

LOCATING THE REALITY OF THE SOCIAL CONTRACT THEORY AND THE FAILED STATE CONCEPT IN NIGERIA'S GOVERNANCE

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Abstract

Fifty-four (54) years after Nigeria gained political independence, the country has not translated her enormous human and natural resources to expected economic development measured in GDP per capita. Poverty became widespread, the incidence rising from 27.2 in 1980 to 46.3 in 1985 to 42.7 in 1992 to 65.6 in 1996 and 69.0 in 2010. Poverty manifestations include decaying infrastructure, child abuse/labour/trafficking, cultism, brain-drain, insecurity, industrial unrest, 'sorting', handout, examination malpractice, certificate racketeering, indecent dressing and seduction, poor attitude to work, embezzlement of public fund, extortion by uniformed men, degrading environment, among others. This review study adopts the critical research method to locate the reality of the Social Contract Theory and the Failed State Concept in Nigeria's situation. It concludes that Nigeria has lost the 20th century to leadership ineptitude and recommends a sovereign national conference.

Introduction

Fifty-four (54) years ago, Nigeria gained political independence from British Rule on October 1, 1960. The country, which is richly endowed with human and natural resources, has not translated these potentials to expected economic development. Nigeria crawls behind other developing countries in terms of economic development measured in GDP per capita. For example, the GDP per capita of Venezuela grew by 20 folds from \$3.8 billion in 1965 to \$75 billion in 1995; Malaysia grew by 27 folds from \$3.1 billion to \$85 billion; Indonesia grew by 52 folds from \$3.8 billion to \$198 billion; but Nigeria grew by 3.6 folds from \$5.8 billion to \$26.8 within the same period. Again, Cameroon's GNP per capita grew from 599 in 1975-1984 period to 771 in 1989-1998 period; Senegal from 436 to 629; Benin from 313 to 367; Togo from 325 to 363; Ghana from 356 to 396; but Nigeria's figure rather dwindled from 599 to a miserable 258 within the same period (Eneh, 2006).

Little wonder, poverty became widespread in Nigeria, tormenting the citizens in rural and urban communities. The incidence rose from 27.2 in 1980 to 46.3 in 1985, to 42.7 in 1992, to 65.6 in 1996, and 69.0 in 2010 (NBS, 2011; World Bank, 1996). The manifestations are decaying infrastructure, child abuse/labour/trafficking, cultism, brain-drain, insecurity, industrial unrest, 'sorting', handout, examination malpractice, certificate racketeering, indecent dressing and seduction, poor attitude to work, embezzlement of public funds, extortion by uniformed men, degrading environment, among others (Eneh, 2009a).

This review/study is an attempt to locate the reality of the Social Contract Theory and the Failed State Concept in Nigeria's situation. It adopts the critical research method. After this brief introduction, the paper is structured along conceptual and theoretical literature, relationship between the Social Contract Theory and Failed State Concept, applications of both theories to Nigeria's situation, conclusion and recommendations.

Conceptual Literature

Concept of governance

Governance, which is often confused with governing and government, is better appreciated by differentiating it from governing and government. Governing refers to those social activities which make a purposeful effort to guide, steer, control, or manage the society. Governance, on the other hand, describes the patterns that emerge from the governing activities of social, political and administrative actors. It concerns the ways and means in which the divergent preferences of citizens are translated into effective policy choices, about how the plurality of societal interests are transformed into unitary action and the compliance of social actors is achieved (Ukiwo and Chukwuma, 2012).

Government centres on the institutions and actions of the State, while governance accommodates non-state actors, such as the business community and civil society, in the analysis of societal steering. Thus, governance covers the whole range of institutions and relationships involved in the process of governing (Ukiwo and Chukwuma, 2012).

Social Contract Theory

The Social Contract Theory came from the works of three important Philosophers who were concerned with Order and Stability in modern society as against chaos, confusion and bad leadership. Thomas Hobbes worked on *Leviathan* (1651); John Locke worked on *Two Treatises on Government* (1690) and Jean-Jacques Rousseau worked on the *Social Contract* (1762). The ideas they propagated in these works are referred to as the Social Contract Theory, which refers to a contract between persons in pre-socio-political conditions declaring the terms in which they can create and submit to political authority or government.

The Contract explains a transition from a state of nature to a social and political existence. Hobbes tells that in a state of nature before any government came into being, everybody desired freedom but also tried to dominate others, because of self-preservation instinct. With this, a war of all against all existed which made life solitary, poor, nasty, brutish and short. In this state of Nature, there was no property, no justice or injustice. Force and Fraud were the two cardinal issues at stake.

In order to escape from these evils, men formed communities and agreed (among themselves) to create and subject themselves to a central authority. There is no right of rebellion because the Ruler is not bound by any contract but the subjects are bound by the contract. Essentially, the Ruler is an absolute Monarch or an absolute Assembly. The Covenant is not between the citizens and the Ruling Authority, but by the citizens with one another to obey such a Ruling Power the majority shall choose.

Locke's version of the Social Contract Theory was a reaction against the Divine Right of Kings: That God gave the Kings the power to rule. He stated that the State or the Government is a party to the contract and can be justly resisted if it fails to fulfill its part of the bargain. Essentially, it is a democratic doctrine. Locke believed that in order to change the state of nature, which is not desirable, government or the State, must exist. Locke theorized that outside the state of nature, every man is a judge in his own case. But, where a Monarch is a party to the dispute, the Monarch becomes both judge and plaintiff. This, therefore, leads Locke to say that governments should not be absolute: The judiciary should be independent of the executive. The power of the government or the State is confined only within the common good. The chief end of people coming into political society is for the preservation of their property. The authority cannot take from any man any of his property without his consent.

In Rousseau's version of the Social Contract, self-preservation forced men to move from primitive independence in the state of nature to a

direct democracy, where all citizens have the right to participate in making the laws for the good of all in the community. He recognized that even the smallest possible community capable of independence could not give political rights to everyone. His model of a community is a small-scale type, not a large-scale community, as other theorists conceived. Unlike Hobbes, Rousseau theorized that the state of nature does not contain war of all against all. Rather, it harbours friendship and harmony among people because natural man is moved by self-feelings of sympathy and compassion.

Russell (1981: 669) quoted Rousseau as saying that “Man is born free and everywhere he is in chains. One man thinks himself the master of others, but remains more of a slave than they are!” His emphasis in the theory is on the liberty and equality of man within the State.

However, the general feature of the Social Contract Theory is the unrestricted personal freedom which the individuals surrender to the State to ensure their safety, private property and other personal rights. The theory arose out of the struggle of the elite of the time against feudalism and absolute monarchy. The Marxist Theory of the State which presented the other side of the coin declares that the Social Contract Theory was an ideological justification of the bourgeoisie’s claim to political power.

The Failed State Concept

The Failed State concept came into being in 1990 due to difficult circumstances which hindered progress and human development in many Third World countries. According to Eisentrager (2012), the concept was first used by Boutros Boutros-Gali and Kofi Annan, two former Secretaries-General of the United Nations, to capture the character of the situation in those places as it was at a particular period. Somalia was used as a famous example where life was very difficult. With the issues of democracy and human rights taking prominence in international political

context and the weakened role of the Soviet Union, the United States influence in international circles increased and forcefully promoted the Failed State Concept.

A failed State is a State considered as having failed in some basic responsibilities of a sovereign government. For example, when a central government is so weak and ineffective that it has little practical control over its territory, the State is said to be fragile or to have failed. The US-controlled Fund for Peace and the Foreign Policy magazine have published annually since 2005, the Failed State Index, comprising 12 factors which are grouped along social, economic and political lines, thus:

- Social: 1. Mounting demographic pressures
- 2. Massive displacement of refugees, creating severe humanitarian emergencies
- 3. Widespread vengeance-seeking group grievance
- 4. Chronic and sustained human flight.

- Economic: 5. Uneven economic development along group lines
- 6. Severe economic decline

- Political: 7. Criminalization and/or delegitimization of the State.
- 8. Deterioration of public services
- 9. Suspension or arbitrary application of law; widespread human rights abuses.
- 10. Security apparatus operating as a State within a State
- 11. Rise of factionalized elites
- 12. Intervention of external political agents

Critics submit that the name, Failed State, is value-laden and has negative connotations. It has been used as an excuse for military interventions and for keeping failed States at the periphery of international relations. For example, foreign investors and tourists keep away (from Somalia) because of the perception of Somalia as a failed State. Besides, Somalia is not represented in the United Nations and in global or regional institution.

Eisenstrager (2012) argues that a big challenge in appreciating how things work outside the western world is that many of the concepts used in international relations are based on western history and thought. Max Weber defined a State as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory”. African States are often compared with the idea of this “ideal State” seen as typical of a western State. But this leads to focusing on the lacks, the incompleteness of those African States. Hence they are labeled as weak or failed. But then every State has its own specific features. Hence, generalizations become impossible.

Secondly, Weber’s State is an idea of a State that never existed anywhere in practice. For private violence and private security have existed among western nations since modern times till this day. If the States in the West are to be judged by the same standard as the States in Africa, they can get the failed label also (Eisenstrager, 2012).

In his book, *Failed States*, Chomsky (2007 in Eisenstrager, 2012) shows that USA shares features with other failed States; yet the label was not applied to it. The label conceals more than it tells or enlightens. We must look beyond the State and within the State when we analyze the States in Africa, especially Somalia.

The Failed State concept is ideological, ahistorical and reflecting a Western bias of what constitutes a successful State. Terrorism and transnational threats associated with the concept show little empirical evidence that weak States impose global threat. Hans-Joachim Spanger

(2000) tells that the States in Africa are different from the States in the West in the sense that the latter has endured centuries of negotiations and de-coupling as an institution from individuals who run it as clan and kinship loyalties. But African States have very recent collective memory. Hence, the concept of modern constitutional State in its abstract nature is difficult to understand. The political conclusion here is to reconsider the call for “good governance” as an important precondition for good development.

Relationship between Social Contract Theory and Failed State Concept

The Social Contract Theory considers the Origins of the State, while the Failed State Concept explores the decline, the apparent disappearance or else the deceptive existence of the State due to its inability to perform its assigned functions. The Social Contract Theory and the Failed State Concept can both be related to the Marxist Theory of the State which is an alternative explanatory principle. It tells that the State came into being as an organization of the class dominant in the economy to safeguard the existing order and suppress the resistance of other classes.

State appeared when society broke up into classes as an instrument of the exploiting groups for the suppression of the exploited class. It is formed as a special public authority with an army, police, prisons and various institutions of coercion. Marx and Engels (1977: 38) note that “The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie.” The Marxist Theory tells that the proletarian State is not a State in the full sense of the word because it essentially expresses the interests of the working people and will eventually disappear into a stateless society, in the course of time.

The main task of the working class is to “smash the bourgeois State machine” and establish the dictatorship of the proletariat, leading to the state of the whole people. This highest stage in the development of the

socialist State leads to an eventual transition to communist public self-government, following the principle of “from each according to his ability and to each according to his needs.” Here, stateless society becomes possible. Socialism is not a mode of production but a transition stage between capitalism and communism which is a stateless/classless condition.

So, on the one side of the coin, the State is a necessity. On the other side, the State is an exploiting institution which must be done away with because it is not necessary. But then, the Marxist economic analysis of the State, whereby the State will wither away in a classless society, has been countered in the political analysis called *Elite Theory* by Vilfredo Pareto and Gaetano Mosca, two Italian Sociologists (in Eisentrager, 2012). They tell that a classless society is impossible because there will always be a ruling few who have the power and the ruled many who do not. Only a small number of persons allocate values to society and these persons belong to the upper strata. At no time can this be any different.

Incidentally, the Marxist Theory of the State and the withering away of the State apparatus leading to a classless society has been successfully ridiculed in a satire by Orwell (1945) called *Animal Farm*, in which the communist revolution was portrayed as the take-over of a Farm by its animals in which they announced, among other things, that:

*All animals are equal
No animal shall sleep on a bed
No animal shall drink alcohol..... etc.*

These rules were gradually re-written by Squealer, one of the animals, who served as the Minister of Information:

All animals are equal..... but some are more equal than others.

No animal shall sleep on a bed..... with bed sheet

No animal shall drink alcohol..... to excess.

These are just three out of the nine rules that were changed to suite the political leaders of the Animal kingdom. In the end, Orwell skillfully demonstrated that a stateless or classless society is impossible!!!

Applications of the Social Contract Theory and the Failed State Concept to Nigerian Condition

The Nigerian condition is a most lachrymal type. Applying the Social Contract Theory and the Failed State concept to Nigeria's situation, it is easy to recognize why Nigeria was ranked 16th out of 55 States considered in the 2013 Failed State Index. Is the Nigerian State effective? The Newswatch weekly magazine (special edition) of October 6, 1986 had a cover page title: "Nigeria: why nothing works". From one sector to the other, it listed a litany of failures.

Few years after independence from Britain, vengeance-seeking groups emerged among factionalized political elite. The Nigerian civil war which took millions of lives in 30 months (1967-1970) was the result. Refugee status came into being in Nigeria. Accusations of genocide against the Federal Government were rife. Many Igbo children were sent to Gabon, so that the Igbo ethnic group could survive on earth in the event of a complete extermination. Several religious riots, and breakdown of Law and Order in the North since 1980s and 1990s, took place.

Since Independence in 1960, Nigeria has had no less than eight coups d'états, in the attempt to remove ineffective governments or to avenge some perceived grievances. These led to heavy shedding of blood.

In the mid 1990s, the Niger-Delta people suffering from environmental pollution, and led by Asari Dokubo, took up arms against the Federal Government, over perceived injustices in the region. They introduced kidnapping in the society which spread to the South-eastern States, and persists till today. Presently, the Boko Haram insurgency is having its way, bombing and burning and destroying places, kidnapping school children, and inflicting terror to the Nigerian society. A most recent case in point is that of the Chibok Girls where over 250 girls from a Girl's Secondary School, Chibok, Bornu State, were kidnapped by a Terrorist Gang. Some girls were said to have escaped, remaining about 217 of them yet to be found. It is over two months now. Yet, no solution is in sight. And, there has been mounting anxiety, nationally and internationally. All these are costing Nigeria so much in human and material resources.

There is growin unemployment, even among university graduates. Brain-drain has continued to grow in Nigeria. And, expatriates have continued, on the other hand, to desert the country.

Widespread corruption, which the Nigerian State is almost unable to control, has persisted. The Economic and Financial Crime Commission (EFCC), National Dug Law Enforcement Agency (NDLEA), Naional Agency for Food and Drug Administration and Control (NAFDAC), Standard Organisation of Nigeria (SON), and several other control or fighting agencies can only be effective according to the whims and caprices of the leadership, who sometimes uses these instruments to fight perceived enemies and political opponents. Political officials go into the public realm to amass stunning wealth. Things have become so bad that Achebe (1983: 10) asserts:

The trouble with Nigeria is simply and squarely a failure of leadership. There is nothing basically wrong with the Nigerian character. The Nigerian problem is the unwillingness of its

leaders to rise to the responsibility, to the challenge of personal example which are the hallmark of true leadership.

Continuing, Achebe (1983: 2-3) submits that countless billions of Naira generously poured into Nigeria's national coffers by Providence between 1972 and 1982 would have been enough to launch this nation into the middle-rank of developed nations and transformed the lives of our poor and needy.

But what have we done with it? Stolen and salted away by people in power and their accomplices. Squandered in uncontrolled importations of useless consumer merchandise, Embezzled through inflated contracts to an increasing army of party loyalists who have neither the desire nor the competence to execute their contracts.

Achebe concluded that we have lost the 20th century.

In the effort to solve Nigeria's problem, States have been created, and Local Government Councils have been created. Likewise, the six geopolitical zones were created. But, those structures contain grave injustice which must be addressed because of their allocative roles in resources. Each of the geopolitical zones has 6 states, except South-east with 5 States and North-west with 7 states. Kano State alone has 44 Local Governments, which is more than all the Local Government Areas in the 5 South-eastern States put together.

Recounting the injustice in Nigeria, Achebe (2012) admitted State failure in the country:

The Nigerian government has failed woefully to enforce laws, protect its Citizens from wanton violence, particularly attacks

against non-indigenes living in disparate parts of the country..... I hope that this mindless carnage will end only with the dismantling of the present corrupt political system and banishment of the cult of mediocrity that runs it, hopefully, through democratic process.

Achebe (2012: 252) continued to ask:

How can this state of anarchy be reversed? What are the measures that can be taken to prevent corrupt candidates from recycling themselves into positions of leadership? How do we begin to solve this problem in Nigeria, where the structures are present but there is no accountability?... How does Nigeria bring all the human and material resources it has to bear on its development? How do we clean up the Niger-Delta? What do we need to do to bring an end to organized ethnic bigotry?

And many other questions he raised. He then suggested a National Conference where Nigerians must sit down to discuss and negotiate the basis for continued existence. A National Conference is going on in Nigeria, to discuss the Nigerian condition. And several ethnic nationalities have submitted their memoranda as to how they want Nigeria to be governed in future. This conference is our Hope, our Help, whose result, if and when implemented, will help to move Nigeria forward.

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