of protest. To this end, citizens or inhabitants of a State can embark on a massive act of civil disobedience aimed at resistance against government policies/ acts. These protests sometimes are directed, not against a law as such but against a policy or a decision of government probably because such decision undercuts basic political rights or violates a shared conception of distributive justice or both.

In the light of the above, many scholars, especially Mohandas Ghandi (1961) have maintained that civil disobedience is an inherent right of a citizen” without which the citizen is less than a man (or woman)”. He argues further that, “Unless a citizen can insist that s/he has a moral right as a moral being to disagree with his/her government anytime it acts unjustly then his or her moral status is degraded”. It is for this reason that it becomes essential to distinguish between civil disobedience and direct action. Direct action according to Bedau (1961) is a type of political protest in which the dissenter uses his own body as a lever to pry loose the policy of government. The example of a direct action is evidenced in the self-incineration of the Buddhist monk or his hunger strike in protest against some government practice or policy.

Civil disobedience is used in most cases in relation to anything from constitutional test cases and such forms of protest as non-cooperation, hunger strike, industrial strikes and self-immolation to aiding the escape of a criminal. Direct action can be likened to direct violence, which, directed against authority, is described as rebellion, revolt, or even revolution. And, these (rebellion, revolution-Marxist or French revolution or better still the revolution of the nihilists of contemporary society, etc.) are modalities of protest against structural violence (which is a property of social institutions and which denies the individual the possibility of self-realisation) or direct violence where the latter is acts carried out by instrumentalities of the government.

### **Self-Assessment Exercises 1**

Discuss your understanding of how civil disobedience does constitute civil disobedience

## **5.4 Features of Civil Disobedience**

It is a protest tool. In line with most of the literatures on civil disobedience which agree with the protest-element (Carl, 1964; Bertrand cf Bedau (1961)) contend that the over-riding aim of those who engage in civil obedience acts is geared towards making an effective protest through recurrent reporting of the reasons for their action so as to either open grave issues to the public debate, to register deep concern and vehement objectives”. This kind of publicity becomes possible through

the popular form of protest which takes the form of appeal, address and propaganda “about a change in the law or policies of the government contrary to good public policy”

(Rawls, 1971). Although this feature is agreeable to many theorists, however, the caveat borders on whether the ‘protest-feature’ is an end in itself or rather as part of an effort to achieve social change/ social objective. To nip the controversies in the bud, Howard (1968) specifically believes that civil disobedience should be “geared towards a vital social purpose that may be achieved either by violating an obnoxious law, protesting an unjust condition or symbolically enacting a desirable law or condition”.

It is public: This feature is essential because (a) it brings to the fore the fact that the civil disobedient is not a covert plotter contemplating toppling a constituted authority. (b) It is not in any way like other acts of civil disobedience e.g. the common cases of crime mostly conducted under concealment. (c) It brings to public awareness the nature and direction of the protest. (d) Fundamentally, it demonstrates the communal or civic character of any protest. Consequent upon this, it would therefore amount to giving the dog a bad name to hang it if peradventure government agents apprehend a group of citizens or their representatives under the ploy that they were involved in civil disobedient acts. This would be an aberration bearing in mind that their acts cannot be concealed from the appropriate authorities since from the outset they were notified in advance of the time and of the place/venue which is always open to public glare.

It is non-violent. This non-violent character according to theorists like Thoreau, Gandhi, Martin Luther King and Ralph Abernathy among others, just as the name presupposes the word ‘civil’ encompasses features like political, public and non-criminal. The non-violent feature is paramount for the protesters in their quest to appeal to national conscience especially based on Luther’s admonition that violence “destroys community and makes brotherhood impossible because it does not leave society members dialoguing with one another” the non-violent, polite attitude comes into play so as to re-assure a distraught public that they need not live in fear for safety and security of their property. By and large, it is clear that the civil disobedient does not contemplate a violent overthrow of the government given the non-violent feature. In effect, the civilly disobedient should not violate the same law that is being protested.

It is conscientious act and yet politically motivated. Theorists such as Bedau, Carl Cohen and Rawls among others stress that the conscientious nature of a decision to embark on civil disobedience are in two senses: First, that an act of civil disobedience is conscientious in the sense that it

is performed from the principled and deeply held convictions of the protester. This is in relation to the fact that the civil disobedient (in violating the law) believes that what is done is right even if it is conceived as illegal. Second, civil disobedience is also conscientious in relation to the fact that the civil disobedient needs to be someone who is already aware of the political legitimacy of the government in lieu of the quest to press for claims within the constitution. And given that all things are not always equal: even when parliamentary issues and debates may appear to be free enough; however, the majority always seems to vote along the party lines. This default not only obstructs but appears inadequate despite political and legal procedures being constitutionally guaranteed. It is however, important to note that the conscientious assertion does not seek to justify disobedience to law on the fact that a given law is incompatible with one conscience.

It has also been described as a politically motivated act. The political act could be construed in a way that those who employ civil disobedient strategies will be seen as persons who are concerned with the institutional frame-work of rule in the state or persons who seek a re-statement of decisions. The ‘political act’ argument is, of course, unobjectionable but trivial as there is no clear distinction between civil disobedience and other forms of political protest. However, Rawls’ argument for describing civil disobedience is instructive. He contends that “civil disobedience is a political act not only in the sense that it is addressed to the majority that holds political power but also because it is an act guided and justified by political principles of justice which regulate the constitution and social institution generally. In justifying civil disobedience one does not appeal to principle of personal morality or to religious doctrines, though these may coincide with and support one’s claims; and it goes without saying that civil disobedience cannot be grounded solely on group of self- interest. Instead one invokes the commonly shared conception of justice that underline the political order... By engaging in civil disobedience a minority forces the majority to consider whether it wishes to have its actions construed in this way, or whether in view of the common sense of justice, it wishes to acknowledge the legitimate claims of the minority”.

### **5.5 Civil Disobedience as an Act of Law Violation**

Irrespective of the above analysis, a civil disobedient act is still conceived as disobedience to the law or constituting an act of law violation based on the regard of civil disobedience “as violent, lawless, unrestrained and coercive-that is a departure from normal (Morris,1964). Accordingly, a civil disobedient is regarded as a criminal that deserves to be punished. This position is premised on the notion that disobedience presupposes the concept of a law or, at least, some form of public



conduct generally thought and believed to have the force of law, which has been violated thus making the action illegal. And, in as much as the law which has been violated also has a penal dimension, the illegality is presumptively punishable, although the court, in the exercise of its discretion, may decide not to prosecute. In fact, to theorists like *Marshall Cohen, Carl Cohen, David Spitz, John Rawls and*

*C.W. Summer* among others have objected arguing that an act of civil disobedience does involve a violation of law or some decision of government which has the force of law. First, their main objection is premised on the argument that, rather than actively resorting to protest which ‘supposedly’ constitutes breaking the law, the individual/citizen could easily have ‘ignored’ the proposed policy that appears unfavorable. Second, that civil disobedience in a way constitutes ‘disobedience’ because it actually involves a violation of law/policy /decision of the government having the force of law.

However, Justice Abe Fortas argues that constitutional tests cases constitute acts of civil disobedience because laws with doubtful constitutional validity constitute the core of civil disobedient actions. Moreover, civil disobedience or the deliberate violation of law is never justified, in a nation where the law being violated is not the focus of the protest. To do otherwise is to act unconstitutionally and immorally, since civil disobedience would become a technique of welfare and not a form of civil protest (Adeigbo (1991)). The above points suffice to show why civil disobedience involves the violations of valid laws.

### Self-Assessment Exercises 2

What do you understand by the concept civil disobedience and its key features?

Civil disobedience as an act of law violation. Discuss



### 5.6 Summary

This unit addressed what civil disobedience means, its features and arguments for and against its constituting law violation. Civil disobedience remains a crucial tool for Nigerian citizens to challenge government policies and demand accountability. While the outcomes of such actions vary, they have undeniably played a significant role in shaping Nigeria's socio-political landscape. This unit not only defined civil disobedience but highlighted the set of criteria for deciding how an act of disobedience to law may not constitute civil disobedience and also when an act is properly an instance of civil disobedience. On the other

hand, does not agree that constitutional test cases constitute civil disobedience acts. This is because admitting them implies the contradictory preposition that the law promotes and protects its own testing – given the nexus between law and obedience. Third, it is illegal in as much as it is acting contrary to a decision made by the State which incidentally possesses the legitimate political authority of a validly derived law.

In effect, for a group of people to possess legitimate political authority, the presupposition is that they have right or are permitted, provisionally at least, to define what constitutes legality or illegality within the scope of their authority. In the light of this, it would be apt to say that civil disobedient acts constitute illegality when a he or she or a group protests government policy by violating a valid law that forbids parading without a permit or occupation of government buildings. Thus, it then makes sense to restrict the notion of illegal acts of civil disobedience to the violation of laws of certain type, namely, penal laws.



### 5.7 References/Further Readings/Web Resources

Abe, Fortas. (1968). *Concerning Dissent and Civil Disobedience*. New York. The New American Library.

Adeigbo, F.A. (1991). “Civil Disobedience: A Formula of Definition”  
In, Adeigbo. F.A. (eds.). *Readings in Social and Political Philosophy*. Vol One. Ibadan. Claverianum Press.

Adesoji, A. O. (2017). The Occupy Nigeria Movement: Global Trends and Domestic Dimensions in Nigeria's Anti-fuel Subsidy Removal Protests. *Journal of Asian and African Studies*, 52(6), 1-17.

Adewumi, F., & Adenugba, A. (2010). The State of Workers' Rights in Nigeria: An Examination of the Nigerian Labour Congress and Trade Union Congress of Nigeria. Friedrich-Ebert-Stiftung.

Brown, S.M. (1961). “Civil Disobedience”. *The Journal of Philosophy*. Vol. 58.

Carl, Cohen. (1964). “Essence and Ethics of Civil Disobedience”. *The Nation*. No.198.

Dudley, B.J. (1975). *Sceptimism and Political Virtue*. An Inaugural Lecture Delivered at the University of Ibadan. Ibadan University

Press.

- Howard, Zinn. (1968). *Disobedience and Democracy*. New York. Random House.
- John, Rawls. (1971). *A Theory of Justice*. Harvard University Press. Massachussets.
- Martin, Luther King. (1958). *Stride Towards Freedom*. New York. Harper and ow Publishers.
- Mohahandas, Gandhi. (1961). *Non-Violent Resistance*. (Ed.). Bharantan Kumarappa. New York. Schocken Books.
- Morris, Ernest. (1964). 'Free Speech and Civil Disobedience'. *American Criminal Law Quarterly*. Vol. 15.
- Obi-Ani, N. A., Anikwenze, C., & Isiani, M. C. (2020). Social Media and the #EndSARS Protest in Nigeria: An Examination of the Role of Digital Activism in Influencing Public Perception and Policy. *International Journal of Sociology and Anthropology*, 12(4), 1-8.
- Richard, Wasserstrom. (1966). Untitled Article. *In, Civil Disobedience*. Santa Barbara. California. Centre for the Study of Democratic Institutions.
- Ronald, Dworkin. (1968). 'On Not Prosecuting Civil disobedience'. *The New York Review of Books*. Vol.10.



## 5.8 Possible Answers to SAEs

### Answers to SAEs 1

Q1. Discuss your understanding of how civil disobedience does constitute civil disobedience

It was Peter Singer (1973) who argued that “for whatever reasons there are for obeying the law in any society, there may be stronger reasons against doing so in particular cases”. The obvious implication of this is that an individual or citizens political obligations are not only not absolute but closely tied with the related notions of dissent and of protest. To this end, citizens or inhabitants of a State can embark on a massive act of civil disobedience aimed at resistance against government policies/ acts. These protests sometimes are directed, not against a law as such but against a policy or a decision of government probably because such decision undercuts basic political rights or violates a shared conception of distributive justice or both.

In the light of the above, many scholars, especially Mohandas Ghandi (1961) have maintained that civil disobedience is an inherent right of a citizen” without which the citizen is less than a man (or woman)”. He argues further that, “Unless a citizen can insist that s/he has a moral right as a moral being to disagree with his/her government anytime it acts unjustly then his or her moral status is degraded”. It is for this reason that it becomes essential to distinguish between civil disobedience and direct action. Direct action according to Bedau (1961) is a type of political protest in which the dissenter uses his own body as a lever to pry loose the policy of government. The example of a direct action is evidenced in the self-incineration of the Buddhist monk or his hunger strike in protest against some government practice or policy.

Civil disobedience is used in most cases in relation to anything from constitutional test cases and such forms of protest as non-cooperation, hunger strike, industrial strikes and self-immolation to aiding the escape of a criminal. Direct action can be likened to direct violence, which, directed against authority, is described as rebellion, revolt, or even revolution. And, these (rebellion, revolution-Marxist or French revolution or better still the revolution of the nihilists of contemporary society, etc.) are modalities of protest against structural violence (which is a property of social institutions and which denies the individual the possibility of self-realisation) or direct violence where the latter is acts carried out by instrumentalities of the government.

Q1. Discuss your understanding of how civil disobedience does or does not constitute civil disobedience

## Q2 Civil disobedience as an act of law violation. Discuss

### Answers to SAEs 2

Q1. What do you understand by the concept civil disobedience and its key features?

Civil disobedience is used in most cases in relation to anything from constitutional test cases and such forms of protest as non-cooperation, hunger strike, industrial strikes and self-immolation to aiding the escape of a criminal.

#### Features of Civil Disobedience

It is a protest tool. In line with most of the literatures on civil disobedience which agree with the protest-element (Carl, 1964; Bertrand cf Bedau (1961)) contend that the over-riding aim of those who engage in civil obedience acts is geared towards making an effective protest through recurrent reporting of the reasons for their action so as to either open grave issues to the public debate, to register deep concern and vehement objectives". This kind of publicity becomes possible through the popular form of protest which takes the form of appeal, address and propaganda "about a change in the law or policies of the government contrary to good public policy"

(Rawls, 1971). Although this feature is agreeable to many theorists, however, the caveat borders on whether the 'protest-feature' is an end in itself or rather as part of an effort to achieve social change/ social objective. To nip the controversies in the bud, Howard (1968) specifically believes that civil disobedience should be "geared towards a vital social purpose that may be achieved either by violating an obnoxious law, protesting an unjust condition or symbolically enacting a desirable law or condition".

It is public: This feature is essential because (a) it brings to the fore the fact that the civil disobedient is not a covert plotter contemplating toppling a constituted authority. (b) It is not in any way like other acts of civil disobedience e.g. the common cases of crime mostly conducted under concealment. (c) It brings to public awareness the nature and direction of the protest. (d) Fundamentally, it demonstrates the communal or civic character of any protest. Consequent upon this, it would therefore amount to giving the dog a bad name to hang it if peradventure government agents apprehend a group of citizens or their representatives under the ploy that they were involved in civil disobedient acts. This would be an aberration bearing in mind that their acts cannot be concealed from the appropriate authorities since from the outset they were notified in advance of the time and of the place/venue which is always open to public glare.

It is non-violent. This non-violent character according to theorists like Thoreau, Gandhi, Martin Luther King and Ralph Abernathy among others, just as the name presupposes the word 'civil' encompasses features like political, public and non-criminal. The non-violent feature is paramount for the protesters in their quest to appeal to national conscience especially based on Luther's admonition that violence "destroys community and makes brotherhood impossible because it does not leave society members dialoguing with one another" the non-violent, polite attitude comes into play so as to re-assure a distraught public that they need not live in fear for safety and security of their property. By and large, it is clear that the civil disobedient does not contemplate a violent overthrow of the government given the non-violent feature. In effect, the civilly disobedient should not violate the same law that is being protested.

It is conscientious act and yet politically motivated. Theorists such as Bedau, Carl Cohen and Rawls among others stress that the conscientious nature of a decision to embark on civil disobedience are in two senses: First, that an act of civil disobedience is conscientious in the sense that it is performed from the principled and deeply held convictions of the protester. This is in relation to the fact that the civil disobedient (in violating the law) believes that what is done is right even if it is conceived as illegal. Second, civil disobedience is also conscientious in relation to the fact that the civil disobedient needs to be someone who is already aware of the political legitimacy of the government in lieu of the quest to press for claims within the constitution. And given that all things are not always equal: even when parliamentary issues and debates may appear to be free enough; however, the majority always seems to vote along the party lines. This default not only obstructs but appears inadequate despite political and legal procedures being constitutionally guaranteed. It is however, important to note that the conscientious assertion does not seek to justify disobedience to law on the fact that a given law is incompatible with one conscience.

It has also been described as a politically motivated act. The political act could be construed in a way that those who employ civil disobedient strategies will be seen as persons who are concerned with the institutional frame-work of rule in the state or persons who seek a re-statement of decisions. The 'political act' argument is, of course, unobjectionable but trivial as there is no clear distinction between civil disobedience and other forms of political protest. However, Rawls' argument for describing civil disobedience is instructive. He contends that "civil disobedience is a political act not only in the sense that it is addressed to the majority that holds political power but also because it is an act guided and justified by political principles of justice which regulate the constitution and social institution generally. In justifying

civil disobedience one does not appeal to principle of personal morality or to religious doctrines, though these may coincide with and support one's claims; and it goes without saying that civil disobedience cannot be grounded solely on group of self-interest. Instead one invokes the commonly shared conception of justice that underline the political order... By engaging in civil disobedience a minority forces the majority to consider whether it wishes to have its actions construed in this way, or whether in view of the common sense of justice, it wishes to acknowledge the legitimate claims of the minority”.

#### Civil Disobedience as an Act of Law Violation

Irrespective of the above analysis, a civil disobedient act is still conceived as disobedience to the law or constituting an act of law violation based on the regard of civil disobedience “as violent, lawless, unrestrained and coercive-that is a departure from normal (Morris,1964). Accordingly, a civil disobedient is regarded as a criminal that deserves to be punished. This position is premised on the notion that disobedience presupposes the concept of a law or, at least, some form of public conduct generally thought and believed to have the force of law, which has been violated thus making the action illegal. And, in as much as the law which has been violated also has a penal dimension, the illegality is presumptively punishable, although the court, in the exercise of its discretion, may decide not to prosecute. In fact, to theorists like *Marshall Cohen, Carl Cohen, David Spitz, John Rawls and C.W. Summer* among others have objected arguing that an act of civil disobedience does involve a violation of law or some decision of government which has the force of law. First, their main objection is premised on the argument that, rather than actively resorting to protest which ‘supposedly’ constitutes breaking the law, the individual/citizen could easily have ‘ignored’ the proposed policy that appears unfavorable. Second, that civil disobedience in a way constitutes ‘disobedience’ because it actually involves a violation of law/policy /decision of the government having the force of law.

However, Justice Abe Fortas argues that constitutional tests cases constitute acts of civil disobedience because laws with doubtful constitutional validity constitute the core of civil disobedient actions. Moreover, civil disobedience or the deliberate violation of law is never justified, in a nation where the law being violated is not the focus of the protest. To do otherwise is to act unconstitutionally and immorally, since civil disobedience would become a technique of welfare and not a form of civil protest. Adeigbo (1991). The above points suffice to show why civil disobedience involves the violations of valid laws.

**MODULE 3**

Unit 1	Liberty and Freedom
Unit 2	Concept and Practice Citizenship
Unit 3	Issues of citizenship
Unit 4	Gender and Citizenship
Unit 5	Rights of Citizenship

**UNIT 1 Liberty and Freedom****Unit Structure**

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Liberty or Freedom
- 1.4 Types of Liberty
- 1.5 Citizen's Liberty Practices in Nigeria
- 1.6 Freedom Practices in Nigeria
- 1.6 Summary
- 1.7 References/Further Readings/Web Resources
- 1.8 Possible Answers to Self-Assessment Exercise(s)

**1.1 Introduction**

This unit will discuss Liberty or Freedom. The different types of liberty will be examined, shedding light on the various forms it can take. Moving on to focus specifically on Nigeria, the practices of citizens in exercising their liberty were analyzed, providing insight into how this fundamental right is exercised in the country. Furthermore, the concept of freedom in Nigeria was delved into, highlighting the specific practices and challenges associated with the pursuit of freedom within the Nigerian context. Overall, the discussion painted a comprehensive picture of the complexities surrounding the notions of liberty and freedom, particularly as they manifest in the Nigerian society. This unit examines how the authority of the state with which a citizen cannot dispense with is to be made compatible with the liberty without which one is human? To this end, the conceptions of liberty/freedom and their implications in terms of political practice will be analysed.





## 1.2 Learning Outcomes

By the end of this unit, you will be able to:

- State the meaning of liberty and freedom
- Explain Berlin's two types of freedom
- List the fundamental freedoms as stipulated in the constitution.



## 1.3 Liberty or Freedom

The terms liberty and freedom can be used synonymously, even though some social theorists try to maintain a distinction between them. Ordinarily, this emotive word means the non-constraining of one's action. The important point to note from this general definition is the nexus between 'constraint' and 'desire' in relation to freedom. Specifically, somebody can be conceived to be free to the extent that one is able to do something without any constraint or impediment capable of frustrating desire (Cranston, 1981:83).

The concept of liberty can be used in a moral and social sense in social and political philosophy. The moral sense refers either to circumstances between the human relations with one another. The social aspect refers to the conditions of social life.

Flowing from above, it is glaring that the concept can be used variously to the extent that if not properly understood it could lose its concise meaning. First, it is pertinent to state that not all constraints as alluded to in the aforementioned contention that the concept is the 'the absence of constraints or impediments' are equal. Ideally, freedom or liberty connotes the absence of coercion imposed by one on the other, however; the condition of an absence of coercion presupposes the absence of interference by conditions that could be removed by other people in the affairs of one another in a society. In situations like this, "to be free from restraint" implies "to be free to choose" between alternatives available to one. This means the absence of coercion, by man, state or authority. But, if one is coerced then one's action is not a product of individual choice. To this end, one's freedom/liberty could be said to be curtailed or limited. In view of this standpoint, some social theorists have posited that 'liberty/freedom' should only be construed as the absence of coercion meaning that if one is not coerced but allowed to act out of personal will then he or she could be said to be free.

## What is Liberty?

Liberty refers to the condition in which an individual has the freedom to act according to their own will, within the limits of the law and the rights of others. It involves the protection of individual rights from infringement by the government or other individuals. The concept of liberty is foundational in democratic societies and is often associated with political and civil freedoms, such as the freedom of speech, religion, and assembly. It emphasizes the absence of oppressive restrictions imposed by authority on one's way of life, behavior, or political views (Berlin, 1969).

## What is Freedom?

Freedom, often used interchangeably with liberty, refers to the power or right to act, speak, or think without hindrance or restraint. It is a broader concept than liberty, encompassing both the absence of physical and external restraints as well as the ability to make choices that are in accordance with one's desires and goals. In philosophical terms, freedom can be understood as both "freedom from" (negative freedom) and "freedom to" (positive freedom), where the former relates to the absence of external constraints, and the latter pertains to the capacity to act on one's free will (MacCallum, 1967).

### Self-Assessment Exercises 1

What does the concept of liberty or freedom mean?

#### 1.4 Types of Liberty

Berlin (1961:7) wrote in his seminar paper "Two Concepts of Liberty" two influential and important perspectives of liberty namely the negative and positive liberty which has been variously used in the different explanations of the concept.

**Negative liberty** is a matter of the absence of certain kinds of interference by others. In effect, not to be interfered with in pursuit of one's desire is to negatively free. Negative freedom aims at solving the paradox of what constitutes the limit within which a person or group should be left to do what he or she or the group is/are capable of doing without interference by others. This concept of negative freedom is in consonance with the liberal conception of liberty.

**Positive liberty:** This refers to being motivated by purposes which are rationally self-determined, as opposed to one's irrational passions, false consciousness, or outside manipulation of others. Positive liberty is contained in the answer to the question, 'what or who is the source of

control or interference that can determine someone to do or be X rather than Y? The belief here is that self-mastery the act of rational self-determination (in which higher reason -our true selves) enables an individual to control his/her lower passions, which is true liberty derives from man's desire to be in control of his own destiny. In essence, an individual's life and destiny should be in his/her control rather than be controlled by others. True liberty is all about not acting irrationally or ignorantly moreover an individual can be forced to be free if his lower self-acts irrationally. In sum, though Berlin believes that self-mastery is not the sole or necessarily the most important goal in life still he objects to the idea that force could be used to achieve rational self-mastery. He says that to force or coerce or torture man in the name of freedom is morally objectionable. The shortfall in positive liberty according to him is that it could be used to justify the most pernicious rule. To this end, he believes that freedom is one among several social values including justice, equality, etc.

Finally, it appears that Berlin prefers negative liberty (absence of obstacles or coercion) to positive liberty. It is important to say, however, that negative freedom-as the absence of constraint would only be effective if it is conjoined with positive freedom. In other words, the provision of social and economic goods will engender freedom.

### **1.5 Citizen's Liberty Practices in Nigeria**

In Nigeria, the practice of liberty is enshrined in the Constitution, which guarantees fundamental rights such as the right to life, freedom of speech, and the right to peaceful assembly and association (Constitution of the Federal Republic of Nigeria, 1999). However, the practical exercise of these liberties is often constrained by political, social, and economic factors. For instance, while the constitution guarantees freedom of expression, there have been instances where this liberty is curtailed by laws like the Cybercrimes Act of 2015, which has been criticized for limiting free speech, especially on social media (Amnesty International, 2020). Moreover, the liberty to protest or assemble is sometimes suppressed by the government, especially when such gatherings are perceived as a threat to the state.

### **1.6 Freedom Practices in Nigeria**

Freedom in Nigeria, similar to liberty, is constitutionally protected. Citizens enjoy freedom of movement, freedom of religion, and freedom of the press, among others. However, these freedoms are often compromised by systemic challenges such as corruption, insecurity, and socio-political instability. For example, religious freedom is constitutionally guaranteed, but in practice, religious conflicts and

discrimination occur, particularly in regions with significant religious diversity (Pew Research Center, 2019). Similarly, while freedom of the press is recognized, journalists often face harassment, intimidation, and even violence when reporting on sensitive issues (Reporters without Borders, 2021).

Understanding the concept of coercion is unique here so as to better understand what the 'absence from coercion or interference' in the concept of liberty really means. In perspective of our analysis, the conception of coercion shall be limited to the direct limiting of freedom by force. This, by implication, means the limiting of one's choice and invariably the curtailing of one's freedom. There are various forms of force as evident in imprisonment or the threat of harm through enforced power. These types are usually referred to as direct forms of coercion. However, of importance is the subtle and often dangerous form of coercion which consists of deliberate or mild alteration in the conditions which surround us and in which we live, and which can affect our decisions (Benn, 1987:259). This alteration to the conditions surrounding one comes in different forms. It could be mild on the one hand, as evident in the advertising of a certain product. On the other, it could rear its head through state propaganda. In sum, all these constitute forms of coercion in its interference with the freedom of individuals.

### **Self-Assessment Exercises 2**

Mention and discuss the two forms of Liberty?

Explain the types of liberty from Isaiah Berlin's perspective.



### **1.7 Summary**

This unit explained that liberal theorists of liberty emphasised absence of constraint or coercion in their definition of liberty while positive theorists maintained that for freedom to be meaningful there must be some social prerequisites. Also, it explained that any meaningful freedom is dependent on the state to provide certain social and economic goods for the realisation of freedom.

The unit examined the contentions by theorists about what liberty/freedom is as well as its features, types, critique and the practice in a political system.

Liberty and freedom are fundamental concepts that underscore the rights of individuals to act autonomously within the framework of the law. In Nigeria, while both liberty and freedom are constitutionally protected, their practical realization is often hindered by various socio-political and

economic challenges. Citizens' liberty, such as the freedom of expression and assembly, is sometimes restricted by the state, while freedom, including religious freedom and freedom of the press, faces practical limitations due to systemic issues. The gap between constitutional guarantees and actual practices highlights the ongoing struggle in Nigeria to fully realize these fundamental rights.



### 1.8 References/Further Readings/Web Resources

- Adeigbo, F.A. (1991). *Readings in Social and Political Philosophy*. Volume One. Claverium Press.
- Akinola, Aguda. (1987). *The Jurisprudence of Unequal Justice*. LASU.
- Benn, S.I. (1967). "Freedom and Persuasion." *Australian Journal of Philosophy*. Vol. 45.
- American Philosophical Quarterly*. Volume 11.No.3.
- Amnesty International. (2020). *Nigeria: Authorities must end their attempts to gag dissent as Omoyele Sowore faces court*. Retrieved from Amnesty.org.
- Berlin, I. (1969). *Four essays on liberty*. Oxford University Press.
- Constitution of the Federal Republic of Nigeria. (1999). Retrieved from Nigeria-law.org.
- Craston, M. (1953). *A New Analysis*. London. Longmans.
- Edwards, P.(Ed.). (1967). *The Encyclopedia of Philosophy Vol 3 and 4*.New York and London: Macmillan.
- Gwamna, Dogara, Je'Adayibe. (2004). *Sharia, Gender and Rights of Non- Muslims in Northern Nigeria. Constitutional Reform Debate*. Gender and Development Action (GADA) Series 12.
- Isaiah, Berlin. (1961). *Two Concepts of Liberty*. Oxford: Clarendon Press.
- MacCallum, G. C. (1967). Negative and positive freedom. *The Philosophical Review*, 76(3), 312-334.
- MacCallum, G.C. (1967). 'Negative and Positive Freedom'

Macphurson. (1973). *Democratic Theory: Essays in Retrieval*. Oxford: UP.

Norman, R. (1982). "Does Equality Destroy Liberty?" In, K. Graham. (Ed.) *Contemporary Political Philosophy: Radical Studies*. Cambridge.

Parent, W.A. (1974). 'Some Recent Work on the Concept of Liberty'.

Pew Research Center. (2019). *A closer look at how religious restrictions have risen around the world*. Retrieved from [PewResearch.org](http://PewResearch.org).

Philosophical Review. LXXVI.

Reporters Without Borders. (2021). *Nigeria: Still dangerous for journalists despite democratic change*. Retrieved from [RSF.org](http://RSF.org).

The Constitution of the Federal Republic of Nigeria, 1999.



## 1.9 Possible Answers to SAEs

Q1. What does the concept of liberty or freedom mean?

### Answers to SAEs 1

Q1. What does the concept of liberty or freedom mean?

The terms liberty and freedom can be used synonymously, even though some social theorists try to maintain a distinction between them. Ordinarily, this emotive word means the non-constraining of one's action. The important point to note from this general definition is the nexus between 'constraint' and 'desire' in relation to freedom. Specifically, somebody can be conceived to be free to the extent that one is able to do something without any constraint or impediment capable of frustrating desire (Cranston, 1981:83). The concept of liberty can be used in a moral and social sense in social and political philosophy. The moral sense refers either to circumstances between the human relations with one another. The social aspect refers to the conditions of social life.

Q1. Mention and discuss the two forms of Liberty?

Q2. Explain the types of liberty from Isaiah Berlin's perspective

### Answers to SAEs 2

Q1. Mention and discuss the two forms of Liberty?

Berlin (1961:7) wrote in his seminar paper “Two Concepts of Liberty” two influential and important perspectives of liberty namely the negative and positive liberty which has been variously used in the different explanations of the concept.

Negative liberty is a matter of the absence of certain kinds of interference by others. In effect, not to be interfered with in pursuit of one’s desire is to negatively free. Negative freedom aims at solving the paradox of what constitutes the limit within which a person or group should be left to do what he or she or the group is/are capable of doing without interference by others. This concept of negative freedom is in consonance with the liberal conception of liberty.

Positive liberty: This refers to being motivated by purposes which are rationally self-determined, as opposed to one’s irrational passions, false consciousness, or outside manipulation of others. Positive liberty is contained in the answer to the question, ‘what or who is the source of control or interference that can determine someone to do or be X rather than Y? The belief here is that self-mastery the act of rational self-determination (in which higher reason -our true selves) enables an individual to control his/her lower passions, which is true liberty derives from man’s desire to be in control of his own destiny. In essence, an individual’s life and destiny should be in his/her control rather than be controlled by others. True liberty is all about not acting irrationally or ignorantly moreover an individual can be forced to be free if his lower self-acts irrationally. In sum, though Berlin believes that self-mastery is not the sole or necessarily the most important goal in life still he objects to the idea that force could be used to achieve rational self-mastery. He says that to force or coerce or torture man in the name of freedom is morally objectionable. The shortfall in positive liberty according to him is that it could be used to justify the most pernicious rule. To this end, he believes that freedom is one among several social values including justice, equality, etc.

Q2. Explain the types of liberty from Isaiah Berlin’s perspective

Berlin prefers negative liberty (absence of obstacles or coercion) to positive liberty. It is important to say, however, that negative freedom-as the absence of constraint would only be effective if it is conjoined with positive freedom. In other words, the provision of social and economic goods will engender freedom.

## Unit 2      Concept and Practice Citizenship

### Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 What is Citizenship?
- 2.4 Acquisition of Citizenship
- 2.5 Summary
- 2.6 References/Further Readings/Web Resources
- 2.8 Possible Answers to Self-Assessment Exercise(s)



### 2.1 Introduction

The last unit discussed Liberty or Freedom. The different types of liberty were examined, shedding light on the various forms it can take. Moving on to focus specifically on Nigeria, the practices of citizens in exercising their liberty were analyzed, providing insight into how this fundamental right is exercised in the country. Furthermore, the concept of freedom in Nigeria was delved into, highlighting the specific practices and challenges associated with the pursuit of freedom within the Nigerian context. Overall, the discussion painted a comprehensive picture of the complexities surrounding the notions of liberty and freedom, particularly as they manifest in the Nigerian society.

In this unit, the concept of citizenship will be thoroughly explored, touching upon the definition of a citizen and the criteria that determine citizenship status. A key focal point was delving into the entitlements that citizens receive from the state, emphasizing the rights and privileges that come with being a member of a certain political community. Additionally, the discussion extended to the mutual responsibilities inherent in citizenship, highlighting how being a citizen entails certain duties and obligations towards the state. This examination shed light on the reciprocal nature of citizenship, illustrating the interconnectedness between the benefits citizens enjoy and the responsibilities they bear. By analyzing the relationship between citizens and the state, the unit provided a comprehensive understanding of the multifaceted dynamics that shape the concept of citizenship, emphasizing the intricate balance between rights and duties within a functioning society.





## 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss and define citizenship and who is a citizen
- Analyse the state the entitlements that accrue to a citizen from the state
- Demonstrate the state if citizenship necessarily imply duties from the citizen to the state.



## 2.3 What is Citizenship?

The first thing that comes to mind is ‘who is a citizen’? A citizen or *citizenship* broadly is conceived as social contract valid for all in a political system based on the set of rights *and obligations* which a citizen is entitled to within a given state. In effect, citizenship could be regarded as the most privileged form of nationality, a broad term said to denote various relations between an individual and a state. However, this relation does not necessarily confer political rights but do imply other privileges, especially protection abroad. In effect, a citizen is supposed to identify with the interests of the political community to which they belong even at the expense of their membership in families, professional or regional communities.

This notion of citizenship creates a problem for federalism especially in a country like Nigeria. This is in the sense that the central object of federalism is “the extension and expansion of political space, autonomy and institutions to the benefit of geo-political units in a context in which the political community accepts that ethnic, religious and cultural differences exist and that their management would benefit from differential levels of governance (Ibrahim, 2003, 115). In this context, each participant enjoys a constitutionally protected membership in two polities, one regional and one central (Vernon, 1988:3). The implication of this is that citizens of a federal state will enjoy protection from two levels of government. This aspect of federalism has been pushed too far by political elites so much so that it has served to undermine the values of loyalty or served in engendering double loyalty.

On the other hand, citizenship as defined by international law denotes all persons whom a state is entitled to protect. This feature should, however, not be conceived as if a state may not protect aliens. The important thing to note, however, is that citizenship expectedly should confer equal access to a range of resources (like Civil Resources, Social

Resources, Political Resources, and Economic Resources) so as to engender concomitant duties from the citizenry to the state. However, collective identifications based on ethnicity, religion and sex which all play an important role in determining the collective shape of citizenry (Glazer 1994:224-39; Kymlicka and Will, 1990) have continued to ensure many a citizen are left out or are only partially included in the institutionalisation of notions of citizenship, i.e. equal access to a range of resources. This brings to bear the fact that the actualisation of the content of citizenship though different for various segments of society go beyond the establishment of formal democratic institutions.

In effect, it has been agreed by scholars that citizenship is not absolute i.e. something that you either have or not, rather what you may have more or less of, in terms of the various attributes of access and recognition. Thus, for modern concept of citizenship, a significant divergence has been on the question of whether citizenship rights should be understood as individual entitlements only, or group and community rights. This shift in the content of citizenship over time not only border on changes occurring in society but rather on the fact that the attributes of citizenship have, however, neither been static nor uniform, or even limited in application exclusively to individuals as opposed to communities. This is in relation to central issues like the engendering of citizenship which include struggles for the expansion of the rights of women; the promotion of male-female equality i.e. the reconstitution of the public sphere to enhance the presence and participation of women which border on patriarchy or on notions of discrimination, the reform of family law; and the re-definition of the legal requirements for citizenship.

### Self-Assessment Exercises 1

Who is a citizen?
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## 2.4 Acquisition of Citizenship

Citizenship or membership is channeled through one authoritative agent, the state. Membership in state/ society and its social organisations occur in different modes and influence a person in diverse ways. However, conditions for acquiring citizenship in any country so as to be granted the privileges of natural-born citizens are through *registration and naturalization*. Specifically, in the Nigerian Constitution of 1979 and 1999(stated in Chapter 11) citizenship can be acquired through three basic processes:

**By Birth:** 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.

Every person born in Nigeria after the date of *independence*, either of whose parents or any of whose grandparents is a citizen of Nigeria.

Every person born outside Nigeria either of whose parents is a citizen of Nigeria.

**By Registration:** This second category includes those to be registered by the president through relevant public agencies.

**By Naturalization:** This category involves those who naturalize. Here, the membership of a state is determined by the legal classification of inhabitants within states as citizens and non- citizens. For the non-citizens i.e. immigrants the state institutes certain citizenship policies or membership policies which regulate admission to citizenship in a state which have absolute authority to include or exclude persons as members of state. This differentiates inhabitants which are regarded by the governing regime as the state's subjects, and those that are not so much so that although inhabitants of a given state are residents, only citizens, i.e. residents that have *citizenship* are able to participate politically in voicing legitimate demands, forming rules and enforcing these upon all members within society, including *non- citizens*

### Self-Assessment Exercises 2

What is your understanding of who a citizen is?
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### 2.5 Summary

This unit examined what constitutes citizenship, how citizenship can be acquired within the context of a concrete political system. Citizenship broadly is conceived as social contract valid for all in a political system based on the set of rights and obligations which a citizen is entitled to within a given state. Membership in state/ society and its social organisations occur in different modes and influence a person in diverse ways. Citizenship or membership is channeled through one authoritative agent, the state. The unit addressed fundamental issues concerning citizenship. , Citizenship as defined by international law denotes all persons whom a state is entitled to protect. This feature should, however, not be conceived as if a state may not protect aliens. The important thing to note, however, is that citizenship expectedly should confer equal access to a range of resources (like Civil Resources, Social Resources, Political Resources, and Economic Resources) so as to engender concomitant duties from the citizenry to the state. Furthermore, citizenship can be acquired through three basic processes:

By birth, through neutrality as well as process of registration, it is pertinent to note that citizenship can be able to participate politically in voicing legitimate demands, forming laws and enforcing these upon all members within society, including non- citizens if the needs arises.



## 2.6 References/Further Readings/Web Resources

- A.T. & Samuel Egwu.(Ed). Asmara Eritrea:African world press, Inc.
- Abejide, Peter, Odofin. (2004). ‘Federalism and the Challenge of Citizenship in Nigeria’s Multi-Ethnic State.’ Constitutional Reform Debate Series 7. Lagos: Gender and Development Action(GADA).
- Brubaker, R. (1992). *Citizenship and Nationhood in France and Germany*. Cambridge/Massachussets/London: Harvard University Press.
- Davis, U. (1994). ‘The Question of Citizenship and the State in the Middle East-The Case of Isreal, Jordan and Palestine.’ *Paper presented before the British Society for Middle Eastern Studies, Annual Conferences, 12-14 July, 1994.*
- Glazer, N. (1994). “Individual Rights against Group Rights” Turner, B. &P. Hamilton (eds.) *Citizenship: Critical Concepts*, Vol.2. London: Routledge.
- Ibrahim, J. (2003). ‘Ethno-Religious Limits to the Construction of Federalism in Africa:Yugoslavia and Nigeria Compared in Federalism in Africa Framing the National Question Vol. I. Gana
- Kymlicka, Will. (1990). *Contemporary Political Philosophy-An Introduction*. Oxford: Oxford University Press.
- Marshall, T.H. (1965). *Class, Citizenship and Social Development*. New York: Croom Helm
- Politics of Development Group. (1995). *Citizenship and Organised Interests: Individual and Collective Rights in Third World Democratisation*. Stockholm University, Department of Political Science.
- The 1999 Constitution of the Federal Republic of Nigeria.

Vernon, R. (1988). 'The Federal Citizen.' In, R. D. Olling & M. W. West Macolt. (Eds.). *Perspectives on Canadian Federalism*. Canada: Prentice Hall.



## 2.7 Possible Answers to SAEs

### Q1. Who is a citizen?

#### Answers to SAEs 1

The first thing that comes to mind is 'who is a citizen'? A citizen or *citizenship* broadly is conceived as social contract valid for all in a political system based on the set of rights *and obligations* which a citizen is entitled to within a given state. In effect, citizenship could be regarded as the most privileged form of nationality, a broad term said to denote various relations between an individual and a state. However, this relation does not necessarily confer political rights but do imply other privileges, especially protection abroad. In effect, a citizen is supposed to identify with the interests of the political community to which they belong even at the expense of their membership in families, professional or regional communities.

This notion of citizenship creates a problem for federalism especially in a country like Nigeria. This is in the sense that the central object of federalism is "the extension and expansion of political space, autonomy and institutions to the benefit of geo-political units in a context in which the political community accepts that ethnic, religious and cultural differences exist and that their management would benefit from differential levels of governance (Ibrahim, 2003, 115). In this context, each participant enjoys a constitutionally protected membership in two polities, one regional and one central (Vernon, 1988:3). The implication of this is that citizens of a federal state will enjoy protection from two levels of government. This aspect of federalism has been pushed too far by political elites so much so that it has served to undermine the values of loyalty or served in engendering double loyalty.

### Q1. What is your understanding of who a citizen is?

#### Answers to SAEs 2

Citizenship or membership is channeled through one authoritative agent, the state. Membership in state/ society and its social organisations occur in different modes and influence a person in diverse ways. However, conditions for acquiring citizenship in any country so as to be granted the privileges of natural-born citizens are through *registration and naturalization*. Specifically, in the Nigerian Constitution of 1979 and 1999(stated in Chapter 11) citizenship can be acquired through three

basic processes:

By Birth:

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.

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Every person born outside Nigeria either of whose parents is a citizen of Nigeria.

By Registration: This second category includes those to be registered by the president through relevant public agencies.

By Naturalization: This category involves those who naturalize. Here, the membership of a state is determined by the legal classification of inhabitants within states as citizens and non- citizens. For the non-citizens i.e. immigrants the state institutes certain citizenship policies or membership policies which regulate admission to citizenship in a state which have absolute authority to include or exclude persons as members of state. This differentiates inhabitants which are regarded by the governing regime as the state's subjects, and those that are not so much so that although inhabitants of a given state are residents, only citizens, i.e. residents that have *citizenship* are able to participate politically in voicing legitimate demands, forming rules and enforcing these upon all members within society, including *non- citizens*.

## Unit 3      Issues of Citizenship

### Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Notion of Citizenship
- 3.4 Statism/Indigeneity/Federal Character
- 3.5 Religion
  - 3.5.1 Citizens and Religion in Nigeria
  - 3.5.2 Religion Practice in Nigeria
- 3.6 Understanding Patriotism/Loyalty
  - 3.6.1 Symbols and Stereotypes of Patriotism/Loyalty
  - 3.6.2 Why the Dearth for Patriotism/Loyalty
- 3.7 The Evolution of the Nigeria State
- 3.8 Size and Population
- 3.9 The Issue of Revenue Allocation
- 3.10 Ethnicity
- 3.11 Summary
- 3.12 References/Further Readings/Web Resources
- 3.13 Possible Answers to Self-Assessment Exercise(s)



### 3.1 Introduction

Concerns with issues of citizenship are as old as the history of political formations. Indeed, citizenship has engaged the attention of scholars from the earliest beginnings of political community; as a subject for political and policy concerns so much so that it has involved a constant preoccupation with many issues of concern. Both yesterday and today, therefore, from the perspective of the Nigerian political system, the central issues of citizenship which have included: colonialism, the crisis of the ethnicity identity, the concept of Indigeneity shall be examined in this unit.



### 3.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the various concerns of citizenship
- Describe the statism
- Explain the religion etc



### 3.3 Notion of Citizenship

The implication of the constitutional provision in Chapter 11 of the 1999 constitution section 39 that: “ *a citizen of Nigeria, of a particular community, place of origin, sex, religion or political opinion, shall not by reason only that he or she is such a person be subjected to disabilities or restrictions to which citizens of Nigeria of other communities etc. are not made subject or be accorded any privileges or advantages not accorded to citizens from other communities.*”

Is that a citizen of Nigeria is automatically a citizen of every state of the federation that should be conferred equal rights and duties. But the answer is not in the affirmative, obviously given various strains as will be discussed.

### 3.4 Statism/Indigeneity/Federal Character

The negative consequences of colonial legacy of the colonial situation have continued unabated, heightening ethnic tension, insecurity and doubts about the Nigerian state associated with the concept of indigeneity which has generated a lot of controversy. Concisely, statism as a concept is the presumed tendency on the part of states to reserve their public services exclusively in the hands of their indigenes or expendable foreigners and ‘non-indigenes’(Nigerians). The practice is the formal distinction between indigenes and non-indigenes (indigenes or natives referred to as strangers) who are not members of the native community living in the area of authority (Bach, 1977:376). This concept is traceable to the regionalisation of the Nigerian civil service in 1954 instituted in the bid to ‘operationalise’ the federal character principle. This principle which succinctly states in Chapter 2, section14 (3&4) of the 1999 Constitution that;

“the composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby, ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies”

It aims at encouraging a sense of belonging or national unity through inclusive participation in an ethnically divided society. In this wise, expectedly, the staff of all federal and state agencies, institutions and parastatals even the Nigerian Armed Forces and the Nigerian police should reflect the federal character no doubt. But ironically, the practical



essence of this principle which was to serve as

“A temporary concession to expediency so as to serve as a latitude to any region wishing to protect its inhabitants’ right to employment and to land within its borders as against others i.e. those from other regions (Bach, 1977:376)”.

Ironically, it has become discriminatory in its segregation of Nigerian citizens on emotional basis into indigenes and non-indigenes citizens in the various states of the federation and consequently contentious. The acts of discrimination are evident in: filling vacancies in public services, membership of executive committees of the political parties (in fact until recent times many do not participate in the politics of where they reside), schools (e.g. as some states as from 1979 implemented party programmes on free education, entry into federal institutions like the Armed Forces, the NDA, federal government colleges as well as scholarships were the privileges of the indigenes, access to health and low-cost housing schemes non-indigenes were excluded) irrespective of the question of the entitlements that s/he can enjoy as a tax-payer as a Nigerian citizen.

In a sense, though it is true that the real determination of one’s citizenship status, the rights and privileges associated linked with one’s place of birth, however, a Nigerian citizen who resides in a town or village where s/he is not an indigene normally should not enjoy only limited rights and privileges. This is because where a citizen makes an input of support in the form of the payment of taxes it is expected that s/he should be entitled to privileges and rights to education, employment, residence. It is clear that this policy which albeit to date is still operational though in subtle forms has succeeded in strengthening parochial orientations and primordial attachments of Nigerians instead of addressing the ills of minorities as well as forming the bane disaffection and disconnect between citizens and the state. It is expected that deliberate attempts will subsequently be made to eradicate it.

### **3.5 Religion**

Religious fundamentalism offers ideological support for the assertion of the primordial values and institutions. Muslims are expected to submit to the authority of the state and the ruler in line with the supremacy of Sharia which is to be enforced in all sectors of life. The Islamic concept of Umma can be considered a divergent approach to citizenship as it connects the question of rights and duties of an individual in the state to his/her religious affiliation.

### **3.5.1 Citizens and Religion in Nigeria**

Nigeria is a diverse nation with over 200 million people, comprising multiple ethnic groups and religious affiliations. The country is deeply religious, with Islam and Christianity being the two dominant religions. About 50% of the population identifies as Muslim, primarily in the northern regions, while approximately 40-45% are Christians, predominantly in the southern regions. The remaining population adheres to various indigenous beliefs and smaller religious communities (Pew Research Center, 2010).

Religious identity in Nigeria is closely linked to ethnic and regional identities. For example, the Hausa-Fulani ethnic group in the north is predominantly Muslim, while the Yoruba people in the southwest practice both Islam and Christianity. The Igbo in the southeast are predominantly Christian (Falola, 2001). This intersection of religion, ethnicity, and regionalism often plays a significant role in the nation's politics and social dynamics.

### **3.5.2 Religion Practice in Nigeria**

Religious practice in Nigeria is vibrant and diverse. Both Christianity and Islam have various denominations and sects that cater to different interpretations and practices of their faiths. For instance, Christianity in Nigeria includes Catholicism, Anglicanism, Pentecostalism, and various evangelical movements. Pentecostalism, in particular, has seen significant growth and influence, especially in urban areas (Marshall, 2009).

Islam in Nigeria is also not monolithic, with significant Sunni and Shia populations, as well as the Sufi tradition. The Sunni branch, specifically the Maliki school of jurisprudence, is the most prevalent among Nigerian Muslims (Kenny, 1996). The practice of Islam in Nigeria often involves a blend of traditional African religious customs with Islamic teachings, particularly in rural areas.

Religious practices are not just confined to formal worship; they permeate all aspects of life, including politics, education, and social interactions. Religious leaders wield substantial influence, and religious institutions often serve as centers for community gathering and support. This pervasive influence of religion has sometimes led to tensions, particularly in areas where religious and ethnic identities intersect, leading to conflicts over political representation, resource allocation, and legal systems (Suberu, 2009).

### Self-Assessment Exercises 1

Explain in your understanding the concept of 'statism'  
How does religion affect citizenship?

## 3.6 Understanding Patriotism/Loyalty

Broadly, patriotism means love of one's own country and willingness to defend it. But the most informed opinion within Nigeria on patriotism is that by the Report of Nigeria's Constitutional Drafting Committee (CDC), which met between 1975 and 1976, and posited that "the state shall foster a feeling of belonging and of involvement among the various sections of the country to the end that loyalty to the nation shall override sectional loyalties." (CDC, 1979). The report also contended that as a general rule, every Nigerian owes or is expected to owe some loyalty to his/her community and/or sub-community but with the paradox that loyalty to one's community ought not to be allowed to inhibit or detract from national loyalty, that is to say, loyalty to the Nigerian state. Loyalty as the quality of being true or faithful or having a strong feeling in ones support of his/her country that is dependent on the claims to nationhood is however, challenged by ethnic nationalism which clearly is the struggle between individuals seeking to monopolize state power on behalf of particular sub-national communities. This divided loyalty to two different and possibly conflicting causes, people which invariably constitute conflicting "loyalties", border on integration.

### 3.6.1 Symbols and Stereotypes of Patriotism/Loyalty

According to Prof. Hayes's the nature of nationalism in a country is dependent upon the important role which flags, national anthems, constitution and the like play in rallying mass sentiment. These mass actions largely determined by what Walter Lipmann calls 'stereotypes' elicit more or less predictable responses as regards patriotism/loyalty in the citizenry distinctly.

Patriotism of a citizen is evidenced in the adherence to customs and traditions that have definite symbolic value that greatly strengthen national unity and pride. For example, customs and traditions such as surround the conduct of judicial business, the ritual of the flag is also a custom of symbolic value should consistently be observed or hallowed as an everyday illustration of the symbols of communal unity.

Patriotism is also symbolized in the observance of peculiar occasions/holidays which symbolize national unity transcending all groups/sectors. All modern nations have peculiar holidays of their own,

like the Independence Day in Nigeria-October 1 and the nascent one

### **3.6.2 Why the Dearth for Patriotism/Loyalty**

In studying the problem of loyalty in the Nigerian situation we shall proceed to examine the issues involved. As is clear from the above, it is necessary to address the evolution and structure (as it is important that we know the background of the root causes of our problems), dynamics and controversies in patriotism.

### **3.7 The Evolution of the Nigeria State**

Nigeria is a complex country with problems that date as far back as 1884 even before the coming of Lord Lugard in 1894. The implication of this is that as far back as 1914 Nigerians confirm that the image of the state has been in tatters and its legitimacy undermined given the intrigues and politics of fraud involved in the evolution or rather what is termed the amalgamation of Nigeria. Literature has it that the interest of the Europeans in Africa and indeed Nigeria was and still is economic. In effect, Nigeria was created as a British sphere of interest for business. The implication is that Lugard (at that time an imperialist) came to Nigeria with British interest as a purpose evidenced in the number of dispatches by Lugard between 1898 and 1914 to London which led to the Amalgamation of 1914. Specifically, the Order-in-Council which was drawn up in November 1913 signed and came into force in January 1914 in which a number of things, which are at the root of Nigeria's problems were said.

Literature has it that the British needed the railway from the North to the Coast in the interest of British business. To this end, amalgamation of the South (not of the people) became of crucial importance to British business interest. It is also documented that according to Lugard, the North and the South should be amalgamated so, when Benin was conquered in 1896, it made the creation of the Southern Nigerian protectorate possible on January 1, 1900. It should be noted Sokoto was not conquered until 1903-a conquest that made it possible for Lugard to go full blast to create the northern Nigerian protectorate. It is pertinent to note that there was no question of Nigeria at that time.

What is critical and important are the reasons Lugard gave in his dispatches. They are as follows: that the protectorate of the North is poor; hence, could not generate the resources to run it especially as it had no access to the sea while the South has resources and educated people. Therefore, because it was not the policy of the British Government to bring the tax-payers money to run the protectorate, it was in the interest of the British business and the British tax payers that

there should be amalgamation. But what the British Amalgamated was the administration of the North and South, an act that subsequently became one of the causes of the problems of Nigeria and Nigerians.

When the Amalgamation took effect, the British government sealed off the South from the North. Hence, between 1914 and 1960, specifically a period of 46 years, the British allowed minimum contact between the North and South given that it was not in the British interest that the North be allowed to be polluted by the South. This explains the basis of Nigeria independence in 1960. It should be noted that the North formed a political party, the Northern leaders called it Northern (and not Nigeria) People's Congress(NPC) in accordance with the dictum and policies of Lugard. A strand that was repeated when Aminu Kano formed his party and called it the Northern Elements Progressive Union(NEPU) not Nigerian Progressive Union showing their sectional bent unlike Zik and Awolowo who believed more in Nigeria.

In the light of the above exposition, it would be saying the obvious that the so-called Nigeria created in 1914 was a complete fraud. Why? First, this is evidenced in the fact that Nigeria was not created in the interest of Nigeria or Nigerians but of the British. Second, the manner in which the structures were created was such that Northern would Nigeria represent England given that in British structure, England has permanent majority in the House of Commons. Western Nigeria represented Wales that can never dominate England and Eastern Nigeria was to be like Scotland that can neither dominate Britain. Thus, the actual power rested in England- the replica of what Lugard created in Nigeria, a permanent majority for the North. Nigeria's political/structural evolution explains to a large extent the dilemma which today is beginning to dawn on Nigerians. Other issues that further jeopardized the fragile foundation of Nigeria as well as any underlying sentiment of unanimity and cohesion come to bear in three most contentious issues linked to the dynamics and controversies of citizen- state relations disconnect. These are: the actual size of the population and its special distribution, the desirable number and size of the constituent states of federation and most equitable revenue allocation system.

### **3.8 Size and Population**

Nigeria's greatest potential is accentuated by its size-an area of 356,700 square miles(Obizor,1994:5) and population currently estimated between 120 and 140 million given that there has been controversies over the reliable figure in the past census exercises. Expectedly, population is a power potential. However, ironically this large population presupposes large problems as regards the unity that has eluded the entity since 1966. Essentially, in a pluralist society like

Nigeria, this large population constitutes problems as far as unity between the country's constituent parts are concerned particularly with the present cycle of controversies being experienced in the ceding of Bakassi Peninsula to Cameroon.

### **3.9 The Issue of Revenue Allocation**

The term depicts the financial relationship between the federal and the state. In other words, it involves the distribution of fiscal powers under the Federal system. The problem of revenue allocation dates back to the amalgamation of the Northern and Southern Protectorates in 1914 where each successive government tried to solve the constant conflict over the issue of the control and sharing of revenue resources so that it would be fair to all people irrespective of their places of birth or residence. To this end, the principles such as derivation, fiscal autonomy and need were principally the criteria during the colonial period. In the post-independence period, allocation criteria were: continuity of existing levels of services, basic responsibility of each regional government, population, balanced development and derivation.

The military era, characterised by a high level of corruption, however, distorted these principles so much so that during the era, the principle of derivation suffered a setback. This culminated in the dearth development in the oil-producing areas. It is important to note that the provisions in the 1979 Constitution on revenue allocation also incorporated in 162-168 of the 1999 Constitution recommends the sharing of revenue resources through distributable pool account. Section 162 provides for common pool of financial resources (federation account) to be distributed among the Federal and State Governments as well as the Local Government Councils in each state on terms prescribed by the National Assembly. Section 162 however, pacifies the oil-producing areas agitating against Federal Government owning a lion share of the mineral revenues.

The allocation of 13% to the states of origin resuscitates the principle of derivation. This principle is based on population and responsibility and balanced development. However, this principle in terms of adequacy or inadequacy is still controversial based on whether the 13 or 25% which the constitutional conference agreed on oil revenue to the producing states be adequate to deal with environmental degradation. But to date, since it is the National Assembly that will deliberate on the terms and conditions for grants to be made through policies it seems an increase in percentage will be a mirage. Expectedly, for this very reason, there is bound to be pessimism with any claim to loyalty/patriotism.

### **3.10 Ethnicity**

The problem of emphasising ethnic symbols and boundaries in the struggle for wealth and power connects with the most pressing questions regarding the citizen-state relations in Nigeria and indeed Africa. This factor is deeply embedded in conflicting ideological framework of the Nigerian state so much so that ‘primordial’ attitudes inevitably determine loyalty to the state and citizen relations. Ethnicity, is fundamentally a political phenomenon in which ‘primordial’ sentiments are superimposed over fundamental and objective interests of citizens as a motivating force in the intensive struggle between groups for support from their better-placed kinfolk in the pursuit of the basic economic and political goods such as are the licenses, scholarships and contracts or to capture places of employment, taxation, funds for development, education, political positions which represent the most visible milestones of success and survival.

Sequel to the above, are mutually reinforcing notions of clientelism, prebendalism, patronage system, patron-client clusters which constitute aspects of a general phenomenon just as ethnicity which comes to bear in the pursuit of state office and material benefits basic social and material goods-loans, scholarships, licenses, plots of urban land, employment, promotion, ministerial appointments. Prebendalism primarily is a function of the competition for and appropriation of, the offices of the state for the benefit of individual occupants and their support groups while clientelism defines the nature of individual and group relations within the wider socio-political sphere. In sum, these phenomena have become dominant patterns of political behaviour in Nigeria in terms of the incessant pressures on the state and the consequent intensive and persistent struggle to control and exploit the “offices”.

### ***Ethnicity and Religion in Nigeria***

Nigeria is a country marked by its rich ethnic diversity, comprising over 250 ethnic groups. The largest and most politically significant groups are the Hausa-Fulani in the north, the Yoruba in the southwest, and the Igbo in the southeast. Each of these groups has its unique cultural practices, languages, and social structures. Ethnicity in Nigeria is a critical aspect of identity, influencing political affiliations, social relations, and economic opportunities (Falola & Heaton, 2008).

Religion in Nigeria is primarily divided between Islam and Christianity, with a smaller proportion of the population practicing indigenous religions. Islam is predominantly practiced in the northern region, particularly among the Hausa-Fulani, while Christianity is more prevalent in the southern regions, especially among the Yoruba and Igbo ethnic groups. Religion in Nigeria is deeply intertwined with ethnicity,

often serving as a marker of identity and a source of social and political division (Paden, 2005).

### ***Ethnicity and Tribalism in Nigeria***

Ethnicity in Nigeria has often manifested in tribalism, a phenomenon where loyalty to one's ethnic group supersedes national unity. Tribalism has been a significant source of tension and conflict in Nigeria, particularly in the context of competition for political power, resources, and economic opportunities. The Nigerian civil war (1967-1970), for instance, was a result of ethnic tensions between the Igbo-dominated southeastern region and the rest of the country (Osaghae, 1998).

Tribalism in Nigeria is exacerbated by the politicization of ethnicity, where political leaders often mobilize ethnic sentiments to gain support. This has led to a cycle of ethnic favoritism, marginalization, and resentment, which undermines national cohesion and development (Suberu, 2001). The prevalence of tribalism in Nigeria has also hindered the creation of a national identity, as citizens often prioritize their ethnic identities over their Nigerian identity.

### **Self-Assessment Exercises 2**

How does federal character affect citizenship in Nigeria?  
Discuss the issues and challenges that confront patriotism/ loyalty



### **3.11 Summary**

This unit addressed fundamental issues concerning citizenship. Pre-colonial societies of Nigeria were organised into identifiable political systems corresponding to their environmental needs. The classification was able to: centralised or decentralised, comprising three basic categories as large states, small states, and politically autonomous communities. Statism as a concept is the presumed tendency on the part of states to reserve their public services exclusively in the hands of their indigenes or expendable foreigners and 'non-indigenes' (Nigerians).

The issues raised above bring to bear the necessity to reflect on the question of citizenship. Nigerian population has been incapable of developing and interacting as diverse citizens. Rather, it has been claims of citizenship as Yoruba, Igbo, Hausa, Ijaw, Itsekiri, Tiv, Fulani and a host of others. This subversion due to colonialism no doubt is the bane of ethnicity and a dearth in national integration as citizens in the superstructure known as Nigeria. Statism as a concept is the presumed



tendency on the part of states to reserve their public services exclusively in the hands of their indigenes or expendable foreigners and ‘non-indigenes’ (Nigerians). Statism has created negative consequences of colonial legacy of the colonial situation have continued unabated, heightening ethnic tension, insecurity and doubts about the Nigerian state associated with the concept of *indigeneity* which has generated a lot of controversy.



### 3.12 References/Further Readings/Web Resources

1999 Constitution of the Federal Republic of Nigeria.

Abejide, Peter, Odofin. (2004). ‘Federalism and the Challenge of Citizenship in Nigeria’s Multi Ethnic State.’ *Constitutional Reform Debate Series 7*. Lagos:Gender and Development Action (GADA).

Bach, D. (1997). “Indigeneity, Ethnicity and Federalism.” *In*, *Transition without End: Nigeria Politics and Civil Society under Babangida*.

Falola, T. (2001). *Culture and Customs of Nigeria*. Greenwood Press.

Falola, T., & Heaton, M. M. (2008). *A history of Nigeria*. Cambridge University Press. Ibadan:Vintage publishing.

Kenny, J. (1996). *Islam in Nigeria: A Historical Perspective*. Spectrum Books.

Marshall, R. (2009). *Political Spiritualities: The Pentecostal Revolution in Nigeria*. University of Chicago Press.

Osaghae, E. E. (1998). *Crippled giant: Nigeria since independence*. Indiana University Press.

Oyeleye, Oyediran & Kirk Greene, Larry, Diamond.(Ed.).

Paden, J. N. (2005). *Muslim civic cultures and conflict resolution: The challenge of democratic federalism in Nigeria*. Brookings Institution Press.

Pew Research Center. (2010). *Tolerance and Tension: Islam and Christianity in Sub-Saharan Africa*. Pew Forum on Religion & Public Life.

Suberu, R. (2009). *Federalism and Ethnic Conflict in Nigeria*. United

States Institute of Peace Press.

Suberu, R. T. (2001). *Federalism and ethnic conflict in Nigeria*. United States Institute of Peace Press.



### 3.13 Possible Answers to SAEs

Explain in your understanding the concept of ‘statism’  
How does religion affect citizenship?

#### Answers to SAEs 1

The negative consequences of colonial legacy of the colonial situation have continued unabated, heightening ethnic tension, insecurity and doubts about the Nigerian state associated with the concept of *indigenity* which has generated a lot of controversy. Concisely, *statism* as a concept is the presumed tendency on the part of states to reserve their public services exclusively in the hands of their indigenes or expendable foreigners and ‘non-indigenes’ (Nigerians). The practice is the formal distinction between indigenes and non-indigenes (indigenes or natives referred to as strangers) who are not members of the native community living in the area of authority (Bach, 1977:376). This concept is traceable to the regionalisation of the Nigerian civil service in 1954 instituted in the bid to ‘operationalise’ the *federal character principle*. This principle which succinctly states in Chapter 2, section 14 (3&4) of the 1999 Constitution that;

*“the composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby, ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies”*

It aims at encouraging a sense of belonging or national unity through inclusive participation in an ethnically divided society. In this wise, expectedly, the staff of all federal and state agencies, institutions and parastatals even the Nigerian Armed Forces and the Nigerian police should reflect the federal character no doubt

#### RELIGION

Religious fundamentalism offers ideological support for the assertion of the primordial values and institutions. Muslims are expected to submit to

the authority of the state and the ruler in line with the supremacy of Sharia which is to be enforced in all sectors of life. The Islamic concept of Umma can be considered a divergent approach to citizenship as it connects the question of rights and duties of an individual in the state to his/her religious affiliation. Historically, non-Muslims have been discriminated against by this as aptly explained by the infringement on freedom in module 2, unit 5

How does federal character affect citizenship in Nigeria?  
Discuss the issues and challenges that confront patriotism/ loyalty

Answers to SAEs 2

How does federal character affect citizenship in Nigeria?

The practice is the formal distinction between indigenes and non-indigenes (indigenes or natives referred to as strangers) who are not members of the native community living in the area of authority (Bach, 1977:376). This concept is traceable to the regionalisation of the Nigerian civil service in 1954 instituted in the bid to 'operationalise' the *federal character principle*. This principle which succinctly states in Chapter 2, section 14 (3&4) of the 1999 Constitution that;

*“the composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby, ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies”*

It aims at encouraging a sense of belonging or national unity through inclusive participation in an ethnically divided society. In this wise, expectedly, the staff of all federal and state agencies, institutions and parastatals even the Nigerian Armed Forces and the Nigerian police should reflect the federal character no doubt. But ironically, the practical essence of this principle which was to serve as

*“A temporary concession to expediency so as to serve as a latitude to any region wishing to protect its inhabitants' right to employment and to land within its borders as against others i.e. those from other regions (Bach, 1977:376)”*.

Ironically, it has become discriminatory in its segregation of Nigerian citizens on emotional basis into indigenes and non-indigenes citizens in the various states of the federation and consequently contentious. The acts of discrimination are evident in: filling vacancies in public services,

membership of executive committees of the political parties (in fact until recent times many do not participate in the politics of where they reside), schools (e.g. as some states as from 1979 implemented party programmes on free education, entry into federal institutions like the Armed Forces, the NDA, federal government colleges as well as scholarships were the privileges of the indigenes, access to health and low-cost housing schemes non-indigenes were excluded) irrespective of the question of the entitlements that s/he can enjoy as a tax-payer as a Nigerian citizen.

In a sense, though it is true that the real determination of one's citizenship status, the rights and privileges associated linked with one's place of birth, however, a Nigerian citizen who resides in a town or village where s/he is not an indigene normally should not enjoy only limited rights and privileges. This is because where a citizen makes an input of support in the form of the payment of taxes it is expected that s/he should be entitled to privileges and rights to education, employment, residence. It is clear that this policy which albeit to date is still operational though in subtle forms has succeeded in strengthening parochial orientations and primordial attachments of Nigerians instead of addressing the ills of minorities as well as forming the bane disaffection and disconnect between citizens and the state. It is expected that deliberate attempts will subsequently be made to eradicate it.

Q2. How does federal character affect citizenship in Nigeria?

In studying the problem of loyalty in the Nigerian situation we shall proceed to examine the issues involved. As is clear from the above, it is necessary to address the evolution and structure (as it is important that we know the background of the root causes of our problems), dynamics and controversies in patriotism.

## Unit 4 Gender and Citizenship

### Unit Structure

- 4.1 Introduction
- 4.2 Learning Outcomes
- 4.3 Understanding what Sex and Gender Mean
- 4.4 Gendered Citizenship
- 4.5 Issues in Contention in gendered Citizenship
- 4.6 Summary
- 4.7 References/Further Readings/Web Resources
- 4.8 Possible Answers to Self-Assessment Exercise(s)



### 4.1 Introduction

Despite the long and rich history behind the concept and practice of citizenship, the task of engendering it has remained both an arduous and unfinished business. It has been characterised by unceasing struggles to lift restrictions against women- and men- that range from the patriarchal to the out rightly discriminatory. Thus, while it is true that humanity has come a long way from the time when the idea of the citizen was conceived and operationalised it has been slow and fragmented; in fact progress has mainly occurred only in the exclusive male/masculine terms. So, to make the task of engendering citizenship a live one with relevance that is as historical as it is contemporary borders on a liberalised public space in which the rights of citizenship-of equality, voice and access will be constantly redefined.



### 4.2 Learning Outcomes

By the end of this unit, you will be able to:

- Explain the concept of sex and the variables which determine it
- Differentiate gender and sex in order to apply them with citizenship
- Discuss the importance of gender issues and reasons for analyzing the relationship to citizenship?



### 4.3 What Sex and Gender

Given that 'gender' as an analytic concept is still misunderstood, it becomes imperative to explain it bearing in mind its importance in

constitutional reforms/amendments as well as the formulation and application of citizen policies. The phrase *sex/gender system* was introduced by U.S. anthropologist Gayle Rubins, renowned for her 1975 essay entitled 'The Traffic in Women: Notes on the Political Economy of Sex.' The aim of the essay was to discover the origin of the subjugation of women for ages through examining Karl Marx, Frederick Engels, Claude Levi Strauss, Sigmund Freud and Jacques Lacan among others in her effort to unearth what she conceived as the sex/gender system which in other words means a set of arrangements that condemn women to a secondary position in human relations. The implication of the above is that the criteria used to define *femaleness* and *maleness* occur at varied levels therefore bringing to bear the understanding that one's biological sex determined one's sex. This scenario prompted feminist theorists, around the 1970s to begin to question the biological determinism evidently implicit in the causal relationship between biological sex and gender through theorising a distinction between *sex* and *gender*.

Specifically, gender can be defined as a social construct that asserts that the expectations and responsibilities of men and women are not always biologically determined. Given the above conception, it is apparent that gender refers to a certain social dynamic through which social values, technical skills, modes of behaviour etc are learned by individuals and social groups through the process of socialisation (Oakley, 1987; Imam, Mama, and Sow, 1997) accomplished in social institutions such as the family, school, society, cultures, religion and the economy. Based on this understanding of gender, it could be said that the woman's role is defined by the society.

The term 'gender' therefore is a neutral term which accommodates the view that women's issues are part of broad social issues many of which arise out of basic social-class differences as opposed to purely sexual differences. In other words, the concept (gender) most times is used in reference to 'women' so as to mollify conservatives who are more receptive to a discussion on gender than to one on women. Thus, when one adverts to the issue of gender today, it is not merely about the *physical difference* that being biologically male/female would entail but about social *constructions of maleness and femaleness* and often impinges on citizenship relations between men and women.

Sex then is distinguished from gender by what one is born as, that is female or male, and therefore it is a biological concept.

The concept of *sex* therefore presupposes the tendency to see the roles that women and men play in society as being extensions of their respective nature especially in relation to gender-based division of

labour whereby duties are allocated on the basis of one's *sex*. By contrast, sex has an exclusively physiological/biological connotation/character. In other words, the two genders are distinguished from one another by physical, that is, biological sexual/reproductive differences. What is implied from this analysis is that 'gender' or gender roles can change over time as well as vary within and between cultures. In effect, systems of social differentiation such as political status, class, ethnicity, physical and mental disability, age, and others-modify gender roles through determining how subordination or domination are socially constructed. Finally, basically 'gender' as a neutral term accommodates the view that women issues are part of broad social issues many of which arise out of basic social-class differences as opposed to purely sexual differences.

### Self-Assessment Exercises 1

Explain what gendered citizenship entails?.

#### 4.4 Gendered Citizenship

Based on previous section, it is glaring that the concept of gender is vital to socio-political analysis of citizenship as it will reveal how gender subordination/marginalisation/domination is socially constructed. Based on this conviction, *gendered citizenship* can be said to refer to the socially constructed roles, responsibilities, norms, expectations, and stereotypes accorded to men and women in relation to the question of citizenship. Usually the notion of social democratic citizenship includes the assumption that both perceptions of the "state" and "the individual"-of rights and obligations- are shaped by the defining characteristics of movements mobilising for political control. To therefore, create the nation to which the citizen belongs, ideologies of opportunity must combine with ideologies of identity that pay due respect to what constitutes girl/womanhood. This ideal for the citizen expectedly should not only transcend all immediate materialism but be 'un-gendered'. In other words, women's rights which are an integral and inseparable part of human rights in turn should be a fundamental aspect of any democratic framework. Moreover, women's studies and the amalgamation of practical experiences repeatedly have pointed out that women are not and should not be considered a minority because, indeed, they are as much a "minority" as men are in any context. This same argument is used to justify the need to bring 'minorities' into decision-making processes.

However, it is appalling that despite the increasing popularity of the concept and practice of democracy, which supposedly should ensure the inclusion of the opinions and perceptions of different groups i.e women as well as men as a goal for individuals and nations globally, issues

about gender still remain elusive because it falls almost exclusively within the traditional definition of politics which is characterised as male-dominated, specific to the “public sphere”, and therefore not necessarily women-friendly. But this should not be so given that women effectively constitute not only half the world’s population, but half of each and every single national population. In effect, to conceptualise issues and develop policies which will affect, directly or indirectly, citizens’ lives without taking into consideration the situations, perspectives and realities of all those who will be affected is no longer credible in today’s world. Based on the above, it is apparent that democracy cannot afford to be gender-blind. In effect, it would not be out of place to say therefore that taking into account gendered perspectives and involving women and men in decision-making processes is a *sine qua non* of any democratic framework. To this end, feminist theorists/ analysts centre mostly on notions of equality and universal social rights arguing that notions of gendered citizenship are visible as *the issues in contention* in the next unit will reveal.

#### **4.5 Issues in Contention in Gendered Citizenship**

This aspect focuses on the issues in contention for women which are premised in the two tendencies toward “grand inclusion”: social citizenship, and political citizenship. These shifts focus on two key questions in feminist thinking about citizenship: the interconnection between social policies and women’s political integration, and the interplay between political participation, representation, and power. This is against the backdrop of the fact that ‘women issues’ are subordinate to other interests. It is clear from the above analysis that the gender concerns or issues germane to engendering citizenship which are not free from patriarchal claims, in the constitution should evidently evoke concrete constitutional reforms/amendments and not sentiments. Thus, from a gender perspective, Nigerian citizenship presents an interesting case for several reasons. First, citizenship provisions have been criticised for being gender-insensitive with gender-based Affirmative Action as the most contentious issue. Affirmative Action (which is not restricted to women issues only as it can be used in respect of minority issues) is intended to supplement non-discrimination; and a term which encompasses policies as consciousness-raising, efforts to recruit women.

This process which encompasses practices such as the use of quotas, set asides, weighing gender as a priority essentially allows for rules that have the objective of enhancing equal opportunity for women as individuals as well as other disempowered groups. The second dearth is in relation to inclusiveness so much so that women in particular have faulted the 1999 constitution for its failure to take into account the gender-based disparities. These constraints concern outright



legitimation of gender- based discrimination as far as citizenship is concerned. Rather, the Nigerian constitution reinforces discrimination for instance, in Chapter 111; section 26 (2) of the constitution extends citizenship right to the female spouse of a Nigerian citizen without doing same for a man married to a Nigerian woman.

However, women's political integration should not be understood in terms of a general transformation of male domination, or predominantly as an effect labour market participation. Rather, it should be conceived as a result of a series of political alliances which have consistently challenged political exclusion from the basis of these institutions main claim to legitimacy. This is especially so given that social rights cannot secure equal citizenship between women and men. However, in recent times, though still in contrast with political participation of women in other climes it is remarkable that women's representation rates have increased in percentage in social and cultural development and benefit from the results. Women's Political Rights are an integral and inseparable part of human rights and in turn a fundamental aspect of any democratic framework. As it relates to Nigeria's political history, women have played a special role even when they were not regarded as citizens. Moreover, numerous strategies have been used by women's groups as well as by political parties as guides for ensuring they are not short- changed with the number of women in legislative houses and those appointed albeit if a token number.

In sum, it is necessary to domesticate international conventions on women's rights as citizens and put in place mechanisms for implementation. The first step to the recognition of women's rights is the strengthening of the Constitutional guarantee on gender equality which will include the guarantee of equal citizenship. The implication of this is that the principles for the involvement of a cohesive political entity should be inclusive, diverse, enjoin participation, transparency and openness etc.

#### Self-Assessment Exercises 2

Explain the issues in contention in gendered citizenship?
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#### 4.6 Summary

This unit analysed the concept and practice of gendered citizenship from a women's perspective by bringing to bear the struggles to lift women from the patriarchal discriminatory practices. Accordingly, the socially constructed roles, responsibilities, norms, expectations, and stereotypes held about the characteristics, aptitude, and behaviours of both women

and men (femininity and masculinity) in areas such as, for example, the division of labour, are evidenced in the allocation of duties such as cooking, washing, domestic chores etc. These chores supposedly belong to the home-front (private sector) while the non-domestic duties such as decision-making (the public sector) allocated the male gender. This gender role differentiation structurally and culturally defines the woman's role in ways which create and reinforce relationships of male dominance and female subordination.

In sum, the unit brought to bear what gendered citizenship means to the expansion of the rights of women; the promotion of male-female equality; Citizenship rights of women therefore, should be expanded to include the rights of working mothers given that motherhood and care-giving have become part of political life. In effect, there is a new emphasis in contemporary times on men as fathers and as parent-citizens especially on issues like family policies which in particular aim at securing women's labour market participation- such as parental leave and public child care arrangements; and the re-configuration of femininities and masculinities to meet the public sphere requirements of legal requirements for citizenship.



#### **4.7 References/Further Readings/Web Resources**

- Hernes, H. (1987). *Welfare State and Women Power: Essays in State Feminism*. Oslo: Norwegian University Press.
- Imam, Ayesha, Mama, Amina, & Sow, Fatou.(Eds.). (1997). *Gendering Social Sciences in Africa*, Dakar, Council for Development of Social Science Research in Africa (CODESRIA).
- Kabira, W. M. et al. (1993). *Femnet Gender Training Manual*.
- Oakley, Anne. (1987). *Sex, Gender and Society*. Aldershot, UK, Gower Publishing Co.
- Shah, Rabia Nafees. At:<http://www.claus.ufl.edu/boards/owl/f03-5538/messages/39.html>



#### 4.8 Possible Answers to SAEs

Q1.Explain what gendered citizenship entails?.

##### Answers to SAEs 1

Given that ‘gender’ as an analytic concept is still misunderstood, it becomes imperative to explain it bearing in mind its importance in constitutional reforms/amendments as well as the formulation and application of citizen policies. The phrase *sex/gender system* was introduced by U.S. anthropologist Gayle Rubins, renowned for her 1975 essay entitled ‘The Traffic in Women: Notes on the Political Economy of Sex.’ The aim of the essay was to discover the origin of the subjugation of women for ages through examining Karl Marx, Frederick Engels, Claude Levi Strauss, Sigmund Freud and Jacques Lacan among others in her effort to unearth what she conceived as the sex/gender system which in other words means a set of arrangements that condemn women to a secondary position in human relations. The implication of the above is that the criteria used to define *femaleness* and *maleness* occur at varied levels therefore bringing to bear the understanding that one’s biological sex determined one’s sex. This scenario prompted feminist theorists, around the 1970s to begin to question the biological determinism evidently implicit in the causal relationship between biological sex and gender through theorising a distinction between *sex* and *gender*.

Specifically, gender can be defined as a social construct that asserts that the expectations and responsibilities of men and women are not always biologically determined. Given the above conception, it is apparent that gender refers to a certain social dynamic through which social values, technical skills, modes of behaviour etc are learned by individuals and social groups through the process of socialisation (Oakley, 1987; Imam, Mama, and Sow, 1997) accomplished in social institutions such as the family, school, society, cultures, religion and the economy. Based on this understanding of gender, it could be said that the woman’s role is defined by the society.

The term ‘gender’ therefore is a neutral term which accommodates the view that women’s issues are part of broad social issues many of which arise out of basic social-class differences as opposed to purely sexual differences. In other words, the concept (gender) most times is used in reference to ‘women’ so as to mollify conservatives who are more receptive to a discussion on gender than to one on women. Thus, when one adverts to the issue of gender today, it is not merely about the *physical difference* that being biologically male/female would entail but

about social *constructions of maleness and femaleness* and often impinges on citizenship relations between men and women.

Sex then is distinguished from gender by what one is born as, that is female or male, and therefore it is a biological concept.

The concept of *sex* therefore presupposes the tendency to see the roles that women and men play in society as being extensions of their respective nature especially in relation to gender-based division of labour whereby duties are allocated on the basis of one's *sex*. By contrast, *sex* has an exclusively physiological/biological connotation/character. In other words, the two genders are distinguished from one another by physical, that is, biological sexual/reproductive differences. What is implied from this analysis is that 'gender' or gender roles can change over time as well as vary within and between cultures. In effect, systems of social differentiation such as political status, class, ethnicity, physical and mental disability, age, and others-modify gender roles through determining how subordination or domination are socially constructed. Finally, basically 'gender' as a neutral term accommodates the view that women issues are part of broad social issues many of which arise out of basic social-class differences as opposed to purely sexual differences.

Q2.Explain the issues in contention in gendered citizenship

### **Answers to SAEs 2**

This aspect focuses on the issues in contention for women which are premised in the two tendencies toward "grand inclusion": social citizenship, and political citizenship. These shifts focus on two key questions in feminist thinking about citizenship: the interconnection between social policies and women's political integration, and the interplay between political participation, representation, and power. This is against the backdrop of the fact that 'women issues' are subordinate to other interests. It is clear from the above analysis that the gender concerns or issues germane to engendering citizenship which are not free from patriarchal claims, in the constitution should evidently evoke concrete constitutional reforms/amendments and not sentiments. Thus, from a gender perspective, Nigerian citizenship presents an interesting case for several reasons. First, citizenship provisions have been criticised for being gender- insensitive with gender-based Affirmative Action as the most contentious issue. Affirmative Action (which is not restricted to women issues only as it can be used in respect of minority issues) is intended to supplement non-discrimination; and a term which encompasses policies as consciousness-raising, efforts to recruit women.

This process which encompasses practices such as the use of quotas, set asides, weighing gender as a priority essentially allows for rules that

have the objective of enhancing equal opportunity for women as individuals as well as other disempowered groups. The second dearth is in relation to inclusiveness so much so that women in particular have faulted the 1999 constitution for its failure to take into account the gender-based disparities. These constraints concern outright legitimisation of gender-based discrimination as far as citizenship is concerned. Rather, the Nigerian constitution reinforces discrimination for instance, in Chapter 111; section 26 (2) of the constitution extends citizenship right to the female spouse of a Nigerian citizen without doing same for a man married to a Nigerian woman.

However, women's political integration should not be understood in terms of a general transformation of male domination, or predominantly as an effect labour market participation. Rather, it should be conceived as a result of a series of political alliances which have consistently challenged political exclusion from the basis of these institutions main claim to legitimacy. This is especially so given that social rights cannot secure equal citizenship between women and men. However, in recent times, though still in contrast with political participation of women in other climes it is remarkable that women's representation rates have increased in percentage in social and cultural development and benefit from the results. Women's Political Rights are an integral and inseparable part of human rights and in turn a fundamental aspect of any democratic framework. As it relates to Nigeria's political history, women have played a special role even when they were not regarded as citizens. Moreover, numerous strategies have been used by women's groups as well as by political parties as guides for ensuring they are not short- changed with the number of women in legislative houses and those appointed albeit if a token number.

In sum, it is necessary to domesticate international conventions on women's rights as citizens and put in place mechanisms for implementation. The first step to the recognition of women's rights is the strengthening of the Constitutional guarantee on gender equality which will include the guarantee of equal citizenship. The implication of this is that the principles for the involvement of a cohesive political entity should be inclusive, diverse, enjoin participation, transparency and openness etc.

## Unit 5 Rights of Citizenship

### Unit Structure

- 5.1 Introduction
- 5.2 Learning Outcomes
- 5.3 What are the Rights of a Citizen?
- 5.4 What are the Justifications of Rights?
- 5.5 Summary
- 5.6 References/Further Readings/Web Resources
- 5.7 Possible Answers to Self-Assessment Exercise(s)



### 5.1 Introduction

Rights can be seen as claims which the individual make both on the state and the other citizens. When an individual moves from a subject status to the status of a citizen, he/she acquires *rights*. In effect, this unit will examine the institution of rights as the claims of citizenship on society. These claims automatically create liabilities for both the state and other citizens. A special obligation is also on the state to help enforce that right for citizen an even when other members of the society or group or associations threaten that right.



### 5.2 Learning Outcomes

By the end of this unit, you will be able to:

- Explain the literal meaning of citizen rights
- State the justification/function of citizen rights



### 5.3 What are the Rights of a Citizen?

Rights can loosely be defined as the claims which the individual can make both on the state and the other citizens. These claims automatically create liabilities for both the state and other citizens. For example, the right of citizen A to freedom of religion places both the states and all other citizens under obligation (or liability) to desist from interfering with A's exercise of that right. A special obligation is also on the state to help enforce that right for citizen an even when other members of the society or group or associations threaten that right. But if society-meaning the state and other citizens-are going to be placed under liability or respecting this right, the justification must be that it is

in the public interest to impose that cost or liability on the state and the citizens (society). It is apt to state here that during the divine order, individual rights meant “a right to something” in relation to a divine or actually existing law in contrast to the view that emerged that society was based on a contract between individuals, having both rights and duties in the 16-1700s. For a right to exist, it must be recognised by law/constitution. In the light of this, the Supreme Court of Nigeria, specifically gave a judicial interpretation to ‘rights as an interest recognised and protected by law which involves a three-fold relation in which the owner stands’ thus:

- It a right against some person or persons
- It is a right to some act of omission of such person or persons
- It is the right over or to something to which the act or omission relates.

In the Nigerian context, all the five constitutions since independence 1960, 1963, 1979, 1989 and in chapter IV (section 33 -46) of the 1999 constitution has each contained an enumeration of rights which the constitutional writers had thought to be necessary as the ark of the constitution. John Locke is often considered to be the first exponent of the natural individual rights, with his work *Two Treatises on Government* (1689). At the core of natural rights thinking is the idea that an individual has certain inherent rights which are connected to human nature, in “the state of nature”, i.e. in a (hypothetical) situation where the institutions of the state do not exist. From a moral point of view, the natural rights are, more fundamental than the existing laws of society which according to perspective are only legitimate to the extent that they respect the natural rights of citizens. The implication of this was further heightened by Thomas Jefferson of the United States of America who stated in one of his letters to James Madison in 1787 “that a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference”. Accordingly, the *Journal of African Law*, No 2(1972:131) concurs by succinctly arguing that “fundamental human rights were not created by the state but are external and universal institutions common to all mankind and antedating the state and founded upon natural law”.

This in effect, means that fundamental rights can be described as

‘tracendental’, ‘inalienable’, ‘primordial’ as well as constituting the

constitute ‘the ark of the constitution’. In other words, these are rights which all persons hold by virtue of the human condition and having consequently been won by the people is subsequently inscribed in the constitution. The implication of this is, is that it is not determined by the

state; hence the rights cannot be withdrawn by the state. Implicit in the analysis above is the conception that children as well as women are subjects of rights i.e., they have rights and are not objects of charity. The Child Rights Act, which has been passed into law, is in tandem with ‘best interest of the child as a primary consideration’. The ‘best interest principle includes basic services for children and women which must be guaranteed all the time by the state as a duty. It is essential to know that though the laws under different national legal systems may vary, the human rights to which a person or citizen is entitled to are rights in (international) law. For example, the human right to a fair trial is the same for a person who lives under a legal system of common law, civil law or Roman law.

However, this is not always so given that during the military junta in Nigeria not even the fundamental rights of life, liberty, privacy, fair hearing etc were respected. The point at issue is that much as it is essential to entrench these rights in the constitution, notions of individual freedom and liberty, though representing some of the cherished values of a free society appear meaningless. Thus, the most important thing is not the constitutional enumeration of rights and responsibilities but how to ensure that they will remain secure, and respected both by the state and other citizens. This is because constitutions do not secure rights given that there are situations where even the law courts which are supposed to be custodians of these rights marginalize the citizens so much so that in some cases the citizens may have to engage in some muscle flexing to secure their rights.

### **Self-Assessment Exercises 1**

Explain what the rights of a citizen are?
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## **5.4 What are the Justifications of Rights?**

The practice of the rights can be justified as long as public good is promoted such as:

The development of the citizens through ensuring that they harness to the full the public goods so as to contribute in the same measure to the society. A good example here is the right to education. The denial of that right condemns the citizen to poverty and ignorance both of which not only stifles the development of his/her capacities but also stunts subsequent contribution to the society. Also, denying citizens the right to political participation not only stunts their political personality but also creates citizen apathy which retards the overall political development of the society.



By encouraging citizens to identify and support the state. Expectedly, if citizens enjoy all their fundamental rights there will definitely be ungrudging/discharge of their responsibilities. This will obviously be glaring in the forms of support which is crucial to any state such as the readiness to pay tax, the willingness to defend the fatherland, readiness to show patriotism and loyalty. In fact, though these are the regular responsibilities of a citizen, they are responsibilities which are gracefully borne by citizen whose rights are respected by the state.

By providing the citizen's rights as well as restraining from interfering with those rights which also impose limits on state power. This is because restraining state power protects the citizens from executive arbitrariness and oppression.

### Self-Assessment Exercises 2

What are the Justifications of Rights?
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#### 5.5 Summary

This unit has so far explained the institution of rights as the claims of citizenship on society. Premised on the principle of non-discrimination a change in attitude is required so that citizens can participate in the processes and decisions that concern them and affect their right to life, survival and development. In this regard, it is crucial to ensure access to basic services, and equity of opportunity for all individuals to achieve their full development, based on the principle of distributive justice. It must therefore follow that practice of rights makes positive contribution to the society that practices it. Denying citizens' right to political participation not only exploits their political personality but also creates citizen apathy which hinders the general political progress of the society.

Based on the above discussions, rights can be asserted, demanded and acted upon. To this end, rights impose strict obligations on all whose non-performance occasions feeling or resentment or indignation rather than disappointment. It is therefore a common fact that many modern constitutions contain provisions entrenching fundamental rights. This unit addressed how citizens acquire rights and the reasons that justify rights. Summarily, states have the obligation to ensure that their discrete legal systems reflect and protect the international human rights which those within their jurisdiction hold.



## 5.6 References/Further Readings/Web Resources

Marshall, T.H. (1965). *Class, Citizenship and Social Development*. New York: Croom Helm.

Vernon, R. (1988). 'The Federal Citizen.' *In*, R. D. Olling & M. W. West. Macolt. (Eds.). *Perspectives on Canadian Federalis*.Canada: Prentice Hall.



## 5.7 Possible Answers to SAEs

Q1. Explain what the rights of a citizen are?

### Answers to SAEs 1

Rights can loosely be defined as the claims which the individual can make both on the state and the other citizens. These claims automatically create liabilities for both the state and other citizens. For example, the right of citizen A to freedom of religion places both the states and all other citizens under obligation (or liability) to desist from interfering with A's exercise of that right. A special obligation is also on the state to help enforce that right for citizen an even when other members of the society or group or associations threaten that right. But if society-meaning the state and other citizens-are going to be placed under liability or respecting this right, the justification must be that it is in the public interest to impose that cost or liability on the state and the citizens (society). It is apt to state here that during the divine order, individual rights meant "a right to something" in relation to a divine or actually existing law in contrast to the view that emerged that society was based on a contract between individuals, having both rights and duties in the16-1700s. For a right to exist, it must be recognised by law/constitution. In the light of this, the Supreme Court of Nigeria, specifically gave a judicial interpretation to 'rights as an interest recognised and protected by law which involves a three-fold relation in which the owner stands' thus:

- It a right against some person or persons
- It is a right to some act of omission of such person or persons
- It is the right over or to something to which the act or omission relates.

In the Nigerian context, all the five constitutions since independence 1960,1963,1979,1989 and in chapter IV (section 33 -46) of the 1999

constitution has each contained an enumeration of rights which the constitutional writers had thought to be necessary as the ark of the constitution. John Locke is often considered to be the first exponent of the natural individual rights, with his work *Two Treatises on Government* (1689). At the core of natural rights thinking is the idea that an individual has certain inherent rights which are connected to human nature, in “the state of nature”, i.e. in a (hypothetical) situation where the institutions of the state do not exist. From a moral point of view, the natural rights are, more fundamental than the existing laws of society which according to perspective are only legitimate to the extent that they respect the natural rights of citizens. The implication of this was further heightened by Thomas Jefferson of the United States of America who stated in one of his letters to James Madison in 1787 “that a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference”. Accordingly, the *Journal of African Law*, No 2(1972:131) concurs by succinctly arguing that “fundamental human rights were not created by the state but are external and universal institutions common to all mankind and antedating the state and founded upon natural law”.

This in effect, means that fundamental rights can be described as ‘transcendental’, ‘inalienable’, ‘primordial’ as well as constituting the constitute ‘the ark of the constitution’. In other words, these are rights which all persons hold by virtue of the human condition and having consequently been won by the people is subsequently inscribed in the constitution. The implication of this is, is that it is not determined by the state; hence the rights cannot be withdrawn by the state. Implicit in the analysis above is the conception that children as well as women are subjects of rights i.e. they have rights and are not objects of charity.

The Child Rights Act, which has been passed into law, is in tandem with ‘best interest of the child as a primary consideration’. The ‘best interest principle includes basic services for children and women which must be guaranteed all the time by the state as a duty. It is essential to know that though the laws under different national legal systems may vary, the human rights to which a person or citizen is entitled to are rights in (international) law. For example, the human right to a fair trial is the same for a person who lives under a legal system of common law, civil law or Roman law.

However, this is not always so given that during the military junta in Nigeria not even the fundamental rights of life, liberty, privacy, fair hearing etc were respected. The point at issue is that much as it is essential to entrench these rights in the constitution, notions of individual freedom and liberty, though representing some of the cherished values of a free society appear meaningless. Thus, the most

important thing is not the constitutional enumeration of rights and responsibilities but how to ensure that they will remain secure, and respected both by the state and other citizens. This is because constitutions do not secure rights given that there are situations where even the law courts which are supposed to be custodians of these rights marginalize the citizens so much so that in some cases the citizens may have to engage in some muscle flexing to secure their rights.

### **Q1.What are the Justifications of Rights?**

#### **Answers to SAEs 2**

The practice of the rights can be justified as long as public good is promoted such as:

The development of the citizens through ensuring that they harness to the full the public goods so as to contribute in the same measure to the society. A good example here is the right to education. The denial of that right condemns the citizen to poverty and ignorance both of which not only stifles the development of his/her capacities but also stunts subsequent contribution to the society. Also, denying citizens the right to political participation not only stunts their political personality but also creates citizen apathy which retards the overall political development of the society.

By encouraging citizens to identify and support the state. Expectedly, if citizens enjoy all their fundamental rights there will definitely be ungrudging/discharge of their responsibilities. This will obviously be glaring in the forms of support which is crucial to any state such as the readiness to pay tax, the willingness to defend the fatherland, readiness to show patriotism and loyalty. In fact, though these are the regular responsibilities of a citizen, they are responsibilities which are gracefully borne by citizen whose rights are respected by the state.

By providing the citizen's rights as well as restraining from interfering with those rights which also impose limits on state power. This is because restraining state power protects the citizens from executive arbitrariness and oppression.

**MODULE 4**

Unit 1	Theories of Rights
Unit 2	The Practice of Rights and Responsibilities
Unit 3	Regime Types and Guarantee of Rights
Unit 4	Limitations on Rights and Public Authority
Unit 5	Government Responsibilities

**Unit 1 Theories of Rights****Unit Structure**

- 1.1 Introduction
- 1.2 Learning Outcome
- 1.3 Emergence of rights
- 1.4 Historical Theory of Rights
- 1.5 Categories of Rights in the Different Stages of History
- 1.6 Summary
- 1.7 References/Further Readings/Web Resources
- 1.8 Possible Answers to Self-Assessment Exercise(s)

**1.1 Introduction**

There is a proliferation of theories of citizenship and they are as numerous in their particular preoccupations. In its historical usages, the theory of citizenship and the practices that developed around it have been predominantly confined to theories which seek to account for rights development in the modern state, entitlements, duties and responsibilities of individual members of a given political community. This unit will address the theories/origin and development of the rights. It will address it from a functional perspective by asking: under what foundation or prevailing social contract do rights rest? And to what extent are these general requirements for rights developed and institutionalized?

**1.2 Learning Outcomes**

By the end of this unit, you will be able to:

- Discuss the emergence of rights
- Explain the Historical Theory of Rights
- Highlight the categories of Rights in the Different Stages of

## History

**1.3 Emergence of rights**

The emergence of rights is traceable to the doctrines of the *natural rights* of man in 17th and 18th century. The bane of *natural rights* is that each individual has certain inherent rights linked to human nature. From a moral point of view, these rights are more fundamental than the existing laws of society. This is because the latter (laws of society) is only legitimate to the extent that the natural rights of citizens are respected. In earlier times, 16-1700s, the view emerged that society was based on a contract between individuals, having both rights and duties. John Locke is considered to be the first exponent of the idea of natural individual rights, with his work *Two Treatises on Government* (1689) which was to find expression in the American Declaration of Independence (1776) and the French Declaration of Human Rights (1789) a century later.

**Self-Assessment Exercises 1**

The emergence of rights is traceable to the doctrines of the *natural rights* of man in 17th and 18th century. Discuss

**1.4 Historical Theory of Rights**

Prior to the emergence of the nation state, members of the society were mere subjects of their feudal lords or earl kings (feudalism) so much so that any gesture offered them as the members of the society from the lord or king was considered a favour. By virtue of their membership in the society or community they were not entitled to any right which the king was obliged to respect. Accordingly, in the course of the consolidation of the nation-state the monarchs made extra-ordinary demands such as forced levies including taxation, conscription into the king's army, and loyalty to the king and his cause on these subjects. In fact, the special duties performed by these subjects subsequently earned them the right to make some claims or demands in return from the lord or king. Consequently, when the state was being institutionalised as an impersonal thing, the relationship between the subject and the state acquired the character of a public relationship rather than a personal relationship. The subject acquired a new status that is the status of a citizen with rights and responsibilities separable from the favours and personality of the ruler with the state becoming institutionalised as an impersonal association. Under this theory, rights became claims which the citizen are entitled to make against the state. They are so entitled because they have earned it through special services/duties rendered to the state.

Once rights became institutionalised as the claims of citizenship on society, later-day nation-states automatically embraced the practice of the rights and extended it to their subject's now-turned-citizens at independence. In post-colonial Africa – The historical development of rights expressed an exemplary development path is based on the history of the Euro-American countries. To Richard P. Claude (1976) a model for the legal-historical development of rights norms, explains rights developments as a result of internal processes. By means of this model, Claude, contended that there are four categories of rights and demonstrates each in certain conditions at different stages of European history. Sequel to this, he specified a precondition which evidenced in a secure and procedurally regulated legal system with a certain degree of predictability, fundamental norms and procedures for settling conflicts.

### **1.5 Categories of Rights in the Different Stages of History**

The four stages in the development process are:

First stage. Here the fundamental personal liberties are based on a secularized and universalistic view of legitimacy of the state where every single individual has a right to a sphere of liberty. In this stage “the private sphere” where the authorities cannot legitimately trespass was separated from “the public”. In sum, a change in the views on legitimate authority is an ideological precondition for the limitation of political power or the principle of the division of power.

In the second stage defined the civil rights. It is represented by the French Declaration of the Rights of Man and the Citizen. In this stage, the demands for legal guarantees for the individual coincided historically, with the emergence of the bourgeoisie and the development of a capitalistic market economy. Expectedly, both the roles of the individual and the authorities changed. The former (individuals) was perceived as enterprising and active while the latter (authorities) was seen as correspondingly passive. The essence of the role is simply to guarantee the liberty, property and security of citizens in line with the liberal constitutional state where the laws are designed to prohibit actions harmful to society.

The third stage which witnessed the introduction of universal suffrage had legal equality extended to citizens to include political equality. The granting of equal political rights or equal political citizenship is as a result of an elite strategy to prevent socially based conflicts that might ensue in a divided class system. Accordingly, political activity in parties, voluntary organisations, trade unions, etc. characterised this stage. Consequently, this precipitated the transcendence of the conception of political life from the idea of the market where the free scope of

individuals brings to the fore the common good, to an arena for inter-group negotiations.

In the *fourth stage*, rights include social and economic goods also known as welfare rights. The realisation of social and economic rights is dependent on the economic potential, administrative capacity and political will preconditions. Very importantly, however, the main focus of this stage is on the positive obligations of the state to secure the social goods that ordinarily may be out of the reach of the individual. Also based on this stage the personal liberty rights, civil rights, right to political participation and social and economic welfare rights known as *civic rights* emerged.

### Self-Assessment Exercises 2

What prompted the emergence of rights?

Explain the categories of rights in the different stages of history



### 1.6 Summary

This unit has explained so far the theories/ origin and development of rights; also how rights are products of European philosophy of the 17th and 18th centuries, developed and articulated through Western ideological schools of thought. Thus, the first stages were primarily concerned with establishing negative rights and limiting the authority of the state. The last stage was, however, concerned with the positive obligation of the state to secure the social goods which the individual may not acquire ordinarily. And, in the last two stages more people came to enjoy rights as evidenced in the establishment of universal human rights. However, it appears that Claude's explanation of rights development as a result of internal development process may not be plausible for non-European countries. By and large, an important fact to note is that it demonstrates how human rights may be seen as part of a specific historical development in Europe, and that the rights responded to problems which are today founded throughout the world.

This unit addressed the emergence of rights and the historical and social contract theories with the different ideological traditions. Situation where citizens make demands (rights) on society without worrying about correlative responsibilities to the state and their fellow citizens. The incidence of high rate of tax evasion is being traced to this divorce of the historical link between responsibilities or performance of duties and the grant of rights.







### 1.7 References/Further Readings/Web Resources

Claude, R. P. (Ed.). (1976). *Comparative Human Rights*. Baltimore and London: John Hopkins University Press.

Marshall, T.H. (1954). *Citizenship and Social Class*. Cambridge: Cambridge University Press.

Rawls, J. (1987). "The Idea of an Overlapping Consensus". *Oxford Journal of Legal Studies*, Vol. 7.No.1.

Siri, G., & Lise, R. (1993). *Human Rights and Development: The Discourses in the Humanities and Social sciences*. CMI Report Series. No.3. Chr. Michael Institute. Norway.



### 1.8 Possible Answers to SAEs

The emergence of rights is traceable to the doctrines of the *natural rights* of man in 17th and 18th century. Discuss

#### Answers to SAEs 1

The emergence of rights is traceable to the doctrines of the *natural rights* of man in 17th and 18th century. The bane of *natural rights* is that each individual has certain inherent rights linked to human nature. From a moral point of view, these rights are more fundamental than the existing laws of society. This is because the latter (laws of society) is only legitimate to the extent that the natural rights of citizens are respected. In earlier times, 16-1700s, the view emerged that society was based on a contract between individuals, having both rights and duties. John Locke is considered to be the first exponent of the idea of natural individual rights, with his work *Two Treatises on Government* (1689) which was to find expression in the American Declaration of Independence (1776) and the French Declaration of Human Rights (1789) a century later.

Q1. What prompted the emergence of rights?

Q2. Explain the categories of rights in the different stages of history

#### Answers to SAEs 2

Prior to the emergence of the nation state, members of the society were mere subjects of their feudal lords or earl kings (feudalism) so much so

that any gesture offered them as the members of the society from the lord or king was considered a favour. By virtue of their membership in the society or community they were not entitled to any right which the king was obliged to respect. Accordingly, in the course of the consolidation of the nation-state the monarchs made extra-ordinary demands such as forced levies including taxation, conscription into the king's army, and loyalty to the king and his cause on these subjects. In fact, the special duties performed by these subjects subsequently earned them the right to make some claims or demands in return from the lord or king. Consequently, when the state was being institutionalised as an impersonal thing, the relationship between the subject and the state acquired the character of a public relationship rather than a personal relationship. The subject acquired a new status that is the status of a citizen with rights and responsibilities separable from the favours and personality of the ruler with the state becoming institutionalised as an impersonal association. Under this theory, rights became claims which the citizen are entitled to make against the state. They are so entitled because they have earned it through special services/duties rendered to the state.

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Q2. Explain the categories of rights in the different stages of history

Categories of Rights in the Different Stages of History

The four stages in the development process are.

First stage. Here the fundamental personal liberties are based on a secularized and universalistic view of legitimacy of the state where every single individual has a right to a sphere of liberty. In this stage "the private sphere" where the authorities cannot legitimately trespass was separated from "the public". In sum, a change in the views on legitimate authority is an ideological precondition for the limitation of political power or the principle of the division of power.

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The third stage which witnessed the introduction of universal suffrage had legal equality extended to citizens to include political equality. The granting of equal political rights or equal political citizenship is as a result of an elite strategy to prevent socially based conflicts that might ensue in a divided class system. Accordingly, political activity in parties, voluntary organisations, trade unions, etc. characterised this stage. Consequently, this precipitated the transcendence of the conception of political life from the idea of the market where the free scope of individuals brings to the fore the common good, to an arena for inter-group negotiations.

In the *fourth stage*, rights include social and economic goods also known as welfare rights. The realisation of social and economic rights is dependent on the economic potential, administrative capacity and political will preconditions. Very importantly, however, the main focus of this stage is on the positive obligations of the state to secure the social goods that ordinarily may be out of the reach of the individual. Also based on this stage the personal liberty rights, civil rights, right to political participation and social and economic welfare rights known as *civic rights* emerged.

## Unit 2      The Practice of Rights and Responsibilities

### Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Categories and Contradictions about Rights
- 2.4 Nature of Rights
- 2.5 Controversies about Rights
- 2.6 Summary
- 2.7 References/Further Readings/Web Resources
- 2.8 Possible Answers to Self-Assessment Exercise(s)



### 2.1 Introduction

This unit will examine the various types of rights in the international bill of human rights which vary in character and function as well as the contradictions in relation to claims. It will also assess the controversies by both scholars and societies who have differed in their conception of whether rights are the property of the individual citizen or property of the state. The answer to these controversies will be premised on the re-examination of the identification of the origin of rights in the theory and practice of medieval politics. This unit will therefore examine the institution of rights as the claims of citizenship on society and later-day nation-states automatic embrace of the practice of the rights which got extended to their subject's now-turned-citizens at independence.



### 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- State the various positions in the controversies about rights
- Spell out the contradictory views about rights
- Discuss the various natures of rights.



### 2.3 Categories and Contradictions about Rights

Given that there are various types of rights in the international bill of human rights which vary in character and function there are bound to be contradictions in relation to claims. To resolve this contradiction, this section will examine the issue based on the following two questions: do these conflicts actually exist? And which rights should be given priority

when a conflict does occur? To proffer solution six categories of rights will be identified.

**Personal Rights:** These include protection against interference, torture, kidnapping and arbitrary imprisonment, etc.

**Civil or liberal rights:** such as the rights of free speech, free press, the rights to assembly and organisation.

**Political Rights:** These include the right to participation, the right to vote and the right to be voted for.

**Social and economic rights:** The rights to at least a minimum of vital necessities such as food, shelter and aid.

**Cultural or national rights:** include the rights to express one's own culture and language, the rights to self-determination, protection of indigenous populations and their environment and the protection of minorities.

**Solidarity rights:** The rights to development, to certain social and physical environment, and the rights to peace.

The personal, civil and political rights fall into the category of what is known as first generation of human rights ascribed to the French philosophy of enlightenment and French and American human rights declarations from the late 1700s. These rights which are older than other categories also heralded the social, economic and cultural rights, termed the "second generation" of human rights often referred to as the socialistic contribution to international human rights. This is because the labour movement as well as some religious organisations played a crucial role in its promotion. The difference between the former and latter is evidenced in the two human rights conventions adopted by the UN in 1966: the international Convention on economic, social and Cultural Rights and the International Convention on Civil and Political Rights.

A third generation of human rights came to be known as "solidarity right". These rights as stated in the UN Declaration of 1986 are the right to a clean environment, the right to peace and the right to development. These rights are often considered to be the Third World countries' contribution to the international norms of human rights. This major difference between third generation rights from the first and the second generation is in the specification of the right to a process instead of a given standard of development.

The third generation category of rights has been criticised on the following: how can “development” be characterised as a right? Does it have a time span which ends once the public good has been accepted? Are the rights to structural conditions necessary for the realisation of one’s social and economic right?

### Self-Assessment Exercises 1

1.Examine the categories of rights in line with the contradictory positions

## 2.4 Nature of Rights

There are two natures of rights namely: “negative” and “positive” rights. These natures stemmed from the classical expression in Isaiah Berlin’s essay “Two concepts of liberty” (Berlin, 1969). Negative rights in tandem with negative liberty; which means freedom from interference serves as a protection against interference of others- primarily the state. These rights apply the first two categories described above: personal and civil rights. The proponents of negative rights-the right to non-interference-are libertarian(Libertarianism- an extreme variant of the liberal tradition) scholars such as Hayek (1948; 1967) and Nozick (1974) who have argued that negative rights are to be given priority- as opposed to the democratic tradition, which stresses the right to political participation. Here, personal, civil, and political rights are merged into one single category because there is no shortage of rights hence no need to withdraw right from some people so that others will have them.

Positive rights also are more or less like positive liberty which implies freedom to act.

Practically, these are the rights to participate in political decision making as well as social and rights. In contrast, positives rights are defined as rights demanding substantial interferences. The implication of this is that if rights of some people are to be fulfilled, others must sacrifice their rights. It is paramount therefore, to know that the dichotomy between “rights that cost and the rights that do not cost” is contestable given that negatives rights for instance would imply social costs for police, legal systems and electoral institutions. This position is important in the sense that it explains the notion that the granting of “negative” civil and political rights is incompatible with the fulfillment of “positive” or ‘substantial” social and economic rights. In the same vein, the fulfillments of positive individual rights to food, medical care, shelter and education is hinged on negative rights being encroached upon. It is *a priori* possible to conclude that conflicts will arise, that they are practically inevitable: obviously, conflicts are experienced between negative and positive rights. For positive rights, for instance,

participation in the political process may cause decisions that are in conflicts with negative rights to protection against interference. In other words, the conflicts of rights have necessitated the discussion on which rights are the more basic and which one to be given priority when conflicts occur.

## 2.5 Controversies about Rights

Scholars and societies have differed in their view of rights in relation to if rights are the property of the individual citizen or that of the state. The milestone in resolving these controversies can be traced to two features of medieval Europe's political and intellectual life. These are evidenced on the one hand, in the doctrine of '*Natural law*', and on the other, as symbolised by the political practice of extracting *charters on liberties* i.e. documents such as *Magna Carta* (one of the milestones in the history of civil liberties).

The theory of rights in the middle Ages rested on the idea of Natural Law. The Natural law theorists differed on many issues, but their central proposition is that universal moral standards exist and the rights of individuals have-whether claims, liberties, power, or immunities- are based on these moral standards and accompanied by the general duty to adhere to these standards. Some natural law theorists however, believed that Christians were under slightly different obligations from non-Christians by virtue of the acceptance of Revelation by the former, but, in principle, everyone was subject to natural law and everyone was capable of discerning its contents and standards. The origin of much of the rhetoric of universal human rights is embedded in the natural law. Also, natural rights are universal in time and space, while contractual rights are by definition limited to the parties to the bargain, and thus restricted in time and space. But later-day American revolutionaries who were fighting for their rights were not impressed by *Magna Carta*. Their reason is that rights do not belong to the king or state to be given out. Rights belong to people. Thus, whereas the British accept that the state or king can give rights, Americans reject that view of rights, maintaining on the contrary that rights belong to the people. This notion came to be broadened into an account of the rights of citizens and embodied in the positive law of a few countries in the early modern-era. The US Bill of Rights' of 1791 is the best example.

However, this dual character of the source of rights creates some problems. In some societies, rights that should be recognised in the interest of the people are not so recognised by the state. And there are states that give legal backing to rights that should not be right because they offend the dignity of the people. A good example of the latter is the slave-owning state which recognises rights in persons as property or



presently homosexuals/lesbianism. At this point, it is pertinent to know if the hands of the state can be tied by the rights of individual citizens or should citizens settle for only those rights which the state is willing to give? Western societies with their tradition of *atomistic individualism* insist that the state should be limited by the rights of individual citizens. But African societies argue the communitarian nature of their society is the basis for denying any inalienable rights to individual citizens. The argument is that since rights exist only in society, it is the convenience of society that should decide which rights should be respected, not the convenience of individuals. But accepting this view exposes the citizen to the arbitrary exercise of state power, and arbitrariness which is usually justified in Nigeria in the name of state or national security.

### Self-Assessment Exercises 2

What are the various controversies about rights?
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## 2.6 Summary

This unit has explained the contradictions in the character and function of rights. It also tried to resolve which rights should be given priority when a conflict does occur? It also explained the two natures of rights namely: “negative” and “positive” rights. In sum, whether the right to political participation is incompatible with social and economic rights borders on understanding of the parties involved.

This unit addressed the controversies about rights and the nature of rights. Given that there are various types of rights in the international bill of human rights which vary in character and function there are bound to be contradictions in relation to claims. It’s assessment of the controversies by both scholars and societies who have differed in their conception of whether rights are the property of the individual citizen or property of the state. According to the classical expression in Isaiah Berling there are two natures of rights “negative” and “positive” rights. Scholars have differed in their view of rights in relation to if rights are the property of the individual citizen or that of the state. The milestone in resolving these controversies which can be traced through the two features of medieval Europe’s political and intellectual life.



## 2.7 References/Further Readings/Web Resources

- Alston, Phillip & Karel, Vasak.(Eds.). (1982). *The International Dimensions of Human Rights*. London. Greenwood Press.
- Alston, Phillip. (1988). “Making Space for New Human Rights: The Case of the Right to Development.” In, *Harvard Human Rights Yearbook 1*.
- Berlin, Isaiah. (1969). “Two Concepts of Liberty.” In, *Four Essays on Liberty*. Oxford University Press.
- Hayek, Friedrich, Von. (1948). *Individualism and Economic Order*. London: Routledge & Kegan Paul.
- Nozick, Robert. (1974). *Anarchy State and Utopia*. New York: Basic Books.
- Siri, Gloppen & Lise, Rakner. (1993). *Human Rights and Development: The Discourses in the Humanities and Social sciences*. CMI Report Series. No.3. Chr. Norway: Michael Institute.
- Thomas, Hobbes. (1946). *Leviathan*. Oxford University Press.



## 2.8 Possible Answers to SAEs

Q1. Examine the categories of rights in line with the contradictory positions

### Answers to SAEs 1

Given that there are various types of rights in the international bill of human rights which vary in character and function there are bound to be contradictions in relation to claims. To resolve this contradiction, this section will examine the issue based on the following two questions: do these conflicts actually exist? And which rights should be given priority when a conflict does occur? To proffer solution six categories of rights will be identified.

**Personal Rights:** These include protection against interference, torture, kidnapping and arbitrary imprisonment, etc.

**Civil or liberal rights:** such as the rights of free speech, free press, the

rights to assembly and organisation.

**Political Rights:** These include the right to participation, the right to vote and the right to be voted for.

**Social and economic rights:** The rights to at least a minimum of vital necessities such as food, shelter and aid.

**Cultural or national rights:** include the rights to express one's own culture and language, the rights to self-determination, protection of indigenous populations and their environment and the protection of minorities.

**Solidarity rights:** The rights to development, to certain social and physical environment, and the rights to peace.

The personal, civil and political rights fall into the category of what is known as first generation of human rights ascribed to the French philosophy of enlightenment and French and American human rights declarations from the late 1700s.

Q1. What are the various controversies about rights?

### **Answers to SAEs 2**

Scholars and societies have differed in their view of rights in relation to if rights are the property of the individual citizen or that of the state. The milestone in resolving these controversies can be traced to two features of medieval Europe's political and intellectual life. These are evidenced on the one hand, in the doctrine of '*Natural law*', and on the other, as symbolised by the political practice of extracting *charters on liberties* i.e. documents such as *Magna Carta* (one of the milestones in the history of civil liberties). The theory of rights in the middle Ages rested on the idea of Natural Law. The Natural law theorists differed on many issues, but their central proposition is that universal moral standards exist and the rights of individuals have-whether claims, liberties, power, or immunities- are based on these moral standards and accompanied by the general duty to adhere to these standards. Some natural law theorists however, believed that Christians were under slightly different obligations from non- Christians by virtue of the acceptance of Revelation by the former, but, in principle, everyone was subject to natural law and everyone was capable of discerning its contents and standards. The origin of much of the rhetoric of universal human rights is embedded in the natural law. Also, natural rights are universal in time and space, while contractual rights are by definition limited to the parties to the bargain, and thus restricted in time and space. But later-day American revolutionaries who were fighting for their rights were

not impressed by Magna Carter. Their reason is that rights do not belong to the king or state to be given out. Rights belong to people. Thus, whereas the British accept that the state or king can give rights, Americans reject that view of rights, maintaining on the contrary that rights belong to the people. This notion came to be broadened into an account of the rights of citizens and embodied in the positive law of a few countries in the early modern-era. The US Bill of Rights' of 1791 is the best example.

However, this dual character of the source of rights creates some problems. In some societies, rights that should be recognised in the interest of the people are not so recognised by the state. And there are states that give legal backing to rights that should not be right because they offend the dignity of the people. A good example of the latter is the slave-owning state which recognises rights in persons as property or presently homosexuals/lesbianism. At this point, it is pertinent to know if the hands of the state can be tied by the rights of individual citizens or should citizens settle for only those rights which the state is willing to give? Western societies with their tradition of *atomistic individualism* insist that the state should be limited by the rights of individual citizens. But African societies argue the communitarian nature of their society is the basis for denying any inalienable rights to individual citizens. The argument is that since rights exist only in society, it is the convenience of society that should decide which rights should be respected, not the convenience of individuals. But accepting this view exposes the citizen to the arbitrary exercise of state power, and arbitrariness which is usually justified in Nigeria in the name of state or national security.

## Unit 3 Regime Types and Guarantee of Rights

### Unit Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 What is a Regime?
  - 3.3.1 The Nexus Between Regime Types and Guarantee of Rights
- 3.4 Historical-comparative method:
- 3.5 Contending Issues from the Classifications
- 3.6 Summary
- 3.7 References/Further Readings/Web Resources
- 3.8 Possible Answers to Self-Assessment Exercise(s)



### 3.1 Introduction

This unit will examine type of regime observes or guarantees the fundamental human rights of citizens based on the assumption that how power is legitimated and organised determines the relationship between rulers and citizens.



### 3.2 Learning Outcomes

By the end of this unit, you will be able to:

- Define a regime
- List the types of regimes
- Explain the contending issues.



### 3.3 What is a Regime?

A regime is understood “as a set of rules, conventions and norms ruling the governmental process” (Kimber, 1989:201). To this end, a regime is determined based on the manner by which power is legitimated and organised, and the relationship between rulers and citizens in relation to the guarantee of rights.

## Self-Assessment Exercises 1

What is a Regime?

### 3.3.1 The Nexus Between Regime Types and Guarantee of Rights

The limits of rights protection or guarantee of rights under different regime classifications:

1. **The quantitative empirical analysis:** For this analysis, Dahl (1992) tried to come to terms with the degree of rights protection under different regimes based on a limited set of political rights and liberties. To this end, he classified 170 independent states under four criteria: free and fair elections, freedom of expression, freedom of political organisation, and availability of alternative sources of information. The eventual conclusion was that the most comprehensive systems of political rights and liberties in the contemporary world exist in democratic countries. This analysis, however, has been criticised on two grounds. First, that the consideration of rights only in relation to political rights and liberties is limited. Second, that the classification of regimes based on uni-dimensional democratic (or polyarchal-authoritarian distinction reveals limited information about the internal political forces of regimes that influence human rights performance and developmental potential.
2. **The historical-comparative method:** This method, according to Linz (1992) aims at addressing the critique that there are other important distinctions and features necessary to rights performance against the former. In effect, this method, unlike Dahl's concentration on political rights dwelt mainly on civil and political rights based on the International Bill of Human Rights under four classified categories: Sultanistic, totalitarian, authoritarian and democratic political systems. Sultanistic Political Systems; this is a political system with a personal ruler ship structure that is premised on the loyalty and interests of followers, family, friends or tribes. In other words, it is characterised by the privatization of state apparatus. Also, due to the arbitrary will of the ruler, governmental actions are not under the control of any institutional norms or commonly accepted principles. In sum, under this political system there are no predictable rule of law; hence, it is obviously the least in guaranteeing fundamental rights of citizens or limits the violation of rights.
3. **Totalitarian Political Systems:** This system is characterised by political terror and arbitrary use of politically organised violence against groups and individuals. According to Linz, only Hitler's Germany and Stalin's Soviet Union may qualify as totalitarian regimes. More importantly, the system is embedded on the

ideology where political participation is either forced or highly rewarded.

4. **Authoritarian Political System:** This political system is couched in between the first and second political systems but unlike the two, this system does not embark on the utopian goals of totalitarianism. It is also not characterised by the privatisation of the state apparatus associated with the first system. In effect, it is defined as a system with limited and not responsible political pluralism; meaning that it is a system that is not open and accountable to the citizens. In this system there are no guiding ideologies but “distinctive mentalities” as well as no extensive political mobilisation. Ironically, though this system tolerates free exercise of religion, however, the liberty it guarantees is the right to be politically indifferent.
5. **Democratic Political System;** in this political system, regimes are expected to respect human rights. To this end, it is a political system characterised by the guaranteeing of fundamental human rights such as: right to expression, information and organisation for the purpose of a free competition between leaders claim to rule by non-violent means.

It is paramount to state that though Linz was cautious about stating that ‘democracy’ as a form of government is the favoured regime given that it provides the best guarantee against human rights violations, it is glaring that it does not protect all human rights under all conditions. This is as evidenced in the decimal protection of social and economic rights and the rights of minorities which remain perennially threatened. Obviously, this is contrary to Dahl’s position that the most comprehensive systems of political rights and liberties in the contemporary world exist in democratic countries. Although democratic countries vary in their protection of political rights, clamouring for democratisation will engender increased protection of human rights in non-democratic countries.

### 3.5 Historical-comparative method:

Donnelly and Howard (1986) approached the question of human rights ‘cautiously’ avoiding the democracy category in view of the controversies of the Dahl’s propositions. This method is also explicitly in line with all categories of rights as stated in the International Bill of Human Rights. The proponents distinguished between communitarian (divided into four sub-groups: communist, corporatist, traditional and developmental) and individualistic regimes (sub-divided into liberal and minimal regimes).

1. **Individualistic regimes:** For Donnelly and Howard (1986:805) in this regime, though inequality is not overruled however, the

principle of concern and respect does imply that basic economic welfare, degrading inequalities cannot be permitted. The evidence of permissible inequality is evidenced in the fact that the state should treat each individual as morally and politically valuable. The *minimalist state* on the other angle emphasises liberty and ensures that the individual is protected against violations of personal liberties. In sum, human rights cannot be respected in minimal regimes given that it allows degrading inequalities.

2. **Communitarian Regimes:** These are concerned ideologically and practically about the community. The implication of this is that priority is accorded the state over individuals who in line with their duties and roles are expected to respect only members of the group or society. This regime obviously is incompatible with the idea of human rights given that the system hinders individual autonomy. As a result, in the *communist* regimes the collectively defined goal of building a society is based on a particular idea of the good, conflict with the civil and political rights of the individuals.

**In corporatist regimes,** the collectively defined goal of building a society is structured and premised around interest-group representation. Accordingly, it is split into hierarchical structures that are non-competitive, which definitely violate political rights by engendering political conflicts (such as labour conflicts). The *traditional* societies are essentially based on a harmonious, organic conception of unity between individual and society. This is also in consonance with respect for human rights in the sense that individual goods can only be achieved if the individual is a part of a larger collective i.e. the family or an ethnic group. For the *developmental* regimes, governing is by force. In other words, repression is justified as a necessary feature in a scheme for economic development. In this regime too, individual rights in particular *Vis-a Vis* the state, are set aside thereby also violating basic rights.

### 3.6 Contending Issues from the Classifications

The three classifications agree that human rights are best guaranteed or protected within the democratic regime i.e. liberal democracies (liberalism), a regime that ensures the provision of a certain level of material well-being to the citizens. However, the last classification stressed that only certain types of democratic regimes respect basic rights. For instance, though minimal and liberal regimes are democracies only the latter likely guarantees the protection of human rights and the minimum of welfare.

The first and second categories were rather repetitive in their “minimal definition” of political democracy as a political system that protects



some categories of human rights like the freedom of expression and political organisation, access to information and free elections.

The third classification highlighted that in other social systems there are competing views on human dignity because of the denial of the rights of men and women to make and have enforced, equal and inalienable civil, political, economic and social claim on the state. However, its inclusion of a wider range of rights expectedly absolved it from the problems of categories of human rights restriction like the former but one of its shortfalls just like the others is the failure to capture the varied shades of human rights observance in the different regimes.

### Self-Assessment Exercises 2

Explain the contending issues in the various classifications  
Mention and explain the regime type that guarantees rights.



### 3.6 Summary

This unit analysed the regime, the different classifications and the contending issues.

This unit examined the limits of rights protection or guarantee of rights under different regime classifications



### 3.7 References/Further Readings/Web Resources

- Dahl, R. A. (1992). "Democracy and Human Rights under Different Conditions of Development", *In*, Asbjorn, Eide & B. Hagtvet.(Eds.).*Towards Human Rights in Perspective*. Oxford: Blackwell.
- Donnelly, J. & Rhoda, E. H. (1986). "Human Dignity, Human Rights and Political Regimes", *In*, *American Political Science Review*, Vol.80, No.3.
- Linz, J. J. (1992). "Types of Political Regimes and Respect for Human Rights: Historical and Cross-Cultural Perspectives", *In*, Asbjorn Eide & B. Hagtvet.(Eds.). *Towards Human Rights in Perspective*. Oxford: Blackwell.
- Siri, G. & Lise, R. (1993). *Human Rights and Development: The Discourses in the Humanities and Social sciences*. CMI Report

Series. No.3. Chr. Norway: Michael Institute.



### 3.8 Possible Answers to SAEs

Q1. What is a Regime?

#### Answers to SAEs 1

A regime is understood “as a set of rules, conventions and norms ruling the governmental process” (Kimber, 1989:201). To this end, a regime is determined based on the manner by which power is legitimated and organised, and the relationship between rulers and citizens in relation to the guarantee of rights.

Q1. Explain the contending issues in the various classification

Q2. Mention and explain the regime type that guarantees rights

#### Answers to SAEs 2

The three classifications agree that human rights are best guaranteed or protected within the democratic regime i.e. liberal democracies (liberalism), a regime that ensures the provision of a certain level of material well-being to the citizens. However, the last classification stressed that only certain types of democratic regimes respect basic rights. For instance, though minimal and liberal regimes are democracies only the latter likely guarantees the protection of human rights and the minimum of welfare.

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Q2. Mention and explain the regime type that guarantees rights

The Nexus between Regime Types and Guarantee of Rights

Against the above background, the limits of rights protection or guarantee of rights will be examined under different regime

classifications.

The quantitative empirical analysis: For this analysis, Dahl (1992) tried to come to terms with the degree of rights protection under different regimes based on a limited set of political rights and liberties. To this end, he classified 170 independent states under four criteria: free and fair elections, freedom of expression, freedom of political organisation, and availability of alternative sources of information. The eventual conclusion was that the most comprehensive systems of political rights and liberties in the contemporary world exist in democratic countries. This analysis, however, has been criticised on two grounds. First, that the consideration of rights only in relation to political rights and liberties is limited. Second, that the classification of regimes based on uni-dimensional democratic (or polyarchal- authoritarian distinction reveals limited information about the internal political forces of regimes that influence human rights performance and developmental potential.

The historical-comparative method: This method, according to J. Linz (1992) aims at addressing the critique that there are other important distinctions and features necessary to rights performance against the former. In effect, this method, unlike Dahl's concentration on political rights dwelt mainly on civil and political rights based on the International Bill of Human Rights under four classified categories: Sultanistic, totalitarian, authoritarian and democratic political systems.

Sultanistic Political Systems; this is a political system with a personal ruler ship structure that is premised on the loyalty and interests of followers, family, friends or tribes. In other words, it is characterised by the privatization of state apparati. Also, due to the arbitrary will of the ruler, governmental actions are not under the control of any institutional norms or commonly accepted principles. In sum, under this political system there are no predictable rule of law; hence, it is obviously the least in guaranteeing fundamental rights of citizens or limits the violation of rights.

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Democratic Political System; In this political system, regimes are expected to respect human rights. To this end, it is a political system characterised by the guaranteeing of fundamental human rights such as: right to expression, information and organisation for the purpose of a free competition between leaders claim to rule by non-violent means.

It is paramount to state that though Linz was cautious about stating that ‘democracy’ as a form of government is the favoured regime given that it provides the best guarantee against human rights violations, it is glaring that it does not protect all human rights under all conditions. This is as evidenced in the decimal protection of social and economic rights and the rights of minorities which remain perennially threatened. Obviously, this is contrary to Dahl’s position that the most comprehensive systems of political rights and liberties in the contemporary world exist in democratic countries. Although democratic countries vary in their protection of political rights, clamouring for democratisation will engender increased protection of human rights in non-democratic countries.

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Individualistic regimes: For Donnelly and Howard (1986:805) in this regime, though inequality is not overruled however, the principle of concern and respect does imply that basic economic welfare, degrading inequalities cannot be permitted. The evidence of permissible inequality is evidenced in the fact that the state should treat each individual as morally and politically valuable. The *minimalist state* on the other angle emphasises liberty and ensures that the individual is protected against violations of personal liberties. In sum, human rights cannot be

respected in minimal regimes given that it allows degrading inequalities.

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In *corporatist* regimes, the collectively defined goal of building a society is structured and premised around interest-group representation. Accordingly, it is split into hierarchical structures that are non-competitive, which definitely violate political rights by engendering political conflicts (such as labour conflicts). The *traditional* societies are essentially based on a harmonious, organic conception of unity between individual and society. This is also in consonance with respect for human rights in the sense that individual goods can only be achieved if the individual is a part of a larger collective i.e. the family or an ethnic group. For the *developmental* regimes, governing is by force. In other words, repression is justified as a necessary feature in a scheme for economic development. In this regime too, individual rights in particular *Vis-a Vis* the state, are set aside thereby also violating basic rights.

## Unit 4      **Limitations on Rights and Public Authority**

### Unit Structure

- 4.1 Introduction
- 4.2 Learning Outcomes
- 4.3 Defining Public Authority
- 4.4 Can a Limited Public Authority be achieved?
- 4.5 Individual Rights and Limitations of Public Authority
- 4.6 Public Authority and Limitation of Rights
- 4.7 Practice of Rights in the Real World
- 4.8 Summary
- 4.9 References/Further Readings/Web Resources
- 4.10 Possible Answers to SAE(s)



### **4.1 Introduction**

The central concern of this unit is to examine the notion of individual rights as justification for the limiting of public authority (defined here as synonymous with the state of its agent, the government). In view of the above position, this unit will attempt a critique of the modern liberal state's position that individual rights should be the basis for limiting public authority. Thus, it will articulate the implications of the analysis for the achievement of limited government in a non-Western political system like Nigeria.



### **4.2 Learning Outcomes**

By the end of this unit, you will be able to:

- Define public authority
- State how a citizen's can analyse rights and public authority conflict situation
- Explain the practice of rights in the real world.



### **4.3 Defining Public Authority**

Authority is the right to command and be obeyed. However, to specifically understand what the nature of public authority is, let us begin with, John Day's argument that "there is no rationality in obeying the commands of authority". What is implied here is that there is a nexus between authority and the obligation to obey for those who accept it. To

accept that the obligation to obey is embedded in the concept of authority implies that a critical attitude to authority violates the logic of that concept. In effect, what goes with authority is an attitude of “willing suspension of disbelief” or inquiry. However, since the nature of authority by its nature forecloses criticism against it as the basis for determining its operation within limits, then there is actually no way of deciding when authority has exceeded its limits, in a situation where a citizen opposes it.

This is as evident in relation to political or public authority which is the height of the hierarchy of authorities. Public authority is backed up by coercive power in the sense that accepting presupposes submitting to coercive power of the state which cannot be consciously limited. The only limit to power is its inability to achieve what it wants to achieve. To this end, the power component of public authority reinforces its essentially “not limitable” character because of the despotic nature of authority. Public authority therefore can be conceived as ‘the everlastingly good principle of social unity in the pursuit of the common good (Yves Simon). This concept is better understood if approached from the perspective of conflict of rights which is premised on: First, the fundamental human rights which the individual is presumed to have against society, defined here to include both individuals and the state or its government. Complementarily too, this rights imposes on the state and its other citizens the correlative obligation of not interfering with the citizens enjoyment of those fundamental rights. The second is the states or society’s right of public authority which places the individual under complementary obligation of obedience and compliance to the political authority of society.

### **Self-Assessment Exercises 1**

1.Explain public authority and the nexus with the conflict of rights situation

#### **4.4 Can a Limited Public Authority be achieved?**

A government of laws is by definition a limited government. In modern Western political theory, there are suppositions that respect for individual rights would constitute the basis for the limitation of public authority. Accordingly, though the non-western political theory and the socialist theory and practice agree on the need to limit government, however, on the contrary, they do not accept that security for individual rights should be the basis for limited government. In view of the rejection of security of individual rights as a basis for limiting government the pertinent question then is “can limited government be achieved? Obviously, the answer cannot be in the affirmative given the difficulty which leaders of both the socialist states and non-Western world have in exercising political authority with restraint coupled with

cases where citizens' rights are casualties to arbitrariness from government systems. This is bearing in mind that societies which have existed without the practice of rights (especially the practice of its liberal individualistic variant) were not, because of that, victims of limited government. Thus, irrespective of the deformations of the absolute monarchies, Western political theory and practice have always upheld the notion of limited government contrary to non-Western theory which does not deny the notion of limited government though upholding it has not been a central presupposition of their political theory.

This makes it important to raise two questions: One, why limit public authority?

Two, what is the reason for upholding this basic Western liberal ideology? For the first question, given that the government of men is by its nature imperfect and liable to do wrong, it becomes important or justified to limit government. The premise of this limitation springs from the fact that a limited government is a government of laws (against one of men). In effect, a reason for limiting government then is to prevent it from doing wrong or too much wrong which even Plato with all his faith in "philosopher Kings" ended up preferring. However, is it to be supposed that a limited government is good? Experience has shown to the contrary that to limit a government does not automatically guarantee its goodness. For instance, if we take ability to promote egalitarianism as one measure of governmental goodness, a government which condones gross inequalities of wealth and income because it is constitutionally barred from interfering with the right to private property of individual citizens has quite a problem attaining goodness, at least from the point of view of social justice.

Besides, there is even a good reason to believe that limiting government reduces their ability, if the will is there, to foster positive freedom. If limiting government does not guarantee goodness in the two senses indicated above, those who are preoccupied with securing "good" government would still demand justification for limiting government. The second question finds leaning on the fact that a political philosophy which is based on possessive individualism is different from power. Importantly, proponents of this liberal individualism, beginning from Montesquieu, Bentham and Mill define the goodness in terms of protection and advancement of the individual's rights and interests. Also, Locke, for instance, sees the end of all governments to be protection of life, liberty and property and goes on to require, that a government that is destructive of these rights loses its rights to the people's obedience.

In accordance to this end of government is the American Declaration of



Independence; a document which was heavily inspired by John Locke. The Declaration of Rights spelled out that the objective of administration and government is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying safety and tranquility, their natural rights and blessing of life.

Whenever these objectives are not obtained, the people have the right to alter the government, and to take measures necessary for their safety, prosperity and happiness. Moreover, furthermore:

*“All men are born equally free and independent, and certain natural, inherent and inalienable rights; among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property and of pursuing and obtaining safety and happiness (Article, section 1, Declaration of Rights, quoted in Huberich, 1947:853).*

To this school of thought, the self was secured by rights and obligations. In other words, the bane for limiting government is to prevent it from invading the rights and freedoms of individual citizens.

#### **4.5 Individual Rights and Limitations of Public Authority**

Based on this analogy, it appears that permitting individual rights to limit public authority presupposes that the former is superior to the latter. But is this the case?

To resolve the conflict of whether individual rights are superior to public authority will be approached from at least three possible positions:

By constructing a hierarchy of rights based on the functional necessity of the society: This is in the sense that the right of public authority derives from the principle that there are two separable interests in a society: called the general will, and the individual interests, of citizens qua citizens. Thus, while individuals pursue their own interests, society has endowed its agent, the government, with the right of public authority to defend and promote the interest of the society given that the whole practice of rights is meaningful only within society. In other words, it is public authority acting in authorisations by the society that creates the condition within which the practice of individual rights is achieved in society.

It is therefore evident that the right of public authority as an agency of society is superior to individual rights which require, as their prior condition, the functioning of society. A hierarchy of rights constructed to resolve the conflict of rights here would place the right of public authority above individual rights. And no matter how ‘fundamental’,

‘natural’, or ‘inalienable’ the right is, as long as it is the right held by individuals, it cannot in principle be superior to public authority. This is in accordance with Yves Simon’s definition of public authority as ‘...the everlastingly good principle of the social unity in the pursuit of the common good.

The assumption that both the rights of individuals and the state’s rights of public authority are equal: This invariably will precipitate looking for some external standards to rights consideration so as to decide which of the two groups of rights should prevail. This search for external standards leads us to the principles on which rights are founded. Lawrence Howarth has suggested three such principles- that of utility, equal right to freedom, and equal shares. The utility principle dwells on which right carries greater functional utility or consequence for society or on the contrary, which rights, if enforced, carries more functional consequence, if not observed? The answer obviously is implied in the hierarchy of rights. The question, ‘which rights if enforced, carries more functional consequence, if not observed’ can be resolved by the fact that rights create obligations (duties) and obligations are not beneficial in their consequences for those who are bound by the obligations. This is so because when society gives effect to its right of public authority, some individuals suffer as a result of the obligation. Moreover, the society is a collectivity, and some other individuals as ordinary members, should gain because such right could only have been exercised in the public interest. Also, when individuals exercise their private right, again by definition in their interest, the harmful consequences arising from the correlative obligation is two-fold. First, it falls on the society as a collectivity, and it falls on other members of the society in the capacity as private individuals. Because (a) the harmful consequences arising from the exercise of public authority are less than those arising from the exercise of individual rights, and (b) the functional consequences of the former are greater than those of the latter, therefore right of public authority should be upheld against individual rights. More importantly, is Hart’s principle of equal rights to freedom which explains that because individuals have consented to society’s right of public authority, they are under obligation to respect that right even when its exercise conflicts with their freedoms. And they cannot even revoke it because it is a contract they have consented to.

The principle of equal share means that the right of public authority which is possessed by a collectivity, society’s right in this sense being a summation of individual rights-should have more weight than the individual rights of citizens.

#### **4.6 Public Authority and the Limitations on Individual Right**

Limitation broadly to the Chambers English Dictionary means

boundary: that which may not be passed: restriction. However, within the context of this course, it is understood as the “balance between the rights of individuals and the legitimate concerns of the state, which has to take into account that the general good is met through the device of permitted limitations” (Rosalyn Higgins quoted in United Nations, 1988).

This is because very few individual rights are absolute. A cogent example of this right is the prohibition against torture which in most cases are meted out without the consent of the accused. Specifically, the Nigerian Court of Appeal defined torture to include “mental harassment as well as physical brutalisation while inhuman treatment characterises any act without feeling for the suffering of others. Degrading treatment was articulated as the element of lowering the societal status, character, value or position of a person”. And yet a large number of people are under torture and inhuman or degrading treatment, and in this regard the law is helplessly impotent because of the very social structure of the society. It is surely inhuman and degrading too for an able-bodied individual willing to work to be a victim of unemployment. This situation definitely constitutes torture.

Most rights may be qualified; in some situations given that certain conditions are met. Also, a law that prescribes the limitation must be in use and accessible and of common knowledge to all. The question of the law being accessible and known is not only to counter secrecy but justify that a restriction upon the right is a necessity. This is as evidenced in a restriction being premised on reasons of public order, public health or state security. Consequent upon the above, in situations of emergency states are permitted to suspend their obligations to guarantee these rights for as long as the emergence lasts. However, it is important to note that not all rights can the state derogate from irrespective of the circumstances. For example, no emergency can justify torture nor can it explain the disregard a person’s freedom of thought, conscience and religion. Or better still; explain the limits of the basic civil and political rights that exclude the “private” spheres of marriage and family life from democratic scrutiny. It is clear that there are detailed and context specific accounts of a vast array of culturally sanctioned practices that are classified as violence against women. These practices take place in a multitude of arenas: the household, the community, schools, workplaces and streets.

However, for instance, even though the Nigerian Constitution prohibits torture, inhuman and degrading treatment dehumanising treatment is still meted out particularly to the poor, rural and uneducated widow. Widow maltreatment includes subjecting them to physical indignities, which include in some extreme cases, compelling the woman to drink the bath

water of a husband's corpse, confinement for long periods, shaving her hair. In the same vein, is the problem of Female Genital Mutilation (FGM) for instance, is still widely practiced in many communities as a means of controlling women's sexuality in Nigeria and there is no direct law prohibiting it. This is in full consideration of the health hazards as well as upon the interpretation of the right to life guaranteed also in the Constitution tantamount to a threat to life. Moreover, if the justification is to control female sexuality, it is also discriminatory contrary to the provisions of the Constitution premised on elimination of all forms of discrimination. The legal system appears ineffective in dealing with this problem. Thus, unless the victim is willing to initiate legal action at the material time, she may be unable to obtain redress or prevent the denials of her fundamental freedom.

#### **4.7 Practice of Rights in the Real World**

The contentions evident from the conceptual analysis that public authority can be limited in the practical world by individual rights will be examined in line with the practice of rights in the real world so as to confirm or contradict the conceptions alluded to in the conceptual analysis. While the proponents of individual rights are necessarily not seeking to restrain public authority from interfering with all forms of rights that the individuals lay claim to, they, however, seek to restrict public authority from interfering with fundamental human rights (natural rights). The pertinent question therefore is "are there such rights"? That is, 'the imprescriptible rights possessed by all men whose infringement by the state strictly entails the forfeiture of that state's authority that society comes to a distinct disadvantage by refusing to fulfill its obligations of respecting such rights in the practical sense'? In proffering an answer to this, T.H. Green argues that "... a right against society... as a right to act without reference to the needs of good of society.... is impossibility. Similarly, Carl Friedrich holds the same view that "the principles that rights, liberties and freedom embody are dependent upon the community that recognises them rather than on the individuals to whom they apply".

This is plausible contention given that societies such as the ancient Greece and Rome existed without the practice of rights. The important fact to note is that while these societies existed they proved to be the most superior of their time. This brings to bear two issues:

That a society does not come to harm simply because it lacks the convention of the practice of rights.

That there could be a possibility where there are no rights readily fundamental to man. This is because the theory of individual fundamental rights even from the West where it originated is a

contemporary one. More so, it is a product of the atomistic individualism which inspired the liberal state in post renaissance Europe. Also, not all societies that subscribe to individual rights agree that it limits public authority. This is based on the contention that if public authority is not limited does not imply that it will become destructive of individual rights. There are two morals embedded in this position.

That the respect for other values imposes some restraint on public authority without formal constitutional implications. The two values couched in this, are the appeals of morality and public interest.

The implication is that societies differ both in their concept of individual rights and attachment to values.

On the other hand, is the conception of individual rights which argues for the strengthening of public authority? The U.S and the Soviet Union offer such contrasting examples. This is in the sense that the American political theory is 'concerned primarily with rendering a government administration powerless in itself'. A powerless government administration is irrelevant to the Soviet where the statesmen strive to 'maintain an effective state organisation that can unite a people who have never seen themselves as a nation'. The implication of this is that the Soviet conception or rights seeks the cooperation of public authority while the American conception rejects public authority. It seems from the foregoing that all the Western democratic nations have on some occasions lifted the constitutional limitations on public authority in relation to emergency powers to serve the general welfare of the nation. This is always the case in war situations and in situations of economic crisis. The implication of this obviously is that there appears to be a little difference between limitation of public authority and the upholding of individual rights when it is necessary.

### Self-Assessment Exercises 2

Discuss public authority and the imitations on Individual Right.  
The assumption that both the rights of individuals and the state's rights of public authority are equal. Discuss



### 4.8 Summary

This unit examined the justification that individual rights limit public authority as well as the practice of rights in the real world so as to confirm or contradict the resolve of whether individual rights are superior to public authority.

This unit analysed rights and public authority by trying to understand the limitations on individual rights, limitations on public authority, why limit public authority, the conflict of rights situation as well as the practice of rights in the real world.



#### 4.9 References/Further Readings/Web Resources

Carl, Friedrich (1937). *Constitutional Government and Democracy*. New- York: Harper and Brothers. Herold Larrabee. Baltimore: John Hopkins.

Huberich, Charles, Henry. (1947). *The Political and Legislative History of Liberia*. Vol. 1 and 11. New York: Central Book Company  
Law of the Federation of Nigeria 1990.

Hutton, W. (1995). *The State We're In*. London: Jonathan Cape.

Jeremy, Bentham. (1852). *Handbook of Political Fallacies*. (Ed.).

John, Locke. *The Second Treatise of Civil Government and a letter Concerning Toleration*.

Merton, T. (1984). *Human Rights in International Law*. Vol 2. Oxford.

Simon, Yves. (1953). "Notes on the Observation and Measurement of Political Power". *Journal of Politics*. Vol. 15.

United Nations. (1988). *United Nations in the Field of Human Rights*. New York.



#### 4.10 Possible Answers to SAEs

1.Explain public authority and the nexus with the conflict of rights situation

##### Answers to SAEs 1

Authority is the right to command and be obeyed. However, to specifically understand what the nature of public authority is, let us begin with, John Day's argument that "there is no rationality in obeying the commands of authority". What is implied here is that there is a nexus between authority and the obligation to obey for those who accept it. To accept that the obligation to obey is embedded in the concept of authority implies that a critical attitude to authority violates the logic of that concept. In effect, what goes with authority is an attitude of "willing suspension of disbelief" or inquiry. However, since the nature of authority by its nature forecloses criticism against it as the basis for determining its operation within limits, then there is actually no way of

deciding when authority has exceeded its limits, in a situation where a citizen opposes it.

This is as evident in relation to political or public authority which is the height of the hierarchy of authorities. Public authority is backed up by coercive power in the sense that accepting presupposes submitting to coercive power of the state which cannot be consciously limited. The only limit to power is its inability to achieve what it wants to achieve. To this end, the power component of public authority reinforces its essentially “not limitable” character because of the despotic nature of authority. Public authority therefore can be conceived as ‘the everlastingly good principle of social unity in the pursuit of the common good (Yves Simon). This concept is better understood if approached from the perspective of conflict of rights which is premised on: First, the fundamental human rights which the individual is presumed to have against society, defined here to include both individuals and the state or its government. Complementarily too, this rights imposes on the state and its other citizens the correlative obligation of not interfering with the citizens enjoyment of those fundamental rights. The second is the states or society’s right of public authority which places the individual under complementary obligation of obedience and compliance to the political authority of society.

Q1. Discuss public authority and the imitations on Individual Right.

Q2. The assumption that both the rights of individuals and the state’s rights of public authority are equal. Discuss

### **Answers to SAEs 2**

Limitation broadly to the Chambers English Dictionary means boundary: that which may not be passed: restriction. However, within the context of this course, it is understood as the “balance between the rights of individuals and the legitimate concerns of the state, which has to take into account that the general good is met through the device of permitted limitations” (Rosalyn Higgins quoted in United Nations, 1988). This is because very few individual rights are absolute. A cogent example of this right is the prohibition against torture which in most cases are meted out without the consent of the accused. Specifically, the Nigerian Court of Appeal defined torture to include “mental harassment as well as physical brutalisation while inhuman treatment characterises any act without feeling for the suffering of others. Degrading treatment was articulated as the element of lowering the societal status, character, value or position of a person”. And yet a large number of people are under torture and inhuman or degrading treatment, and in this regard the law is helplessly impotent because of the very social structure of the society. It is surely inhuman and degrading too for an able-bodied individual willing to work to be a



victim of unemployment. This situation definitely constitutes torture. Most rights may be qualified; in some situations given that certain conditions are met. Also, a law that prescribes the limitation must be in use and accessible and of common knowledge to all. The question of the law being accessible and known is not only to counter secrecy but justify that a restriction upon the right is a necessity. This is as evidenced in a restriction being premised on reasons of public order, public health or state security. Consequent upon the above, in situations of emergency states are permitted to suspend their obligations to guarantee these rights for as long as the emergence lasts. However, it is important to note that not all rights can the state derogate from irrespective of the circumstances. For example, no emergency can justify torture nor can it explain the disregard a person's freedom of thought, conscience and religion. Or better still; explain the limits of the basic civil and political rights that exclude the "private" spheres of marriage and family life from democratic scrutiny. It is clear that there are detailed and context specific accounts of a vast array of culturally sanctioned practices that are classified as violence against women. These practices take place in a multitude of arenas: the household, the community, schools, workplaces and streets.

However, for instance, even though the Nigerian Constitution prohibits torture, inhuman and degrading treatment dehumanising treatment is still meted out particularly to the poor, rural and uneducated widow. Widow maltreatment includes subjecting them to physical indignities, which include in some extreme cases, compelling the woman to drink the bath water of a husband's corpse, confinement for long periods, shaving her hair. In the same vein, is the problem of Female Genital Mutilation (FGM) for instance, is still widely practiced in many communities as a means of controlling women's sexuality in Nigeria and there is no direct law prohibiting it. This is in full consideration of the health hazards as well as upon the interpretation of the right to life guaranteed also in the Constitution tantamount to a threat to life. Moreover, if the justification is to control female sexuality, it is also discriminatory contrary to the provisions of the Constitution premised on elimination of all forms of discrimination. The legal system appears ineffective in dealing with this problem. Thus, unless the victim is willing to initiate legal action at the material time, she may be unable to obtain redress or prevent the denials of her fundamental freedom.

Q2. The assumption that both the rights of individuals and the state's rights of public authority are equal. Discuss

This invariably will precipitate looking for some external standards to rights consideration so as to decide which of the two groups of rights should prevail. This search for external standards leads us to the principles on which rights are founded. Lawrence Howarth has

suggested three such principles- that of utility, equal right to freedom, and equal shares. The utility principle dwells on which right carries greater functional utility or consequence for society or on the contrary, which rights, if enforced, carries more functional consequence, if not observed? The answer obviously is implied in the hierarchy of rights. The question, 'which rights if enforced, carries more functional consequence, if not observed' can be resolved by the fact that rights create obligations (duties) and obligations are not beneficial in their consequences for those who are bound by the obligations. This is so because when society gives effect to its right of public authority, some individuals suffer as a result of the obligation.

Moreover, the society is a collectivity, and some other individuals as ordinary members, should gain because such right could only have been exercised in the public interest. Also, when individuals exercise their private right, again by definition in their interest, the harmful consequences arising from the correlative obligation is two-fold. First, it falls on the society as a collectivity, and it falls on other members of the society in the capacity as private individuals. Because (a) the harmful consequences arising from the exercise of public authority are less than those arising from the exercise of individual rights, and (b) the functional consequences of the former are greater than those of the latter, therefore right of public authority should be upheld against individual rights. More importantly, is Hart's principle of equal rights to freedom which explains that because individuals have consented to society's right of public authority, they are under obligation to respect that right even when its exercise conflicts with their freedoms. And they cannot even revoke it because it is a contract they have consented to. The principle of equal share means that the right of public authority which is possessed by a collectivity, society's right in this sense being a summation of individual rights-should have more weight than the individual rights of citizens

## Unit 5 Government Responsibilities

### Unit Structure

- 5.1 Introduction
- 5.2 Learning Outcomes
- 5.3 Understanding What Government/Governance Constitutes
- 5.4 Assessment of Government Performance-Provision of Health Services
- 5.5 Basic Education
- 5.6 Infrastructure
- 5.7 Security
- 5.8 Summary
- 5.9 References/Further Readings/Web Resources
- 5.10 Possible Answers to SAEs



### 5.1 Introduction

This last unit, we examined the justification that individual rights limit public authority as well as the practice of rights in the real world so as to confirm or contradict the resolve of whether individual rights are superior to public authority.

In this unit explores what governance is and what the responsibilities of government to the citizens are. This unit delves into the concept of governance, shedding light on its various aspects such as structures, processes, and decision-making mechanisms. It also elucidates the crucial role of governments in serving and protecting the rights and well-being of their citizens, emphasizing the importance of accountability, transparency, and responsiveness in governance practices.



### 5.2 Learning Outcomes

By the end of this unit, you will be able to:

- State what constitutes governance
- List the responsibilities of government to the citizens
- State the factors that determine government fulfilling and its responsibilities
- Discuss the roles of institutions in the process of governance



### 5.3 Understanding what Government/Governance Constitutes

In theorising on where a government stands in relation to the governed/citizens political philosophers concluded that a government is a summation of the will of the people, an entity to which all submit to have their affairs managed on behalf of all. To this end, citizens have a duty to the government and the government in turn has a duty to the citizens. For these very reason, governance in specific terms, has been defined as: “(the) system of values, policies and institutions by which society manages economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way a society organises itself to make and implement decisions. It comprises the mechanisms and processes for citizens and groups to articulate their interests mediate their differences and exercise their legal rights and obligations. It is the rules, institutions and practices that set limits and provide incentives for individuals, organisations and firms. Governance, including its societal, political and economic dimensions, operates at every level of human enterprise, be it the household, village, municipality, nation, region or globe (UNDP, 2004).”

The criterion of the political equality among citizens (even when it is not achieved globally to a satisfactory degree) presupposes that the government of the Nigerian state in controlling the state resources would ensure that the citizens are equal in receiving benefits/resources of the state. In other words, based on the established fact that the elites have access to power and influence over government than the poor citizens “popular control and political equality” (Beetham, 1994:28) implies that the leaders are elected regularly and all the citizens have a fair knowledge about the goings on of the activities of the state.

In other words, the above responsibilities of government are emphasised in the responsiveness (to the needs of the people) which border on the provision of basic social services like primary health, portable drinking water, education especially primary education, provision of social infrastructure like housing, schools, construction of roads, ports, telecommunications, electricity, and railway. The government is also expected to ensure the welfare of the citizens through job creation, provision of security, and corruption-combating. To be able to provide quality tax services to tax payers there should be accountability in government about tax revenue expenditure. Citizens expect to enjoy a lot of benefits or services and allowances because of revenue generated from their duty in paying taxes, royalties and other. However, irrespective of the emphasis on the social and political aspects of governance, current development goals prioritise of particular interest

democracy and human rights, eradication of poverty and progress towards gender equality. Expectedly, given the existence of conflicting interests, for government to respond to all the interests of every group in the society, a responsive state requires the responsiveness of elected officials to the needs and concerns of society. In effect, there must be access to legislative committees and local constituencies which must have channels of communications to different ministries. There should also be regular means by which elected representatives will consult their constituencies so as to bring government to the grassroots.

### **Self-Assessment Exercises 1**

What do you think constitute governance?

#### **5.4 Assessment of Government Performance-Provision of Health Services**

An indicator is summary statistics that indicates differences between and or change over time in comparison to norm and standard. The analyses of governance indicators enable citizens and stakeholders to monitor the extent to which governance is efficient and effective in achieving its objectives. It is vital to assess if the government has met the challenge and provided or been successful about the provision of social services, their financing and delivery and the many synergies among them. The analysis of governance indicators would cover the inputs and outcomes/impacts of the proportion of government expenditure spent on health and education as a percentage of GDP, and gross national income in combination with progress in health and education indicators on Human Development Indicators (HDI). Employment is also inclusive because most of the poor are not in waged employment. Or better still the ratio of the total impact of all these on women such as equal opportunity or affirmative action in education and employment etc. In the hierarchy of results, inputs are those things that contribute to the achievement of an end but do not, of themselves, achieve it. For example, is the assessment of the inputs towards the achievement of basic education to ascertain if the necessary outcomes were sufficient or not. Output or process or impact indicators capture or measure the extent to which the end is actually achieved. For instance, does the ratio of outcome indicators reveal the (in) effectiveness of governance processes such as equal opportunity or affirmative guidelines in education, employment, health services etc.

##### **a. Provision of Health Services**

Health has been defined as a state of complete physical and mental well-being and not merely the absence of disease or infirmity. In effect, the government has the social objective to provide adequate medical and health facilities for all persons as specifically stated in section 17(3d) of

the 1999 Constitution of the Federal Republic of Nigeria. However, access to good health remains a mirage for many Nigerians for reasons. First, the state of the medical and health facilities are far from adequate owing to the degeneration or poor handling of the health sector (prior the refurbishing of some teaching hospitals by the Obasanjo administration). The resultant effect was the massive shortage of health personnel/ professionals to industrialised countries that offer better economic opportunities.

Second, where the services are available it is either located too far away or the health services are not affordable. A situation that has led to the poor health seeking behaviour of the average Nigerian who resorts to self- medication and patronage of quacks or resulted in the traveling abroad of the majority who live in affluence for routine medical checks.

The implication of the lack of both basic and sophisticated equipment as well as the poor state of the health facilities above is explained in the Nigeria health indices which are among the worst in the world despite her endowments. For example, in the 2008 state of the world's children report by UNICEF, Nigeria is pitifully ranked among the 12 countries with the highest under-five mortality rate and a maternal mortality rate of 800-1500 per 100,000 births. In fact, to date the impact of access to clean water and poor sanitation is yet to be felt in most towns in Nigeria let alone the villages/rural areas. This has grave impact on the health of children who are already affected by poor nutrition and are vulnerable to disease and hunger. With these gory statistics, one really wonders whether the government realises that only those who are alive can enjoy the services provided by government. Expectedly, to attain the constitutional objectives there have been efforts to address the shortfall. First, is the passage of the comprehensive legislative frame work which culminated into the passage of the National Health Bill by the Senate that would guarantee the provisions of the health mandate of the government which is yet to be presented to the president for assent?

Accordingly, there is the National Health Insurance Scheme, a laudable effort that is, however, bedeviled by numerous constraints especially funds. For instance, the highest budget for health in Nigeria is about seven per cent at the federal level and three per cent at the state level. This is in spite of Nigeria being a signatory to an international declaration that nations should allocate at 15% of their total budget to health. This is at variance with Malaysia, for example, which allocates eight per cent of her total budget to their health insurance scheme and has been able to cover 40 million lives within three years. It is apparent from this analysis that the optimum premium placed on the health and life of Nigerians is low.

## 5.5 Assessment of Government Performance-Provision of Basic Education

Intervention in education is obviously the key to the long-term eradication of poverty. However, it is regretful that when governments and stakeholders globally are perfecting strategies towards attaining the Millennium Development Goals on education, enrolment into primary and secondary schools in the country is nothing to write home about. This is evidenced in a recent report submitted to the United Nations Committee on the Elimination of Discrimination Against Women by the federal government which stated that “contrary to the data from previous years, primary school education enrolment between 2004 and 2006 among female children showed a downward trend from 80 to 60.4% (a decrease of 19.6 per cent) of the total number of girls that are within the age of enrolment”. The trend, the report further reveals, was similar to that of boys which dropped from 80 to 64 per cent (a decrease of 16 per cent) within the same period.

The same was experienced at the secondary school level in 2004 as enrolment dropped from 83.4 to 46 per cent among female students. The primary school enrolment figures according to the Nigerian Labour Congress shows that the primary school enrolment in the country was less than 50 per cent out of which the North recorded less than the national average. Accordingly, according to UNICEF, as of May 2008 approximately 10 million school age children (primary and secondary) were out of school. Of these, 4.7 million are of primary school age, while 5.3 million are of secondary school age and 62 per cent of children out of school are girls. In the Northern states, 34 per cent girls attend primary school. This uninspiring statistics is not only indicative of governments’ lack of preparedness to meet its responsibilities as regards the provision of basic education but a lag in joining the rest of the world in ensuring that by 2015, “children everywhere, boys and girls alike, will be able to complete a full course of primary school schooling”.

This performance level is embarrassing to a nation that launched the Universal Basic Education (UBE) programme almost a decade ago, with the expectation to provide free and compulsory education for every child aged 6-15 years. The obvious reasons for the non-delivery so far on the UBE programme cannot be divorced from the impeding effects of corrupt officials as evidenced in not only the Senate Committee on Education’s discovery of diversion of funds by state government officials between 2005 and 2006 given that only 11 per cent out of the N30 billion appropriated for the UBE programme was accessed by the 36 states and the Federal Capital Territory but also in the 2007 ICPC discovery of a N3.32 billion massive

fraud(The Punch, Friday, September 19, 2008:14). This brings to bear the need to not only re-appraise the two per cent vote from the Consolidate Revenue Fund annually allocated to the programme but to prosecute the corrupt officials by the anti-graft agencies.

## **5.6 Assessment of Government Performance- Infrastructure**

Several studies has shown that the level of infrastructural adequacy determines a country's success or failure in diversifying production, expanding trade, coping with population growth and poverty reduction. But, it is ironical that the spectacular rapid economic growth Nigeria is experiencing as one of the fastest growing economies in Africa with an annual real GDP growth at an average of 6.8 per cent over the past 5 years and a Gross Domestic Product growth rate of 9 per cent in 2008, there has not been matched by similar progress in infrastructural development across the country. The asymmetries in economic and infrastructural development snags are most acute in several sectors of Nigeria's infrastructure, including, roads, ports, telecommunications, railway as well as the negative impact of poor power supply. For instance, the installed capacity of about 7,000 megawatts i.e. about an estimated 3,000MW electricity generation capacity has created a huge demand for electricity by a population of about 140million. To reverse this trend, the Director of Africa Credit Research, Renaissance Capital, Mr. John Bates argues that "Nigeria must spend 20 per cent of its annual Gross Domestic Product (GDP) far greater than the current leading infrastructure spender, China, at 12 per cent on infrastructure in order to achieve its goal of becoming a top- 20 economy (by GDP) by the year 2020.

However, since infrastructure is so vital that it cannot be left to the government or public sector alone then there is a need for government to provide tax breaks for investors in the private sector who were venturing into infrastructural development. To foster the growth of the partnership, there is a need for the government to provide a transparent, accountable and level playing environment for the private sector to participate in infrastructural development. This is because in all cases of infrastructure procurement, value for money and cost and benefits to society must be uppermost considerations. Essentially, tackling the gap in infrastructure, whether in terms of feeder roads so as to facilitate agrarian development or boost in power supply for positive impact on the lives of the people or developing interstate infrastructure such as ports, to be efficient as well as accessible is very important given that it will improve the competitiveness of business environment among others and not necessarily increase the cost of businesses. Indeed, with the right kind of infrastructure, growth will be accelerated. In other words, infrastructure



is the key to other issues as macroeconomic stability through reforms which deal with issues of inflation, real exchange rate, good fiscal and monetary policies and budgetary imbalances thereby establishing the foundation for economic growth.

Accordingly, if the precarious or dismal revelation about the youths by the Minister of Youth and Social Development, Akinlabi Olasunkanmi, that “according to the 2006 census figure, 64 million (is that 1.6 million representing 10 per cent of the 16 million employed are unemployed) are unemployed out of the 80 million youths in the country” is anything to go by, then establishing the infrastructural foundation will create opportunities which include job creation and income generation. This is paramount because if 6 out of every 8 youth in the country are either unemployed or under-employed then Nigeria may unwittingly be sentencing itself to a future of anarchy. Infrastructure also aids in making projections for future planning. This is especially so as it is obvious that the Office of Statistics in Nigeria has no idea of the infrastructure that needs to be expanded as the population in the nation’s capital city grows let alone the entire population. This is not the case in developed countries. For instance, the US government recently looked at its population growth for the next few years and to checkmate any eventuality it made budget projections of over a billion dollars on the expansion for the infrastructure that will be needed.

### **5.7 Assessment of Government Performance-Physical Security**

One of the obligatory responsibilities of a government to the citizens on the one hand, is that of protecting the weak from the powerful through the provision of security. This can be achieved through the uniformed institutions and organisations such as the police and the military/armed forces, as well as the non-uniformed actors that play an important oversight role with regard to political, legislative and budgetary purposes. The expectation is that the disposition of government in fulfilling this responsibility and the obligation to the citizens should be premised on fairness and equity in the administration of justice. The implication of this stoic stance on the rule of law as the hallmark of any leadership is to ensure that there are no double standards in the administration of justice to the citizenry. For many Nigerians, brutality in the hands of soldiers, police and other security agencies has become the norm. This is because the Nigeria Police Force tends to terrorise citizens while in civilized countries, hardly do uniformed people terrorise the citizens; rather their powers are displayed against criminals.

In effect, the civil populace in those societies looks up to their security agents for defence and protection. But the reverse is the case in Nigeria, as citizens tremble at their sight of security agents who should protect

them. This is ironical because a uniform is supposed to be not only a symbol of pride but to serve as a reminder of the oath the wearer carries and the responsibility that goes with it. In the final analysis, the security personnel should be given the proper orientation on what value to put on the uniforms they are wearing so that the raw display of naked power reminiscent of the colonial modus operandi mentality of protecting those in authority against the populace is checked.

In effect, in Nigeria, there is need to maintain a focus on what should be considered as priority for Security sector Reforms, namely people's safety and 'security against what/whom?' These questions invite simple answers from the grass roots level of society concerning freedom from want and freedom from fear. Generally speaking, the more common threats to security in Africa are related more to fear of urban crimes, deadly conflicts and a lack of basic necessities of life. Thus, Security Sector Reforms can only have a sustainable impact if they are carried out in a way that maximizes people's freedom from fear and freedom from want. In effect, an accumulation of personal safety leads to community safety and, when communities are safe, the political leadership is in peace with its people. Nigerians (in rural and urban) are particularly concerned with their safety from crimes and conflicts especially given that criminals and insurgents have stretched the capacity of the law enforcement agencies to their limits so much so that it has resulted in the armed forces being used to support the police and to stop deadly communal conflicts.

### Self-Assessment Exercises 2

Explain your assessment of the provision of basic education

List and explain three indicators of governance areas



### 5.8 Summary

This unit examined the role of government and its responsibilities to the citizens. This definition definitely provides not only the comprehensive social and political aspects of governance but the technical overview of specific indicators of governance, their potential uses and limitations. In line with the above, the purpose of government is emphasised in the social and political aspects of governance. The political aspect or responsibility is "characterised by the continuing responsiveness of public policy to the freely expressed will of the people or the preferences of its citizens whereby all individuals are to be treated as (political) equals" (Jorgen Elklit, 1994: 89; Dalh, 1971:1).

The unit explained what constitutes governance as well the evaluation of

whether government has met the challenge about the provision of social services and the factors that determine their inability to deliver. In effect, if there is participation in policy making, strong freedom and competition, then government would be said to be more responsive. Most importantly, governance or good governance is essentially demand-driven: other things being equal, the governed will get the quality of governance that they demand. Governance will be democratic, responsive to the needs and interests of the governed, honest, transparent and accountable if, and only if, citizens from all significant social groups demand that it be so.



### 5.9 References/Further Readings/Web Resources

Anicia, Lala & Ann, M. Fitz-Gerald. (2003). *Providing Security for People: Security Sector Reform in Africa*. Global Facilitation Network for Security Reform (GFN-SSR).

Bentham, David. (Ed.). (1994). *Defining and Measuring Democracy*.

Chung-in, Moon. (Eds.) *National Security in the Third World: The Management of Internal and External Threats*. New York: Gower House.

Dahl, Robert. (1971). *Polyarchy*. New Heaven: Yale University Press.  
Elklit, Jorgen. (1994). *Is the Degree of Electoral Democracy*  
London: Sage.

Lorraine, Corner (2005). *Gender- Sensitive and Pro-poor Indicators of Good Governance*. Paper Prepared for the UNDP Governance Indicators Project, Oslo Governance Centre.

Magnus, Kpakol. (2008). "Poverty Solution: The Role of Government in Poverty Eradication," Being a Paper Presented at a Public Lecture Held at The University of Technology, Minna, September, 5.

McLaurin, R.D. (1988). 'Managing National Security: The American Experience and Lessons for the Third World.' In, Azar, Edward, E. &

Measurable? In, Bentham, David. (Ed.). *Defining and Measuring Democracy*. London: Sage. pp.89-111.

Mette, Halskov, Hansen & Arid, Engelsen, Ruud. (1996). *Weak?*

*Strong? Civil? Embedded? New Perspectives on State-Society Relations in the Non-*

*Western World.* Centre for Development and the Environment.  
University of Oslo



## 5.10 Possible Answers to SAEs

Q1. What do you think constitute governance?

### Answers to SAEs 1

In theorising on where a government stands in relation to the governed/citizens political philosophers concluded that a government is a summation of the will of the people, an entity to which all submit to have their affairs managed on behalf of all. To this end, citizens have a duty to the government and the government in turn has a duty to the citizens. For these very reason, governance in specific terms, has been defined as: “(the) system of values, policies and institutions by which society manages economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way a society organises itself to make and implement decisions. It comprises the mechanisms and processes for citizens and groups to articulate their interests mediate their differences and exercise their legal rights and obligations. It is the rules, institutions and practices that set limits and provide incentives for individuals, organisations and firms. Governance, including its societal, political and economic dimensions, operates at every level of human enterprise, be it the household, village, municipality, nation, region or globe ( UNDP, 2004).”

The criterion of the political equality among citizens (even when it is not achieved globally to a satisfactory degree) presupposes that the government of the Nigerian state in controlling the state resources would ensure that the citizens are equal in receiving benefits/resources of the state. In other words, based on the established fact that the elites have access to power and influence over government than the poor citizens “popular control and political equality” (Beetham, 1994:28) implies that the leaders are elected regularly and all the citizens have a fair knowledge about the goings on of the activities of the state.

In other words, the above responsibilities of government are emphasised in the responsiveness (to the needs of the people) which border on the provision of basic social services like primary health, portable drinking water, education especially primary education, provision of social infrastructure like housing, schools, construction of roads, ports, telecommunications, electricity, and railway. The government is also

expected to ensure the welfare of the citizens through job creation, provision of security, and corruption-combating. To be able to provide quality tax services to tax payers there should be accountability in government about tax revenue expenditure. Citizens expect to enjoy a lot of benefits or services and allowances because of revenue generated from their duty in paying taxes, royalties and other. However, irrespective of the emphasis on the social and political aspects of governance, current development goals prioritise of particular interest democracy and human rights, eradication of poverty and progress towards gender equality. Expectedly, given the existence of conflicting interests, for government to respond to all the interests of every group in the society, a responsive state requires the responsiveness of elected officials to the needs and concerns of society. In effect, there must be access to legislative committees and local constituencies which must have channels of communications to different ministries. There should also be regular means by which elected representatives will consult their constituencies so as to bring government to the grassroots.

Q1. Explain your assessment of the provision of basic education

Q2. List and explain three indicators of governance areas

### **Answers to SAEs 2**

Intervention in education is obviously the key to the long-term eradication of poverty. However, it is regretful that when governments and stakeholders globally are perfecting strategies towards attaining the Millennium Development Goals on education, enrolment into primary and secondary schools in the country is nothing to write home about. This is evidenced in a recent report submitted to the United Nations Committee on the Elimination of Discrimination Against Women by the federal government which stated that “contrary to the data from previous years, primary school education enrolment between 2004 and 2006 among female children showed a downward trend from 80 to 60.4% (a decrease of 19.6 per cent) of the total number of girls that are within the age of enrolment”. The trend, the report further reveals, was similar to that of boys which dropped from 80 to 64 per cent (a decrease of 16 per cent) within the same period.

The same was experienced at the secondary school level in 2004 as enrolment dropped from 83.4 to 46 per cent among female students. The primary school enrolment figures according to the Nigerian Labour Congress shows that the primary school enrolment in the country was less than 50 per cent out of which the North recorded less than the national average. Accordingly, according to UNICEF, as of May 2008 approximately 10 million school age children (primary and secondary) were out of school. Of these, 4.7 million are of primary school age, while 5.3 million are of secondary school age and 62 per cent of

children out of school are girls. In the Northern states, 34 per cent girls attend primary school. This uninspiring statistics is not only indicative of governments' lack of preparedness to meet its responsibilities as regards the provision of basic education but a lag in joining the rest of the world in ensuring that by 2015, "children everywhere, boys and girls alike, will be able to complete a full course of primary school schooling".

This performance level is embarrassing to a nation that launched the Universal Basic Education (UBE) programme almost a decade ago, with the expectation to provide free and compulsory education for every child aged 6-15 years. The obvious reasons for the non-delivery so far on the UBE programme cannot be divorced from the impeding effects of corrupt officials as evidenced in not only the Senate Committee on Education's discovery of diversion of funds by state government officials between 2005 and 2006 given that only 11 per cent out of the N30 billion appropriated for the UBE programme was accessed by the 36 states and the Federal Capital Territory but also in the 2007 ICPC discovery of a N3.32 billion massive fraud (The Punch, Friday, September 19, 2008:14). This brings to bear the need to not only re-appraise the two per cent vote from the Consolidate Revenue Fund annually allocated to the programme but to prosecute the corrupt officials by the anti-graft agencies.

## Q2. List and explain three indicators of governance areas

An indicator is summary statistics that indicates differences between and or change over time in comparison to norm and standard. The analyses of governance indicators enable citizens and stakeholders to monitor the extent to which governance is efficient and effective in achieving its objectives. It is vital to assess if the government has met the challenge and provided or been successful about the provision of social services, their financing and delivery and the many synergies among them. The analysis of governance indicators would cover the inputs and outcomes/impacts of the proportion of government expenditure spent on health and education as a percentage of GDP, and gross national income in combination with progress in health and education indicators on Human Development Indicators (HDI). Employment is also inclusive because most of the poor are not in waged employment. Or better still the ratio of the total impact of all these on women such as equal opportunity or affirmative action in education and employment etc. In the hierarchy of results, inputs are those things that contribute to the achievement of an end but do not, of themselves, achieve it. For example, is the assessment of the inputs towards the achievement of basic education to ascertain if the necessary outcomes were sufficient or not. Output or process or impact indicators capture or measure the extent to which the end is actually achieved. For instance, does the ratio of

outcome indicators reveal the (in) effectiveness of governance processes such as equal opportunity or affirmative guidelines in education, employment, health services etc.

**MODULE 5**

Unit 1	General Obligation of Citizens in Nigeria
Unit 2	Citizenship in Nigeria
Unit 3	Entitlement of Citizens in Nigeria
Unit 4	Termination of Citizenship in Nigeria
Unit 5	Combating Corruption in Nigeria

**Unit 1      General Obligation of Citizens in Nigeria****Unit Structure**

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Obligations of Citizens
  - 1.3.1 General Obligations of Citizens in Nigeria
- 1.4 List of general obligations of citizens in Nigeria
- 1.5 Summary
- 1.6 References/Further Readings/Web Resources
- 1.7 Possible Answers to Self-Assessment Exercise(s)

**1.1 Introduction**

In the last unit, we examined the role of government and its responsibilities to the citizens. This definition definitely provides not only the comprehensive social and political aspects of governance but the technical overview of specific indicators of governance, their potential uses and limitations.

In this unit, we will be discussing the fundamental responsibilities of a citizen, emphasizing the importance of demonstrating allegiance and loyalty to the state as essential components of civic duty. Duty is what one must do either because of one's job or because one thinks it is right. In the case of obligations to the state, it is mandatory for one to perform such duty for effective governance of the state. Failure to perform one's obligation might lead to some legally recognised sanctions. In other words, obligation to the state is a compulsory task, failure of which will attract the wrath of the law. In this case, it does not need the sanction of one's conscience as to whether the performance of such duty is right or wrong, but outright compliance to avoid unpleasant consequence. There are civic obligations which citizens are obliged, by law, to undertake for the state. These duties are performed in exchange for the protection provided by the state.





## 1.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the General Obligations of Citizens in Nigeria
- List and explain the of general obligations of citizens in Nigeria



## 1.3 Obligations of Citizens

### 1.3.1 General Obligations of Citizens in Nigeria

The obligations of citizens in Nigeria are outlined in the Constitution of the Federal Republic of Nigeria and various statutory laws. These obligations are designed to ensure that citizens contribute positively to the development and stability of the nation.

The basic obligation of a citizen is allegiance as well as loyalty to the state. A citizen is expected to give deference to the interests of his state; while pursuing those of himself, his family, his kins, ethnic group, social group or other similar primordial interests. In a Federal system of government, he should, when the need arises, place the interest of the common or national government before those of the constituent state governments. His other duties include compliance with, and support for, rational policy decisions of his national, state and local authorities. It is necessary that he should pay his taxes, rates and communal levies promptly. He is expected to be interested in both public and local issues and problems, and he should participate actively according to the abilities and opportunities available to him in finding solutions or accommodation to those issues and problems. He should be law abiding and should help the law enforcement authorities to enforce the laws of the state. He can do this by supplying useful information to the police and other government functionaries.

In developing states, such as Nigeria, where the resources available for economic and social development are limited, the citizens can help in various ways, particularly through voluntary labour, communal labour and levies, and through such schemes as the national youth service, to raise the productive capacity of the society. Perhaps the greatest service demanded of a citizen is service in his state's armed services as well as police force. In fact, during wars, the greatest demands for sacrifice and loyalty are made on the citizens. The demands may include curtailment of his political and civil rights, and payment of the supreme sacrifice when the continued existence of his state is threatened. Disrespect to the

authority of the state, tax and rates avoidance, unrestrained and destructive criticisms, may lead to the curtailment of liberty.

### Self-Assessment Exercises 1

What do you understand by citizen's obligations?
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#### 1.4 List of general obligations of citizens in Nigeria

The following are some of the general obligations of citizens in Nigeria:

**Obedience to the Law:** Citizens are required to obey the laws of the country. This includes adherence to the Constitution, statutory laws, and regulations passed by the government. Obedience to the law is fundamental to maintaining order and ensuring that the rights of all citizens are respected (Federal Republic of Nigeria, 1999).

**Payment of Taxes:** Nigerian citizens are obligated to pay taxes to the government. Taxes are a crucial source of revenue for the government, used to fund public services such as healthcare, education, and infrastructure development. Failure to pay taxes can result in legal penalties (Federal Inland Revenue Service, 2022).

**Voting in Elections:** Participation in the electoral process is a vital civic duty. By voting, citizens contribute to the selection of leaders and representatives who will make decisions on their behalf. Voting is not just a right but a responsibility that ensures the legitimacy and functioning of the democratic system (Independent National Electoral Commission, 2023).

**National Defense:** Citizens are expected to contribute to the defense of the nation. This obligation includes military service when called upon and supporting national defense initiatives. This ensures that the nation remains secure from both internal and external threats (Federal Republic of Nigeria, 1999).

**Respect for the Rights of Others:** Respecting the rights and freedoms of others is a fundamental obligation of every Nigerian citizen. This includes respecting others' religious, cultural, and political beliefs, and ensuring that one's actions do not infringe on the rights of others (Federal Republic of Nigeria, 1999).

**Promotion of National Unity:** Citizens are encouraged to promote national unity and integration. This involves working towards a peaceful coexistence among the diverse ethnic, religious, and cultural groups within the country. National unity is crucial for the stability and progress of the nation (Federal Republic of Nigeria, 1999).



### 1.5 Summary

In summary, the obligations of citizens in Nigeria are pivotal in ensuring the smooth functioning of the state and the well-being of society. These obligations, ranging from obedience to the law, payment of taxes, and participation in elections, to the defense of the nation, respect for the rights of others, and promotion of national unity, form the foundation of a responsible and engaged citizenry. By fulfilling these obligations, citizens contribute to the overall development and stability of Nigeria.

In conclusion, when a citizen knowingly and willfully works against his state's interests for the benefit of some other states especially in time of war or national disaster, he may be accused of treason; and if found guilty, he may pay the supreme penalty or lose his citizenship. Most states Endeavour to earn the continued support and loyalty of their citizens through good performance, particularly, in the economic sector as well as through carrying them along with them in their major policy decisions.

Obligation to the state is a required task, failure of which will fascinate the wrath of the law. However, it does not need the sanction of one's integrity as to whether the concert of such duty is right or wrong, but total compliance to avoid unpleasant consequence. Discussion on this unit centered on civic obligations which citizens are obliged, by law, to undertake for the state. These duties are performed in exchange for the protection provides by the state.



### 1.6 References/Further Readings/Web Resources

Federal Inland Revenue Service. (2022). Taxpayer obligations and rights. Retrieved from <https://www.firs.gov.ng>

Federal Republic of Nigeria. (1999). Constitution of the Federal Republic of Nigeria. Government of Nigeria.

Independent National Electoral Commission. (2023). Voter Education Handbook. Retrieved from <https://www.inecnigeria.org>

Mackenzie, W. J. M. (1967). Politics and the Social Sciences. Harmondsworth: Penguin.

Mackintosh, J. P., (1966). (Ed.). Nigerian Government and Politics. London: Allen and unwin,

- Marx, K. & Engels, F. (1973). *Selected Works*. Moscow: Progress Publishers.
- Marx, K. (1977). *Capital*, Vol. II. Moscow: Progress Publisher.
- Mattingly, G. (1955). *Renaissance Diplomacy*. London: Penguin Books.
- Merton, R. K. (1949). *Social Theory and Social Structure* Illinois: The Free Press Glencoe.
- Miller, D. B. (1962). *The Nature of Politics*. Harmond Nwortll: Penguins Books Ltd.
- Minogue, K. (1967). *Nationalism*. London: Batsford Mittelman, J. H. (1976) 'Collective Decolonisation United Nations Committee of 24.' *Journal of Modern African Studies*, 14, I.
- Moore, W. E. (1963). *Social Change*. Englewood Cliffh, New Jersey: Prentice Hall.
- Morgan, D., & Kirkpatrick, S. A., (1972). (Eds.). *Urban Political, analysis: A System Analysis*, New York: Free Press.



## 1.7 Possible Answers to SAEs

Q1. What do you understand by citizen's obligations?

### Answers to SAEs 1

The basic obligation of a citizen is allegiance as well as loyalty to the state. A citizen is expected to give deference to the interests of his state; while pursuing those of himself, his family, his kins, ethnic group, social group or other similar primordial interests. In a Federal system of government, he should, when the need arises, place the interest of the common or national government before those of the constituent state governments. His other duties include compliance with, and support for, rational policy decisions of his national, state and local authorities. It is necessary that he should pay his taxes, rates and communal levies promptly. He is expected to be interested in both public and local issues and problems, and he should participate actively according to the abilities and opportunities available to him in finding solutions or accommodation to those issues and problems. He should be law abiding and should help the law enforcement authorities to enforce the laws of the state. He can do this by supplying useful information to the police and other government functionaries.

In developing states, such as Nigeria, where the resources available for economic and social development are limited, the citizens can help in various ways, particularly through voluntary labour, communal labour and levies, and through such schemes as the national youth service, to raise the productive capacity of the society. Perhaps the greatest service demanded of a citizen is service in his state's armed services as well as police force. In fact, during wars, the greatest demands for sacrifice and loyalty are made on the citizens. The demands may include curtailment of his political and civil rights, and payment of the supreme sacrifice when the continued existence of his state is threatened. Disrespect to the authority of the state, tax and rates avoidance, unrestrained and destructive criticisms, may lead to the curtailment of liberty.

## Unit 2      Citizenship in Nigeria

### Unit Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Citizenship in Nigeria
  - 2.3.1 Citizenship in Nigeria
  - 2.3.2 Modes of Acquiring Citizenship
- 2.4 Dual Citizenship
- 2.5 Rights and Responsibilities of Citizens
- 2.6 Impact of Citizenship on National Identity and Integration
- 2.7 Summary
- 2.8 References/Further Readings/Web Resources
- 2.9 Possible Answers to Self-Assessment Exercise(s)



### 2.1 Introduction

In the last unit, we discussed the obligations of citizens in Nigeria are pivotal in ensuring the smooth functioning of the state and the well-being of society. These obligations, ranging from obedience to the law, payment of taxes, and participation in elections, to the defense of the nation, respect for the rights of others, and promotion of national unity, form the foundation of a responsible and engaged citizenry.

In this unit, we will be discussing citizenship in Nigeria. Right from political history, there has been worries with the question of citizenship as a focus for political and strategy anxieties. In fact, responsibilities of citizen constitute the true foundation of the state. No society or state, whose members are ignorant and indifferent, can hope for much improvement. For without public functionaries the state becomes slack and corrupt. However, these units will examines precisely the constant concern, what are the responsibilities of a citizen to the state?



### 2.2 Learning Outcomes

By the end of this unit, you will be able to:

- Discuss the Citizenship in Nigeria
- Highlight the modes of acquiring citizenship
- Explain the Dual Citizenship
- List and explain the Rights and Responsibilities of Citizens

- Explain the impact of citizenship on National Identity and Integration



## 2.3 Citizenship in Nigeria

### 2.3.1 Citizenship in Nigeria

Citizenship in Nigeria is a crucial aspect of the country's legal and social framework, defining the relationship between individuals and the state. It encompasses rights, duties, and privileges afforded to Nigerian citizens by the Constitution (Zakari, 2022). There are several general topics related to citizenship in Nigeria, including modes of acquiring citizenship, dual citizenship, the rights and responsibilities of citizens, and the impact of citizenship on national identity and integration.

### 2.3.2 Modes of Acquiring Citizenship

The Nigerian Constitution outlines three primary ways of acquiring citizenship: by birth, by registration, and by naturalization. Citizenship by birth is granted to individuals born in Nigeria before or after the country's independence, provided one of their parents or grandparents is a Nigerian citizen. Citizenship by registration applies to foreigners married to Nigerian citizens or persons of Nigerian descent who wish to reclaim their Nigerian citizenship. Naturalization, on the other hand, is granted to foreigners who have lived in Nigeria for a specified period and have demonstrated good character and intention to reside permanently in the country (Nigerian Constitution, 1999).

#### Self-Assessment Exercises 1

Does citizenship imply duties and responsibilities? Why?
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## 2.4 Dual Citizenship

Nigeria permits dual citizenship, allowing its citizens to hold citizenship of another country alongside their Nigerian citizenship. However, this is only permissible for Nigerians by birth. Those who acquire Nigerian citizenship by registration or naturalization are required to renounce any other citizenship they may hold. The issue of dual citizenship has been a subject of debate, with some arguing that it fosters global integration and economic opportunities, while others contend that it may lead to divided loyalties and undermine national unity (Nigerian Constitution, 1999).

## 2.5 Rights and Responsibilities of Citizens

Nigerian citizens are entitled to various rights, including the right to life, freedom of expression, freedom of movement, and the right to vote and be voted for in elections. These rights are guaranteed by the Constitution and are essential for the functioning of a democratic society. In return, citizens are expected to fulfill certain responsibilities, such as obeying the law, paying taxes, and defending the country when necessary. Citizenship in Nigeria, therefore, is not only a matter of legal status but also of active participation in the civic and political life of the country (Nigerian Constitution, 1999).

## **2.6 Impact of Citizenship on National Identity and Integration:**

Citizenship plays a significant role in shaping national identity and promoting social cohesion. In a diverse country like Nigeria, with over 250 ethnic groups, citizenship provides a unifying identity that transcends ethnic, religious, and cultural differences. It fosters a sense of belonging and loyalty to the nation-state, which is essential for national integration. However, issues such as indigeneity, where certain rights and privileges are accorded to 'indigenes' of a particular state or region, have sometimes led to tensions and divisions within the country (Falola & Heaton, 2008).

Citizenship to Aristotle implies the capacity to assume responsibility (such as participation in holding office) in the polis (State). This responsibility effectively distinguishes the citizen from non-citizens. Some duties and responsibilities expected from citizenship are:

*Allegiance:* Citizenship is a form of relationship between an individual and a state in which an individual owes loyalty, commitment to the state and in turn is entitled to protection by the state. It is pertinent to state, however, that though this protection is extended to the aliens, most at times the accompanying responsibility is denied or at times extended partially to aliens and other non-citizens residing in any given country.

*Tax Obligation:* Citizens (as well as aliens) of a state are under obligation/duty to pay taxes, royalties because the revenue generated will be ploughed in the provision of social infrastructure and basic amenities.

*Military Service:* One of the obligatory responsibilities of the citizens to the state (for example Israel) is that of offering to serve and protect the integrity of the state through the uniformed institutions and organizations such as the police and the military/armed forces. However, in Nigeria it is not compulsory to serve the military or police. It is important to mention that even aliens enter military and police in some countries.

## **Self-Assessment Exercises 2**



Explain the Dual Citizenship  
List and explain the Rights and Responsibilities of Citizens



## 2.7 Summary

This unit examines how Aristotle sees citizenship as the responsibilities such as participation in holding office in the State. This responsibility distinguishes the citizen from non-citizens. Some duties and responsibilities expected from citizenship are as follows: Allegiance to citizens which are a form of relationship between an individual and a state. Secondly, Tax Obligation: obligations or responsibilities to pay taxes, thus the revenue generated enable the provision of basic infrastructure in the state. Lastly, Military Service: One of the obligatory responsibilities of the citizens to the state, it is not compulsory to serve the military or police in Nigeria. However, an even alien saves as security personal in some other countries.

Citizenship implies the fact of residence in a city, during the period of the city-state. In the recent times, the term now stands for the membership of the state, and it is immaterial whether he resides in a city or just a small village. Citizenship consists not merely in enjoying certain rights and guarantees, but also in discharging one's responsibilities conscientiously. This entails active participation in public affairs for the improvement of cultural, political and material aspects of social life. For without such active participation, citizenship becomes meaningless.

Citizenship in Nigeria is a multifaceted concept that encompasses the legal, social, and political relationship between individuals and the state. It is acquired through birth, registration, or naturalization and confers rights and responsibilities on citizens. Dual citizenship is permitted under certain conditions, and citizenship plays a crucial role in national identity and integration. While citizenship provides a common identity in a diverse nation, challenges such as indigeneity continue to influence its impact on social cohesion.



## 2.8 References/Further Readings/Web Resources

Falola, T., & Heaton, M. M. (2008). *A History of Nigeria*. Cambridge University Press. Nigerian Constitution. (1999). *Constitution of the Federal Republic of Nigeria*.

- Glazer, N.(1994). “Individual Rights against Group Rights.” In, Turner, B. & P. Hamilton (Eds.). *Citizenship: Critical Concepts*. Vol.2. London: Routledge.
- Ibrahim, J. (2003). ‘Ethno-Religious Limits to the Construction of Federalism in Africa: Yugoslavia and Nigeria Compared.’ In, Gana A.T. & Samuel, Egwu. (Ed.). *Federalism in Africa: Framing the National Question Vol. I*. Asmara, Eritrea: African world press, Inc.
- Kymlicka, W. (1990). *Contemporary Political Philosophy-An Introduction*. Oxford: Oxford University Press.
- Marshall, T.H. (1965). *Class, Citizenship and Social Development*. New York: Croom Helm.
- Zakari, M. (2022). *Public Service Ethics and Accountability: Concepts, Theory and Practices*. Monograph of Reading in the Department of Public Administration, National Open University of Nigeria Published by KBS Global Resource LTD



## 2.9 Possible Answers to SAEs

Does citizenship imply duties and responsibilities? Why?

### Answers to SAEs 1

Citizenship to Aristotle implies the capacity to assume responsibility (such as participation in holding office) in the polis (State). This responsibility effectively distinguishes the citizen from non-citizens. Some duties and responsibilities expected from citizenship are:

*Allegiance:* Citizenship is a form of relationship between an individual and a state in which an individual owes loyalty, commitment to the state and in turn is entitled to protection by the state. It is pertinent to state, however, that though this protection is extended to the aliens, most at times the accompanying responsibility is denied or at times extended partially to aliens and other non-citizens residing in any given country.

*Tax Obligation:* Citizens (as well as aliens) of a state are under obligation/duty to pay taxes, royalties because the revenue generated will be ploughed in the provision of social infrastructure and basic amenities.

*Military Service:* One of the obligatory responsibilities of the citizens to the state (for example Israel) is that of offering to serve and protect the integrity of the state through the uniformed institutions and organizations such as the police and the military/armed forces. However, in Nigeria it is not compulsory to serve the military or police.

### **Unit 3 Entitlement of Citizens in Nigeria**

#### **Unit Structure**

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Entitlements of Citizenship
  - 3.3.1 Entitlements of Citizenship
- 3.4 Citizens' Entitlements in Nigeria
- 3.5 Summary
- 3.6 References/Further Readings/Web Resources
- 3.7 Possible Answers to Self-Assessment Exercise(s)



#### **3.1 Introduction**

The previous unit examined the nature of citizenship and rights in a political system. In this unit we shall examine citizenship as a status in the society. It is an ideal state as well. It generally describes a person with the legal rights within a given political order, the liberal individualist or sometimes liberal conception of citizens suggests that citizens should have entitlements necessary for human dignity.



#### **3.2 Learning Outcomes**

By the end of this unit, you will be able to:

- Explain the Entitlements of Citizenship
- Describe the Entitlements of Citizenship
- List and explain the Citizens' Entitlements in Nigeria



#### **3.3 Entitlements of Citizenship**

##### **3.3.1 Entitlements of Citizenship**

It is expected that the consolidation of nation-states within fixed

territorial boundaries and the institutionalization of participatory mass democracy would confer equal access to a range of resources. The range of resources at the state's disposal according to (Marshall, 1965, Brubaker, 1992, Davis, 1994) is:

**Civil Resources:** These are entitlements such as legal protection and access to the courts of law.

**Social Resources:** Here, the state is expected to provide welfare, education and health services.

**Political Resources:** These include voting and political representation to ensure equality of all citizenry.

**Economic Resources:** These include the use of land and water as well as the right of permanent abode. Specifically, in a concrete political system like Nigeria, the convention for the protection of Human Rights and Fundamental Freedoms in the Nigerian 1999 constitution chapter iv stipulates the guarantee of human rights especially political and civil liberties.

### **Self-Assessment Exercises 1**

What ranges of entitlements accrue to a citizen from the state?

### **3.4 Citizens' Entitlements in Nigeria**

Citizenship in Nigeria comes with certain rights and entitlements, which are enshrined in the 1999 Constitution of the Federal Republic of Nigeria. These entitlements are designed to protect the rights of individuals and ensure their well-being in the country (Zakari, 2022).

#### **Right to Life**

Every Nigerian citizen has the right to life, and no one shall be deprived of this right except in cases prescribed by law, such as self-defense or capital punishment for crimes (Constitution of the Federal Republic of Nigeria, 1999, Section 33).

#### **Right to Dignity of Human Person**

Citizens are entitled to protection against torture, inhumane or degrading treatment, and forced labor or slavery. This right underscores the importance of human dignity and freedom from exploitation (Constitution of the Federal Republic of Nigeria, 1999, Section 34).

#### **Right to Personal Liberty**

every citizen has the right to personal liberty, meaning they cannot be

arbitrarily arrested or detained without a lawful reason. This right is essential for safeguarding individual freedom (Constitution of the Federal Republic of Nigeria, 1999, Section 35).

**Right to Fair Hearing**

Citizens are entitled to a fair hearing within a reasonable time by a competent court or tribunal for any legal proceedings. This ensures that justice is fairly administered (Constitution of the Federal Republic of Nigeria, 1999, Section 36).

**Right to Private and Family Life**

the constitution protects citizens against unlawful interference in their private and family life, ensuring that privacy is respected and maintained (Constitution of the Federal Republic of Nigeria, 1999, Section 37).

**Right to Freedom of Thought, Conscience, and Religion**

Nigerian citizens have the right to freely practice and manifest their religion or beliefs without interference. This right ensures freedom of worship and religious expression (Constitution of the Federal Republic of Nigeria, 1999, Section 38).

**Right to Freedom of Expression and the Press**

Citizens are entitled to freely express their opinions and ideas, as well as to disseminate and receive information through any medium. This right is fundamental to the promotion of democracy and free speech (Constitution of the Federal Republic of Nigeria, 1999, Section 39).

**Right to Peaceful Assembly and Association**

the constitution grants citizens the right to freely associate and assemble peacefully without interference. This includes the right to form or join any political party, trade union, or other association (Constitution of the Federal Republic of Nigeria, 1999, Section 40).

**Right to Freedom of Movement**

Citizens are free to move freely throughout Nigeria and reside in any part of the country. This right also protects against expulsion or restriction from any part of the country (Constitution of the Federal Republic of Nigeria, 1999, Section 41).

**Right to Freedom from Discrimination**

the constitution ensures that no citizen is discriminated against on the grounds of ethnicity, religion, place of origin, sex, or political opinion. This right is vital for promoting equality and social justice (Constitution

of the Federal Republic of Nigeria, 1999, Section 42).



### 3.5 Summary

This unit examined the entitlements of Nigerian citizens are rooted in the constitution, offering protection of fundamental human rights. These include the right to life, personal liberty, and freedom from discrimination, among others. These rights are essential for safeguarding the dignity, freedom, and well-being of all citizens, thus promoting a just and equitable society.

What constitutes entitlement of citizens, how citizenship entitlement can be acquired. Prominent scholars postulate that, the state is expected to provide welfare, education and health services. Secondly, political Resources: These include voting and political representation to ensure equality of all citizenry. However, there are economic resources: These include the use of land and water as well as the right of permanent abode. Specifically, in a concrete political system like Nigeria, the convention for the protection of Human Rights and Fundamental Freedoms in the Nigerian 1999 constitution stipulates the guarantee of human rights especially political and civil liberties. Discussion at this unit addressed fundamental issues concerning entitlements of citizenship.



### 3.6 References/Further Readings/Web Resources

- Abejide, Peter, Odofin. (2004). *Federalism and the Challenge of Citizenship in Nigeria's Multi-Ethnic State*. Constitutional Reform Debate Series 7. Lagos: Gender and Development Action (GADA).
- Brubaker, R. (1992). *Citizenship and Nationhood in France and Germany*. Cambridge/Massachusetts/London: Harvard University Press.
- Constitution of the Federal Republic of Nigeria (1999). Federal Government of Nigeria. Retrieved from <https://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>
- Davis, U. (1994). *The Question of Citizenship and the State in the*

*Middle East-The Case of Israel, Jordan and Palestine.* Paper Presented before the British Society for Middle Eastern Studies, Annual Conferences, 12-14 July 1994.

Zakari, M. (2022). *Public Service Ethics and Accountability: Concepts, Theory and Practices.* Monograph of Reading in the Department of Public Administration, National Open University of Nigeria Published by KBS Global Resource LTD



### 3.7 Possible Answers to SAEs

Q1. What ranges of entitlements accrue to a citizen from the state?

Answers to SAEs 1

It is expected that the consolidation of nation-states within fixed territorial boundaries and the institutionalization of participatory mass democracy would confer equal access to a range of resources. The range of resources at the state's disposal according to (Marshall, 1965, Brubaker, 1992, Davis, 1994) is:

*Civil Resources:* These are entitlements such as legal protection and access to the courts of law

*Social Resources:* Here, the state is expected to provide welfare, education and health services

*Political Resources:* These include voting and political representation to ensure equality of all citizenry.

*Economic Resources:* These include the use of land and water as well as the right of permanent abode. Specifically, in a concrete political system like Nigeria, the convention for the protection of Human Rights and Fundamental Freedoms in the Nigerian 1999 constitution chapter iv stipulates the guarantee of human rights especially political and civil liberties.

## Unit 4 Termination of Citizenship in Nigeria

### Unit Structure

- 4.1 Introduction
- 4.2 Learning Outcomes
- 4.3 Termination of Citizenship
  - 4.3.1 Termination of Citizenship
- 4.4 Termination of Citizenship in Nigeria
- 4.5 Summary
- 4.6 References/Further Readings/Web Resources
- 4.7 Possible Answers to Self-Assessment Exercise(s)



### 4.1 Introduction

In last unit, we examined the entitlements of Nigerian citizens are rooted in the constitution, offering protection of fundamental human rights. These include the right to life, personal liberty, and freedom from discrimination, among others. These rights are essential for safeguarding the dignity, freedom, and well-being of all citizens, thus promoting a just and equitable society.

This unit will examine a stateless person can be described as a person, who has no citizenship of any state. Statelessness can occur as a result of voluntary expatriation or denaturalisation. A child may become stateless, if he is born in a country, whose laws are premised on the law of blood, and of parents, who may themselves be stateless or citizens of a country, whose laws are based solely on law of place. Stateless persons hardly get help, when they are in difficulty. They can hardly talk in terms of protecting their rights, as they have no legal personalities within any given municipal legal order. This unit therefore will attempt to provide the reader on how citizenship is terminated in Nigerian.



### 4.2 Learning Outcome

By the end of this unit, you will be able to:

- Explain the reason behind termination of citizenship





## 4.3 Termination of Citizenship

### 4.3.1 Termination of Citizenship

The Nigerian state is a nation-state, i.e. a nation organised as an association of many ethnic nationalities which are communities or groups with all the conditions for a common life that promotes natural sentiments of loyalty and identity. The structure of the Nigerian state where Nigerian citizens show more loyalty to their ethnic nationality has made the application of citizenship in Nigeria an unfulfilled project. Just as states have the right to extend their citizenship or nationality to any person in spite of their nationality acts; they also reserve the right to withdraw it at any time. If Nigerians respect the rule of law, they will pay more loyalty to the Nigerian state than their ethnic nationality and highlight the things that unit them while minimising the things that divide them. Termination of citizenship could be effected by the following methods;

**Expatriation:** A citizen can voluntarily renounce his citizenship; and when this occurs, it is called expatriation. For instance, a Nigerian citizen can voluntarily expatriate himself by renouncing his citizenship. The renunciation is complete when he pledges allegiance to any other state. The process of expatriation applies to both native born and naturalised citizens.

**Denaturalisation:** The process of denaturalisation is not limited to naturalized citizens, and it occurs, when loss of citizenship is involuntary on the part of the individual. Many acts which will not deprive natural born citizens their status could, in most countries, deprive the naturalized citizens of their citizenship. For instance, under Nigerian law, a naturalized citizen may lose his citizenship: (a) if he has shown himself by act or speech disloyal or disaffected toward the Federal Republic of Nigeria;

(c) the person has, during any war in which Nigeria is 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.

**Statelessness:**

However, there are examples of stateless persons in many parts of the world. Since 1972, many Ugandan citizens of Indian ancestry lost their citizenship. Many who could not obtain the citizenship of other countries became stateless. Wars and sudden innovation of new regimes had created great movements and transfers of population. Thousands of people fled the newly established socialist regimes in Eastern Europe, following the conclusion of the Second World War in 1945 and the emergence of the Soviet Union as a dominant power in the area. Hundreds of Arabs fled from Palestine following the 1967 Israeli- Arab war. Besides, in 1976, as a result of a civil war in Lebanon, many Palestinians migrated into neighbouring and other countries as refugees. Most of these refugees residing in several countries are stateless persons. Usually, many of them entertain the vague hope of regaining the citizenship of their former countries. Some refuse the citizenship of other countries, when offered to them. The problems of statelessness which include insecurity, fear, and lack of entrenched fundamental rights would always be difficult to be solved.

### Self-Assessment Exercises 1

Differentiate between expatriation and denaturalisation  
Explain the major reason behind termination of citizenship

#### 4.4 Termination of Citizenship in Nigeria

In Nigeria, citizenship can be terminated in various ways as outlined by the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The termination of citizenship can occur through three main processes: renunciation, deprivation, and loss of citizenship.

**Renunciation of Citizenship:** A Nigerian citizen who is of full age and capacity can voluntarily renounce their citizenship. This process requires the individual to make a declaration in the prescribed manner. The government, however, reserves the right to withhold acceptance of this renunciation if the country is at war or if such a declaration is deemed to be contrary to public policy (Constitution of the Federal Republic of Nigeria, 1999, Section 29).

**Deprivation of Citizenship:** The Nigerian government can deprive an individual of their citizenship under specific conditions. This usually applies to citizens by registration or naturalization. Deprivation can occur if the individual has shown disloyalty to the country, provided false information during the citizenship application process, been convicted of a serious criminal offense, or engaged in actions that are prejudicial to Nigeria's security and interests (Constitution of the Federal Republic of Nigeria, 1999, Section 30).

**Loss of Citizenship:** Citizenship can be lost by individuals who acquired it through registration or naturalization if they reside outside Nigeria for a continuous period of seven years without expressing intent to retain their citizenship. This loss is automatic and does not require any formal action by the government (Constitution of the Federal Republic of Nigeria, 1999, Section 30).



#### 4.5 Summary

It is a proven fact that many Nigerian citizens are either treated as second class citizens or aliens in Nigeria with the rights and privileges of citizenship denied them because they are not indigenes of a particular ethnic group, state or local government. Therefore, in Nigeria it is Indigeneship that matters and not citizenship. Being a citizen of Nigeria without being an indigene of a state or local government is of little benefit in Nigeria. Disregard for the rule of law, prebendalism and clientelism are other ugly practices that promote the denial of citizenship in Nigeria. Though it will be wrong to assert that the Nigerian citizenship is totally inconsequential, it will not be false to say that its denial is more visible than its application in contemporary Nigeria where Nigerian citizenship means very little outside one's state of origin.

This unit has examined the nature of states right which has characterised their citizenship or nationality to any person in spite of their nationality acts; they also reserve the right to withdraw it at any time, the recommendations believe that full implementation of citizenship right is a realisable project if Nigerians work towards national integration irrespective of their ethnic nationalities and states of origin; however, if Nigerians will accept and treat each other as members of the same community, family with equal duties, rights and privileges irrespective of their parental origin, language, religion or political affiliation. In addition, a citizen can voluntarily renounce his citizenship; and when this occurs, it is called expatriation, while denaturalisation occurs, when loss of citizenship is involuntary on the part of the individual.



#### 4.6 References/Further Readings/Web Resources

- Adamaflo, T. (1960). *A Portrait of Osagyefo Dr. Kwame Nkrumah*. Accra, Government Printer.
- Awa, E. (1964). *Federal Government in Nigeria*. Berkeley and Los Angeles: University of California Press.

- Awa, E. (1975). 'The Place of Ideology in Nigerian Politics'. *The African Review*, 4, 3.
- Awa, E. (1979). 'The Teaching of Political Science in Nigeria: A Problem-Solving Approach,' *Conference Paper Presented at Nigerian Political Science Association Conference, Benin City.*
- Azikiwe, N. (1957). *The Development of Political Parties in Nigeria.* London.
- Barghorn, C. (1947). *Politics in the USSR.* Boston: Little Brown. Barker, E. (1964). *Greek Political Theory.* London: Methuen.
- Bendix, R. (1957). *Nation Building and Citizenship.* New York: Doubleday.
- Bernard, J. (1964). *The Sociological Study of Conflict- The Nature of Conflict.* Paris: UNESCO.
- Bluhm, W.T. (1965). *Theories of the Political System.* Englewood Cliffs, New Jersey: Princeton Hall.
- Bottomore, T. (1964). *Elites and Society.* London, C.A. Watts.
- Bretton, H.L., *Power and Stability in Nigeria,* New York, Praeger, 1962.  
Brzezinski, Z.K. (1971). *The Soviet Bloc.* Cambridge, Mass.: Harvard University Press.
- Charter, G.M., & Herz, J.M. (1967). *Major Foreign Powers.* (5th ed.). New York: Harcourt Brace and World.
- Cohen, R., & Middleton, J. (1970). (Eds.). *From Tribe to Nation in Africa.* Scranton, Chandler Publishing.
- Coleman, J.S. (1954). 'Nationalism in Tropical Africa.' *American Political Science Review*, 48.
- Coleman, J.S. (1958). *Nigeria, Background to Nationalism.* Berkeley and Los Angeles: University of California Press.
- Constitution of the Federal Republic of Nigeria. (1999). Constitution of the Federal Republic of Nigeria, 1999 (as amended). Retrieved from <https://www.constitution.gov.ng>
- Emmanuel K.I. (2015). 'The Concept of Citizenship: Its Application and

Denial in the Contemporary Nigeria Society.’ Cross river State,  
Nigeria: University of Calabar



#### 4.7 Possible Answers to SAEs

Q1. Differentiate between expatriation and denaturalisation

Q2. Explain the major reason behind termination of citizenship

##### Answers to SAEs 1

*Expatriation:* A citizen can voluntarily renounce his citizenship; and when this occurs, it is called expatriation. For instance, a Nigerian citizen can voluntarily expatriate himself by renouncing his citizenship. The renunciation is complete when he pledges allegiance to any other state. The process of expatriation applies to both native born and naturalised citizens.

*Denaturalisation:* The process of denaturalisation is not limited to naturalized citizens, and it occurs, when loss of citizenship is involuntary on the part of the individual. Many acts which will not deprive natural born citizens their status could, in most countries, deprive the naturalized citizens of their citizenship. For instance, under Nigerian law, a naturalized citizen may lose his citizenship: (a) if he has shown himself by act or speech disloyal or disaffected toward the Federal Republic of Nigeria.

Q2. Explain the major reason behind termination of citizenship

##### Answers to SAEs 2

The Nigerian state is a nation-state, i.e. a nation organised as an association of many ethnic nationalities which are communities or groups with all the conditions for a common life that promotes natural sentiments of loyalty and identity. The structure of the Nigerian state where Nigerian citizens show more loyalty to their ethnic nationality has made the application of citizenship in Nigeria an unfulfilled project. Just as states have the right to extend their citizenship or nationality to any person in spite of their nationality acts; they also reserve the right to withdraw it at any time. If Nigerians respect the rule of law, they will pay more loyalty to the Nigerian state than their ethnic nationality and highlight the things that unit them while minimising the things that divide them.

## Unit 5      Combating Corruption in Nigeria

### Unit Structure

- 5.1 Introduction
- 5.2 Learning Outcomes
- 5.3 Official Corruption in Nigeria
  - 5.3.1 Official corruption
  - 5.3.2 Forms of Corruption in Nigeria
- 5.4 Citizenship Corruption in Nigeria
- 5.5 Combating Corruption in Nigeria
- 5.6 Summary
- 5.7 References/Further Readings/Web Resources
- 5.8 Possible Answers to Self-Assessment Exercise(s)



### 5.1 Introduction

In the last unit, we discussed the termination of citizenship in Nigeria is governed by the provisions of the Nigerian Constitution, which stipulates that citizenship can be terminated through renunciation, deprivation, or loss. Renunciation is a voluntary act, whereas deprivation and loss occur under specific legal and constitutional circumstances. These mechanisms ensure that citizenship is retained by individuals who are loyal and contribute positively to the nation.

In this unit, we will discuss the issue of Corruption. This is because; corruption is a persistent cancerous phenomenon which bedevils Nigeria. Misappropriation, bribery, embezzlement, nepotism, and money laundering by public officials have permeated the fabric of the society. The office seekers of major political parties top the list of unfit or corrupt officials. Elected officials in high echelons of power and public officers use their positions to engage in corrupt activities. It is estimated that corruption accounts for 20 percent of the GDP of Nigeria. For several years, Nigeria has been at the bottom of Transparency International's (TI) Corrupt Perception Index (CPI) ranking. In 2002, the Nigerian government created the Economic and Financial Crimes Commission (EFCC) to investigate and prosecute cases of corruption and financial crimes. (Emmanuel Obuah, 2010).



## 5.2 Learning Outcomes

By the end of this unit, you will be able to:

- Explain the Official Corruption in Nigeria
- Discuss an Official corruption
- Highlight the Forms of Corruption in Nigeria
- Explain the Citizenship Corruption in Nigeria.
- Identify the various concept of combating corruption in Nigeria.



## 5.3 Official Corruption in Nigeria

### 5.3.1 Official corruption

Official corruption in Nigeria is a pervasive issue that has significantly hindered the country's socio-economic development. It refers to the misuse of public office for private gain by government officials and public servants (Zakari, 2022). This type of corruption is deeply embedded in various levels of government, including the executive, legislative, and judicial branches. The roots of official corruption in Nigeria can be traced back to colonial times, but it has persisted and evolved over the years, becoming more sophisticated and widespread (Ogundiya, 2010).

### 5.3.2 Forms of Corruption in Nigeria

Corruption in Nigeria manifests in various forms, each contributing to the overall dysfunction of the state's institutions and governance (Zakari, 2022):

1. **Bribery:** Bribery is one of the most common forms of corruption in Nigeria. It involves the giving or receiving of money, gifts, or favors in exchange for preferential treatment or the performance of certain services. This practice is prevalent in both public and private sectors and often leads to the misallocation of resources and inefficiency in service delivery (Akanbi, 2004).
2. **Embezzlement:** Embezzlement occurs when public officials steal or misappropriate funds that have been entrusted to them. This form of corruption is rampant in Nigeria, especially among government officials who divert public funds meant for development projects into personal accounts, leading to underdevelopment and poverty (Transparency International, 2021).



3. **Fraud:** Fraud involves deceit or trickery to gain an unfair advantage, often financial. In Nigeria, this includes actions like falsifying documents, inflating contracts, and engaging in illegal financial activities. Fraud is particularly prevalent in public procurement processes where contracts are awarded based on fraudulent practices (Smith, 2007).
4. **Nepotism and Cronyism:** These forms of corruption involve favoring relatives and friends in the allocation of jobs, contracts, and other benefits. In Nigeria, nepotism and cronyism undermine meritocracy and contribute to the inefficiency and ineffectiveness of public institutions (Onyejekwe, 2008).
5. **Extortion:** Extortion involves coercing someone to give up something, often money, through the threat of harm. In Nigeria, law enforcement agents and public officials frequently engage in extortion, demanding bribes from citizens to avoid legal or administrative penalties (Human Rights Watch, 2019).

#### 5.4 Citizenship Corruption in Nigeria

Citizenship corruption refers to the unethical practices and behaviors exhibited by ordinary citizens that contribute to the overall corruption in society. In Nigeria, citizenship corruption is evident in the everyday actions of individuals who engage in practices such as vote-buying, tax evasion, and cheating in exams. This form of corruption erodes public trust in the government and perpetuates a culture of dishonesty and impunity (Agbiboa, 2015).

Vote-buying, for instance, is a widespread practice in Nigerian elections, where political candidates offer money or gifts to voters in exchange for their votes. This undermines the democratic process and leads to the election of leaders who may not have the best interests of the public at heart. Similarly, tax evasion is common among citizens who falsify information to reduce their tax liabilities, depriving the government of revenue needed for public services (Ezeani, 2006).

#### 5.5 Combating Corruption in Nigeria

A recent survey says two-thirds of the country's citizens live in poverty as a result of an endemic corruption so much so that although Nigeria is the sixth largest major producer of oil in the world, ironically it is now among the 20 poorest countries in the universe, oil revenues amount to less than \$100 per capita per year and provide little benefit to the majority of the country's 140 million citizens (The Punch, Friday, September 19, 2008:14). In reality, for decades irresponsible leadership has robbed Nigeria of its potential. To this end, there has been the

demand that the federal and state governments should account for the revenue generated from taxes and oil that should have been utilised for the purpose of development which studies have revealed end up in private pockets.

For instance, government is yet to render an account of the ₦10 trillion generated from PPT, companies income tax CIT,VAT,PIT, and education tax by the FIRS in the last 12 years, out of which ₦1.28 trillion was collected in 2007 alone (FIRS Data File as at April 28, 2008). One certain fact is that tax payers are willing to pay taxes if the funds are judiciously applied for development. The evasion and under-declaration of taxes by Nigerians border on the fact that most of the time the monies end up in private pockets. Thus, it is the responsibility of government not only to render account for the tax revenues shared but the collective responsibility of the three tiers of government to inform the public of the utilisation of tax monies collected and the voluntary compliance levels of tax payers. To checkmate this menace, it is hoped that the Federal Inland Revenue Service (FIRS) new tax payers database enumeration project designed to facilitate and fast track the validation of tax payers and issuance of a Tax payer Identification number (TIN) will easily give away details about ones levels of income in line with what a citizen declares for tax purposes to curb tax evasion by all eligible adults. This will serve as a deterrent to those that administer for their pockets rather than for the purpose of the people. In effect, cash flows should not be the only thing required of governments but balance sheets of where public finance/funds come from and where it ends up must be closely monitored as well. In sum, it is glaringly when a government is up to its task or has abdicated (incapable of carrying out its duties) its responsibilities/ duties to its people. On this score, it is obvious that there is a dearth in the fulfillment of these responsibilities in Nigeria.

### Self-Assessment Exercises 1

Explain your assessment on corruption in Nigeria
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### 5.6 Summary

This unit examined Corruption in Nigeria as a multifaceted problem that affects every level of society. Official corruption, in its various forms, has stunted the country's development and created an environment where unethical practices thrive. Additionally, citizenship corruption exacerbates the situation by perpetuating a culture of dishonesty and impunity. Addressing corruption in Nigeria requires a comprehensive approach that involves reforming institutions, enforcing anti-corruption

laws, and promoting ethical behavior among both public officials and ordinary citizens.

It concludes that corruption must be vehemently deterred and genuinely fought so as to ensure good governance and sustainable development (Tolu Lawal et al 2012).

Corruption is a bane to good governance and obstacle to development of any nation. Nigeria in the last fifty years has been thriving and flourishing in corruption with little or no serious effort at combating it. Corruption has become a popular language in virtually every household in Nigeria. Consequent upon this, an average Nigerian is generally believed to be corrupt in one way or the other, thereby making Nigeria to be rated high at all times in corruption. The unit explained what constitutes governance as well the evaluation of whether government has met the challenge about the provision of social services and the factors that determine their inability to deliver.



### 5.7 References/Further Readings/Web Resources

Agbibo, D. E. (2015). Corruption in the underdevelopment of the Niger Delta in Nigeria. *The Journal of Pan African Studies*, 8(1), 111-135.

Akanbi, M. M. (2004). *Corruption and the challenge of development in Nigeria*. Ilorin: University of Ilorin Press.

Dahl, Robert (1971). *Polyarchy*. New Heaven: Yale University Press.  
Elklit, Jorgen (1994). Is the Degree of Electoral Democracy Measurable? Pp.89-111 *In*:

Ezeani, E. O. (2006). Corruption in Nigeria: Implications for National Development. *African Research Review*, 1(1), 40-52.

Human Rights Watch. (2019). *Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force*. Retrieved from [Human Rights Watch](#).

Lasswell, H., *Politics: Who gets What, When, How*, New York, World Publishing, 1958.

Lawal, Tolu, and Ogunro Kayode Victor. "Combating corruption in Nigeria." *International Journal of academic research in Economics and Management sciences* 1, no. 4 (2012): 1.

- Lays, C., ed., *Politics and Change in Developing Countries*, Camb ridge, OUP, 1969.
- Leeds, C. A., *Political Studies*, 2nd ed., London, Macdonald and Evans, 1975.
- Legg, K., and Morrison, J. F., *Politics and the International System: An Introduction*, New York, Harper and Row, 1972.
- Legum, C., ed., *Africa Contemporary Record: Annual Survey and Documents*, New York, African Publiship Co., annual since 1973.
- Ogundiya, I. S. (2010). Corruption: The bane of democratic stability in Nigeria. *Current Research Journal of Social Sciences*, 2(4), 233-241.
- Onyejekwe, C. J. (2008). Nigeria: The Politics of (Mis)Education, Poverty, and Corruption. *Journal of Sustainable Development in Africa*, 10(4), 117-127.
- Smith, D. J. (2007). *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria*. Princeton University Press.
- Transparency International. (2021). *Corruption Perceptions Index*. Retrieved from [Transparency International](#).
- Truman, Harry S. (1947) .State of the Union Addresses by United States Presidents State of the Union: Addresses by Harry S. Truman. (Internet) Pennsylvania State University. Available from: <http://>
- UNDP Strategy Note on Governance for Human Development (2004) *Governance Service Lines* <http://www.undp.org/governnance/2004>.
- Zakari, M. (2022). *Public Service Ethics and Accountability: Concepts, Theory and Practices*. Monograph of Reading in the Department of Public Administration, National Open University of Nigeria Published by KBS Global Resource LTD



## 5.8 Possible Answers to SAEs

Q1. Explain your assessment on corruption in Nigeria

### Answers to SAEs 1

A recent survey says two-thirds of the country's citizens live in poverty as a result of an endemic corruption so much so that although Nigeria is the sixth largest major producer of oil in the world, ironically it is now among the 20 poorest countries in the universe, oil revenues amount to less than \$100 per capita per year and provide little benefit to the majority of the country's 140 million citizens (The Punch, Friday, September 19, 2008:14). In reality, for decades irresponsible leadership has robbed Nigeria of its potential. To this end, there has been the demand that the federal and state governments should account for the revenue generated from taxes and oil that should have been utilised for the purpose of development which studies have revealed end up in private pockets. For instance, government is yet to render an account of the ₦10 trillion generated from PPT, companies income tax CIT, VAT, PIT, and education tax by the FIRS in the last 12 years, out of which ₦1.28 trillion was collected in 2007 alone (FIRS Data File as at April 28, 2008).

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