

(WEEK 1)

STATE

DEFINITION OF 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 organization and regulation of the public domain.

The concept of the state as an *abstract entity* or *organizational 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 its 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.

Features of a State:

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.

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ORIGIN OF THE STATE

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.

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 neighboring tribes until he or she comes to rule over a large territory.

This is what seems to have happened in Scandinavia, where, in the ninth century, ‘the innumerable tribes became gradually consolidated, as the result of hard fighting, into the three historic kingdoms of Norway, Denmark and Sweden’. Secondly, a state is founded by successful migrations and conquests. This was the history of the Normans, ‘who, in the ninth century, became the ruling power in Russia. Expectedly, the new type of community founded by consolidation or by migration and conquest in order words differed from the tribes because of their territorial character. The understanding here therefore is that all those who

live within the territory of the ruler (and not only those who were related to him by blood) were bound to obey his/her commands. This theory like others has also been criticised not only on the claim that force is a factor in the formation of a state but rather as an element with various causes such as kinship, religion, force and political consciousness

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”.

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 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.

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WEEK 2 AND 3

THEORIES OF THE STATE

A theory is a category with which we analyze, organize, and synthesized phenomena into interconnected and internally connected whole. In effect, theory implies the business of establishing patterns of determination in discrete and diverse phenomena.

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, right to him and authorizes all his actions in like manner’. In line with the fulfilling of this right, a state is thus created. However, certain consequences. Hobbes theory of social contract ideas have been criticized 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 Treatises of Government* (1690) was to justify the English Revolution of 1688 after James II had been deposed from the throne and William of Orange invited to occupy it. Locke's argument can be summarised as follows:

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

Jean Jacques Rousseau (1712-1778)

The social contract theory of Rousseau (1712 – 78) developed in his *Contract Social* (1762) is important on two grounds: First, it inspired the French Revolution of 1789 which was a revolt against the despotic French monarchy. Second, it is the springboard of the theory of popular sovereignty. According to Rousseau, man is essentially good and sympathetic and these qualities definitely ensured a period of idyllic happiness, men being free and equal in a state of nature. However, since human relationships cannot be conflicts, and cannot be overruled in any society evidently with introduction of private property and growth in population quarrels arose thereby and compelling men and women to give up their natural freedom in a contract so as to create a civil society. This contract

supposedly is a form of association which protects the person and property of each associate according to the virtue of which everyone while remaining free as before’.

The implication of the above propositions is that;

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’.
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.

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.

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.

The Marxist Theory of the State

This theory does not agree with the above positions. To Karl Marx, the state is, essentially, a coercive apparatus which is usually in the service of the ruling class in a class-divided society, and it is a “product and manifestation” of irreconcilable class antagonisms in society. In the *Communist Manifesto*, Karl Marx and Frederick Engels wrote that “the executive of the modern state is built on a committee for managing the common affair of the whole bourgeoisie”.

This contention aptly captures the class basis of the state and as an instrument of dominating other classes even though within classical Marxism, there is the conception of the state as *independent*, though rooted in the economic basis of society. In the Eighteenth *Brumaire of Louis Bonaparte*, K. Marx aptly explains this independent nature of the state using the revolutionary events in France evidenced in the industrial action of the bourgeoisie revolution which led to the overthrow of financial oligarchy. With the crushing of the democratic forces by the industrial bourgeoisie and the events leading to the rise of Louis Bonaparte (Bonaparte represents a class, and the most numerous class of French society at that) as Marx notes, under the second Bonaparte, “the state seemed to have made itself completely independent”. In other words, there emerged the independent character of the state. However, although the state was independent of the factions of bourgeoisie class, “yet” the independent nature of the state at the political level is deeply rooted in the balance of class forces and the struggles emanating from the principal contradictions within the state.

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).

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 socioeconomic 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.

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THE NIGERIAN STATE

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 *centralized 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.

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 reenacting a past or creating a future "Golden Age" that would usher in an era of justice and bliss on earth.

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.

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'.

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 (June 1998 to 29 May, 1999) the Abubakar regime finally nipped in the bud, 12 years of wide goose chase of Babangida's 'transition without end' which had commenced in 1986. With the transition to civilian rule, the democratic process expectedly should be rooted in a full-fledged democratic process premised on democratic culture that will protect the rights of Nigerian citizens (not only a few) and invariably must express their views through unrestricted communication between the government and the governed as well as active citizens' participation in governance. However, this was not so because military rule is not only an aspect of militarism but a total culture and a way of life

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.

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SOCIETY AND STATE RELATIONS

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.

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: centralized 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 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 ODU 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 organization becomes the link between civil-society interests and the public sphere.

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?

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”?

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LEGITIMACY AND POLITICAL OBLIGATION

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 *Originalposition* of the proposed society or the constitutional convention agreed to be under a '*veil of ignorance*'. This '*veil of ignorance*' ensures thatthe 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.

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 voluntarily 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

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PRINCIPLES OF NATURAL DUTY

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.

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

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).

Types of Duties

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

1. **Negative duties** : These duties negatively require individual members of a state to refrain from performing bad acts. Examples of this class of natural duties are principles of non-maleficence (forbidding killing or causing unnecessary suffering) and nonmalevolence (which proscribes having evil, malicious intentions towards others).
2. **Positive natural duties**: These duties enjoin individual members in a state or an institution to perform good actions. Put differently, the principle of positive natural duties is related to the conviction that each citizen has a natural duty to promote and support just institutions or arrangements, which is predicated on the performance of good actions. For instance, the natural duty of mutual aid, which may require, for example, that a person should do a great good to another person if such a good can be brought about at little cost to oneself. In addition to the duties of mutual aid and non-malevolence is the duty of non-interference with the property of another and guidance of, the action of highly irrational or the duty of care as regards non-rational persons such as the insane and children which every citizen is required to perform(if they can) so as to avoid unnecessary bottlenecks

THE MORAL CONSTRAINTS OF POLITICAL OBLIGATION

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, of a person or in that of another).

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. On the other hand, Vernard Mayo and John Ladd as well as Hare and Nowell-Smith argue that one's principles are moral as long as one conceives them to be over-riding as well as the willingness to see others take them as supreme. This position provides morality with a social dimension in that it entails legislating for others while retaining the content and form IE which are relative to what the individual decides to accept or reject as a way of life. The key objection and criticism of the IE is worth mentioning. This is related to its refusal to accept that *content* in its existentialist form is intrinsic to morality. The implication of this in its other words is sort of saying that a moral principle can have any content whatsoever and that any principle of action (e.g. stand up and walk or manhandle the first person you encounter in the morning) can be a moral principle.

(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.

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

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WEEK 4, 5 AND 6

CITIZENSHIP AND RIGHTS

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.

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.

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The Constitution of the Federal Republic of Nigeria, 1999

THE CONCEPT AND PRACTICE OF CITIZENSHIP

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. 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 citizens.

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CONTENTIOUS ISSUES OF CITIZENSHIP

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.

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, section 14 (3&4) of the 1999 Constitution that;

“*the composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby, ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies*”

It aims at encouraging a sense of belonging or national unity through inclusive participation in an ethnically divided society. In this wise, expectedly, the staff of all federal and state agencies, institutions and parastatals even the Nigerian Armed Forces and the Nigerian police should reflect the federal character no doubt. But ironically, the practical essence of this principle which was to serve as

“A temporary concession to expediency so as to serve as a latitude to any region wishing to protect its inhabitants’ right to employment and to land within its borders as against others i.e. those from other regions

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.

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.

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

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GENDER AND CITIZENSHIP

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 overtime as well as vary within and between cultures

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.

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 legitimization 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 shortchanged 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.

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RIGHTS OF CITIZENSHIP

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.

The rights of citizens in Nigeria are enshrined in various legal documents, including the Constitution of the Federal Republic of Nigeria, international treaties, and conventions to which Nigeria is a signatory. Here's an extensive overview of the rights of citizens in Nigeria:

Right to Life and Personal Liberty: Citizens in Nigeria have the fundamental right to life and personal liberty. This includes protection from arbitrary deprivation of life, torture, and inhuman or degrading treatment (Section 33, Constitution of the Federal Republic of Nigeria, 1999).

Right to Dignity of Human Person: Every citizen has the right to dignity and respect for their person. This entails protection from slavery, servitude, and forced labor (Section 34, Constitution of the Federal Republic of Nigeria, 1999).

Right to Freedom of Expression and Press Freedom: Citizens have the right to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference. Press freedom is also protected, allowing journalists to operate without undue restrictions (Section 39, Constitution of the Federal Republic of Nigeria, 1999).

Right to Freedom of Thought, Conscience, and Religion: Every citizen has the right to freedom of thought, conscience, and religion, including the freedom to manifest and propagate their religion or belief in worship, teaching, practice, and observance (Section 38, Constitution of the Federal Republic of Nigeria, 1999).

Right to Freedom of Assembly and Association: Citizens have the right to freedom of peaceful assembly and association, including the right to form or belong to any political party, trade union, or other association for the protection of their interests (Section 40, Constitution of the Federal Republic of Nigeria, 1999).

Right to Fair Hearing and Due Process: Every citizen is entitled to a fair hearing within a reasonable time by an impartial tribunal or body established by law. This includes the right to be informed promptly of the charges against them and to have adequate time and facilities to prepare a defense (Section 36, Constitution of the Federal Republic of Nigeria, 1999).

Right to Property: Citizens have the right to own property and not to be deprived of their property without due process of law. However, this right is subject to limitations for the public interest or in the interest of defense, public safety, public order, public morality, or public health (Section 43, Constitution of the Federal Republic of Nigeria, 1999).

Right to Education: While not explicitly stated in the Constitution, Nigeria is a signatory to international treaties such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights, which recognize the right to education. The Nigerian government is therefore obligated to ensure access to quality education for all citizens.

Right to Health: Similar to the right to education, the right to health is not explicitly stated in the Constitution but is recognized in international treaties. The Nigerian government is responsible for ensuring access to healthcare services and facilities for all citizens.

Rights of Women and Children: Various laws and international conventions protect the rights of women and children in Nigeria, including the Child Rights Act and the Violence Against Persons (Prohibition) Act. These rights include protection from discrimination, violence, and harmful traditional practices.

It's important to note that while these rights are enshrined in the Constitution and other legal instruments, challenges remain in ensuring their full realization and enforcement in Nigeria. Civil society organizations and human rights activists play a crucial role in advocating for the protection and promotion of these rights.

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

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International Covenant on Economic, Social, and Cultural Rights.

Child Rights Act.

Violence Against Persons (Prohibition) Act

WEEK 7AND 8

GOVERNMENT RESPONSIBILITIES

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.

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.

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THE PRACTICE OF RIGHTS AND RESPONSIBILITIES

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.

Nature of Rights

There are two natures of rights namely: "negative" and "positive" rights. These natures stemmed from the classical expression in Isaiah Berlin's essay "Two concepts of liberty" (Berlin,

1969). Negative rights in tandem with negative liberty; which means freedom from interference serves as a protection against interference of others- primarily the state. These rights apply the first two categories described above: personal and civil rights.

The proponents of negative rights-the right to non-interference are libertarian (Libertarianism- an extreme variant of the liberal tradition) scholars such as Hayek (1948; 1967) and Nozick (1974) who have argued that negative rights are to be given priority- as opposed to the democratic tradition, which stresses the right to political participation. Here, personal, civil, and political rights are merged into one single category because there is no shortage of rights hence no need to withdraw right from some people so that others will have them. Positive rights also are more or less like positive liberty which implies freedom to act. Practically, these are the rights to participate in political decision making as well as social and rights. In contrast, positive 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 negative 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.

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 1791 is the best example. However, this dual character of the source of rights creates some problems. In some societies, rights that should be recognised in the interest of the people are not so recognised by the state. And there are states that give legal backing to rights that should not be right because they offend the dignity of the people. A good example of the latter is the slave-owning state which recognises rights in persons as property or presently homosexuals/lesbianism. At this point, it is pertinent to know if the hands of the state can be tied by the rights of individual.

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REGIME TYPES AND GUARANTEE OF RIGHTS

The Nexus between Regime Types and Guarantee of Rights

Against the above background, the limits of rights protection or guarantee of rights will be examined under different regime classifications.

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 characterized by the privatization 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 mobilization. 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 characterized by the guaranteeing of fundamental human rights such as: right to expression, information and organization 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 emphasizes 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 noncompetitive, 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.

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.

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WEEK 9, 10, 11 AND 12

DUTIES AND RESPONSIBILITIES OF GOVERNMENT

The responsibilities of the government in Nigeria are outlined in various legal documents, including the Constitution of the Federal Republic of Nigeria and other laws and policies. Here's an overview of the primary responsibilities of the government in Nigeria,

Security and Law Enforcement: The government is responsible for ensuring the security and safety of citizens, protecting them from internal and external threats. This includes maintaining law and order, combating crime, and safeguarding national borders (Section 14(2)(b), Constitution of the Federal Republic of Nigeria, 1999).

Justice and Rule of Law: The government is tasked with upholding the rule of law and ensuring access to justice for all citizens. This includes providing legal aid, establishing and maintaining an impartial judiciary, and promoting the administration of justice (Section 6, Constitution of the Federal Republic of Nigeria, 1999).

Economic Development and Welfare: The government has a responsibility to promote economic development, alleviate poverty, and improve the standard of living of its citizens. This includes formulating and implementing economic policies, providing social welfare programs, and investing in infrastructure and human capital development (Section 16, Constitution of the Federal Republic of Nigeria, 1999).

Education: The government is obligated to provide access to quality education for all citizens. This includes establishing and maintaining educational institutions, ensuring equitable distribution of educational resources, and promoting adult literacy (Section 18, Constitution of the Federal Republic of Nigeria, 1999).

Healthcare: The government is responsible for ensuring access to healthcare services and facilities for all citizens. This includes providing medical care, immunization programs, and promoting public health initiatives to prevent and control diseases (Section 17, Constitution of the Federal Republic of Nigeria, 1999).

Infrastructure Development: The government is tasked with developing and maintaining critical infrastructure such as roads, bridges, airports, and utilities. This includes planning and implementing

infrastructure projects to facilitate economic growth and enhance quality of life (Section 16, Constitution of the Federal Republic of Nigeria, 1999).

Environmental Protection: The government has a duty to protect the environment and natural resources for present and future generations. This includes enacting and enforcing environmental laws and regulations, promoting sustainable development practices, and addressing environmental degradation and pollution (Section 20, Constitution of the Federal Republic of Nigeria, 1999).

Social Welfare and Protection: The government is responsible for promoting social welfare and protecting vulnerable groups such as women, children, the elderly, and persons with disabilities. This includes providing social assistance programs, healthcare, education, and legal protection (Various laws and policies).

Infrastructure and Utilities: The government is responsible for providing basic infrastructure and utilities such as electricity, water supply, sanitation, and telecommunications. This includes expanding access to these services and ensuring their affordability and reliability (Various laws and policies).

Foreign Relations and Diplomacy: The government represents Nigeria's interests in the international community and is responsible for conducting foreign relations and diplomacy. This includes promoting bilateral and multilateral cooperation, negotiating treaties and agreements, and protecting the rights and interests of Nigerian citizens abroad (Section 19, Constitution of the Federal Republic of Nigeria, 1999).

These responsibilities are outlined in the Constitution of the Federal Republic of Nigeria, various laws, policies, and international treaties to which Nigeria is a signatory.

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Constitution of the Federal Republic of Nigeria, 1999.

Various laws and policies related to specific government responsibilities.

International treaties and conventions relevant to government responsibilities and obligations.

TERMINATION OF CITIZENSHIP IN NIGERIA

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 minimizing 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 naturalized 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.

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COMBATING CORRUPTION IN NIGERIA

Corruption in Nigeria is a pervasive and systemic problem that undermines development, erodes public trust in government institutions, and hampers socio-economic progress. However, concerted efforts are being made to combat corruption through various strategies and initiatives.

Corruption in Nigeria:

Extent of Corruption: Nigeria has grappled with high levels of corruption across both public and private sectors for decades. Corruption manifests in various forms, including bribery, embezzlement, nepotism, and fraud, permeating government agencies, business transactions, and daily interactions (Transparency International, 2021).

Impact on Development: Corruption in Nigeria impedes development by diverting public resources away from essential services such as healthcare, education, and infrastructure. It distorts market mechanisms, undermines fair competition, and deters investment, exacerbating poverty and inequality (World Bank, 2020).

Social Consequences: Corruption perpetuates social injustice, marginalizes vulnerable groups, and perpetuates a culture of impunity. It erodes public trust in government institutions, fosters cynicism and disillusionment among citizens, and undermines the rule of law (Human Rights Watch, 2020).

Strategies to Combat Corruption:

Legal and Institutional Reforms: Strengthening legal frameworks and institutional capacity is essential for combating corruption. Nigeria has established anti-corruption agencies such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) to investigate and prosecute corrupt practices (EFCC Act, ICPC Act).

Transparency and Accountability: Enhancing transparency and accountability mechanisms is crucial for preventing and detecting corruption. Initiatives such as open budgeting, public procurement reforms, and asset declaration requirements for public officials promote transparency and deter corrupt practices (Open Government Partnership, 2020).

Whistleblower Protection: Whistleblower protection laws incentivize individuals to report instances of corruption without fear of reprisal. Nigeria's Whistleblower Protection Policy provides legal safeguards and financial incentives for whistleblowers, facilitating the exposure of corrupt activities (Whistleblower Protection Policy).

Promotion of Ethical Leadership: Fostering a culture of ethical leadership and integrity is essential for combating corruption. Education and awareness campaigns, leadership training programs, and codes of conduct for public officials promote ethical behavior and accountability (Leadership Ethics and Values, 2020).

Civil Society Engagement: Civil society organizations play a vital role in advocating for anti-corruption reforms, promoting transparency, and holding government accountable. Civil society initiatives such as advocacy campaigns, citizen monitoring, and social audits strengthen oversight mechanisms and promote public participation in anti-corruption efforts (Civil Society Legislative Advocacy Centre, 2021).

International Cooperation: Collaboration with the international community is crucial for combating transnational corruption and money laundering. Nigeria participates in initiatives such as the United Nations Convention against Corruption (UNCAC) and the Financial Action Task Force (FATF) to strengthen anti-corruption measures and enhance international cooperation (United Nations, 2021).

Conclusion:

Combatting corruption in Nigeria requires a multifaceted approach encompassing legal reforms, institutional strengthening, transparency measures, and citizen engagement. While progress has been made, sustained political will, public accountability, and international cooperation are essential for addressing this complex challenge and fostering a culture of integrity and good governance.

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WEEK 13
REVISION