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By Rufus, Anthony & David E. Eyo

Niger Delta University

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The Lockean State of War and the Nigerian State: A Comparative Analysis

Rufus, Anthony [α] & David E. Eyo [σ]

Abstract- The level of lawlessness, judicial inconsistencies, double standard practices and executive over bearances makes it appear as though Nigeria was in Locke's mind when he theorized about his State of War. The trajectory of violent events in Nigeria is a stark reminder that the country is slowly regressing into the hypothetical state of war created by the social contract theorist; John Locke. The dynamics and the emergence of violent groups in the country such as the Boko Haram sect, the Niger Delta Avengers and the Fulani Herds men is a reflection of the general state of insecurity ravaging the country. Using John Locke's social contract theory, the research made a comparative analysis of the Nigerian state, and the Lockean state of war concluding that the country is living in falsehood, as the present constitution does not reflect the will of the people. Thus, the research emphasized that; if the country is to progress from this 'state of war' in which it finds itself, then the state must be ready to reinvent/ renegotiate the contract terms of this union.

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"The nature and character of any nation is played out in the behavior of men on the roads and the roads themselves" Rufus Anthony.

I. Introduction and Statement of the Problem

The general spate of political unrest that has marred Nigeria in recent years has made scholars to liken the country to the Lockean state of war. The trajectory of violent events in Nigeria only serves as a stark reminder that the country is slowly regressing into the hypothetical state of war created by the social contract theorist; John Locke. The dynamics and the emergence of violent groups in the country such as the Boko Haram sect, the Niger Delta Avengers and the Fulani Herds men is a reflection of the general state of insecurity ravaging the country and thus painting a gloomy picture of "three night falls in a day" (Rufus, A. 2017). Bearing the above in mind, it can thus be argued that objective vulnerabilities and insecurities shape the nature and outcome of individuals' actions and responsibility towards surviving and coping with insecurities. Locke no doubt considered the above in his 'state of war' when framing his social contract theory.

The social contract theory is the view that people's political obligations and moral stance is a product of a collective agreement among individuals to form the society in which they live. The social contract theory was developed to explain how society came into being. A hypothetical state of nature was used to explain the conditions that necessitated the social contract. The major argument of the social contract theory is that in the state of nature, (the state that existed before the social contract came into being) the life of man was not guaranteed since there was no established system to regulate human behavior and as such it was all man for himself. While there are many variations of the social contract theory and the state of nature, the three main social contract theorist are; Thomas Hobbes, John Locke, and J. J. Roseau. The focus of this research is on Locke's social contract. While Locke's state of nature in his social contract theory was generally peaceful, the existence of freewill and the absence of a regulatory body created conditions that transformed the state of nature into the state of war. The process of this transformation of the state of nature to a state of war is what this research is interested in.

Nigeria a country that was unified by the British colonial government clearly lacks this social contract unifying the people. Her existence is the product of the forceful amalgamation of the Northern and Southern protectorate in 1914 by former colonial governor; Lord Fredrick Lugard. Looking at the above, it is safe for one to posit that the eruption of a conflict was almost certain with over 250 ethnic groups forming the country. Thus, it did not come as a surprise that shortly after independence, the attempts by her founding fathers to use their political positions at every slightest opportunity to favor their region at the expense of other regions threw the country into a fierce civil war that almost added her to the list of countries that once was. The events that led to the civil war revolved around; marginalization, oppression, injustice and a feeling of rejection.

Sadly, after more than 50 years of that civil war, the country is still confronted with the same set of problems that threw her into a ferocious confrontation. Presently, there is a lot of clamor by different sections of the country for a restructuring of the present federal structure while also; there are calls by various civil society groups with parochial orientations such as IPOB, OPC and the NDA for secession. The present challenges' confronting the country is even made worst by the existence of violent sects such as: Boko Haram,

Author α σ: Department of Political Science, Niger Delta University, Wilberforce Island, Bayelsa State.
e-mails: rufusanthony50@yahoo.com, dvdeyo@hotmail.com

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Fulani Herds men, Niger Delta Avengers, and the Baddo group.

The Nigerian situation is clearly a reflection of a failure in governance (Ayeni, 1988; Ake, 1995; and Sklar et al., 2006). The leadership model in Nigeria has been attacked by scholars for lacking the necessary focus capable of instilling national development and promoting political stability (Ayeni, 1988; Ake, 1995; and Sklar et al., 2006). Thus, the focus of this research is to use the John Locke's variant of the social contract theory to identify the gap in state formation, leadership and governance that has created the conditions for instability in the country.

II. Theoretical/Conceptual Framework: The Social Contract Theory

The theoretical framework adopted for this study is the social contract theory with focus on John Locke's variant. The social contract theory postulates a state of nature as the original condition of mankind before the social contract that brought the (modern) state into being. The state of nature was not an organized society. Each man living in led a life of his own, uncontrolled by any laws of human imposition. Nor was there any human authority to regulate his relationship with others. Men living in the state of nature were subject only to such regulations as nature was supposed to prescribe for them. This code of regulations was given the name law of nature or natural law (Abraham, 2013; 246).

While there are many variants to the state of nature; it is asserted that no two thinkers on the social contract theory are in agreement as to the conditions that prevailed in the state of nature. But whatever it was, all thinkers are of the consensus that those who live in the state of nature were ultimately compelled, for one reason or the other to abandon it and substitute the state of nature by a civil society or a body of politics where each man led a life of union with his other fellowmen. The law of nature, which regulated the conduct of the individuals who lived in the state of nature, was replaced by man-made laws. The focus of this research is on John Locke's variant of the state of nature and the conditions that necessitated a social contract in Locke's version.

As mentioned earlier, while Locke's state of nature in his social contract theory was generally peaceful, the existence of freewill and the absence of a regulatory body created conditions that transformed the state of nature into the state of war. The state of war according to Locke is a state of 'enmity and destruction'. Locke posits that the state of nature was generally peaceful with men living together in peace. The above meant that Locke's state of nature was pre-political but not pre-social. Locke posits that in the state of nature; all men are free to exploit nature for their self preservation. In this sense, all men have the right to induce from their intuition the law and dish-out punishments to offenders without remorse.

Locke opined that the state of nature degenerated into a state of war when individuals tried to impose their will on others. In his words "anyone who would try to get another man under his absolute power, puts himself in the state of war with the other". The above scenario is possible because of the followings:

a. The absence or lack of an established law known to all;
b. The absence or lack of an independent/impartial judiciary to adjudicate the law; and
c. The absence or lack of an executive to enforce the law (Wayper, 1974 in Ibaba, 2004; 101).

In Locke's social contract, there are two dimensions in his theory of social contract; the first involving the people giving up their arbitrary power to punish thus creating a civil society, and the second a government contract which gave the people the right to decide who governs them (limited sovereignty). Three conclusions thus flow from this: a) that the government exists for the good of the people; b) that it should depend on their consent; and c) that it should be limited and constitutional in its authority. Consequently, if it is not for the good of the people, if it does not depend on their consent, if it is not constitutional and exceeds the authority vested in it, the government can be legitimately overthrown (Abraham, 2013; 254).

One lesson that can be drawn from the above and liken to the Nigerian situation is the fact that both the state and government are social contracts that can only come to be through the consent of the people, were there is no consent (in the case of government maybe through election rigging as is often the case in Nigeria) the government lacks legitimacy and thus do not have the authority of the people to rule. Consequently, the people hold the right to revolt which creates the conditions for instability.

III. The Nigerian State, Government and the Legitimacy Question

For analytical purposes, the prevailing narrative here will focus on giving answers to two arguments: a) the legitimacy of the Nigerian state, and b) the legitimacy of the Nigerian government. This section is thus, structured to critically peruse how the Nigerian state came into existence in other to indentify if there was any form of a social contract binding the people to be part of the state, and also, this section will examine if the Nigerian government have the right to exert authority over the Nigerian citizenry and if so, if they have kept their part of the bargain in the social contract.

It is now common knowledge that prior to the advent of the British colonial Government in 1900, there was no territory known as Nigeria. The various ethnic

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nationalities that now form what we now know as Nigeria existed side by side independently but not oblivious of the other. What they were not aware of however, was the fact that their peaceful cohabitation as independent nation's was about to change due to key economic events happening in the West far away from their lands.

Capitalism; the economic cum political system that emphasizes on a free market economy has just transformed the West with the industrial revolution. The industrial revolution which ensured that machines replaced men in the chain of production opened the West to a world unimagined before. Prior to the industrial revolution, labour was an essential part of the production line, but with the industrial revolution, machines started replacing men in production. With the machines in, production level soared to new heights. The machines ensured that the production/consumption ratio was not on par with the former outweighing the latter. Consequently, two problems was created with the first being Europe's inability to supply her industries with much needed raw materials, and secondly, the industrial revolution created too much competition for a small market thus creating the need to search for new markets.

It was thus this search for new frontiers that brought the Royal Niger Company to the shores of what is now known as Nigeria. The first motive for searching for new territories was purely imperialistic (economic control). But with the need to secure captured territories from other European powers, the British government officially came into the country in the year 1900; that marked the official commencement of colonialism (political control). Despite the territory we now refer to as Nigeria being under the British Government, the different ethnic groups were still independent of the other until 1914 when the Northern and Southern protectorate were amalgamated.

In January, 1914, the British government unilaterally created Nigeria by uniting the southern and northern protectorate through the process of amalgamation. This was a defining moment in the history of the country, as it was the first time that the once independent regions were assuming a common name; Nigeria. Although the British had colonized Nigeria since 1900, it treated the different regions as separate entities. The decision of the then Colonial governor; Luggard to unify the Southern and Northern protectorate was largely for administrative convenience. The vast land mass and the shortage of colonial officers ensured that unification became the only convenient way to administer Nigeria. As noted by the British Broadcasting Corporation, "Britain wanted empire on a cheap." Nigeria remained under British rule from 1914 up onto the st day of October, 1960 when she was finally granted independence from her colonial master. Ever since then, the country has fought a nefarious civil war, but has remained as one to this day.

It is clear from the above that the unification of Nigeria was not done in consultation of the people. The British government did not consider the huge ethnic and political diversity of the regions. The Southern Protectorate was largely dominated by Christians and the Northern protectorate was heavily populated by the Muslims. The result of the amalgamation was the marrying of over 250 ethnic groups together. It is important to state that the sole purpose the Northern and Southern regions were merged, was for the maximization of profit for the colonial government and as such, the people were not consulted whatsoever to know if they had any interest to come/stay together, neither was there any attempt to unify them as the British used different approach in administering the two regions.

The negative result of the British decision to amalgamate the country without consultation started manifesting soon after independence, as Nigeria's founding fathers that took over from the Colonial government, failed to realize that the country was now one and that, they no longer represent their various regions, but Nigeria. One major red flag that showed that the people did not see themselves as Nigerians was the formation of ethnic affiliated political parties. The Northern People's Congress (NPC) was affiliated to the North, the Action Group (AG) was affiliated to the West, and the National Council of the Nigeria and Cameroon was affiliated to the East.

The rhetoric's of our founding fathers also affirmed the above. The people that fought for the country's independence did not see any future in the country's unity as this is revealed by their utterances. For example, Chief Obafemi Awolowo while commenting on the unity of Nigeria emphatically stated that

> Nigeria is not a nation. It is a mere geographical expression. The word Nigerian is merely a distinctive appellation use to distinguish those who live within the boundaries of Nigeria from those who do not…He went further to note that West and Eastern Nigeria are as different as Ireland from Germany. The North is as different from either as China. (Awolowo, 1947).

In the same vein, Tafawa Belewa the man who would later become the first Prime Minister of the country while addressing the legislative council in 1948 declared that:

> Since 1914 the British Government has been trying to make Nigeria into one country, but the Nigerian people themselves are historically different in their backgrounds, in their religious beliefs and customs and do not show themselves any sign of willingness to unite. Nigerian unity is only a British intention for the country.

Similarly, Nnamdi Azikiwe the then leader of the NCNC and the first president of the federal republic was

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not left out in these unguided but truthful statements as he was quoted saying "It is better for us and many admirers abroad that we should disintegrate in peace and not in pieces. Should the politicians fail to heed the warning, then I will venture the prediction that the experience of the Democratic Republic of Congo will be a child's play if it ever comes to our turn to play such a tragic role (http://www.abaisgood.com/2015/12/3-powerful-quotes-from-3-founding.html)".

The statements above as shocking as they are, were only a reflection of the fact that the people never saw themselves as one. Each region has attempted to secede at one time in history. Sadly, after several years together, the country still does not feel as one as in recent times; the NDA, the OPC, the Arewa and IPOB have all called for secession or a restructuring of the federation.

IV. The Failure of the Machinery of Government in Nigeria: Too Much Politics Too Little Development

Nigeria returned to democratic rule in 1999. Prior to that, the country had experienced 2(3) failed republics. The collapse of the first republic was largely due to the ethnic styled politics played by the first republic politicians. As the entire first republic political parties that stood for elections, had ethnic affiliations. As a result of this, it became difficult for democracy to thrive in the country. The style of politics played was detrimental to the growth of the country's nascent democracy as the desire to win by all means pushed desperate politicians to indulge in undemocratic behaviors such as tribal politics and the rigging of election results.

There was constant pressure to win as the stakes were high: this was basically due to the fact that the consequences of losing in a winner take all politics, was always going to be fatal. Thus, there was constant attempt (sometimes undemocratic) by each party to reduce the influence of opposition parties in their strong hold. The unhealthy political competition/maneuvers by opposing political parties led to the Western region crisis. This crisis marked a turning point in the country's democracy, as it culminated in the bloody coup of 19… that brought the first republic to an abrupt end. The young military officers that carried out the coup cited; ethnic politics, corruption, election rigging etc. as factors that motivated their actions.

After the collapse of the first republic, the country endured a long military rule that saw coups and counter coups including the nefarious civil war that almost brought the union to an end. In 19.., the country returned to democratic rule under the leadership of Alhaji Shehu Shagari with a new system: the presidential democracy. The presidential system was adopted to avoid a repeat of the loop holes in the parliamentary system that led to the collapse of the first republic. Sadly, despite all the cautions applied, the second republic still met the same fate as its predecessor. It is significant to note that the same factors that were cited in the collapse of the first republic were also mentioned in the collapse of the second republic.

The third republic did not materialize as the military government that was in power, refused to hand over power less hence 'aborted third republic'. The country once again endured a long/brutal military rule under the dictator General Sani Abacha until his death in 1998. After the death of Abacha in 1998, the country returned to democratic rule in 1999. Ever since then, the country has been under democracy for an unprecedented 17 straight years uninterrupted. After 17 years of democracy however, the question that we beg to ask is: Why is there still so much instability in the polity?

The answer to the above question is quite straight forward and simple. Nigerians had just seen the end of a brutal military regime. Thus, the return to democracy was greeted with much hope and expectations from the people and rightly so. However, after 17 years of democracy what the people have is dashed hopes, stolen mandates and abuse of power by the ruling class who are domineering. As a matter of fact, the only difference between the democratic government and the military regime they took over from is the fact that whilst the former came in through a military coup, the latter came in through an electoral rape. One can confidently make a case against the Nigerian state that in reality exist for a few powerful individuals but in theory, exist for all. This corroborates the Marxian view of the state that it did not emerge through consent or any social contract. It is thus seen as an instrument of class or ethnic domination and exploitation (Ake, in Alapiki, 2001; 47). It follows therefore that the interest of those (class, ethnic or religious group) that control the state are promoted over and above those who do not exercise political power. This is done through the obnoxious laws (Land use act of 1978, Petroleum act of 1969) of the state which reflects the interest of those who exercise political power.

Considering the method in which power was acquired, it was obvious that the people were not going to get much from the democratic government that replaced the military one because; the people did not choose the government, but rather, it was imposed on them. Nevertheless, the people were still optimistic. The first significant event that stunned the people and brought them back to reality was the Odi massacre. The Odi massacre made the people realize that they were still under a military regime masquerading as a democratic one. Shortly after assuming office as president of the federal republic, the Obasanjo's administration ordered a military clear out of Odi

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(a small town in Bayelsa) due to the death of some police officers at the hands of some rebel youths from the community. At the end of the operation, the town became a ghost town.

The event at Odi was a clear message of intent from the government that it was not going to tolerate any challenge and that it was going to crush any form of opposition without regard for the rule of law (a fundamental principle of democracy). Sadly, the brute force, highhandedness, and disregard for the law shown by the Obasanjo's administration set the standard as to what democracy in the 4th republic represents. The ease at which the Obasanjo's administration maneuvered the national assembly' up to the extent the senate produced 3 senate presidents in his first tenure, only showed they were nothing but puppets in the hands of the executive and that checks and balance was all but an illusion.

The level at which the executive arm disregarded judicial pronouncements and engaged only in selective judgments that was in its favor, made the people realize that the only way they were assured of justice was to take the laws into their hands. The above is particularly true in the case of the Niger Delta and its clamor for resource control. The government had refused to listen to the peaceful agitations of the people who bore the brunt of oil production for a more favourable share of the national cake that reflects their input. The refusal of the government to listen to the plight of the people led to the militarization of the region. This ugly scenario was already pointed out by John Locke when he opined that the state of nature will degenerate into a state of war when people try to oppress others. When the activities of militants group started destabilizing the purse of the government, once again instead of to look for a diplomatic way to settle their differences, the state decided to apply its coercive force. It was when military confrontation failed, that the Yar' Adua's administration that took over from Obasanjo decided to offer the rebel youths amnesty (a social contract).

The decision to grant amnesty to the rebel youths coupled with the failure of fixing the fundamental issues made the people to realize that the government only understood violence. The decision to apply violence whenever a section of the country is aggrieved is informed by the believe that justice cannot be gotten through the court. Another case to buttress this point (that the people have lost confidence in the judicial process) is the radicalization of the Boko Haram sect. it is on record that the Boko Haram sect had existed peacefully before her leader the late Mohamed Yusuf was brutally killed while in police custody. Today, the Boko Haram sect is the deadliest terrorist group in West Africa. Since 2009, the sect has been ravaging the North. Similarly, the failure of the government to checkmate the Fulani herdsmen in their incessant killings, and their swiftness to crack down heavily on IPOB protesters might create another violent sect in the country in the nearest future.

Apart from the anomaly mentioned above, more worrisome is the issue of monumental corruption that has plagued the country. Shortly after the return to democratic rule in 1999, the state of affairs made it almost impossible for well meaning/credible development oriented candidates from breaking into the elite or leadership circle. This has made our political environment to be infested with 95% of old men who can hardly perform making it resemble what we call ***Geronto-democracy*** (a democracy ruled and control by the oldest people who supposed to have retired but are rather vehemently against giving young people important elective positions but can only vote). It's very important to note that many of these young people have great legacies in the Nigerian history. The likes of Awolowo (24years), Melford Okilo, Nnamdi Azikiwe, Tafawa Balewa, Odumegwu Ojukwu, Sir Amadu Bello only to mention a few. As a matter of fact, the present ruling class has remained the same set of people right from independence who keeps recycling themselves in an endless manner to ensure they remain in power. The above has made the youths to realize that the future does not belong to them, and that the only way in which they can break into the ruling class, is to apply violence.

The present state of political instability is only a reflection of a failure in governance. This is in line with the assertion made by Locke that the state of nature will degenerate in to a state of war because of the absence of: a) the absence or lack of an established law known to all; b) the absence or lack of an independent/impartial judiciary to adjudicate the law; and c) the absence or lack of an executive to enforce the law (Wayper, 1974 in Ibaba, 2004; 101). The manner at which the executive arm manipulates the constitution to their favor has left every one with the feeling that there is a ***lack of an established law known and acceptable to all***. The above argument becomes even more plausible when we put into consideration that the present constitution was drafted by the military without due consultation of the masses whom the constitution is supposed to be binding on. Secondly, the ***dependence of the judiciary*** on the executive has meant that there is an absence or lack of an independent/impartial judiciary to adjudicate the law. Also is the fact that the Nigerian judicial system is weak and can be easily manipulated by the elite/ruling class thereby making the common man to resort to jungle justice at every slightest opportunity. Finally, the ***failure of the executive*** to keep to their part of the contract by ensuring that the lives and property of the populace is secured has meant that the people have resorted to self actions and responsibilities towards surviving and coping with insecurities.

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V. Managing the State of War: towards Reinventing the Contract Terms and Restructuring the State

In every social phenomenon the easy part has always been identifying the problem whilst the difficulty lies in proffering a solution. Thus, this section seeks to look at possible solutions to the Nigerian problem by reinventing the contract terms and restructuring the State.

There is no doubt that the Nigerian State was built on a shaky foundation by her founding fathers through the 'ethnicization' of politics. The decision to exploit the huge ethnic difference of the people by our founding fathers to gain political power has sown a seed of discord/hatred among the different ethnic nationalities especially amongst the South/East and West/North. The South-South and South East now see the South West and North as common enemies. The above is true when one puts the 2015 presidential election result into perspective. Firstly, it is important to state that a country that is not united cannot progress/grow as there will always be an internal contradiction to impede progress/growth. The United States of America is regarded as the most powerful/developed nation in the world today because she is truly united. Thus, it is obvious that the most challenging phenomenon confronting Nigeria today is her unity. Thus, the question to answer is: how do we fix our differences, stay united, and progress?

To answer the question above, we must first of all identify the major challenge to our unity. When the Northern protectorate and Southern protectorate were amalgamated in 1914, the British government failed to take cognizance of the fact that the huge size of the North was always going to ensure that she remains a permanent majority consequently, that single action by the British colonial government created a permanent minority; a people who felt that no matter how hard they work, they were not going to get the best out of the union. This is seen in the decision of Igbo's to pull out of the union just after three years of independence. Up to this day, there is a feeling of discontent amongst the various ethnic groups especially amongst the minorities (Nnoli, 1978; and Etekpe, 2007). The above is not helped by the fact that whilst one group has remained dominant in terms of control of political powers, the bulk of the resources that has kept the country going is found in the minority region. The general believe amongst the minorities is that; the major ethnic groups have used their power to manipulate the distribution of resources in the union in their favor despite contributing little to the economy. Their fears (the minority groups) is made plausible by the fact that Karl Marx stated in his material dialectics that those who control "the super structure (politics), controls the sub structure (economy)".

The lopsidedness of Nigeria in terms of land mass and resources has ensured that each ethnic group (both majority and minority) have lived in fear. The Hausa/ Fulani ethnic groups which are the majority are afraid that if political power is lost, survival will be a matter of life and death to them. On the other hand, the South-South and South East are afraid of the domineering nature of the North, and have been crying of not being treated fairly in the union. Suffice it to say that, the fears of both regions are not out of place. And as such, if nothing is done to allay these fears, the country will find it difficult, if not impossible to progress.

It is obvious from the above as the facts speaks for itself that the country is in dire need of a restructuring. Thus, there is no gain saying that the country is need of a conference that will reflect the will of the people by producing a constitution that truly represents the people not an imposed one, like the present constitution. A National Conference was held to this end, but sadly, up to this day, the recommendations of that conference have not been implemented due to some selfish interest. Once again suffice it to say that; if we are to progress, we must be ready to make some difficult sacrifices, set our differences aside, and be ready to implement policies that will represent the interest of all and not a segment of the union.

VI. Conclusion

The problems of Nigeria have metamorphosed beyond leadership into institutional problems. Nigeria is living in falsehood, as the constitution does not reflect the will of the people. Thus, if we are to progress from this 'state of war' in which we find ourselves, then we must be ready to reinvent/renegotiate the contract terms of this union that will ensure that the government exists for the good of the people; and as such should depend on their consent; and finally, should be limited and constitutional in its authority.

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