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TOWARDS A SUSTAINABLE DEMOCRACY AND TRUE SOCIAL CONTRACT IN
NIGERIA

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Abstract:

Since Nigeria returned to democracy in May 1999, after almost three decades of military rule, and almost two decades of economic crises, the country has been faced with the complex challenges of national reconstruction and economic reforms, and democratic consolidation. Even after many general elections including that of 2019, Nigeria continues to grapple with these challenges and the citizenry is still anxious to see and enjoy the benefits of “democracy dividends” – social welfare, justice, equity, and equal access to resources and power.

But she has continued to struggle in sustaining the democracy and this has significantly affected the realization of the social contract between the people and the government, consequently reducing the value of governance, and destroying the foundational principles of democracy that should be upheld. Taking a cue from J.J Rousseau idea of democracy and social contract, this study will seek ways to address the challenges to sustaining democracy and upholding the social contract in the governance space in Nigeria.

Keywords: Democracy, Social Contract

Introduction

The opening up of the political space by the return to democracy has not only raised the hopes of those groups that had been marginalized or repressed, but also paradoxically raised the stakes in the competition for access to power and resources.¹ Demands for inclusion have been strident, while the politics of exclusion has also been vicious, both reactions to and legacies of the long years of military dictatorship and the militarization of politics, as power controlled by the “few” remains the only gateway to the good life. But the present signs are rather complex and should not be read in a simplistic unidirectional manner. Although the political game has changed from the rule of the gun, to the rule of the vote, the long shadow of militarism and winner takes-all politics continue to loom large over the political process, fuelling frustrations, provoking violence, but also dialectically nurturing new struggles for the further democratization of society.

Factors Eclipsing Nigeria Democracy and Her Social Contract

A visible fall out of the incessant interruption of the country’s democratic experiences is the military mentality of the political class, who whilst pretending to be democrats are nothing but autocrats and dictators whose only claim to democracy is the fact that ‘selections’ were held one way or the other to bring them in.² I have made use of ‘selections’ here because for the most part, what we regard as elections in Nigeria are actually selections, conducted in the most blatantly undemocratic fashions, where assassinations, rigging, thuggery, banditry, intimidation and harassment and other electoral malpractices are given free reign. Discretion being the better part of valour, what usually obtains in most cases is that broad spectrum of the population avoid the electoral process like a plague, resulting in the imposition of the will of a few over the vast majority.

It is impossible to discuss the democratic project in Nigeria without considering the role of the Nigerian political elite. For in the final analysis it is from the political elite that the recruitment

of the political leadership, the operators of democratic institutions is made. What is the nature of this elite, is it coherent and driven by a national vision? Can it truly represent to hopes and aspirations of Nigeria's over 200 million people? What is its politics, and what is it in politics for? Can this politics be democratic, or would always be the case of old wine in new bottles? These are rather difficult questions that cannot be fully addressed in a short presentation such as this one, but some effort will be made to examine the critical issues.

The Nigerian political elite is a product of Nigeria's tumultuous politics. It has its roots in the colonial educational and socio-political system. As such it is a child of history. The elite has been described as a hybrid of sorts reflecting Western values against a Nigerian background. When it became clear that independence was imminent this elite mobilized ethnicity to canvass for support for its ascension to power. This laid the foundation for the politicization of ethnicity and religion, and the intense rivalry (and division) between ethnic groups and geo-political regions (later states) in Nigeria.

The opportunism of the political elite and the ways it has often manipulated political structures and processes to promote selfish and narrow ends is well known and will not be repeated in this research. Two issues are however fundamental, the deep divisions within the elite along personal, ethnic, religious, and factional lines, and the lack of a clear vision or common ideology for a broad social project. The first suggests an incoherence of the elite leading it to engage in acrimonious internal rivalry and conflict, and the second promotes political opportunism, lack of principles and poor leadership. These explain why certain elements and forces within the political elite colluded with the military faction to subvert the democratic ethos for selfish gain, and why the political class cannot reach a consensus on how it will define a national basis for Nigeria's democratic project.

The implication of the nature of the dominant faction of the political elite is that it sees democracy more as a means to an end, rather than an end itself. This creates problems in relation to its capacity to truly represent the broad interests of the Nigerian people, or even play by the rules, when its grip on power is threatened. This more often than not, results in “cash and carry politics”, or violence, both of which fail to deliver the dividends of democracy to the people. Is this the kind of elite that can practice true democracy, or even fight to uphold the sanctity and autonomy of democratic institutions when these are undermined by its own custodians? Many will argue that the political elite only takes care of its interests by manipulating the emotions of the masses. This may be true. But such definite answers tend to gloss over the reality that the political elite is not homogenous or united. There are also some (a few perhaps) democratic elements within the political elite, whose capacity to influence the process may also be reflective of the balance of forces within the elite, and the trends in the domestic and international contexts. What is however clear is that the nature of the elite and its political behaviour would continue to play a pivotal role in the prospects for democratic consolidation in Nigeria. If it continues to manipulate the grievances or betray the hopes of the people, it would not only undermine the political process, but also jeopardize its own long-term interests within the Nigerian polity.

Undoubtedly, there is a nexus between a binding social contract and democracy, which is synonymous with development and sustainable democracy. Democratic consolidation should be the foundation upon which good governance rests, there are many factors to be examined here that has led to mis-practice of democracy in Nigeria.

Ethno-religious factor remains one of the forces that contributed greatly to the socio-political instability in the country, hence, the resentment of being at the periphery of Nigerian politics and power configuration, the democracy we practice is one-sided. Once someone from a

particular ethnic background gets to the position of power, he/she is inclined to favour people from the same ethnic background, often, this is done to the detriment of other tribes. This form of governance cannot sustain our democracy.

Poverty, hunger and unemployment is another major challenge to democratic consolidation as the essence of leadership in any social context is improvement of welfare of members of the society. Over the years, there has been deliberate neglect or lip service attention to these issues; consequently, it has impoverished the citizenry and exposed them to easy manipulation for violent culture.

Of note again is corruption. The institutionalization of corrupt culture in all sphere of public activities is perhaps the major challenge to survival of democracy in Nigeria captures the situation.³ thus “there is a general desecration of societal and normative value, low level performance in socio-economic developments and ultimately a petrifying decadence, the stench of which often puts off or prevent other nations with a record of transparency and probity from wanting to interact or do business with a corrupt nation. Furthermore, there would be no sustainable democracy in a society that is taken over by corruption and corrupt leaders.

Also, Youth restiveness rears its ugly head as a hurdle to democratic consolidation in Nigeria. The saying that the Youth are leaders of tomorrow must be guaranteed practically. There is a failure to develop a policy with sincere commitments to regenerate confidence of youths as therapy to restiveness. For example in the Niger-Delta, the restiveness which is led by the youths has always stood in the way of sustainable democracy in that region. Regarding the security question, beyond the effects of security concerns on the economic fortunes of the security challenges facing the country, it also have implications for the country’s political system. Social cohesion among various groups and interests is important in the process of national political

development. The activities of the Niger-Delta militants, militia groups like, Movement for the Actualisation of Sovereign State of Biafra (MASSOB), and constant sectarian turmoil exemplified by the activities of Boko Haram and recently Herdsmen and bandits put together is a major obstacle to democratic consolidation.

Again, the exaggeration of indigene-settlers dichotomy in Nigeria has inflamed conflict dimension in the polity with severe impact on national cohesion. This above phenomenon even though unconstitutional is well engraved in the sub-consciousness of the leadership of most states of the federation. This has been largely responsible for spate of crisis in Nigeria, cutting across all regions.

Similarly, free, fair and credible election is a must to sustain democracy. Electoral fraud poses a major threat to democracy and by implication weakens its capacity as an instrument for the mobilization of national, human and material resources for the development of the people and the state. The above is an albatross in the democratic drive in Nigeria. There is again the absence of true federalism.

Aside the structural imbalance of Nigerian federation, absence of true federation the revenue allocation as well as resource control debacle is contentious. Where equity and fair play are missing, it may work against the evolvement of sustainable democracy.

However, it is a matter of common knowledge that Democracy is yet to take a firm root in the country. This explains why politicians are quick to say Nigeria's democracy is still fledgling, nascent, young, and that it needs to be properly nurtured. This is quite true unless everyone behaves and plays according to the rules, it is doubtful if a mature, virile democracy and a free society envied by others would ever be built.

3.2 Applying Rousseau in Pursuance of Sustainable Democracy

At this juncture, it is important to give a brief insight into the concept of sustainable democracy. This is meant to describe the challenge of making new democracies secure of extending their life expectancy beyond the short-term of making them immune against the threat of authoritarian repression.⁴

However, the list of sustainable democracy expand beyond the above, it has come to include such divergent items as popular legitimating, the diffusion of democratic values, the routinisation of anti-system actors, civilian supremacy over the military, the elimination of authoritarian enclaves, party building, the organization of functional interest, the stabilization of electoral rules, the routinisation of politics, the decentralization of state power, the introduction of mechanisms of direct democracy, judicial reform, the alleviation of poverty and economic stabilization.⁵ Summarily put, democracy can best be said to be sustained or consolidated only when it is capable of withstanding pressure or shocks without abandoning the electoral process or the political freedom on which it depends, including those of the dissent and the opposition. Definitely, this will also require a depth of institutionalization reaching beyond the electoral process itself.

Rousseau's theory of law and civil State is established to liberate man from the precarious condition of the state of nature. Man, as an individual in the state of nature is prone to so many problems beyond his control. Thus, he lives in perpetual fear of what the next moment will offer, since there is no rule of law or a constituted authority to fall on when the need arises. Again, in the state of nature, the obstacles to man's self-preservation are too great to be overcome by individual strength to maintain himself in this state. Hence, one gets exhausted while protecting his property and seeking for his own preservation. This is because there are always those bigger, stronger and more aggressive than others. With regard to this, the original state can no longer endure and there

is need to form an association to tackle all these problems. Thus, Rousseau achieved this with the formation of the civil state. This of course, is founded on agreement which has law as its driving force. Since there is no general will with a particular object, the object of a law therefore must equally be general with regard to the whole of the people. This means that the law is binding on everybody both the rulers and the ruled. It is a condition of civil association and binds social contract of the State.

One of the obvious reasons why people enter into a social contract according to Rousseau is to devise a form of association which will defend and protect the person and possessions of each associate with all the collective strength, and in which each is united with all, yet obeys only himself and remains as free as before. In other words, law and civil state which are made possible through the social contract means have the protection of the people and their possessions as their end. This is done to avoid the inconveniencies of the state of nature one of which is the lack of possible law to which all the individuals should make their references. Suffice it to note that it is this need for law as a guide to all that is behind the whole idea of constitution-making. In every country there are agreed principles, rules and regulations that determine how that country should be governed or run. It is these rules that could serve as the constitutions of the country.

Hence, a constitution could be seen as a set of laws and conventions that determine the structure and functions of the three organs of government. It also determines the relationship among the three organs of the government as well as the methods of election and appointment. Constitution is a body of rules, written or unwritten, in accordance with which the powers of government are distributed and exercised. In Nigeria once enacted in written form, the constitution becomes the fundamental law of the country, unlimited by any other authority and binds the social contract.

Besides, law is meant to stipulate the powers of government, duties of citizens, state penalties, for erring parties and above all, provides protection for all citizens. Similarly, it is made, re-enacted, and reviewed to suit certain sections or the whole. Thus, the basis and inspiration for any nation is its constitution for it reveals the principles of its founders, and gives direction to their successors. It is certain that in Rousseau's civil state there is a body of persons upon which everyone surrenders his natural right or liberty, that is, the people (the sovereign). It is this body that constitutes the leadership. This total surrender to all is mutually orientated, meaning that one has the right over all as they have over one. Thus he gains the equivalent of everything he seems to have lost, and even greater power to preserve what he has. Nevertheless, the term of reference as regards the function of leadership in a civil society revolves around the promotion of the general will. Leadership, which should be the capability to lead and co-ordinate people effectively for the realization of a common desirable end, has turned out to be a family or party affair. It is no longer for service but an opportunity to command worships from the people. In the words of Njoku, "Most of the time, leaders or politicians struggle and present themselves as worthy for such a responsibility; but it is not all the time that contestants realize that leadership is a huge and tasking service."⁶

Rousseau views nature as inextricably linked to humanity. He believes that in order to attain the good life with good morals, the false dichotomy between nature and society must be deconstructed. Rousseau's interpretation of the common good is grounded in the classical conception in which "the good is realized in the natural relationships in and through which human beings achieve their well-being."⁷

Rousseau recognizes his notion of the common good as rooted in the social order, and not in nature, as the common good is founded on human convention as a social creation. The common

good is an idea that has grown in the social world from the first principles of original man as Rousseau uncovered in the state of nature. In other words, the common good is an ideal and principle that allows for the protection of the self, as in Rousseau's ideas of personal survival and preservation within the original man. In order to protect ourselves as humans, we must protect the nature and environment around us, in order to live in a habitat that allows all species to flourish.⁸ The common good represents a collective and social well-being through preservation of the community as a whole. Rousseau's prescription in *The Social Contract* is a way to overcome the downfalls of poor and corrupt governments through bringing the people together based on the common good of all. When the social took hold of original man and revenge began to run rampant, the need for regulation and laws entered reality.⁹

In the absence of a poor or corrupt government, under the rule of a moral and proper Sovereign, the license to follow desire should subside in exchange for the creation of a community and a society that is based on the common good of all. The social contract is not a document that everyone signs, as has been an issue of contention for centuries, rather, it is a human convention that is based on the fact that humans are ruled by a government, a social order, social instincts, and social faculties.

For a social contract to be cohesive and to be naturally good, it is necessary for the people that make up the citizenry to uphold the natural inclinations and instincts they gained in the state of nature – pity, self-preservation, and well-being. These natural instincts are the basis of all that is naturally good. For a society to be naturally good, the people must maintain a healthy balance of the naturally rooted instincts from the state of nature, as well as the socially induced qualities that have been borne out of the transition from the state of nature and expanded in the social world. It is then clear that democracy must guarantee the expression of the popular will through majority

rule, it is equally clear that it must guarantee that the majority will not abuse its power to violate the basic and inalienable rights of the minority.¹⁰ Thus this is Rousseau's prescription and the basis for a sustainable democracy.

A person cannot be a leader in the real sense of the word unless he has the support and good will of those he leads. To get the support of those he leads, he has to identify and feel with them. It is by so doing that he can know their problems and how to solve them while making sure that their interests are always protected. Leadership style plays a key role either in uplifting any human society or holding down its wheel of progress. One of the problems that are facing African countries today, especially Nigeria, is the problem of leadership.

Nigerian leaders should learn to price the common interest of the nation above their private ones if they really want to fight corruption. They should look unto the great leaders in history like Martin Luther King Junior, Mahatma Gandhi, Nelson Mandela and others who thought of their countries, their people first before themselves. Nigerian governments should also learn to integrate anti-corruption actions into all aspects of their decision-making.

Democracy can only thrive where social justice is guaranteed in the constitution of a state. The rule of law strengthens democracy and social justice and will be built on ordinary sands, if the essential and crucial rights of citizens are not protected. Democracy indeed, should not be confined to voting at elections, belonging to, or forming of political organizations. It must manifest ability of every citizen to social justice that would prepare the citizen to participate in his nation's governance. Social justice is the life-wire of societal harmony because equity, fairness and peaceful living will remain the strong foundation of such a society. The absence of social justice gives rise to social unrest, social contradictions, fear, despair, anxiety, social maladjusted citizenry that often time engage in an orgy of vandalism and mindless violence. "The primary reason for

which men, united in a political society, need the state, is the order of justice, social justice is the crucial need of modern societies.”¹¹ There should be no denial of people’s rights, whether political, social, economic, educational, structural and otherwise. This is the spirit of law and civil state; it is the basis of democracy and social justice.

Although our country is said to be practicing a democratic system of government, there is a big difference between what we practice and what democracy stands for. Democracy is built on the equality of the people, their freedom to associate with one another for the realization of their ideals as well as the defence and promotion of their interest. It also has to do with the citizens’ freedom to choose between the different political platforms of various political parties and candidates. Nevertheless, one of the problems with Nigerian democracy is that people have been effectively, continuously and consciously disenfranchised by their own circumstances on one hand, and on the other hand by their leaders’ perfidy. Hence, Nigeria is trailing to a state where democracy is being practiced without democrats, and elections are being conducted with little or no regard for the electorates. The ballots are not respected by the government and the prices the people need to pay to protect them are extremely high.

Apparently, a true reflection of elements of social contract theory in democracy is clearly seen in the wordings of section 14 of the 1999 Constitution of the Federal republic of Nigeria, as amended. A little perusal of its subsection will suffice in buttressing this assertion. Section 14(2) (a) states: “sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority”.¹² This clearly shows that the “people” cannot be excluded in the practice of ideal and genuine democracy in Nigeria. Beyond that, section 14(2) (c) expressly guarantees the participation of the people in government.¹³ Correlatively, since the constitution as the ground norm derives its powers from the people, it sets the yardstick and

parameter for the performances of its government which will enable the people to see and measure the effectiveness, expediency, transparency and flaws of the constituted authorities they summited their powers and resources to, to be used in their behalf.

The law provided for fundamental objectives and directive principles of State's policy. In simple terms, it provides for the duties of both the government and citizens of the country. These include economic, political, social, educational, environmental, foreign policy objectives etc. These have ipso facto formed the basis of government performance to the people. From the forgoing analysis, government performances should be measured based on what they should do (their statutory responsibilities) and not on baseless sentiments like unnecessary comparisons to other States.¹⁴

The government should always strike an acceptable balance between itself the people, the masses should be carried along, and social welfare of the people should always be of concern to the government. Laws and powers should not always be a shield to the government and at another phase a sword to the authorities at the detriment of the masses. We are all humans who demands fair treatments from others.

As a nascent democracy, Nigeria has been at a crossroad on how to enthrone an enduring and populist democratic culture that will inculcate in the people participatory democratic culture. Democratic governance is based on the will of the people and it is the form of governance best suited to allowing all people to live in dignity and freedom.

There can be no easy answers, and the solutions will be difficult. A modest point to start from is for those running Nigeria's democracy to implement socially just and welfarist policies that ease the pains of the people based on a new social contract. Nigeria government have failed

to honour the social contract to the people. What perhaps is needed is less, not more of the same. A new democracy from below, rooted in the people and a developmental state, representing and reflecting their quest for dignity, equity, welfare and freedom offers brighter prospects.

Democracy requires strong social contract framework in order to govern the interaction and coexistence of all citizens and the government. In fact, if the prevailing decimation of social contract is allowed to continue the country may slide into anarchy and that will present the State as irresponsible.

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