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POLITICAL OBLIGATION AND DEMOCRATIC GOVERNANCE: THE CASE OF NIGERIA

By

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Abstract

This paper attempts to seek and examine a balance between the political obligation (rights of the governed and duties of government) in democratic governance. Political obligation is two sided, namely, obligation on the part of government and obligation on the part of governed. It has to do basically with such issues as necessity for law and government, organized society and obedience on the largest possible scale, as the utilitarian would say, “the purpose of government in organized society is to promote the greatest happiness for the greatest number”. The citizens’ willing cooperation and obedience are demanded by the state, and in certain circumstances, citizens withdraw and resist the state, when the state is not governed in accordance with the constitution which limits the power of the state government and guarantees fundamental human rights of all citizens; that is, when there exist surplus pains over pleasure.

Introduction

Governmental structure forms are dependent variables. This is one of the major reasons that contemporary political science tends to play down institutional analysis and instead concentrates on the behavioural elements. A mere designation of a governmental structure or institutional system as democratic is, politically, hardly very informative. The designation is broad, vague, and ambiguous. There are democratic systems upon democratic systems in the world today. In some of them, the president is the head of both the state and the government, as in this country today, while in others the president is only the head of state, as it was the case in Nigeria’s first republic.

In the latter case, the president exercises no meaningful or significant political power. Such power is exercised by the prime Minister or head of government. Current nomenclatural bifurcation into executive president to refer to the one who is both the head of state as well as the head of government and the ceremonial president to refer to the other who is only the head of state is an attempt to eliminate the denotational ambiguity attending the concept of presidential system of government.

This paper envisages an executive presidential system of government which is, here, intended to mean specifically a governmental structure model whose chief executive, the president, is the head of both the state as well as the head of government and is also elected by the people independently of the legislature upon which he does not depend for either his power or the duration of his office. He is also not a monarch or any other hereditary head of state. He holds office for specified terms of years. His election process also involves the principle of universal adult suffrage without arbitrary restrictions based on birth, property, or belief. In this system, moreover, the people are sovereign. The supreme political power rests in the body of citizens entitled to vote and is exercised by their chosen representatives, among whom are the president and the legislators.

A country which has this system of government is known as a republic. Here again, republics are of different typologies. There are republics ruled only by the well-born or the rich. These are the aristocracies and the oligarchies. Their forms of government may be constitutional if the officers are chosen by citizens on terms of years and as ordained by their constitutions, but the hitch here is that the voters who choose the officers are elitist because qualification is based on birth or purse. In a democratic republic, the many, comprising adults of both sexes, rather than the few, choose the office-holders with a principle of franchise known as universal adult suffrage (Adler, 33) Nigeria has this model of government. That is also why it is called a Republic. From the foregoing, the paper therefore, canvasses the following and common knowledge propositions. They are: (i) Democratic government and the state itself are creation of the citizens (ii) That the citizens under this system have rights and duties which are inherently and inalienably theirs as human beings who are the supreme authority to and creators of the state and government and (iii) That the citizens owe these duties first to themselves, next to the state and finally to the government and on this last case strictly on the term of Social Contract existing between the people and the government and on which basis the latter was created.

The main argument of the paper is that the governed (citizens) has the rights to withdraw their cooperation and resist the moral existence of the state “when the mischief’s of obedience are greater than
the mischiefs of disobedience”. With the basic concept so established, the discussion can now proceed with introduction and the origin of government as part one. While part two discusses the concept of democracy and democratic governance in Nigeria. Political obligation takes care of part three and the final part concludes the paper.

The Origin of Government

According to the social contract theoreticians, Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, the individual is prior to community and the government. His natural rights and freedom, too, precede society and government, for men, they say, first lived in a state of nature where they had absolute freedom and right to live in the way they considered best for them and to compete or struggle, if necessary, among themselves for the acquisition of the material things necessary for their realization of happiness and security for their persons and estate. In this regards, man made so much use of his freedom and right to compete that there emerged a condition called war, according to Thomas Hobbes, “and such a war as is of every man against every man” [with the result that there was] “continual fear, and danger of violent death; and the life of man was solitary, poor, nasty, brutish, and short” (Cited in Olafson, 79).

For John Locke, men in the state of nature were in a state of “perfect freedom to order their actions and dispose of their possessions and persons, as they [thought] fit, within the bounds of the law of nature; without asking leave, or depending on the will of any other man”. That state was also a state of equality “wherein all the power and jurisdiction is reciprocal”, as Locke put it, "no one having more than another". Men had perfect political equality and independence. There was no subordination of any one man to another" (118).

Because Locke considered man reasonable and guided by the law of nature, the life of man was, unlike Hobbes’ view, good. Men lived together, however, according to reason, “without a common superior on earth, with authority to judge between them”(124). Where a criminal violated the right of another man, in such an instance, the injured person relied on his ability or power to redress the injury. Here, at times, might determine right to the disparagement of justice and detriment of the weak.

Living as they did under continual fear and danger of violent death, from Hobbes’ viewpoint, or the absence of a common superior on earth, with authority to whom an appeal for settlement could be made by parties to a controversy, men in the state of nature reached, as Jean-Jacques Rousseau puts it, “a point at which the obstacles that endanger their preservation in the state of nature overcome by their resistance the forces which each individual can exert with a view to maintaining himself in that state” (67).

From the forgoing there existed individual rights and freedom while the individual also still retained those rights and freedom. The society now formed was a republic and the head of the society was the president. This also explains, theoretically, the origin of modern republics. Rousseau wrote at a time when France had no parliament. The king made law, and he had complete executive power as well for e.g. he can have a man arrested and imprisoned indefinitely without charge or trial. Rousseau reacted sharply against such state of things. He declared that the state came into being as a result of an agreement of contract by which the individual citizens agreed to submit themselves to its authority on condition that it governed wisely and justly with the good life of its citizen in views. He drew the conclusion that since government authority was based on an agreement, a government which broke the condition of the agreement had lost its rights to authority, and so its citizens where justified into overthrowing it (Igwe, 401).

Now as then, those who constitute the government and, therefore, act for and exercise power on behalf of the society hold office only because they are chosen by their people to do so. They are representatives of their people as well as their agents but not the principals. They are to lay, Thomas Aquinas says,

the foundation of human happiness by maintaining peace and order; to preserve it by seeing that all the needful services of public administration, of judicature, and defense are performed, and to improve it by correcting abuses whenever they occur and by removing all hindrances to the good life (Aquinas, Ques. 19. 1, Ans).

Their positions, too, are not hereditary. The people are the supreme authority and their consent is the standard of right policy for the government. The essence of government is “to prohibit, to restrain, to
regulate, to compel, and coerce" (Hunt, 620). It has power to pass laws and enforce them even with physical force because it

is a compelling organization from which there is no escape. It regulates the affairs of family, church, and economic enterprise in accordance with its concept of public
security, morality, and welfare of all institutions of social control government is the
most inclusive and the most powerful (Hunt, 620).

It has universal jurisdiction over the people and everything including all other institutions within
the nation's territory.

Concept of Democracy

There is a divide among commentators and social scientists on the meaning of the concept of
democracy that originated from the Ancient Greece. To the Greeks, Demos' means the people, 'Kraten'
means government or rule. Since the period of Ancient Greek city states, scholars and practitioners have
defined democracy variously. To some, it is a government by the people in which the supreme power is
vested in the people, exercised and directed by them or by their elected agents under a free electoral
system. To others, it is the institutionalization of human freedom.

The former president of USA, Abraham Lincoln, as quoted in Schumpeter (1967) defined
democracy as "the government of the people for the people and by the people". Schumpeter (1967) sees
democracy as "institutional arrangement for arriving at political decisions in which individuals acquire the
power to decide the means of competitive struggle for the people votes". In Schumpeter's view
democracy means formation of electoral body, formation and registration of political parties, registration of
voters, tying of political position, voting on election etc.

Marx and Engles as quoted in Onah (2005) defined democracy as "the dictatorship of the
proletariats". To the authors democracy is anything but a system, which the ruling class uses to exploit
the masses. In other words, they disagree that democracy is government of the people and by the
people.

In his view Appadorai (1975) contends that democracy is a "system of government in which the
people exercise the governing power directly or through representatives periodically elected by
themselves".

According to the pillars of democracy, in a Journal of Democracy, democracy includes:
sovereignty of the people, government based upon consent of the governed, majority rule, minority
rights, free and fair elections, equality before the law, constitutional limits on government social,
economic and political pluralism, values of tolerance, pragmatism, cooperation and compromise.

Democratic rule on the other hand, is a situation where the government and the governed
exercise freedom in adult suffrage and participate in an egalitarian way in the working of government
democracy, predicated on a free, frank, fair and cordial dialogue of every person within a geopolitical
entity (Tobi, 1996). Democratic rule therefore exist in an environment where there is efficient and
effective electoral body, registration of voters, conduct of free, fair and periodic elections, provision of
social services and maintenance of existing infrastructural amenities like tap water, good roads, good
schools and sound education, electricity, employment opportunity, etc, by the people representation
both at local and central levels. Also, there should be equal rights, justice, equity and fair play among the
polity. In a nutshell, democratic rule is a situation where the general (common) will overrides personal
will.

From the above, modern political democracy is a system of governance in which rulers
are held accountable for their actions in the public realm by citizens acting indirectly through the
competition and co-operation of their elected representatives.

Democratic Governance in Nigeria

This section seeks to briefly ascertain whether there has been democratic rule in Nigeria.
Nigeria which obtained her independence in 1960 has so far witnessed regimes of three
democratic rules. The first democratic government actually started in 1960, when colonial
masters transferred political powers to the elected Nigerians. Alhaji Abubakar Tafawa Belewaheded the democratic rule. The system of government practiced then was the British inspired
parliamentary system in which the president was head of state and his functions was more largely
ceremonial and honorific, which includes given formal assent to law passed by the legislature
while the real executive power resides with the Prime Minister and his Cabinet or Council of Ministers who must be members of Parliament. Therefore, the Prime Minister occupied the powerful position of Head of Government and effective chiefs of executive. The democratic rule lasted for only six (6) years when the military intervened on 15th of January 1966, thus terminating the democratic government in 1966 via a coup d’etat.

In 1979, Nigeria had her second democratic rule, when the military government of General Olusegun Obasanjo handed over political power to the elected civilian democratic government of Alhaji Shehu Shagari. This was the second republic. The democratic rule lasted for only four (4) years. On 31st December, 1983, another military government intervention toppled the civilian government via a coup d’etat.

Another democratic rule was put in place on 29th May, 1999 when the Military Government of General Abusalami A. Abubakar handed over political power to the civilian under the leadership of president Olusegun Obasanjo who “democratically ruled” the nation for eight years (29th May, 1999-29th May 2007) before another civilian to civilian democratic government was handed over to Alhaji Umaru Musa Yar-Adua from chief Olusegun Obasanjo on 29th May 2007. The above were occasions of democratic governance models in Nigeria which is concomitantly operational in the country.

Political Obligation

Although government is, admittedly, a promoter of the common good, some governments have also been known to be corrupt. Some have failed to perform necessary functions while others have wasted the taxpayers’ money (Hunt, 623). It is for all of these that government is often seen as “a necessary evil, a possible good, and an unnecessary evil” (Hunt, 619). Accordingly, citizens also have definite political rights and duties within a presidential or any other system of government. Contemporary political science uses the concept “input”, (Almond & Powell, 25-27) which it shares with computer science, to describe these duties. Though input, as so called, these duties are, in Hegelian sense, also rights of citizens. They are subdivision into three categories, namely, demand, expectation, and support.

Citizens have a duty to demand of their government respect and recognition for all their fundamental human rights. It is theirs to call on the government to create for the society an atmosphere that is conducive to the quiet enjoyment of all those rights as well as facilities that encourage same. Here, too, a reciprocal demand falls on the citizens themselves. They must be interested and involved in the processes of government in order to be able to enjoy their rights and perform their duties effectively. It is here that political education or awareness of the masses in the society is a necessity and general education for all becomes a birthright, because it is only an enlightened populace that can meet this demand.

In keeping with the purposes for which the government was established or the terms of the social contract, citizens expect that the government will on its own initiative pursue policies that will enhance the general wellbeing of all in the society. In this regard, they expect the government to be responsible for all its actions and behaviour, that is to say, that it will take credits for its successes and accept the people’s blame or castigation for its failures. Citizens have a duty to make the government continuously aware of the fact that it is accountable to them as the sovereign and that they expect the government not to be indifferent but positively responsive to particular demands, public opinion, and the general needs of the people in the interest of the general welfare of all the citizens and the continuity of the state. An attempt by the government to ignore the opinion of the public on the flimsy excuse that if it listens it will not be able to do anything is a travesty of the principles of democracy, since the consent of the people as the supreme authority is the standard of right policy for the government.

To justify their expectation of the government, citizens have, as a duty to support the state so as to ensure its continuity and avoid its dissolution or destruction which could automatically lead to a return to the original state of nature abandoned on grounds of its deficiencies. Citizens also have a duty to support the government to enable it to be effective in performing its contractual functions as the agent of the people and personification of the state. To do this, the people must actually avail themselves of their rights and utilize them for the objective purpose of contributing to the sustenance and improvement of the state as well as shoring up the government for the common good of all. They must support the state materially and make themselves available by accepting to serve in various posts where their services may be needed and obeying the laws of the country.
Where the government, in contempt of the citizens demands for improvement and frustration of their expectations, lapses into delinquency or is inefficient, ineffective, corrupt, and sterile or turns tyrannical and vindictive, or becomes unresponsive to significant public opinions, all of which thwart the purpose for which the government was established and threaten the existence of the state, the people have a duty to save the state from destruction. It is their right and duty to replace the government and even restructure the model, if necessary, in order also to protect their rights and welfare. Any government that has gone thus afoul has breached the terms of the social contract. Accordingly, the people stand absolved of their obligations to the government, and as Thomas Aquinas puts it:

If to provide itself with a king belong to the right of any multitude, it is not unjust that the king set up by that multitude be destroyed or his power restricted, if he tyrannically abuse the royal power. (Aquinas, Part 1, Ques. 4, Art 1).

Citizens can do this by using the ballot box, pressure on the government to resign or by any other means in accord with the dictates of reason and prudence in their particular circumstance. Like power, government is justified only in so far as it serves the common good, and as ruler-ship is a trust from the community, a ruler is justified in his actions only on the basis of his contribution to the common good.

Where a government fails in this primary responsibility, the people owe it to the state and themselves to tell such a government to quit or force it to do so. The people are the sovereign.

Conclusion

From the foregoing, it is clear that man is the fundamental and atomic component of the state. He is prior to the political society and so, too, are his rights and freedom brought with him all the way from the state of nature. All the provisions under the caption of Human Rights, fundamental Rights or Civil Liberties in the constitutions of various countries, including Nigeria, are but particularizations of these universal and natural rights of man. They are inalienable to man in a democratic or any other form of government.

Man does not contract his basic human rights and freedom away as he joins or enters the political society. Rather, he is in the society and he chooses a government for the mutual preservation of those rights, which Locke summarized as the preservation of life, liberty, property, and the pursuit of happiness. It is in the knowledge of this fact by the society that lies the secret for the maintenance and preservation of democracy in any society. As pragmatists put it, “knowledge is not merely a matter of the intellect but also a matter of will and action” (Fichte, 83). Using their knowledge, the masses can judge whether or not the government, the official agent exercising the communal power, is operating in accord with the terms of the social contract. If a breach is observed, their knowledge then impels them to action in order to correct and maintain the system. The society can do this by any convenient means, including the use of force, “for, regaining its liberty by the same right as took it away, either it is justified in resuming it, or there was no justification for those who took it away” (Rousseau, 119). In the first instance. It cannot be forgotten that “man is not only a knower but also a doer” (Fichte, 80).

Works Cited


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