

HOBBS' SOCIAL CONTRACT THEORY: IMPLICATIONS FOR CITIZENS CUM GOVERNMENT RELATIONSHIP IN NIGERIA

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Abstract

The paper examines Hobbes' social contract theory in practical political discourse for the backdrops of the political disagreements, protests, revolutions, and ethnic militia in Nigeria. It observes that political disagreements, protests, revolutions, and ethnic militia are practical expressions of citizen rights to better treatment in a contractual relationship between citizens and government. As against Hobbes' social contract theory which gives absolute authority to government, this paper concludes that the activities of political disagreements, protests, revolutions, and ethnic militia are complementary mechanism to ensure the workability of social contract principle in citizens and government relationship in Nigeria.

Keywords: Social Contract, Protest, ethnic Militia, Revolution, Political Disagreement, Contract Vitiating, and Ideologies

Introduction

Hobbes presents his social contract theory in a series of works, the most famous of which is *The Leviathan* (1651). For Hobbes, the powerful governing body that we establish for protection is like the "Leviathan," a large mythological sea creature as depicted in the Hebrew Bible and earlier Canaanite mythology. The Hebrew Bible describes the great sea creature as the king over all the children of pride. Similarly, Hobbes saw that the government as the king over prideful people insofar as our human pride forces us to create a government for our own protection.

The social contract theory is a widely accepted explanation for a constituted authority and individual citizen relationship. As a ground for political obligation, social contract has continued to attract renewed interest not only because of its suitability for justifying political relationship; but it has also elucidated sharp focus on political correlation because of its implication on the

issue of contract violation when either of the party to social contract did not live up to contractual obligation as may be required.

Of recent the phenomenon of political dissident which is fallout of social contract has attracted attention of philosophers, politicians and social engineers. This is because in any contractual relationship (social contract model inclusive), the unwritten code that binds parties to the contract is that the other party reserves the right to contract violation (Sheehan, 26), when one party has failed to lived up to the conditions of the contract. Of course, if there is strong institutional framework that strengthen contracts by providing for proper, impartial and balanced adjudication as to permit “righting” every wrong in an event of distortion or injury to the injured

In a political relationship, one can be assured that the right of redress by either party to the contract can be easily entertained. It can very be disturbing, however if the institutional framework that is supposed to enforce these rights is weak, bastardized, not existing or inappropriately structured.

The contractual agreement that exists between a constituted authority and the citizenry as predicated by social contract model assumes various responsibilities and obligations as far as each party to the contract is concerned. The ability of contract to properly address the issue of the contract violation in an event of a party not living up to ‘his’ responsibilities or obligations is an issue of serious concern to socio-political philosophers. The phenomenon of political dissidents happens to be one of the direct consequences of a defective, ineffectual and structurally imbalanced contractual relationship between the citizenry and constituted authority.

Philosophical Review of Social Contract Theory

The social contract theory provides an acceptable, reasonable and influential ground for political obligation in citizenship and constituted authority relationship. The theory has a long history and it may be difficult to pin social contract tradition to a particular era in political history. The history of social contract theory is more or less the history of social and political philosophy. For instance, despite the extreme mysticism that permeates ancient philosophy, the philosophers of old imply certain degree of contractility in their discussions on social and political issues. Plato emphasizes in his republic the needs for natural harmony between the state and individual citizen (Nisbel, 33). To Plato, the mission of political community is to provide the means whereby all distinction in individual and the best in him can be realized within the context of conducive individual and community relationship (Darly, 28).

Aristotle on his own part define the state as a self sufficient community containing everything necessary for its citizen to live the good life; the common realization of the good life for all its citizens is the end and the object of the state. Man in himself is a social animal more than the bee; living together in the same territory, having common relationship but the common working and sharing is in the highest good of man and the state (Miller, 406). The implication of this statement by Aristotle is that there is a prima-facie contractual relationship between man and the state. In other words, the state and the individuals are in accord of sort, there is a sort of reciprocal relationship between the state and citizen, a reciprocal relationship that is perhaps founded on mutual reciprocity.

John Locke was more forceful in his treatment of the contractual basis of political society. He asserted that man in his original state is in a state of war. In the original state, there was absolutely no authority to decide between individual contenders. But as time goes on, man realized the need to put an end to incessant wars. In the new society, man subjected himself to authority, a collective power from which relief can be sought by appeal.

By social contract, Locke means, the giving of consent by men, with one another to “join and unite into a community for their comfortable, safe, and peaceable living, one amongst another in a secure enjoyment of their property, and greater security against any, that are not of it” (66). Men surrender their power to the formation of a body politic wherein the majority has a right to act and conclude the rest.

The power surrendered while entering into this contract were the legislative and executive powers. Thus, every man who has entered into civil society has thereby quitted his power to punish offences as in natural law, in prosecution of his own private judgment. But the function now belongs to the government, the right to judge and punish an aggressor. It has been handed over to the legislative (supreme). The benefit of this pact is for the preservation of property and maintenance of order.

Furthermore, the nature of this pact that kept people in one body politic is the equality of men and not dominion. Therefore, we should not ever dream of monarchy being *jure Divino*. In this sense, the peaceful beginning of government has been laid in the consent of the people. Therefore, the people can still revolt against a tyrant who violates their right(s) because such an attempt will bring back the state of war. Then, one can infer from Locke’s theory that the chief end of forming the civil society is the preservation of

property. Thus, the people finding their property insecure under the government (government that has no other end but the preservation of property) as it was, could never be safe nor at rest, nor think themselves in the civil society, till the legislative was placed in collective bodies of men.

In Jean Jacques Rousseau, social contract was more critically expounded. To him, the social contract is a pact that is universal, transcendental, even though unwritten and informal, but tacitly recognized and admitted by all men (Rouaseau, 24). Under the social contract, a pact is struck by men in exchange for the old forms of existence at the state of nature. In the new form, everybody enters a social union under equal condition. The condition is that everyone submits all old liberties and possession in the state of nature and acquires moral and political freedom granted by the universal will. The universal will is the effect of free act union and association of all individual parties that participated in the social contract.

It was Rousseau who affirms that the true basis of any political society is to be found in a covenant of a social contract. The social contract therefore is a form of covenant in which every individual in a political society enters into a social union under equal condition. In the social contract arrangement, “everybody relinquishes all old natural liberties; each man gives up his freedom in order to empower the collective (Rosseau, 28). Social contract therefore implies that there was a prima facie agreement between individual within the society and the agreement was based on individual renunciation of liberties in order to support the collective. To Rousseau, man submits himself to nobody in particular but to general will. The general will is the result of free act of union of all individual parties that participated in the social contract. The social contract thus holds that an “individual submits his liberties, will, powers and freedom to the supreme direction of the general will.

Other writers and political philosophers equally made crucial contributions to the enunciation and development of social contract model as regard political relationship. That is From Kantian contractual foundation of society to Rawls contract theory which is anchored on justice based on considered moral judgments. Robert Nozick on his part postulated the social contractual basis of the society. He specifically examined the role of individuals in the new contractual arrangement. At the end of the day, he propounded the entitlement theory which he claimed would protect individual rights against the authority of the state (Nozick, 12).

Karl Max developed a new social order that emphasizes mass revolution as a way of forcing the state to be alive to its contractual obligation. With the foregoing historical expositions, it is obvious that social contract theory form the basis of civil/political society.

Hobbes Social Contract Theory

From this fundamental law of nature, by which men are commanded to endeavour peace, is derived this second law: that a man be willing, when others are so too, as far forth as for peace and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men as he would allow other men against himself. For as long as every man holdeth this right, of doing anything he liketh; so long are all men in the condition of war. But if other men will not lay down their right, as well as he, then there is no reason for anyone to divest himself of his: for that were to expose himself to prey, which no man is bound to, rather than to dispose himself to peace. This is that law of the gospel: Whatsoever you require that others should do to you, that do ye to them." [Leviathan, Ch.VI]

Having concluded that it is natural and rational for people to give up some liberty in order to gain security of self-preservation, Hobbes develops a conception of what forms of social organization and political system are consistent with those aims. The condition in which people give up some individual liberty in exchange for some common security is the Social Contract. Hobbes defines contract as "the mutual transferring of right." In the state of nature, everyone has the right to everything – there are no limits to the right of natural liberty. The social contract is the agreement by which individuals mutually transfer their natural right. In other words, I give up my natural right to steal your food because you give up your natural right to steal mine. In place of the natural right we have created a limited right; in this case the right of property. Hobbes notes that we do not make these agreements explicitly because we are born into a civil society with laws and conventions (i.e. contracts) already in place. It is by performing the thought experiment regarding the state of nature and following the chain of reasoning Hobbes put before us that we can see the foundations of our commitment to civil law.

One matter that Hobbes' investigation allows is the examination of governments for the purpose of determining their legitimacy. The purpose of a government is to enforce law and serve the common protection. Wherever the government turns to favor the strong over the weak, one might easily conclude that the government has exceeded its legitimate function. In Hobbes' time the rulers claimed their authority to rule by virtue of divine right. God

made them King and anyone who questioned the authority of the King was challenging God. Hobbes made some powerful enemies by doing just that. Even though he supported philosophy clearly establishes the right of the monarch on the grounds of reasoned principle, rather than divine right. Hobbes secularized politics which led to an increasing demand for accountability of rulers to the people. The impact of this development on contemporary life is profound.

Implications of Hobbes' Social Contract Theory

The implications of the social contract are many. To start with, it provides acceptable foundation for realistic explanation of how and why of the genesis of human political society. In this, we are able to see how life in the state of nature seems somewhat unbearable. And if man must survive, he needs to evolve and develop an alternative survival strategy from the turbulence inherent in the state of nature. As a foundation of society, the social contract addresses the problems of every individual survival within the context of all. The social contract upholds the uniqueness of each individual in political relationship. Otubanjo for instance opines that "in mature society, the social contact theory recognizes every individual as a unique entity or citizen" (67). In addition; every citizen has equal contribution in the emergence of political society. Every citizen as a matter of course and right has equal stake in the involvement of political authority.

Furthermore, it also implies that collective will is necessary antecedent for a political society. The sanctity of collective will is against the backdrops of concerted public resolution. Eventually, collective will translates to sovereign authority and super intelligence which is expected to work always in furtherance of public interest. This means that there is a bargain of some sort between the citizen and politically constituted authority in the form of reciprocal engagement. In other word, there is a contractual relationship between the citizens on one hand and constituted authority on the other. In that wise, the state can only function based on the directives of the citizenry. This is because the state owes its existence to the citizenry. As a party to the social contract, the citizen must always act to support constituted authority in anticipation of welfare, security and growth. While state must protect the citizen in exchange for the citizen's support. The social contract ultimately assumes contractuality in the relationship between citizens and constituted authority. Although the contractuality in citizenship/authority relationship may not be formal or conspicuous, Raphael observed that the contractual flavor in citizen and constituted authority relationship is not only apparent but inferable in the relationship between the two parties.

The Validity of Social Contract in Political Relationships

The extent of the contract in political relationship has been a subject of debate among political philosophers, constitutional lawyers and practicing politicians. And the question has always been “How valid is the contract covered by the social contract? Of course, there are two opposing views to the issue of the validity in the contract advocated by social contract theorists.

Skeptics for instance, hold the view that the assumed validity in social contract theory is nothing but mere wishful thinking. To them, a contract is an agreement between two or more people and such agreement is intended to have legal consequence. For a contract to be valid therefore, it must be explicit and binding on each party to the agreement. More importantly, an agreement in a truly valid contract must be enforceable. For this reason, it is not all agreement that qualifies as contract since not all agreements are prime-facie contractual agreement. It is the position of skeptics that the agreement provided by the social contract does not qualify as a contract. This is because the social contract model does not have the essential elements of a valid contract. For instance they refer to the very important clause in valid contract which stipulates that there should be two or more party to a contract. In the case of social contract, they contend that the other party to the contract does not exist. The implication of this is that the citizen is only making a contract with himself.

Skeptics went further to say that intentions to create a legal relation must be clearly evident in a valid contract. This condition is clearly and conspicuously absent in social contract model. They opined that the clause of contract enforceability which is a necessary condition for a valid contract is also lacking in social contract postulation. To them, if a breach of any of the term of the contract cannot be easily enforced, where then comes the validity in the social contract principle?

To the proponents of the validity of social contract however, they contends that the social contract principle qualify in every respect as a valid contract. To them, it is a subsisting agreement in every sense of the word. They are of the view that the existing contract between the citizen and constituted authority within the purview of social contracts is not only very effective but effectual. To them, a contract does not have to be written before it becomes a valid contract. Even in actual situation, the agreement between citizen and the constituted authority has been written in the form of a constitution that govern citizenship and authority relationship, the category of what is commonly refer to as simple-quasi contract. A simple quasi contract is an

obligation imposed on account of circumstances which exists between parties (Patrick & Ponet, 65).

The social contract although not under seal, is easily inferable and can only be implied from the existing interaction between the parties. The contract between citizen and constituted authority is derivable from the existing relationship between each of the parties. To deny the existence of other party apart from the citizen in the contractual relationship is to be unfair to the social contract phenomenon. Apart from the citizen who remains a major party to the contract, the collective will or sovereignty derives its existence from the sanctity of the contract with each of the parties having specific duties and responsibilities.

The ensuring duties and responsibilities in the social contract oblige each contracting parties to commit mutual acknowledgement and respect for one another in terms of each parties' rights or duties as the case may be. The citizen should support the state and empower constituted authority through conscious alienation of his right. The constituted authority on the other hand through its institution of sovereignty must act always in furtherance of the comfort, security and happiness of the citizenry.

Closely related to this is the maintenance of fidelity. It stipulates that for a contract to be valid and enforceable, such agreement should incorporate a give and take transaction in which either of the party of the contract should intend to part with something of value to the one another (Rosseau, 30). In the case of the citizen and constituted authority relationship, the citizen willing gave up or alienate his coveted liberties in total support of the constituted authority, the constituted authority on the other hand acquire collective sovereignty so that citizen can be fully protected, assured of maximum liberties, comfort and security.

Be that as it may, it is the position of this paper that there is contractuality in the relationship encapsulated by the social contract model of political relationship. It notes that both parties in social contract model are conscious of this fact. Modern political engineering with emphasis on electioneering, democratic rules have assisted in widening the scope of contractuality in citizenship and constituted authority relationship. The only probable area where political thinkers, anti-social contracts and philosophers seem justifiable in their concern is in the area of contract vitiating.

Challenges of Contract Vitiating in Social Contract

A valid agreement in every situation should be capable of vitiating in an event of default by either party to the contract. Of course, social contract assumed that there is subsisting agreement between the citizen and constituted authority. If the citizenry as enunciated by social contract theory relinquishes his liberties in support of sovereignty, the sovereignty is in turn expected to reciprocate by acting always in furtherance of collective will. The legitimate question that arises from this relationship is that what happen if either of the party to the social contract defaults?

After all, a contract is truly valid if the basic ingredients of the agreement are apparent and are also enforceable. In other words, if a contract is not enforceable in a situation of default by either party, such contract is said to be a void contract. A contract is considered void when enabling agreement is seen as having no legal effect whatsoever. If the social contract is valid, what provisions does the social contract make in order to address the problems of contract vitiating?

This question is very crucial in the sense that there is no basis for any agreement which cannot be enforced when either party to the contract defaults.

To social contractarians', the social contract theory provides foolproof institutional framework through which agreement by the citizen and government can be enforced. They contend that since social contract theory rests on the principle that no government is legitimate which does not derive its power and function from the consent of the citizen, accordingly political power and authority resides in the hands of the citizenry. It is therefore the duty of the citizen to install its own mandate based on collective will. The assumption here is that any constituted authority that does not act in accordance with the dictate of the collective will risks losing the mandate. This is probably the reason why democracy as a form of government is often taunted and supported by social contractarians.

Democracy as a model of government falls perfectly into the ambit and requirement of social contractual relationship. As a form of government, democracy entrenches popular sovereignty and it is a system of governance in which citizen confer supreme power directly or indirectly through elected representatives. As a government of the people, by the people and for the people, democracy has an internal operating mechanism for addressing contract default. The institutional framework of democracy is structured

internally in a way that contractual obligations, justifications and adjudication in case of any default by either party to the contract can be taken care of.

Without doubt, the letter and spirit of democratic governance as a model of social contract theory is most assuring. G.H. Sabine observes that the internal mechanism and institutional framework in social contract, when practiced through democracy allows for accountability which contract vitiation is all about (Dworkin, 44). The bottom line of social contract as a democratic model is that citizenry must as a matter of necessity confer legitimacy on political authority and the consciousness that sovereignty rests with the citizen is sufficient as an instrument of accountability in case of default. If democracy as a social contract model is properly operated given the in-built accountability mechanisms, the issue of contract default or vitiation is nothing but a foreclosed issue.

Unfortunately, we are often confronted with unprecedented cases of crisis of confidence in practical political activities. Crisis of confidence occurs in contractual relationship between citizen and constituted authority. It is possible for any of the party to default in social contract. Although when citizen as a party to social contract defaults, it is not always problematic. The reason for this is that the state possesses collective power to deal with any recalcitrant citizen. In other words, if the citizen refuses to obey constituted authority, the constituted authority has force element with which she can ensure compliance.

The problems however become knotty when the citizen is at the receiving end. As in the case of common occurrences that bothered on infringement of the rights of citizen. When infringement occurs, it is not only injurious to the sanctity of the rights of citizen, but called to question the basis of social contract as a foundation of political relationship. Infringements can come in various forms. For instance, in situation where ensuring political authority is a mere perversion; where the collective will of the people, the cherished legacy and the main reason why citizen agreed to alienate his rights has been grossly violated. Specifically, a good example is when military organized a coup and force themselves on the people. For the purpose of governance that consent of the people. And when it does happen, it leads to arbitrariness, a near recourse to the state of nature where lawlessness and irresponsiveness on the part of the constituted authority hold sway. In such scenario, it is in the interest of social contract model that the rights of citizen be upheld in order to ensure validity of social contract as well as the sanctity of political relationship.

Other more precarious situation is possibly when citizen is unable to get the expected support from the social contract. When this occurs, the citizen would see himself only as a party to the social contract in an artificial manner. By so doing, the constituted authority is nothing but irresponsible. We have noted that when a citizen erred in a valid contractual relationship, the authority possesses collective force to ensure conformity. But when a constituted authority erred as is the case indicated above, what is the way out? Various alternatives have been propounded by political philosophers. The first alternative is for the citizen or any citizen for that matter to institute legal redress. By so doing the citizen is at liberty to use instrumentality of law to fight for political and social right. This approach would only be effective if the citizen and constituted authority collectively respects agreement as enunciated by the social contract. And also if the enabling institutional framework for seeking redress is permissible effective and conducive.

But when law becomes ineffective and useless, and the institutional framework is impervious to corrections and the citizen seems completely helpless, recourse to a more unorthodox method of promoting the sanctity of social contract becomes an inevitable tract. This is to say that when the institutional framework provided by the social contract seems to have lost its meaning, recourse to organized revolt seems inevitable. This is where the phenomenon of political dissidents comes in. Political dissidents are direct outcome of ineffective contractual relationship most especially when citizens contractual rights are infringed upon by constituted authority and the legitimate avenues for seeking redress as permitted by the enabling agreement seems not to be working, the development of an organized political revolt to overhaul and force the constituted authority to be alive to contractual responsibilities becomes imminent.

Political Disagreements, Protests, Revolutions, and Ethnic Militia as a Mean to Contract Vitiating in Nigeria

The phenomenon of political dissident emanated as a result of frustration among citizens in a political society. It is an attempt at contract vitiating by citizens who are conscious of their political rights within the context of social contract (Badmus, 54). Citizens in this context sought to assert their right, their great legacy which cannot be wished easily away. Political dissidents and ethnic militia are citizens that seek to exercise their rights by forcing constituted authority to live up to its responsibility in compliance with the dictates of social contractual obligations. This seems to be the case of ethnic militia in Nigerian political terrain.

Of recent, the phenomenon of political dissidents and ethnic militia became prominent in Nigerian political configuration. As the country contend with various development challenges that include inequitable distribution of resources, political imbalance, problems of national cohesion, minority issues, corruption among others, Certain categories of citizens both in personal and regional context wanted better bargain in the Nigerian citizenships/constituted authority relationship. They therefore constitute themselves into ethnic militia or political dissidents. In the Western part of Nigeria for instance, we have Odua People's Congress, (OPC) Arewa in the North, South-South agitators in the South, Ohaneze in the East. The bottom line is that these categories of citizen are Nigerian agitators who wanted better bargain more than they presently received in the existing political calculations. Of course, there are occasions when activities of political disagreements and ethnic militia aggravated into full scale antagonism with constituted authority but their overall aim is to ensure that constituted authority is made to wake up to their contractual responsibilities.

It is possible to assume that Nigerian political dissidents and ethnic militia have exhausted all legal avenues, but when law and other institutional framework are inefficacious; therefore citizens mobilization for pro-active action through organized revolts; civil disobedience or other allied-actions towards redressing anomaly may seems unavoidable. Specifically, disagreement actions on the part of political disagreements and ethnic militia are to force constituted authority to be legitimately responsible and responsive to the citizenry. Sheer banditry, ethnic militia, political disagreements and civil unruly behaviour may be justified if a given environment is saddled with socio-political mediocrity, where citizen right is bastardized and there is no effective legal means to seek redress. The citizen may be required to become deviant in order to resist evil and illegality. Little wonder that celebrated Nigerian legal luminary and a political activist, insists that political dissident is nothing but social contract in action. He sees political disagreement as citizen's action to force constituted authority to be alive to their responsibilities (Adeyeye, 12).

Conclusion

It is the conclusion of this study that the issue of political disagreements, protests, revolutions, and ethnic militia is more of a complementary mechanism through which citizens can assert their right within the context of social contract. This is after all avenues to seek legitimate redress, have been exhausted. In this sense, the common attitude by which political dissidents particularly ethnic militia in Nigeria are castigated may not entirely be justified. If not for anything, they made the government see reasons why they

must be responsible and accountable to their original constituency which is the citizenry.

Works Cited

- Adeyeye, A., Social Contract Theory and the Problems of Contract Vitiations in Citizens and Constituted Authority Relationship: A Case Study of Political Dissidents and Ethnic Militia in Nigeria: *Journal of Good Governance and Sustainable Development in Africa (JGGSDA)*, Vol. 2, No 3, December, 2014.
- Badmus I.A, Ethnic Militia Movement and the Crisis of Political Order in Post-Military Nigeria. *Journal of social sciences* 13 (3), 2006.
- Dworkin R., *Taking Rights Seriously*, London Duckworth, 1977.
- Darby H. R., *A Guide to Plato's Republic*, London, Oxford University Press, 1998.
- Hobbes, Thomas, *Leviathan* in *Great Book of Western World*, ed. By Nelle Fuller, Chicago: Encyclopedia Britannica inc., Vol. 23, 1952
- Locke J. *Essay Concerning the true original extent and End of Civil Government*, Edited by Mark Goldie, London: Guernsey Press Ltd., 1998.
- Miller, *Aristotle Political Theory*, Stanford, Encyclopedia of Philosophy, 2002.
- Nisbet, R., *The Social Philosophers*, New York, Washington Square Press 1983.
- Nozick R., *Anarchy, state and Utopia* Oxford Basil Blackwell, 1974.
- Otubanjo, F., *The Citizen and the State: The Balance of Obligation in African Philosophical Enquires*, Vol 2. No 1&2, 1988.
- Patrick, P., & Ponet J., *A Short Treatise of Political Power* Cole. G.D.H (Translated)
- Rousseau Jean-jacques. *The social contract principles of political Right*, Trans., Lowell Baie, New York: Mentor Book, 1974.
- Sheehan D., *Vitiations of Contracts for Mistakes and Misrepresentations in Restitution Law Review* 26 - 45, 2003.