COURSE GUIDE

POL 126
CITIZENSHIP AND THE STATE

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INTRODUCTION

POL 126-Citizenship and the State is a one semester course in the first year of B.sc (Hons.) degree in Political Science. It is a three-unit credit course designed to enable you understand the relationship between citizens and the function of the State. The course has been developed with the Nigeria context in view. The course educates students with the theories of state and the right of citizen, it also provides you with the limitations of public authority in relation to the rights of citizens. Therefore, a citizen is supposed to identify with the interests of the country to which he belongs even at the expense of their membership in families, specialised or provincial communities. The study units are structured into modules. Each module is structured into 5 units. This course guide gives you an overview of the course. It also provides you with information on the organisation and requirements of the coursive.

COURSE AIMS AND OBJECTIVES

The aims are to help you understand the nature of citizen and state relations especially as it relates to the obligations of the state to the citizens and the correlative duty of the citizens to the state. These broad aims will be achieved by: Introducing you to the concept of the state and citizenship acquainting you with the theories of state and citizenship, educating you with the rights of a citizen also providing you with the limitations of public authority in relation to the rights of citizens.

POL 126 has overall objectives. In addition, each unit also has specific objectives. The unit objectives are at the beginning of each unit. I advise you read them before you start working through the unit. Here are the wider objectives for the course as a whole. On successful completion of the course, you should be able to:

- understand what constitutes the state as well as be able to list the features of the state
- state the theories of the state
- analyse state-society relations
- understand political obligation
- know the basis of liberty/freedom and what constitutes citizenship
- familiarise what types of rights exist and which regime guarantees it, also understand the basis for loyalty and patriotism.

WORKING THROUGH THIS COURSE

To complete this course, you are required to read the study units and other related materials. You will also need to undertake practical exercises for

which you need a pen, a note – book, and other materials that will be listed in the guide. The exercises are to aid you in understanding the concepts being presented. At the end of each unit, you will be required to submit a written assignment for assessment purposes. At the end of the course, you will write a final examination.

THE COURSE MATERIALS

In this course, as in all other courses, the major components you will find are as follows:

- Course Guide
- Study Units
- Assignments File
- Relevant text books including the ones listed under the unit.

STUDY UNIT

There are **25 units** in this course. They are listed below:

Module 1   State in Political Analyses

Unit 1   State in Political Analysis
Unit 2   Origin of the State
Unit 3   Theories of the State
Unit 4   The Nigerian State
Unit 5   Society and State Relations

Module 2   Legitimacy and Political Obligation

Unit 1   Principles of Political Obligation
Unit 2   Principles of Natural Duty
Unit 3   Moral Constraints of Political Obligation
Unit 4   Public/ Basic Goods
Unit 5   Civil Disobedience

Module 3   Citizenship and Rights

Unit 1   Liberty/Freedom
Unit 2   Citizenship and Rights
Unit 3   Contentious Issues of Citizenship
Unit 4   Gender and Citizenship
Unit 5   Rights of Citizenship

Module 4   Government Responsibilities

Unit 1   Theories of Rights
Unit 2   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

Module 5   Obligations, Termination of Citizenship in Nigeria

Unit 1   General obligation of citizens in Nigeria
Unit 2   Duties and responsilities of Citizen to the State
Unit 3   What are the entitlements of a Citizen?
Unit 4   Termination of citizenship in Nigeria
Unit 5   Combating Corruption in Nigeria

As you can observe, the course begins with the basics and expands into a more elaborate, complex and detailed form. All you need to do is to follow the instructions as provided in each unit. In addition, some self-assessment exercises have been provided with which you can test your progress with the text and determine if your study is fulfilling the stated objectives. Tutor- marked assignments have also been provided to aid your study. All these will assist you to be able to fully grasp knowledge of international economic relations.

TEXTBOOKS AND REFERENCES

At the end of each unit, you will find a list of relevant reference materials which you may wish to consult as the need arises. However, I would encourage you to cultivate the habit of consulting as many relevant materials within the time available to you. In particular, be sure to consult whatever material you are advised to consult before attempting any exercise.

For better performance, you may need to purchase two or more of the recommended texts; they are important for better understanding and mastery of the course content. Also, every week, you need quality time in an environment conducive for study. It is expected that you have basic knowledge of computer operation which will help you access more relevant materials online. You should also cultivate the habit of visiting reputable physical libraries accessible to you.

ASSESSMENT

An assessment file and a marking scheme will be made available to you. In the assessment file, you will find details of the works you must submit to your tutor for marking. There are two aspects of the assessment

of this course; the tutor-marked and the written examination. The marks you obtain in these two areas will make up your final marks. The assignment must be submitted to your tutor for formal assessment in accordance with the deadline stated in the presentation schedule and the assignment file. The work you submit to your tutor for assessment will count for 30% of your total score.

TUTOR-MARKED ASSIGNMENT(TMA)

You will have to submit a specified number of the TMAs. Every unit in this course has a Tutor-Marked Assignment. You are required to attempt all the questions and you will be assessed on all of them but the best four performances (from the TMAs) will be used for your 30% grading. When you have completed each assignment, send it together with a Tutor-Marked Assignment form, to your tutor. Make sure each assignment reaches your tutor on or before the deadline for submissions. If for any reason, you cannot complete your work on time, contact your tutor for a discussion on the possibility of an extension. Extensions will not be granted after the due date unless in exceptional circumstances.

Self-assessment exercises are also provided in each unit. The exercises should help you to evaluate your understanding of the material so far. These are not to be submitted. You will find all answers to these within the units they are intended for.

FINAL EXAMINATION AND GRADING

The final examination will be a test of three hours. All areas of the course will be examined. Find time to read the unit all over before your examination. The final examination will attract 70% of the total course grade. The examination will consist of questions which reflect the kinds of self-assessment exercise and tutor marked assignment you have previously encountered. And all aspects of the course will be assessed. You should take the time between completing the last unit and taking the examination to revise the entire course.

COURSE MARKING SCHEME

The following table lays out how the actual course mark allocation is broken down.

Assessment	Marks
Assignments 1-3(the best three of all the assignments submitted)	Four assignments, marked out of 10% totaling 30%
Final Examination	70% of overall course score
Total	100% of course score

PRESENTATION SCHEDULE

Unit	Title of Works	Week Activity	Assessment (end of
Module 1	State in Political Analysis		
Unit 1	State in Political Analysis	Week 1	Assignment
Unit	Origin of the State	Week 2	Assignment
Unit 3	Theories of the State	Week 3	Assignment
Unit	The Nigerian State	Week 4	Assignment
Unit	Society and State Relations	Week 5	Assignment
Module 2	Legitimacy and Political Obligation		
Unit 1	Principles of political Obligation	Week 1	Assignment
Unit 2	Principles of Natural Duty	Week 2	Assignment
Unit 3	The Moral Constraints of Political Obligation	Week 3	Assignment 1
Unit 4	Public/ Basic Goods	Week 4	Assignment
Unit 5	Civil Disobedience	Week 5	Assignment
Module 3	Citizenship and Rights		
Unit 1	Liberty/Freedom	Week 1	Assignment
Unit 2	Citizenship and Rights	Week 2	Assignment
Unit 3	Contentious issues of Citizenship	Week 3	Assignment
Unit 4	Gender and Citizenship	Week 4	Assignment
Unit 5	Rights of Citizenship	Week 5	Assignment
Module 4	Government Responsibilities		
Unit 1	Theories of Rights	Week 1	Assignment
Unit 2	Practice of Rights and Responsibilities	Week 2	Assignment
Unit 3	Regime type and guarantee right	Week 3	Assignment
Unit 4	Limitations on Rights and Public Authority	Week 4	Assignment 1
Unit 5	Government Responsibilities	Week 5	Assignment
Module 5	**Obligations, Termination of Citizenship in Nigeria**		
Unit 1	General obligation of citizens in	Week 1	Assignment
Unit 2	Duties and responsibilities of Citizen	Week 2	Assignment
Unit 3	What are the entitlements of a citizen	Week`3	Assignment
Unit 4	Termination of citizenship in Nigeria	Week 4	Assignment
Unit 5	Combating corruption in Nigeria	Week 5	Assignment

TUTORS AND TUTORIALS

Information relating to the tutorials will be provided at the appropriate time. Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must take your

tutor-marked assignments to the study centre well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible. Do not hesitate to contact him if you do not understand any part of the study units or the assigned readings; you have difficulty with the exercises: you have a question or problem with the assignments, with your tutor's comments on an assignment or with the grading of an assignment. You should try your best to attend the tutorials. This is the only chance to have face-to- face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from participating in discussion actively.

ASSESSMENT

There are two aspects to the assessment of this course. First is the Tutor-Marked Assignments; second is a written examination. In handling these assignments, you are expected to apply the information, knowledge and experience acquired during the course. The tutor-marked assignments are now being done online. Ensure that you register all your courses so that you can have easy access to the online assignments. Your score in the online assignments will account for 30 percent of your total coursework. At the end of the course, you will need to sit for a final examination. This examination will account for the other 70 percent of your total course mark.

TUTOR-MARKED ASSIGNMENTS (TMAs)

Usually, there are four online tutor-marked assignments in this course. Each assignment will be marked over ten percent. The best three (that is the highest three of the 10 marks) will be counted. This implies that the total mark for the best three assignments will constitute 30% of your total course work. You will be able to complete your online assignments successfully from the information and materials contained in your references, reading and study units.

FINAL EXAMINATION AND GRADING

The final examination for POL316: Political Evaluation will be of two hours duration and have a value of 70% of the total course grade. The examination will consist of multiple choice and fill-in-the-gaps questions which will reflect the practice exercises and tutor-marked assignments you have previously encountered. All areas of the course will be assessed. It is important that you use adequate time to revise the entire course. You may find it useful to review your tutor-marked assignments before the

examination. The final examination covers information from all aspects of the course.

HOW TO GET THE MOST FROM THIS COURSE

1. There are 24 units in this course. You are to spend one week in each unit. In distance learning, the study units replace the university lecture. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suites you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do. The study units tell you when to read and which are your text materials or recommended books. You are provided exercises to do at appropriate points, just as a lecturer might give you in a class exercise.
2. Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do, by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chance of passing the course.
3. The main body of the unit guides you through the required reading from other sources. This will usually be either from your reference or from a reading section.
4. The following is a practical strategy for working through the course. If you run into any trouble, telephone your tutor or visit the study centre nearest to you. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor to provide it.
5. Read this course guide thoroughly. It is your first assignment.
6. Organise a study schedule – Design a 'Course Overview' to guide you through the course. Note the time you are expected to spend on each unit and how the assignments relate to the units.
7. Important information; e.g. details of your tutorials and the date of the first day of the semester is available at the study centre.
8. You need to gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.
9. Once you have created your own study schedule, do everything to stay faithful to it.

10.   The major reason that students fail is that they get behind in their coursework. If you get into difficulties with your schedule, please let your tutor or course coordinator know before it is too late for help.

11.   Turn to Unit 1, and read the introduction and the objectives for the unit.

12.   Assemble the study materials. You will need your references for the unit you are studying at any point in time.

13.   As you work through the unit, you will know what sources to consult for further information.

14.   Visit your study centre whenever you need up-to-date information.

15.   Well before the relevant online TMA due dates, visit your study centre for relevant information and updates. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination.

16.   Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to space your study so that you can keep yourself on schedule.

17.   After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the course guide).

SUMMARY

This course, **POL 126- Citizenship and the State** introduces students to the concept of the state. The course is a broad term said to denote various relations amid an individual and a state. Nevertheless, this relation does not necessarily confer political rights however do imply other privileges, especially protection abroad. As earlier indicated**, t**he course guide gives you an overview of what to expect in the course of this study. The course teaches you the basics about citizen and state relations in the Nigerian state.   We wish you success with the course and hope that you will find it both interesting and useful.

List of Acronyms

AU   -   **AFRICAN UNION**
CDC -   **CONSTITUTIONAL DRAFTING COMMITTEE**
CPI   -   **CORRUPT PERCEPTION INDEX**
EFCC-   **EECONOMIC FINANCIAL CRIME COMMISSION**
FGM -   **FEMALE GENITAL MITULATION**

FIRS	**-**	**FEDERAL INLAND REVENUE SERVICE**
GDP	**-**	**GROSS DEMESTIC PRODUCT**
HDI	**-**	**HUMAN DEVELOPMENT INDICATOR**
IE	**-**	**INDIVIDUAL ETHICS**
ICPC	**-**	**INDEPENDENT CORRUPT PRACTICES COMMISSION**
IMF	**-**	**INTERNATIONAL MONETARY FUND**
MASSOB	**-**	**MOVEMENT FOR THE SOVEREIGN STATE OF BIAFRA**
MEND	**-**	**MOVEMENT FOR EMANCIPATION OF NIGER DELTA**
NDA	**-**	**NIGERIAN DEFENCE ACADEMIC**
NEPU	**-**	**NORTHERN ELEMENT PROGRESSIVE UNION**
NPC	**-**	**NORTHERN PEOPLES CONGRESS**
TIE	**-**	**TRANS INDIVIDUAL ETHICS**
TI	**-**	**TRANSPERENCY INTERNATIONAL**
TMA	**-**	**TUTOR MARKED ASSIGNMENT**
TIN	**-**	**TAX PAYER IDENTIFICATION**
UBE	**-**	**UNIVERSAL BASIC EDUCATION**
UN	**-**	**UNITED NATIONS**
UNICEF	**-**	**UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND**

REFERENCES/FURTHER READING

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MAIN COURSE

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MODULE 1   THE NATURE OF THE STATE

INTRODUCTION

This module will examine the overall nature of the State perhaps one of the important concepts in Political science is the state. This is because a significant proportion of a country's politics occurs at the level of the state. Besides, it is only by being the citizens of a given state that we can meaningful discuss and make claims to our rights and obligations. The module will also examine the nature of state in a political Analysis. The module will also discuss the origin as well as the theories of the state, this is important because it highlight some of the impact of these theorists more especially on the development of the state in Nigerian context. Finally, the module evaluates the mode of society and state relations.

Unit 1   State in Political Analysis
Unit 2   Origin of the State
Unit 3   Theories of the State
Unit 4   The Nigerian State
Unit 5   Society and State Relations

UNIT 1   STATE IN POLITICAL ANALYSIS

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   What is a State?
        3.2   Features of a State
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

This unit - 'State in Political Analysis' will examine what constitutes a State as well as its nature and features in a political system.

2.0   OBJECTIVES

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

- define a State
- explain its distinctive features

3.0   MAIN CONTENT

3.1   What is a State?

The question concerns the very nature or character of the state within the activity of the *political system* as a whole. However, before we dwell on the nature/character of the state, it is important to understand that a political system is different from a state. A *political system* consists of all the forces, processes, and institutions of a society which generate effective demand and support inputs and attendant political cooperation or conflict which are involved in the resolution of conflicts and the subsequent evolution of authoritative political decisions. In other words, a political system is - "any persistent pattern of human relationships that involves,   to   a   significant   extent,   control, influence, power, or authority" (Dahl, 1976). A state on the hand is larger than a political system. It is an artificial creation that can be related to concretely through the institutions set up in its name to define it as well as make decisions as to the organisation and regulation of the public domain.

The concept of the state as an *abstract entity* or *organisational abstraction and presence* can be understood in the sense that the physical features cannot be felt except when it operates through political institutions such as: the executive, the judiciary, the administration, the armed forces, prisons, governing parties and governmental institutions (public corporations and means of information) for achieving its purposes. The government of that system through different roles obviously played by persons who create, interpret, and enforce rules that are binding on citizens are carried out through the formal institutional structure and location of authoritative decision-making in the modern state.

The political role of 'government institutions' is to receive inputs from their social environment and produces outputs to respond to the environment" (Putnam, 1993:8-9). It is therefore through institutional performance that societal demands are transformed into political action or devices for achieving purposes. It is clear that government evidently is an essential organ through which the state achieves its moral duty and obligation to administer and render service to the citizens of the state.

lastly, based on the above, given that the state is for man, and not man for the state or better still the state is still greater than an individual or any of it constituent units i.e parts or groups who dwell within it, it must be given a more dynamic role in the pressing duty of providing for the minimum standard of the living for its citizens, and for their happiness through social justice.

SELF-ASSESSMENT EXERCISE

What do you understand by a State?

3.2   Features of a State

Here, let us look at the following:

1)   **Effective Governmental Authority**
      One of the defining characteristics of the state is that it takes place within a context of the ultimate authority to which all are subordinate. Authority is a legal concept which means that government has the legal right of making decisions which people are required to obey; and the *right* to use coercion to enforce its laws. This feature is very important because governmental policies are not likely to be effective if the rules are not obeyed. Also, if the stamp of authority behind law is lacking, in line with government's authority to enforce, then no effective authority will be produced.

2)   **Sovereignty**
      This word derived from a Latin word 'superamus' which means supremacy. The absolute and perpetual power of the state in its domestic use means the power and authority of the state over all persons, things within its territory. In other words, sovereignty means that the state has a general power of lawmaking and of the enforcement of laws.

      Key features of Sovereignty are as follows:

      a)   **Absoluteness:** Sovereignty is legal in nature in the sense that it is binding on all inhabitants that fall within the jurisdiction of sovereignty i.e. citizens and associations alike. There is no limitation to its legal powers. However, it is important to note the fact that when a state is a member of African Union (AU).

      b)   **Indivisibility:** Sovereignty is the supreme, final, absolute, coercive power of the state over the people

living within the same, hence it is indivisible i.e. cannot be shared or divided by a state with another state.

c) **Independent of foreign control***:* Once a state becomes independent, its sovereignty remains independent (free of external control). However, in contemporary times there has been economic interference with regard to structural adjustment-the generic term used to describe a package of economic and institutional measures which the IMF, World Bank and individual Western Aid donors have persuaded many developing countries to adopt since the 1980s in return for a new wave of policy- oriented loans.

3) **Permanence**:   It is important to note this feature because government comes, government goes but the sovereignty of the state remains forever. In other words as long as the state exists, sovereignty continues without interruption.

4) **Monopoly over the Legitimate Use of Force:** In relation to the government possessing a monopoly over a legitimate use of force the third point is related to the second. In effect, a government is legitimate if the people to whom its orders or directs believe that the structure, procedures, acts, decisions, policies, officials, or leaders of government possess the quality of 'rightness", propriety, or moral goodness- the right, in short, to make binding rules. It shows that not every power being exercised is legitimate, to this end; such legitimacy can be attested to by decrees, enactments. Thus, leaders in a political system try to endow their actions with legitimacy be it feudalism, monarchy, oligarchy, hereditary aristocracy, plutocracy, representative government-democracy so as to acquire legitimacy. In essence, when a leader is clothed with legitimacy, it usually is referred to as authority with a special kind of legitimate influence.

5) **Existence of Society-Wide Consensus:** The fourth point explains why the first three exist. The state is founded on some sort of society-wide consensus. This consensus may be based, for instance, on a common nationality (even where there are a wide variety of ethnic and racial groups). In other words, the relationship between the influencer and influenced can be sustained through agreement i.e. the agreement of one to be subjected to that of another. Such agreement would also determine the restriction of power relations between the two groups. But whatever the basis of a consensus, there are some values throughout the system that make the functioning of a

centralised political authority possible. At times too, the diversity in social, economic, religious and ethnic terms makes subordination to a common political authority possible.

6)   **Population:** The fifth point of difference has been implicit in much of what has been highlighted above. Thus, in a state, the actors are people. However, there can be no minimum or the optimum population necessary to constitute a state. The presupposition therefore is that an intrinsic relationship should exist between the state and the inhabitants of a given state who sustain it.

SELF-ASSESSMENT EXERCISE

List and explain the features of a state.

4.0   CONCLUSION

The unit explained the 'state' largely as an *abstract entity* which operates through political institutions such as: the executive, the judiciary, the administration, the armed forces, governing parties and governmental institutions (public corporations and means of information) for achieving its purposes.

5.0   SUMMARY

The unit examined the state and its salient features as an organisation that has the sole legitimate right to use power and exercise political authority over a given territory and its inhabitants.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Explain what a state is in political analysis.
2.   Identify and explain the features of a state.

7.0   REFERENCES/FURTHER READING

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UNIT 2   ORIGIN OF THE STATE

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   The Theory of Divine Origin
        3.2   The Force Explanation
        3.3   The Marxism Approach
        3.4   The Historical/Evolutionary Theory
4.0   Conclusion
5.0   Summary
6.0   Tutor- Marked Assignment
7.0   References/ Further Reading

1.0   INTRODUCTION

Having looked at the nature of the state, this unit examines whether men have lived under some form of political system previously and if they have, what factors necessitated the original establishment of the state. Thus, the unit will examine the foundations of the state.

2.0   OBJECTIVES

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

•   state the origin of a state
•   state the various approaches of the origin of the state
•   link it to the foundation of any modern political system.

3.0   MAIN CONTENT

3.1   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 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.

3.2   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 neighbouring 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.

3.3   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".

3.4   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
1.   **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.

2.   **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.

4.0   CONCLUSION

This unit explained the historical views of the state starting from the theory of the divine right of kings, how communities of the modern type owe their existence to successful warfare and arguments that although absolute supreme power of the eldest male parent does not extend to life and death even if the unit of primitive society was the family, in which descent was traced through males and in which the eldest male parent was absolutely supreme. The unit also highlighted that though the matriarchal theory holds that the primitive group had no common male head, and that kinship among them could be traced only through a woman. The theory generally accepted that though one considers the state neither as a divine institution nor as a deliberate human contrivance, however, it conceived the State coming into existence as the result of natural evolution.

5.0   SUMMARY

It is clear that the unit addressed the historical coherence of the theory of divine origin, the theory of force, the patriarchal theory, the matriarchal theory and the historical/evolutionary theory.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Explain the historical origin of the state.
2.   Explain the developments that led to the force explanation of the state.

7.0   REFERENCES/FURTHER READING

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UNIT 3   THEORIES OF THE STATE

CONTENTS

1.0   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.

2.0   OBJECTIVES

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

- define a theory
- state the various theories of the state and apply it to any political system
- explain which one best explains the Nigerian situation.

3.0   MAIN CONTENT

3.1   What is a Theory?

A theory is a category with which we analyse, organize, and synthesized phenomena into interconnected and internally coherent wholes. In effect, theory implies the business of establishing patterns of determination in discrete and diverse phenomena. Let us now relate this explanation of theory to citizen and state relation. It refers to the conceptual tools with which we identify patterns of discrimination in

social phenomena regarding from the citizens and their place in a state. By so doing, we are enabled to understand or find out what's, how's, and why's of the causes and consequences of irregularities discernible in the citizen's rights and obligations in the socio-political context of a state that require transformation for the better.

3.2   The Social Contract Theory of the origin of Political Authority

The origin of this theory is premised on 'an agreement entered into by men (and expectedly women) who 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?

Thomas Hobbes (1588-1679)
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. 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:

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

2.   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

John Locke (1632-1704)

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

1.   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.

2.   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 order 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:

   i.   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.

   ii.   The desire of a known judge that will not be biased with authority to determine all differences according to the established law.

   iii.   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.

Jean Jacques Rousseau (1712-1778)
The social contract theory of Rousseau (1712 – 78) developed in his *Contrat 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;

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

2.   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.

3.   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.

4.   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.

5.   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: (1) That the theory makes the individual surrender his rights not to the ruler but to the community; (2) 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:

1.   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.
2.   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.
3.   There is only one contract, the social pact thereby expunging the idea of a governmental compact from the contract theory.
4.   The absolute nature of the State.
5.   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,
     ii.   That the rights of government must be based on some compact freely entered into by these equal and independent individuals,
     iii. 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

6.   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.
7.   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.

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 order 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.

Merits of the Social Contract Theory
The theory has some merits such as:

1.   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.'

2.   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.

Defects of the Social Contract Theory
Despite its merits the theory has some defects:

1)   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.

2)   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.

3.3   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:
1.   Both deny the class, composition nature and historical character of the state.
2.   Both assume that the state is a neutral political power.
3.   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.

3.4   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 *Brummaire 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.

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.

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 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.

4.   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.

5.   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.

6.   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.

4.0   CONCLUSION

This unit examined the social contract theory as 'an agreement entered into by men who originally had no governmental organisation which resulted into a State from different perspectives. It also analyzed the Classical theory of the state which gave a clear insight into the class basis of the state, the contradiction between classes and its attendant struggles and the balance of the class forces. Since the other theories are far from being rigorous enough to analyse crisis and political transformations in developing societies the classical Marxist theory of the state may be apt. This is because it is not only more rigorous in its analysis of the state but also provides a materialist foundation to the factional struggle and lack of unity within the Nigerian ruling class. This is in relation to the fact that at various points in the post-independence history of Nigeria there has been an exercise of hegemony by the ruling classes over the state to further enhance their chances of private accumulation to the detriment of not only other factions of the ruling class but also the proletariat. The utility of Marxist theory is that it is more effective or useful, for example, in reminding us of the material underpinnings of social and political processes, in analyzing inequality and the ways in which systems of exploitation and hegemony reproduces themselves amid changing circumstances.

5.0   SUMMARY

The unit examined what a theory is, the theory of the State through the salient arguments by Locke, Hobbes and Rousseau. It also highlighted the merits and demerits of the social contract theory.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Based on the issues raised in the text, what is the importance of the social contract theory?
2.   Are there any similarities or differences between the theories?
3.   What are the basic features of the Marxist theory and how is it different from other   theories?

7.0   REFERENCES/FURTHER READING

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UNIT 4   THE NIGERIAN STATE

CONTENTS

1.0   Introduction
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1.0   INTRODUCTION

In the last unit, we tried to conceptualise 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.

2.0   OBJECTIVES

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

-     explain the historical context of the Nigerian state the main features of each era
-     evaluate the Nigerian state in relation to citizen –state relations.

3.0   MAIN CONTENT

3.1   Historical Context

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.

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).

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).

3.2   Colonialism: The Creation of the Nigerian State

In historical terms, it is an established 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).

3.3   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 1st 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 (June1998 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'etats 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)   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.
(b)   Guarantees equality before the law
(c)   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 apparati unfortunately did not change the issues raised in (colonialism) such as:

3.4   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:

1. 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.
2. 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
3. The executive should display more of openness and transparency in leadership.
4. The civil service should jettison bureaucracy and ensure that people are served promptly, politely and efficiently.
5. The legislature should make laws independent from the influence of the executive.
6. The anti-corruption should not be about witch-hunting but an agenda aimed at nipping corruption in the bud.

SELF-ASSESSMENT EXERCISE

i. Account for the main features of the pre-colonial period.
ii. How can the Nigerian society be totally re-oriented?

4.0   CONCLUSION

In this unit, we tried to explain 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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1. Explain the major concerns of the pre-colonial to the post- colonial Nigerian state.
2. Discuss three factors that were common from the colonial era to post-colonial era.

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UNIT 5   SOCIETY AND STATE RELATIONS

CONTENTS

1.0   INTRODUCTION

This unit will examine what constitutes the society, its link with the state as well as its character, transformations and its salience in citizen–state relations.

2.0   OBJECTIVES

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

•   explain what constitutes the society?
•   discuss the nexus between the society and the state.
•   highlight the dislocations in the state-society relationship.

3.0   MAIN CONTENT

3.1   What Constitutes the 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.

3.2   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 strives 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 ODUA 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.

3.3   Civil Organisations

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:

a)   Ensuring that the rule of law conditions effectively protect citizens from state arbitrariness;

b)   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.

c)   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.

3.4   Comparison between State and society

1)   The state is legal construct acting under constitutional terms, whereas the society usually acts on variety of purposes- religious, moral, intellectual etc.
2)   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.
3)   The organisation and structure of the two are different; state is generally organized as one whereas the society has a multiplicity of organisations.
4)   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 EXERCISE

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

4.0   CONCLUSION

In this unit, the peculiarities of the Nigerian society, the dislocations due to colonialism aswell as the role of civil societies in a state were explain.

5.0   SUMMARY

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

6.0   TUTOR-MARKED ASSIGNMENT

1.   Itemise what you understand in the state-society relations.
2.   Analyse the dislocations in state-society relationship.

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MODULE 2   LEGITIMACY AND POLITICAL OBLIGATION

INTRODUCTION

Module 2 focuses on legitimacy and political obligation. Citizenship consists not merely in enjoying certain rights and guarantees but also in discharging one's obligations conscientiously. This entails active participation in public affairs for the improvement of cultural, political and maternal aspects of social life. For without such active participation, citizenship becomes meaningless. For example, rights of citizens come in the form of legal right and duties, obedience to laws. This module, which is sub-divided into five units, will examine the various political obligations as well moral constraints of citizens in a democratic setting or societies.

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UNIT 1   PRINCIPLES OF POLITICAL OBLIGATION

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1.0   INTRODUCTION

Based on the fact that the State is not only dominant among social institutions because of the authority over its members but also the right to be obeyed, this unit examines 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.

2.0   OBJECTIVES

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

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

3.0   MAIN CONTENT

3.1   Understanding 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 which 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 in order 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 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.

3.2   Principles of Fairness as Consistent to a Citizen's Obligation to the State

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:

a)   That all the future members of the proposed society typically must voluntaril*y* accept (and must intend to continue to accept) the principles of "obligation" to be chosen.

b)   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.

SELF-ASSESSMENT EXERCISE

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

4.0 CONCLUSION

This unit brought to bear how the state can achieve obedience from the citizen based on the principle of fairness and when a citizen may refuse to be obligated to it.

5.0 SUMMARY

This unit discussed the principle which accords the state right to extract obedience from citizens and vice versa**.**

6.0 TUTOR-MARKED ASSIGNMENT

1) Explain how the state can achieve obedience from the citizen.
2) Why a citizen should be obligated to the state and vice versa?
3) What are the proper limits of the authority of the state and when may a citizen refuse to be obligated to it?

7.0 REFERENCES/FURTHER READING

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

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UNIT 2   PRINCIPLES OF NATURAL DUTY

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1.0   INTRODUCTION

As a follow-up to the previous unit which addressed the State as a dominant social institution which seeks to be obeyed, this unit will explain what the principles of natural duties imply so as to know why a citizen should be obligated to the state?

2.0   OBJECTIVES

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

•   State the principle of natural duties
•   State what constitutes a citizen's natural duty to a state.

3.0   MAIN CONTENT

3.1   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'.

3.2   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.

1.   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.

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

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

3.3   Types of Duties

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

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

2.   **Positive natural duties:** These duties enjoin individual members in a state or an i n s t i t u t i o n 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 curtained (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.

4.0   CONCLUSION

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.

5.0   SUMMARY

This unit addressed the meaning of the principle of natural duties and the types of duty as well as the advantages.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What constitutes a citizen's natural duty to a state?
2.   Extensively discuss your understanding of the principle of natural duties in line with its two distinctive principles.
3.   State the advantages of the principle of natural duties over that of fairness.

7.0   REFERENCES/FURTHER READING

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

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UNIT 3   THE MORAL CONSTRAINTS OF POLITICAL OBLIGATION

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1.0   INTRODUCTION

It is pertinent to 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.

2.0   OBJECTIVES

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

•   define morality
•   list the criteria that constitute the principle of a moral action
•   identify the various conceptions of morality.

3.0   MAIN CONTENT

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:

(a)   X takes it as prescriptive.
(b)   X universalises it.
(c)   X regards it as definitive, final, overriding, or supremely authoritative.
(d)   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 s o f o r t h , 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).

3.2   Conceptions of Morality

(a)   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. One 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.

(b)   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:

(a)   That one's judgment is valid for others, and
(b)   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.

3.3   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.

SELF-ASSESSMENT EXERCISE

Explain your understanding of prima facie moral obligation**.**

4.0   CONCLUSION

The unit examined 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 law itself.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What do you understand by morality?
2.   Explain and evaluate the conceptions of morality.

7.0   REFERENCES/FURTHER READING

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

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UNIT 4   PUBLIC/BASIC GOODS

CONTENTS

1.0   INTRODUCTION

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

2.0   OBJECTIVES

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

• define public/basic goods
• itemise them as stipulated in the constitution
• state its basic features.

3.0   MAIN CONTENT

3.1   Analysing Public/Basic Goods

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.

3.2 Types of Goods

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

1) **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,

   (a) Defending Nigeria from external aggression;
   (b) Maintaining its territorial integrity and securing its borders from violation on land, sea or air;
   (c) 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

(d)   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.

2)   **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; **S.16 (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:
S.17 (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;

S.17 (3) (e): there is equal pay for equal work without discrimination on account of sex, or any other ground whatsoever.

Education objectives:
S.18 (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 other to maintain the unity and integrity of the state.

3.3   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:

1.   *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.

2.   *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

3.4   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 other 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 EXERCISE

Explain the principles involved in the distribution of basic goods.

4.0   CONCLUSION

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.

5.0   SUMMARY

In this unit, we addressed the concept of public goods, its features and principles.

6.0   TUTOR-MARKED ASSIGNMENT

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

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UNIT 5   CIVIL DISOBEDIENCE

CONTENTS

1.0   INTRODUCTION

This unit 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

2.0   OBJECTIVES

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

- state what constitutes civil disobedience
- 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.

3.0   MAIN CONTENT

3.1   Analysing 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.

3.2   Features of Civil Disobedience

1.   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".

2.   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.

3.   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.

4.   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.

5.   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".

3.3 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 EXERCISE

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

4.0 CONCLUSION

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.

5.0   SUMMARY

This unit addressed what civil disobedience means, its features and arguments for and against its constituting law violation.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What do you understand by the concept civil disobedience and its key features?
2.   Discuss your understanding of how civil disobedience does or does not constitute civil disobedience.

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MODULE 3   CITIZENSHIP AND RIGHTS

INTRODUCTION

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. This module highlight that liberal theorists of liberty emphasised absence of constraint or coercion in their definition of liberty. In effect, from a gender perspective, this module also aims at re-examining the question and central issues in engendering citizenship which include: struggles for the expansion of the rights of women; the promotion of male-female equality; the re-configuration of femininities and masculinity.

Unit 1   Liberty/Freedom
Unit 2   Citizenship and Rights
Unit 3   Contentious Issues of Citizenship
Unit 4   Gender and Citizenship
Unit 5   Rights of Citizenship

UNIT 1   LIBERTY/FREEDOM

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   Understanding the Concept of Liberty or Freedom
        3.2   Types of Liberty
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

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.

2.0   OBJECTIVES

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.

3.0   MAIN CONTENT

3.1   Understanding the Concept of 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 ones 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.

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.

3.2   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.

1.   **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.

2.   **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.

SELF-ASSESSMENT EXERCISE

Mention and discuss the two forms of Liberty?

4.0   CONCLUSION

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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What does the concept of liberty or freedom mean?
2.   Explain the types of liberty from Isaiah Berlin's perspective.
3.   What are the major critiques of liberty?

7.0   REFERENCES/FURTHER READING

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UNIT 2   THE CONCEPT AND PRACTICE OF CITIZENSHIP

CONTENTS

1.0   INTRODUCTION

Since the history of political formations, there has been concerns with the issue of citizenship as a subject for political and policy concerns. In effect, this unit will address precisely the constant preoccupation with definitions of who a citizen is, how citizenship can be acquired, what entitlements accrue to a citizen from the state? Does citizenship necessarily imply duties or better still what are the responsibilities of a citizen to the state?

2.0   OBJECTIVES

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

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

3.0   MAIN CONTENT

3.1   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

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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.

3.2   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:
a)   Every person born in Nigeria *before the date of independence,* either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria.
b)   Every person born in Nigeria after the date of *independence,* either of whose parents or any of whose grandparents is a citizen of Nigeria.
c)   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 Naturalize: 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 EXERCISE

What is your understanding of who a citizen is?

4.0   CONCLUSION

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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Who is a citizen?
2.   How can citizenship be acquired?

7.0   REFERENCES/FURTHER READING

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UNIT 3   CONTENTIOUS ISSUES OF CITIZENSHIP

CONTENTS

1.0   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.

2.0   OBJECTIVES

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

- discuss the various concerns of citizenship
- explain statism
- explain religion etc.

3.0   MAIN CONTENT

3.1   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.

3.2   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.

3.3   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.

3.4   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.

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

3.3   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.

The Evolution
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.

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.

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.

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".

SELF-ASSESSMENT EXERCISE

Explain in your understanding the concept of 'statism'.

4.0   CONCLUSION

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).

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   How does religion affect citizenship?
2.   How does federal character affect citizenship in Nigeria?
3.   Discuss the issues and challenges that confront patriotism/ loyalty.

7.0   REFERENCES/FURTHER READING

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UNIT 4   GENDER AND CITIZENSHIP

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   Understanding what Sex and Gender Mean
        3.2   Gendered Citizenship
        3.3   Issues in Contention in gendered Citizenship
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5.0   Summary
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1.0   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.

2.0   OBJECTIVES

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 analysing the relationship to citizenship?

3.0   MAIN CONTENT

3.1   Understanding What Sex and Gender Mean

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.

3.2   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.

3.3   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 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.

SELF-ASSESSMENT EXERCISE

Explain the issues in contention in gendered citizenship?

4.0   CONCLUSION

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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGMENT

1.   Explain what gendered citizenship entails?
2.   Explain your understanding of gender and sex?
3.   Justify how violence against women and widowhood constitute issues that need to be addressed in citizenship.

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UNIT 5   RIGHTS OF CITIZENSHIP

CONTENTS

1.0   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.

2.0   OBJECTIVES

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.

3.0   MAIN CONTENT

3.1   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 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:

i.   It a right against some person or persons
ii.   It is a right to some act of omission of such person or persons
iii.   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 Treaties on Government (1689).* At the core of natural rights thinking is the idea than 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.

3.2   What are the Justifications of Rights?

The practice of the rights can be justified as long as public good is promoted such as:

1.   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.

2. 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.

3. 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 EXERCISE

Explain what the rights of a citizen are?

4.0 CONCLUSION

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.

5.0 SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   Explain in your understanding when an individual moves from a subject status to the status of a citizen
2.   Are rights acquisition justified?

7.0   REFERENCES/FURTHER READING

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MODULE 4   GOVERNMENT RESPONSIBILITIES

INTRODUCTION

The historical sequence between performance of duties as a condition for "earning'' rights was distorted. This distortion created by colonialism created a political culture that tried to socialise the local population as passive subjects. It underpinned the character of the African states in relation to ethnicity, minority issues well as the politics of citizenship. Thus, citizen's inherited bundles of rights without ever being made conscious of the reciprocal obligation of duties or responsibilities to society whose performance justified the granting of rights to the citizens of the early modern states. This theory captures the theories of Right. This is closely followed by limitation of right in public authority. Others include regime type, guarantee of rights and government responsilities.

Unit 1   Theories of Rights
Unit 2   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

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   The Coming into Being of Rights
        3.2   Historical Theory of Rights
        3.3   Categories of Rights in the Different Stages of History
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   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?

2.0 OBJECTIVES

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

- account for the historical processes in the development of rights explain under what conditions rights occur
- state the categories of rights and their ideological traditions.

3.0 MAIN CONTENT

3.1 The Coming into being 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 Treaties 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.

3.2 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. Claud (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.

3.3   Categories of Rights in the Different Stages of History

The four stages in the development process are.

1.   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.

2.   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.

3.   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.

4.   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 EXERCISE

Explain the categories of rights in the different stages of history.

4.0   CONCLUSION

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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What prompted the emergence of rights?
2.   Account for the historical theory of rights.

7.0   REFERENCES/FURTHER READING

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UNIT 2 THE PRACTICE OF RIGHTS AND RESPONSIBILITIES

CONTENTS

1.0   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.

2.0   OBJECTIVES

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

- state the various positions in the controversies about rights
- spell out he contradictory views about rights
- discuss the various natures of rights.

3.0   MAIN CONTENT

3.1   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.

1. **Personal Rights:** These include protection against interference, torture, kidnapping and arbitrary imprisonment, etc.

2. **Civil or liberal rights:** such as the rights of free speech, free press, the rights to assembly and organisation.

3. **Political Rights:** These include the right to participation, the right to vote and the right to be voted for.

4. **Social and economic rights:** The rights to at least a minimum of vital necessities such as food, shelter and aid.

5. **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.

6. **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?

3.2 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-inference- 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.

3.3   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 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 1971 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 EXERCISE

Examine the categories of rights in line with the contradictory positions.

4.0   CONCLUSION

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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

(1)   What are the various controversies about rights?
(2)   What are the contradictory views about rights?
(3)   Explain the various natures of rights.

7.0 REFERENCES/FURTHER READING

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UNIT 3   REGIME TYPES AND GUARANTEE OF RIGHTS

CONTENTS

1.0   Introduction
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         3.1   What is a Regime?
         3.2   The Nexus between Regime Types and Guarantee of Rights
         3.3   Contending Issues from the Classifications
4.0   Conclusion
5.0   Summary
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7.0   References/Further Reading

1.0   INTRODUCTION

This unit seeks to examine which type of regime observes or guarantees the fundamental human rights of citizens based on the assumption that the manner by which power is legitimated and organised determines the relationship between rulers and citizens.

2.0   OBJECTIVES

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

- define a regime
- list the types of regimes
- explain the contending issues.

3.0   MAIN CONTENT

3.1   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.

3.2   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.

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 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.

   a)   **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.

   b)   **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.

c)   **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.

d)   **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.   **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).

a.   **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.

b.   **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.

Mention and explain the regime type that guarantees rights.

3.3 Contending Issues from the Classifications

1. 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.

2. 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.

3. 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.

4.0 CONCLUSION

This unit examined the limits of rights protection or guarantee of rights under different regime classifications.

5.0 SUMMARY

This unit analysed what a regime is, the different classifications and the contending issues.

6.0   TUTOR-MARKED ASSIGNMENT

1)   What do you understand by a regime?
2)   Explain the different classifications of regimes and their guarantee of rights.
3)   Explain the contending issues in the various classifications.

7.0   REFERENCES/FURTHER READING

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UNIT 4   LIMITATIONS ON RIGHTS AND PUBLIC AUTHORITY

CONTENTS

1.0   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.

2.0   OBJECTIVES

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.

3.0   MAIN CONTENT

3.1   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.

3.2   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.

3.3   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*:*

a)   **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.

b) **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.

c) **The third approach is to take the problem out of context of conflict of rights and place it in the context of qualifications of rights.** In this case, individual right is regarded as qualifications on the right of public authority. But can one right be used to qualify another without accepting the implied superiority of the right that is the qualification? To this end, having argued that the superiority of the right of public authority, if any right is used to qualify the other, it should be this superior right. It is important to note that the qualifications of rights have to be in consonance with the standards and principles which are external to rights. Obviously, such external standards end up in favour of public authority.

3.4   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.

3.5   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:

1) That a society does not come to harm simply because it lacks the convention of the practice of rights.
2) 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.

   1) 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.
   2) 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 EXERCISE

i.   Explain public authority and the nexus with the conflict of rights situation.
ii.   What constitutes the basis for the limitation of public authority?

4.0   CONCLUSION

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.

5.0   SUMMARY

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

6.0   TUTOR-MARKED ASSIGNMENT

1.   What do you understand by public authority?
2.   Explain how individual rights can limit public authority.
3.   Explain your understanding of the conflict of Rights Situation.

7.0   REFERENCES/FURTHER READING

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UNIT 5   GOVERNMENT RESPONSIBILITIES

CONTENTS

1.0   Introduction
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1.0   INTRODUCTION

This unit explores what governance is and what the responsibilities of government to the citizens are.

2.0   OBJECTIVES

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.

3.0   MAIN CONTENT

3.1   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.

3.2   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 pitiably 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 befelt 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.

3.3   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.

3.4   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.

3.5   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 EXERCISE

Explain your assessment of the provision of basic education.

4.0   CONCLUSION

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).

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What do you think constitute governance?
2.   List and explain three indicators of governance areas.

7.0   REFERENCE/FURTHER READING

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MODULE 5   OBLIGATIONS,   TERMINATION   OF CITIZENSHIP IN NIGERIA

INTRODUCTION

Social and Political philosophy as a field of study deals with those political ideas, theories and institutions of government which arise in man's quest to organise a conducive social environment for proper development of his potentialities and adequate provision of his daily needs. Among the many relevant socio-political issues and concepts that attract much attention in contemporary world is the concept of citizenship. This concept gives an individual his identity within a particular society or state and assigns obligations as well as rights and privileges to him. This makes being a citizen of a community or state a desirable thing. It prevents one being seen as an alien thus safeguarding one's rights and privileges. As this concept appears to be assuming a wider scope with increasing rights and privileges in a globalised world, the reverse appears to be the case in the contemporary Nigerian society where it is assuming a narrower dimension with some rights and privileges informally stripped of those who have Nigerian citizenship.

This unfortunate situation is as a result of the faulty application of citizenship in a tribalised and deeply ethno-conscious Nigeria with multiple ethnic nationalities and thirty-six legally constituted states of the federation. So, there is a problem of rights and privileges of citizenship being denied Nigerian citizens especially when they are outside their states of origin or ethnic nationality. However, ethnic nationalities with its exclusive tendencies appear to be a huge obstacle standing against the application of the concept of citizenship in Nigeria. It further confirms the truth that in principle the Nigerian constitution accepted the prominent models of citizenship as well as the factors that determine who should be a citizen and the
.

Unit 1   General obligation of citizens in Nigeria
Unit 2   Duties and responsibilities of Citizen to the State
Unit 3   What are the entitlements of a Citizen?
Unit 4   Termination of citizenship in Nigeria
Unit 5   Combating Corruption in Nigeria

UNIT 1   GENERAL OBLIGATION OF CITIZENS IN NIGERIA

CONTENT

1.0   Introduction
2.0   Objective
3.0   Main Content
          3.1   Obligation of Citizens in Nigeria
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

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 order 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 provides by the state.

2.0.   OBJECTIVE

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

•   explain the obligations/responsibilities of Citizens in a given state or society

3.0   MAIN CONTENT

3.1   Obligations of Citizens

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 EXERCISE

What do you understand by citizen's obligations?

4.0   CONCLUSION

In conclusion, when a citizen knowingly y 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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

Examine critically the basic obligation and loyalty of citizens to a state.

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UNIT 2   DUTIES AND RESPONSILITIES OF CITIZENS IN NIGERIA

CONTENT

1.0   Introduction
2.0   Objective
3.0   Main Content
       3.1   Duties and responsibilities of Citizens in Nigeria
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

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?

2.0   OBJECTIVE

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

-    state the duties and responsibilities of citizens in a state

3.0   MAIN CONTENT

3.1   Duties and Responsibilities of Citizenship

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:

(a) 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.

(b)   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.

(c)   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 EXERCISE

Does citizenship imply duties and responsibilities? Why?

4.0   CONCLUSION

Discourse in this unit has 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.

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

Itemise the duties and responsibilities expected from citizenship.

7.0   REFERENCES/FURTHER READING

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UNIT 3   ENTITLEMENT OF CITIZENS IN NIGERIA

CONTENT

1.0   Introduction
2.0   Objective
3.0   Main Content
        3.1   Citizens Entitlements in Nigeria
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   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

2.0   OBJECTIVE

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

•   state the entitlements that accrue to a citizen from the state.

3.0   MAIN CONTENT

3.1   Entitlements of Citizenship

It is expected that the consolidation of nation-states within fixed territorial boundaries and the institutionalisation 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:

(a)   *Civil Resources:* These are entitlements such as legal protection and access to the courts of law

(b)   *Social Resources:* Here, the state is expected to provide welfare, education and health services

(c)   *Political Resources:* These include voting and political representation to ensure equality of all citizenry.

(d)   *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 EXERCISE

What ranges of entitlements accrue to a citizen from the state?

4.0   CONCLUSION

This unit examined 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.

5.0   SUMMARY

Discussion at this unit addressed fundamental issues concerning entitlements of citizenship.

6.0   TUTOR-MARKED ASSIGNMENT

What range of resources or entitlements accrues to a citizen from the state?

7.0   REFERENCES/FURTHER READING

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UNIT 4   TERMINATION OF CITIZENSHIP IN NIGERIA

CONTENTS

1.0   Introduction
2.0   Objective
3.0   Main Content
        3.1   Termination of citizenship in Nigeria
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

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.

2.0   OBJECTIVE

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

• explain the reason behind termination of citizenship.

3.0   MAIN CONTENT

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;

(a)   *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.

(b)   *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;

(b)   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 EXERCISE

Differentiate between expatriation and denaturisation.

4.0   CONCLUSION

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.

5.0   SUMMARY

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 denaturisation occurs, when loss of citizenship is involuntary on the part of the individual.

6.0   TUTOR-MARKED ASSIGNMENT

Explain the major reason behind termination of citizenship

7.0   REFERENCE/FUTHER READING

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UNIT 5   COMBATING CORRUPTION IN NIGERIA

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   Combating Corruption in Nigeria
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

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).

2.0   OBJECTIVES

It is expected that by the end of this unit, the student should be able to:

•   explain the literal meaning of corruption.
•   identify the various concept of combating corruption in Nigeria.

3.0   MAIN CONTENT

3.1   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 EXERCISE

Explain your assessment on corruption in Nigeria.

4.0   CONCLUSION

This unit examined the role of government and its responsibilities in combating corruption in Nigeria. 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).

5.0   SUMMARY

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.

6.0   TUTOR-MARKED ASSIGNMENT

1.   What do you think constitute governance?
2.   Do you think government is incapable of discharging its responsibilities in tackle corruption in Nigeria?

7.0   REFERENCE/FURTHER READING

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