

EVOLUTION OF LOCKE'S POLITICAL PHILOSOPHY AND NIGERIAN STATE

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ABSTRACT

This paper examines the Evolution of John Locke's Political Philosophy and Nigerian State. A political society, for Locke, is one that man entered voluntarily through a social contract, as contrasted to governments established by Monarchs who claimed a divine right to govern or by autocrats who governed through dictatorial power. The paper agrees with Locke's political philosophy that government should emerge through the consent of the people and this was a turning point in the emergence of liberal democracies till date. Little wonder, political stagnation and retrogression is commonly witnessed in countries that have refused to align themselves with Locke's political philosophy particularly the Nigerian state. The paper argues further that representative governments and good governance only thrives where there are adequate and seamless principles of checks and balances in place. That is to say that strict adherence and preservation of the rule of law is the key to constitutionalism. The paper is of the view that if this practice is implemented and sustained in Nigeria, it will ensure progressivism in the Nigerian state. Using the method of analysis, the paper therefore concludes with a clarion call on Nigerian political leaders and governments at all levels to make the rule of law their watchword.

Introduction

Admittedly, Nigeria is supposed to be a democratic country and have a constitution which should be revered as a fundamental document, but now being neglected and compromised. This in turn, has led to the corrupt political system of governance in Nigeria. To say the least, democracy has lost its worth and principles in Nigeria for abandoning and disregarding the Lockean positive approach for a limited government. Little wonder, nepotism, tribalism, corruption and a dictatorial principle has pervaded the

entire political landscape of Nigeria. This paper aims at illuminating the electorates on their right in the society and to enlighten them on the limitations of the government especially in a democratic rule. It is on record that Nigerian government has in many occasions violated the principles of democracy adopted in her 1999 constitution as amended. Till date, the fact still remaining that Nigeria and her parliament have sometimes proven to be the most discreditable institution and has a very low level of trust and confidence by its electorates. This may be the reason why the corrupt systems of Nigerian politics and governance have through the years overlooked the wishes of the people and their common good.

Establishment of Nigeria as a Political Society

Nigeria is a diversified country with many tribes and over 250 languages and the country has three major tribes which are: Hausa, Igbo and Yoruba. Its existence began from the British amalgamation in the year 1914. Since then she has been a country which shares things in common despite the diversity in culture, religion, tribe, language and so forth.

In an interview granted by Chuba Okadigbo in *The News Magazine*, where he aired his view towards the political establishment of Nigeria:

There is to a reasonable extent; an existing division of the citizenry of Nigeria. Some to whom I refer to as traditionalist; some of the people who have come to live with the long propagated concept that Nigeria as a nation-state is one. Some others, who I call rationalist, argue that due to the diversified cultures of Nigeria, there is nothing like the idea of one-Nigeria. Some who are liberalist have it that there was no concrete agreement among all the different tribe within Nigeria prior to the establishment of the country.¹

Consequent upon this, the Igbo group for instance wanted to secede from the country, which actuated the Nigerian-Biafran war. More so, there have been countless strong agitation by some tribes who are disinterested in the unity of Nigeria and had strongly felt cheated thus seeing the concept of one-Nigeria as a sham. The Biafra agitation, Oduduwa Republic agitation and agitation of the Republic of Niger-Delta are typical examples. However, some who are patriotic agree to the fact that Nigeria is one and that its unity is a cause to be upheld. One of these fellows is Lamido Sanusi the former Emir of Kano, who in the *Daily Trust Newspaper*, Tuesday, May 16, 2017, unequivocally stated that, "Nigeria is indivisible" and due to the fact that he is seen as an authority in the North, some of the northern

leaders' reaction were in the affirmative. "Going down the annals of the varying standpoints of the citizenry of Nigeria, there is for me the fact that there is if not a wide disagreement but a mild one to the oneness status of Nigeria"². These question the collective agreement of the people towards the establishment of the country prior to the 1914 amalgamation.

Locke's view about society and its establishment is that which is in collective agreement and any agreement that downplays this system is in itself an infringement to the societal right of expression. In the light of this, Fagothey observes that each human being is not alone in the World but lives in company with other human beings. The society cannot be separated from man. Politics is all about how man governs himself in the state. In the Political society, man is the subject and center of discussion. This notwithstanding means that there must be a wholesome agreement and in any case, any society who finds itself in partial agreement like the condition that spurred some groups agitating in Nigeria is free to secede.

Society may be defined as "an enduring union of number of persons morally bound under authority to co-operate for a common good"³. At the same time, a society is either political or is a state, if it contains a centralized agency for the making or promulgation, application and enforcement of rules and conduct, if these rules are generally obeyed and if only these rules are generally recognized as legitimately sanctioned by physical force or authority.

Before the establishment of the civil society, men lived in the state of nature, a situation without any government to control the activities of individuals. Locke sees it as;

...a state of perfect freedom to order their action, and dispose of their possessions and person, as they think fit... without taking leave or depending upon the will of any other man.⁴

But things cannot continue in this very manner. The principal motivation for leaving the state of nature is the need for protection of life, liberty and property. Locke easily grant that civil government is the proper remedy for the inconveniences of the state of nature.⁵

When the civil society is once constituted, it is supreme; the political sovereignty is vested in it and there is and can be in that civil society no power over it. The powers to make or amend laws are derived from the civil society, and can only be such as it can delegate. It can delegate all the powers it can possess, except its own existence or supremacy as civil society.

The civil society, cannot part with its inherent sovereignty, nor dissolve itself. It exists in its constitution. The constitution is the fundamental law of the state, that which constitutes civil society and enshrines its rights as a political entity. Therefore, in the Lockean sense, the civil society is the commonwealth that is formed by mutual agreement of members of a society for the protection of life, liberty and property (the common good). He says;

Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders are in the civil society.⁶

Thus, that which begins and actually constitutes any civil or political society is nothing but the consent of the majority who are capable of uniting and incorporating into a society, laws which will protect the citizens.

Corruption in the Face of Law and Constitution in Nigeria

In Nigeria, corruption has poisoned the system of government and the rule of law with ill-gotten money, corporate looting, buying of votes with payback promises. Corruption masterminds injustice: Innocent citizens' (electorates) are being suffered unjustly and badly treated, jailed and sometimes killed just because they resist being manipulated, oppressed, and intimidated, while despicable criminals at the highest political positions are freely enjoying stolen public funds. Judiciary had been bought against justice. Police and security agencies are the tools for manipulation and intimidation. Organized political and economic crimes are being sponsored and perpetrated by the highest political authorities.

In Nigeria, "to challenge undemocratic practices and intimidation, political oppression, the violation of human rights and corruption is more of attempting a suicide. Nigerians have been denied of the fruits of democracy which is enshrined in the constitution, such as; press freedom, human rights, the right to free political voice, and the right to contribute deliberative input in governance."⁷

The dishonourable acts by some hoodlums and thugs who attacked individuals, operating under the guise of law should be abated. Government who seems to have

inflicted pains on the masses through jungle laws against the right of certain individual should be held responsible for abuse of human right, any extra-judicial killing and attack on any citizen. Locke's position is encapsulated in the Nigeria Scenario, thus;

Under Nigeria democratic setting, the need to develop political support and immunity is a tool for protection of public officials that loot the government money. It has legalized corruption; political office holders and public officials collide with corporate entities and certain individuals to steal, even steal in anticipation of their exit from the post.⁸

To this end, many have expressed doubt over the ability of the President and his team to tackle the numerous challenges facing the country, stressing that the administration had demonstrated high level of incompetence; lacking in the capacity to prevent, challenge and prosecute high profile criminals. The President pays less attention to corruption, instead promotes, celebrates and glorifies the accused criminals. The rule of law is no longer regarded in Nigeria and the constitution which preserves the rights of the electorates is no longer being valued.

If corruption turns out to be the order of the day, then the purpose of establishing society, laws and constitutions is defeated. The sole purpose of establishing a state, for John Locke, is for the protection of life and properties. This objective is what triggers the formation of law and constitutions in the society. The corrupt system of a state or, government is a vice to the supposed system which the electorates enjoy as a partaker to the establishment of the agreed system.

Law and constitution are the foundational binding pillars of every civil society that orders the attitude of men for the good. Thus, Thomas Aquinas says that, "law is nothing else than an ordinance of reason for the common good, promulgated by him who has care of the community". In the legal sense, law is the set of enforced rules under which a society is governed, it is the most basic social institution and very necessary for governing the society. No society can exist peacefully if every person does as he or she wills regardless of the right of others.

Again, law is a body of rules or principles, prescribed by authority or established by custom, which a state, community, society or other group recognizes as binding on its members. The purpose of law is

to maintain peace and order, to define the rights of citizens, to secure justice, to harmonize conflicting interests and to provide means for punishing wrongdoers.

In modern democracy, the laws are usually in the form of constitutions, statutes, ordinances, etc. The national constitution takes first place over all the other laws. However, the aim of law is not to provide for the truth of opinions, but for the safety and security of the commonwealth, and of every man's good and person.

Locke maintains that law is meant for the preservation of man and society, the enhancement of freedom and equality. To this, Locke states that "the end of law is not to abolish or retain, but to preserve and enlarge freedom... where there is no law, there is no freedom". He reiterates that this freedom is not license. It is the capacity to act according to moral 'oughtness' which connotes responsibility.

For, Locke, when the people have given their consent to be governed, they are obliged to be obedient to the government who rule by the standing laws of that society.

For no government can have a right to obedience from a people who have not freely consented to it... or at least till they have such standing law, to which they have by themselves or their representatives given their free consent.⁹

A constitution is a set of rules and principles that define the powers of a government and the rights of the people. The principles outlined in a constitution form the basis of constitutional law. In modern democracies, the function of a constitution is to put everyone including the rulers under the law.

Thus Locke's position is that the law and constitution should be an institution that will contribute to the realization of those ends for which the society and government is established. He maintains that no man in civil society can be exempted from the laws of that society. This will ensure social equality of individuals and social value-oriented goals in the society.

Locke's Democratic Principles and Nigerian Politics

With the writing of his *Second Treatise of Government*, Locke has been regarded as one of the revolutionists of his time. This treatise was an eye opener to those who might have been indebted to all

sorts of private rule (monarchy, Aristocracy, etc.), under those who piloted political affairs. Little did they know that good governance calls for political freedom and equality, especially in a democratic dispensation?

Going by the definition of democracy from its Greek etymology "*Demos*" (people) and "*crato*" (rule, dominion), thus, the rule of the people; and by Lincoln's definition as government of the people by the people and for the people, then lockean consent theory is "a re-affirmation of democracy." Locke highlights all that could be highlighted as fundamental and characteristic of a true democracy-law (constitution), equality and freedom, natural rights and above all, the consent of the people.

Locke is regarded as a constitutional democrat because he advocated for a government that is formed by the consent of the people and has its basis in the law of the community. He maintains that the aim of government is the preservation of her citizens' rights and the society. Hence, those who are appointed to rule the community or state must be guided by the law. To this, he says; "And so whoever has the legislative or supreme power of any common-wealth, is bound to govern by established standing laws, promulgated and known to the people..."

Locke was only trying to investigate the legitimate source of power in government and the person that is supposed to exercise the supreme power in civil government. Thus, for him, the source of legitimate authority is the agreement made by the consent of the people and the established law. The person that holds the supreme power is the legislative appointed by the people. Hence, everything revolves within that circle formed by the people.

In Nigeria, the 1999 constitution of the federal republic of Nigeria section 14 (1) states, "The Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice". Paragraph 2 (a) declares, "Sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its powers and authority".¹⁰

The constitution enshrines all the principles, rules, norms and dictates of a good and true democratic government which Locke himself advocates for. But the major problem is; how is Nigerian democracy in line with Locke's political thoughts that exemplify constitutional and representative government.

The underlying problem is not the meaning of the term "Democracy", but the role of those who were in charge of perfecting it. In recent years, Nigerian political parties and parliaments have sometimes proved to be most discredited institution, with low levels of trust from the electorates. Our political leaders have been incapable of nurturing trust in the population and majority of them have contributed to the instability in the democratic process and governance.

The greatest problem are "the institutionalized corruption, lack of clear vision for the future among the political leaders, monopoly and arbitrary use of power, self-imposition and individualism, glaring syndrome of bribery and election rigging, stolen mandate and usurpation of power, as well as tyranny which Locke also stresses," as usurpation is the exercise of power, which another hath the right to: so tyranny is the exercise of power beyond right which no body have the right to".

To partly condemn the above ills, Locke says that, "whoever gets into, the exercise of any part of the power, by other ways than what the laws of the community have prescribed, hath no light to be obeyed". Thus, this position puts across the justification of civil disobedience among the governed. Basically, Nigerians who vie for political positions see these as things of individual rather than general interest: "They are more interested in their personal interests and this has now almost characterized our lifestyle". This ambivalence of self-interest, imposition of unfavorable laws and exploitation is currently bedevilling the country's socio- political situation. Reacting to the newly introduced petroleum tax fund, *Ajayi* says in the "*Newswatch magazine*", that "our Government must be 'sensitive to the plight of the people". Further, speaking on the same issue, she says:

The implementation of petroleum tax has been a subject of controversy in the country... the decision of the president to tax without the approval of the national assembly is seen in many quarters as an affront and a subjugation of the power of the legislative arm.¹¹

This very act by the President is what Locke regards as usurpation of power and as tyrannical.

He condemns it as arbitrary, saying:

The constitution of the legislative is the first and fundamental act of the society... by the consent and appointment of the people, without which no man, or number of men, amongst them, can have authority of making laws that shall be binding to the rest.¹²

For Locke, a government that executes arbitrary powers on the people is due for dissolution. Furthermore, the political instability in the country also account for the advent of the military rule shortly after the independence in 1960. The Syndrome of power intoxication, rulership with decree, resistance to screening by the law and the other forms of crimes in the body politic seem to originate from the military despots. To this effect, Arthur Nwankwo observes:

The history of Nigerian leadership is an intriguing paradox of military and civilian regimes. Military despots shrouded in the deceptive toga of "Civilizing Mission"... have habitually exploited the nations syndrome of instability to destabilize ruling civilian formations... and prevent the people from reasserting their own humanity, through creative economic engagements and political participation.¹³

As a result, military despotism has been the rule rather than the exception in Nigerian politics and power equation. An obvious question is whether a democratic system guided by military arsenals is attainable anywhere in the world? Nigerians clamored for their immediate exit from governance having seen its impact on the nation. Now that the military regime is gone what is the fate of the people under civilian government?

Almost every political problem in the country today is traceable to the inception of the military *rule*. *The* military see themselves as above the law and political sanitization, and this gives them the audacity to suppress the poor masses with reckless abandon. Sanyan Onayoade in the *Sunday Punch* July 27, 1997 observe that: "The relegation of the civil populace to the clutch of the military authority has over the years imbued the khaki boys with the false sense of superiority complex."

Thus they have no regard for what the law says but rely on their own physical power, strength and decree. Any administration that cannot be probed either by the rule of law or constitution, or the national assembly representing the electorate who installed them, is tyrannical and despotic and should be discarded.

It is not out of place to say that the problem is the implementation of the law in Nigeria in general. This is because both the civilian and the military governments and also the governed are highly involved in this act. The breach of the law either comes by omission, violation or imposition. In view of the above, Udo Etuk, asserts:

“... Implementation of law in Nigeria... appears to suggest that either law which ought to be implemented in Nigeria are not being implemented right now; or that law which ought not to be implemented are being canvassed for implementation. Hence, either way there is a problem with the implementation of law in Nigeria.”¹⁴

With these political upheavals, one wonders if Nigeria is really democratic. Little wonder, Chuba Okadigbo was not wrong in, observing that, "we have transited from military government to the process of democratization. I said the process because we are not yet in democracy".¹⁵ However, we need not remain on that way without arrival after these numbers of years since independence.

Thus far, having exposed the modus operandi in Nigerian politics presently and the political theory of John Locke on the true end of government, the fundamental question now remains how could the two conditions be aligned to present an identical character in democracy?

Locke advocates for government that is founded on the consent of the people and the law, besides which, the power of the representatives is only a delegated, not an absolute power. On the other hand, Nigerians acknowledge the position of the people and law in governance, but this exists only in theory as enshrined in the constitution, not in practice, which is the most essential.

To this effect, Nigerian democracy cannot be aligned with the political principles of John Locke as exposed in this paper. Therefore, it is either that Nigeria is still on the process of democratization as Okadigbo maintains or that she operates a deceptive democracy that is only an aberration. Thus the governor and the governed should resort to the law as a guide, and constructive criticisms should be accepted in all dealings from every elected or appointed position.

Evaluation

In his work, *Second Treatise of Government*, Locke asserts that all legitimate government rests upon the consent of the governed. The people are ultimately sovereign, although it is not clear in Locke's theory where the immediate sovereignty lies. But the fact remains that the people always have the right to withdraw their support and overthrow the government if it fails to fulfill their trust. This position

alters some discussions of political theorists who advocate for other forms of government; it also promotes the development of democratic institutions.

Having critically gone through the Lockean political theory in the *Second Treaties of Government*, this paper have found it a bit difficult to strongly condemn his political thoughts. However when applied consistently, the consent theory presents two major difficulties. If consent is taken as a necessary condition for authority, it seems to deny a government any rightful authority over anyone who dissents from it or at least who dissents from the basic principles of the constitution (considered as the terms of the contract), from which the government's authority derives. From this angle, the consent theory in this form therefore will not provide the justification for political authority that is generally required of it.

Again, if consent is taken as a sufficient condition for authority, one may be committed to too much; for instance, to defending anyone who condones and submits to immoral abuses of authority on the ground that the accused once consented to or voted for it. Nonetheless, consent theory is an attempt to define the conditions under which there can be a moral duty to accept authority without giving up the conception of morality and law, which form the foundation of good and transparent government. Again, the Lockean consent theory serves as a guide to responsible and accountable governance on the part of a political ruler who rules with the mandate of the people, as their representative.

Whatever weaknesses this theory may have, an important principle remains, namely, that a moral theory of authority or power can never be a theory of absolute authority or power. Consent theory serves as a justification of a limited government based on the principles of checks and balances in government, equality before the law and separation of power.

This paper applauds the positions taken by Locke in his political theory. Realistically, every good government should subscribe to the mandate of the people whom it governs and to the law. In a democratic dispensation like Nigeria, leaders who rule arbitrarily should be deposed and their powers retrieved by the people who elected them. The national assembly (legislative), which bears the mind of the electorate and also makes laws, has power of the electorate in democracy since democratic rule maintains that supreme power resides in the people.

It is a truism that some critics have relegated the Lockean theory as a rule by the multitude without a guide or identity. It is the view of this paper that Locke himself recognized the constitution as the guiding principle in any political setting. Though some have regarded him as an extreme liberalist, he sees freedom not as a license but as the ability to act according to reason and moral 'oughtness'. Therefore, Locke has a nice view for a good government and his *second treatise of government* is a qualitative document for responsible and accountable government.

At this point, it should be noted that the political theory of Locke played a vital role in the formation and modification or amendment of the American constitution. This is an indication that John Locke created a practical awareness that woke the people from their political slumber. Nigeria therefore should not be an exception. It is high time the people knew what legitimately belong to them. Thus the consent of the people is the power of every democratic rule. The problem of political power or authority is how it should be exercised in conformity with the established rules, while remaining legitimate.

Therefore, whoever is in authority is duty bound to rule in conformity with the established laws of the commonwealth and the standards that improve the common good of all. This is the key point in Locke's investigation of the true end of government. Hence, absolute power resides in the people (electorate) who have the duty and capacity to choose their leaders.

The franchise and the vote itself is the epitome of the people's power in every democratic government. Therefore the people with their vote have the power to vote in and out whoever they want. Most importantly, the people have the duty and obligation to conscientiously choose their representatives, and cast their votes and supports without fear or prejudices.

Conclusion

Thus far, the paper has made a positive approach for a limited government that insists on civil government that exists only with the consent of the people. Thus, the paper is related to the issue of the Nigerian system of government, where democracy has lost its shape and principles. That is to say, that nepotism, monarchy and dictatorial principle have influenced the democracy of the Nigerian

governance. Using the Lockean political ideas, the paper discussed the political condition conditions of Nigeria which has derailed in its political system of governance.

In order to understand this paper, one should firstly understand that prior to the establishment of government, a human being as "an individual" has a fundamental right which was not bestowed on him by the government. Rather, the government was established out of the fundamental right of individuals. This implies that the government of Nigeria, which now seems to practice a government system that does not tally with the supposed democracy it has adopted, should understand that as an individual, the people have a self-right prior to the establishment of the government. The government simply cannot emerge had the electorate not collectively established it. That is to say that the Nigerian government ought to aim at the common good of her citizen as its main interest, for it was the citizens who determines and accepts it for its common good.

In conclusion, the paper reiterates that the main reason for establishing a government is to unite people together for their mutual benefit and transfer some of their individual powers to a political body. And the power of the government should not extend beyond that required common good. The government is the people's creation and therefore people's servant. The paper therefore concludes that the Nigerian government should rule by law that has been prescribed by the collective will and agreement of the people and not by force or arbitrary use of power.

Endnotes

1. Onanuga, Bayo.; An Interview Granted by *Chuba Okadigbo* in *The News Magazine*. May 29, 2000, 18- 27.
2. Okonkwo, Martin C.; '*Power and Authority to lead: A Slippery slope*. *Newswatch Magazine*. January 26, 2004. Pg 42.
3. Kendall, Willmore.; "*Social contract*." International Encyclopedia of the Social Sciences. 1968. Pg.268
4. Locke J.; '*Second Treatise of Government*.' ed. by C. B. Macpherson, Indianapolis: Hackett Publishing company, 1980. Pg. 8.
5. Locke J.; '*Second Treatise of Government*.' ed. by C. B. Macpherson, Indianapolis: Hackett Publishing company, 1980. Pg. 12.
6. Locke J.; '*Second Treatise of Government*.' ed. by C. B. Macpherson, Indianapolis: Hackett Publishing company, 1980. Pg. 47.
7. John Odey, *This Madness Called Election 2003*, Nigeria: Snaap Press Ltd, 2003, p.49.
8. Locke J.; '*Second Treatise of Government*.' ed. by C. B. Macpherson, Indianapolis: Hackett Publishing company, 1980. Pg. 78.
9. Gonsalves, M.A.; '*Fagothey's Right and Reason*.' London: Merill Publishing Company, 1986. Pg.133
10. *The Constitution of the Federal Republic of Nigeria, 1999 as Amended*
11. Philips. Anza.; "*The Killer Pill called Fuel Tax* " *Newswatch Magazine*. January 26, 2004, pg. 29
12. Locke J. *Second Treatise of Government*, p. 108.
13. Arthur Nwankwo, *Africa Dictators: The Logic of Tyranny and Lessons from History*. Nigeria: Fourth Dimension Publishing Co, 1990,p.27.

14. Etuk, Udo.: *"Implementation of Law in Nigeria"*. *West African Journal of philosophical Studies*. III, December, 2000. Pg. 71
15. Onanuga, Bayo.; An Interview Granted by *Chuba Okadigbo* in *The News Magazine*. May 29, 2000. pg. 18