

UNIVERSITY OF IBADAN

Distance Learning Centre Series

PHI 405

Democracy and Human Rights

By

Francis Offor, Ph.D and Ronaldo Olufemi Badru, Ph.D

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General Introduction and Course Objectives

The meaning of 'democracy' has become very controversial and elastic. This in part explains while its expression and concrete form varies from society to society. This fluid nature of the concept has made it increasingly difficult for anyone to decree a definition that will capture the essential features of all the various forms of democracy to be found in the different parts of the world. This difficulty in tracking the real essence of democracy may be attributed to several factors. One of them is that in current usage, the term has in a way come to acquire an 'honorific' title. It has for many, become another expression for 'modernisation', 'civilisation' and 'political decency'. This is the reason most regimes in the world, known not to be genuinely committed to the ideals and principles of democracy, now lay claim to it as a survival strategy. Again, it has become a known fact that most governments, especially from the former communist enclave were conferred with democratic titles by the West, not because of their commitments to the ideals of democracy, but because of their newly professed ideological leanings.

However, one of the ideals of democracy is that of a system of government in which every individual participates in the process of government either maximally or minimally; maximally as an elected representative and minimally through an elected representative. This idea of the people's right to participate in the process of governance is the most essential defining attribute that reflects in any genuine practice of democracy. It is this understanding of democracy that we adopt in this lecture.

Democracy so explained has certain defining features which have become its hallmarks. These features include free and fair elections, adherence to the letters spirit of the constitution, periodic elections, accountability, respect for the fundamental human rights of citizens, the principle of majority rule and the recognition of minority rights, amongst others. In this lecture series, we shall preoccupy ourselves with the history, meaning and features of democracy; the meaning and historical development of civil disobedience; rights, duties and obligation as well as the institutional frameworks provided by democracy not only for performing our duties and obligations but for expressing our fundamental human rights. One of such democratic frameworks for exercising our rights is civil disobedience. Civil disobedience, we shall argue, is a corrective mechanism informed by the individuals' moral conviction on the inadequacy of laws and policies of government. The basis for such conviction is provided by the individuals' conscience. For states in Africa to sustain their present democratic structures, both the citizens and governments must cultivate the right attitudes toward civil disobedience as one of the chief instruments for actualising the right of dissent. At the end of this lecture series, the student should be able to explain the history, meaning and features of democracy and civil disobedience, as well as explain the relationship between political obligation and duties on the one hand, and human rights and democratic practice on the other hand.

LECTURE ONE

HISTORY AND MEANING OF DEMOCRACY

Introduction

In this very first lecture, we shall make an attempt to examine the historical development of democracy as well as the various shades of meaning that democracy has attracted over the past few centuries of human political thinking.

Objectives

At the end of this lecture, you should be able to:

1. write short notes on the historical development of democracy in ancient Greece;
2. comment on the practice of democracy in ancient Rome; and
3. discuss the various understandings of democracy that have been provided by scholars.

Pre-Test

1. Write short and clear notes on the historical development of democracy in Greece.

2. The definition of democracy as ‘government of the people, for the people and by the people’ is a very popular one. Briefly explain what you understand this definition to mean.

Content

Presently, democracy is the main legitimating principle of government. All over the world, political leaders, activists and political thinkers proclaim their belief in democracy in one way or another. This, however, does not necessarily mean that there are no anti-democratic views and movements in the world at all. The submission only shows that democracy is popularly believed to be promotive of the general socio-political welfare of the people within the state. It is a form or system of governance that truly respects and promotes the moral worth of the human person in both the policy-making and policy implementation mechanisms of administration in society. But, how did democracy develop in the first instance? You have to know something in this regard.

Historical Development of Democracy

The Ancient Era

Traditionally, the origin of democracy is usually traced to the ancient Greece and it is believed to have developed around 508 BC. However, contemporary research has shown that democratic forms of government, in a broad sense, may have existed in several areas of the world well before the turn of the 5th century. Within that broad sense, one could plausibly assume that democracy in one form or another naturally emerges in any well-bonded group, such as a tribe. This could be called *primitive democracy*. This form of democracy is identified in small

communities or villages, where the following usually occur: face-to-face discussion in the village council or a headman whose decisions are supported by village elders or other cooperative modes of government.

In the pre-Babylonian Mesopotamia, epic, myth and historical records have shown what could be called *primitive democracy*. Within this context, this is a government in which ultimate power rests with the mass of free male citizens. Although, the various functions of government were not as specialized as we have them now and the power structure then was also loose. For instance, in the early period of Sumer, kings such as Gilgamesh did not hold the autocratic power which later Mesopotamia rulers wielded. The political norm was rather that major city-states had a council of elders and a council of “young men” (likely to be comprised by free men bearing arms) that had the final political authority, and had to be consulted on all major issues such as war.

In India, a serious claim could be made for the existence of early democratic institutions in the independent "republics" of *Sanghas* and *Ganas*, as early as the sixth century BC and these institutions persisted in some areas until the fourth century BC. Moreover, Diodorus (a Greek historian who wrote, two centuries after the time of Alexander the Great's invasion of India), without offering any detail, mentioned that independent and democratic states existed in India, though he did not give details of the evidence, which made him arrive at this conclusion.

In the ancient Greece, there was a loose collection of independent city states called poleis. A good majority of these poleis were oligarchies. Of all these oligarchies, Sparta stood out in relation to democracy. Although, Sparta was an oligarchy, it nonetheless rejected private wealth as a primary social differentiator.

In Spartan oligarchic government, the political power was divided between the following four bodies:

- (a) two Spartan Kings (monarchy);
- (b) the gerousia (council of elders which includes the two kings);
- (c) the ephors (representatives who oversaw the Kings), and
- (d) the apella (assembly of Spartans).

The two kings were to head the government. They were to rule jointly; though, they came from two separate lines. This somewhat novel system of kingship duality largely diluted the effective power of the Executive in Sparta. The kings had to share their judicial functions with other members of the gerousia. The members of the gerousia, who had to be over the age of 60, were elected for life, and they were to be selected from wealthy, aristocratic families. The gerousia functioned as a legislative arm of the Spartan government. The Apella, functioned as the Spartan Assembly. Spartans above the age of 30 were to elect the members of the gerousia and the ephors. In the final analysis, the five ephors were Spartans chosen in apella to oversee as well as discipline, if occasions called for it, the kings and other public officials. They were to have a single tenure (a year): their position was not open to a re-election. Ultimately, the ephors came to possess a great power to influence foreign policy and acted as the main executive body of state. The body was also responsible for the Spartan educational system (which was essential for maintaining the high standards of the Spartan army).

The Roman republic also contributed to the development of democracy in the ancient era. Rome was initially a kingdom. However, extensive social unrest

and the pressure of external threats led in 510 BC, to the deposition of the last king by a group of aristocrats led by Lucius Junius Brutus. This event led to the crafting of a new constitution, which, unfortunately however, did not reduce the frequency of conflicts between the patricians (the ruling families) and the plebeians (the rest of the people). The plebeians demanded for definite, written, and secular laws. The patrician priests, who recorded and interpreted the statutes, kept their records secret, using their monopoly to preserve the state of affairs that favoured their social class. After a long resistance to the new demands, the Roman Senate in 454 BC dispatched three patricians to go and understudy the Greek legislation of Solon and other lawmakers. On returning to Rome, the three plebeians reported their findings. In 451 BC, the Assembly chose ten men (a *decemviri*) to formulate a new code, vesting them with supreme governmental power in Rome for two years, and this commission of ten men was to be supervised by Appius Claudius. At the end of its deliberations, the commission transformed the old customary law of Rome into *Twelve Tables*, submitting them to the Assembly. The Assembly eventually passed them after some modifications. The *Twelve Tables* were thereafter displayed in the Forum for public view. The Tables recognized certain rights, and this eventually led in the 4th Century BC, to the recognition of the right of the plebeians to stand for consulship and other major offices of the state.

The Roman constitution provided for the following political structure:

- (a) there were two Consuls;
- (b) the Senate,
- (c) the Assembly

The consul was the highest ranking ordinary magistrate. Consuls had power in both civil and military matters. In the city of Rome, the consuls were the head of the Roman government and they were to preside over the Senate and the assemblies. While abroad, each consul would command an army.

The Senate passed decrees, which were called *senatus consultum* and these were officially advisory to a magistrate. However, it is noteworthy in practice that it was difficult for a magistrate to ignore the Senate's advice. The Roman Senate focused on foreign policy. Though it technically had no official role in the management of military conflict, the Senate ultimately was the force that oversaw such affairs. Furthermore, it was charged with the responsibility of managing the Roman civil administration. To become a senator, the candidate must have, among others, at least 100,000 denarii worth of land, must be born of the patrician (noble aristocrats) class, and must have held public office at least once before. To be sitting members, new senators had to be approved by the existing members of the Senate.

The Assembly, constituted by the mass of the Roman people, had the final say with respect to the following: the election of magistrates, the enactment of new laws, the carrying out of capital punishment, the declaration of war and peace, and the creation (or dissolution) of alliances. It must be noted that each of the three bodies somewhat acted as a check on the powers of the other bodies, presaging what we call in the contemporary world as *separation of powers* in a democratic presidential system of government.

The Medieval Era

In the medieval period, which was largely dominated by the philosophical thoughts of church fathers or what Bertrand Russell calls Catholic philosophy in the

Western world, democracy as a system of governance that places much premium on the reasoning power of the human person to determine how to properly organise and rule themselves in society, did not receive much support. The reason is that the church fathers then were out to employ the philosophic tool of reflective argumentation to justify and defend faith, emphasizing more in the process, on the adherence to the principles of the church, rather than the will of the people, in the governance of the state. One could state that the Church philosophic thinking in politics then presaged what would later be called the theory of Divine Origin of civic authority, otherwise called the Royalist Theory or Divine Right of Kings, which was popularized by Sir Robert Filmer (1588-1653); though, Locke (1632-1704) later severely criticized Filmer, noting that the origin of civic authority is located, in the final analysis, in the consent of man in society.

However, towards the end of the medieval period, which altogether lasted, according to Russell, from A.D. 400 to about A.D.1400, there emerged a new period and way of thinking, represented first by the Renaissance, and later by the Enlightenment. These momentous events in the development and the theoretical richness of modern democracy would now be examined.

The Renaissance and the Enlightenment Period

This new period, that is commonly called the Renaissance, began in Italy in the 14th century lasting into the 17th century. According to Russell, this period had, among others, two major characteristics: the diminishing authority of the Church, and the increasing authority of science. These jointly contributed to the laying of more emphasis on the power of the intellect of the human person to address social problems rather than appealing to the authority of the Church for solution. And,

this was also felt in the realm of politics, where the human person was now being accorded the liberty to appeal to reason, rather than the ecclesiastic authority, in determining how to organize and rule themselves in society. The Renaissance philosophers stimulated the anti-clerical thinking by seeking for and eventually finding secular foundations for politics and social organisation in the ancient Greek democracy.

The Renaissance was followed by yet another powerful anti-clerical movement, the Enlightenment. According to a lexical source (*Webster's Dictionary*), the Enlightenment, a philosophic movement of the 18th century, was also characterised by a rejection of traditional social, religious, and political ideas and an emphasis on rationalism. The rationalist temperament is committed to the claim that the human reason is the ultimate source of knowledge. According to Ian Shapiro, faith in the power of human reason to understand the true nature of our circumstances and ourselves, is a single overarching idea shared in common by adherents to different strands of Enlightenment thinking. Reason's pursuit of knowledge is seen as mediated by, and achieved through, science; and human understanding is measured by the yardstick of individual rights that embody, and protect, human freedom.

Philosophers who formed the leading light of the Renaissance and the Enlightenment were Nicollo Machiavelli (1469-1527), Francis Bacon (1561-1626), Thomas Hobbes (1588-1679), Rene Descartes (1596-1650), Benedict de Spinoza (1632-1677), John Locke (1632-1704), Jean-Jacques Rousseau (1712-1778), David Hume (1711-1776) and Immanuel Kant (1724-1804) among others. All these thinkers in one way or another, especially in epistemology, philosophy of science, and social and political philosophy, shifted away the hitherto emphasis on the final

authority of the Church in the understanding and interpretation of social reality and placed it on the shoulders of human reason and experience as the ultimate sources of human cognition (knowledge). This new thinking tremendously aided the course of development of democracy in the state then, since it now conferred on the human person, the freedom to determine who to rule and how to be ruled in society, without appealing to any divine extra-terrestrial authority, dispensed through the Church. Perhaps, a fundamental political output of philosophising in the era under consideration was social contractarianism, and this has remained popular till contemporary times. The central claims of social contractarianism are that: (1) all human beings are free and equal (2) civic authority is grounded in the consent of the free and equal human persons, the consent that also legitimizes it. As expected, these claims are entrenched in the modern characterisation of democracy.

Certain monumental occurrences or milestones also contributed to the development of democracy over the centuries. Some of them were the *Declaration of the Rights of Man and of the Citizen* approved by the National Assembly of France on August 26, 1789 - the Bill that proclaimed the universal character of human rights; the 1789-1799 French Revolution; the introduction of the secret ballot in the 1850s in Australia; 1872 in UK; 1892 in USA, and the establishment of universal male suffrage in France in 1848 (which was an important milestone in the history of democracy; though, it was restricted to the males). Other milestones favourable to the development of democracy were the 1893 New Zealand's introduction of the universal suffrage by awarding the right to vote to women (universal male suffrage had been in place since 1879); the 1870 15th Amendment to the Constitution of the United States, which prohibited voting rights

discrimination on the basis of morally irrelevant criteria, such as race, colour, or previous condition of slavery.

The World War I and the World War II

These two world wars also indirectly contributed to the development of the concept of contemporary democracy. The end of the 1st World War (1914-1919) saw a temporary victory for democracy in Europe, as it was preserved in France and temporarily extended to Germany. Already in 1906, full modern democratic rights including proportional representation, open list system and universal suffrage for all citizens was implemented constitutionally in Finland. Likewise, the February Revolution in Russia in 1917 initiated a liberal democracy, though short-lived under Alexander Kerensky, until Vladimir Lenin took over in October of the same year. The Great Depression impacted negatively on democratic forces in many countries. The 1930s ushered in a decade of dictators in Europe and Latin America. In Germany, Adolf Hitler came to power, and instituted Nazism. In Italy, Benito Mussolini established Fascism, when he rose to power. These European dictators played a negatively leading role in the commencement of the 2nd World War (1939-1945). The victory of the Allied Forces in the 2nd World War led to the widespread institution of liberal democracy in Western Europe, where representative governments were established that reflected the general will of their citizens. But, many countries of Central and Eastern Europe became undemocratic Soviet satellite states. In Southern Europe, a number of right-wing authoritarian dictatorships (most notably in Spain and Portugal) were still in existence.

Moreover, the end of the 2nd World War strengthened anti-colonial sentiment worldwide. Many restive colonial territories were promised subsequent

independence in exchange for their support for embattled colonial powers during the war, and the United States played a leading role in supporting the decolonisation process. This decolonisation process ultimately led to the establishment of self rule in many African countries in the 1960s; though those new African leaders soon embraced somewhat undemocratic one-party system in their states.

The end of the Cold War (1945-1990s) between the Western bloc led by the United States of America (USA) and the Eastern bloc led by the Union of Soviet Socialist Republics (USSR) eventually brought about the existence of more democracies in the hitherto socialist enclave of the Eastern Europe. To be precise, the end of the Cold War had the following major consequences, among others: the implosion and eventual collapse of the former Soviet empire, the increased clamors by the peoples of the former socialist states for democracy, and the ultimate gradual emergence of democratic regimes in the former socialist enclave.

Furthermore, since the end of the Cold War, movements for democracy and democratic regimes have gained much ground in Asia, the Middle East, Africa, and Latin America. Perhaps, the massive protests for democratic rights in some Arab states in recent times in Africa (Egypt, Libya, Tunisia, etc.) and in the Middle East (Iran, Iraq, Jordan as well as the current Syrian government's clamp-down on protesters for democracy) have clearly shown that the contemporary world seems to be enmeshed in democratic consciousness.

Although, the historical development of democracy presented so far in this first lecture is by no means exhaustive, it still enlightens on the fact that democracy has been in existence for a very long time: from the ancient time, through the Renaissance and the Enlightenment eras, and down to the contemporary period.

The discussion has also shown the significant role that philosophers have played in the development of the concept of democracy over the ages. We shall now examine some specific shades of meaning of democracy, which have also emerged over the ages.

Meaning of Democracy

Having gone through a short history of the emergence of democracy, we should now be clear about what democracy is all about. Etymologically, the term ‘democracy’ emerged from the lexical conjugation of two Greek words *demos* (people) and *Kratos* (rule): the rule of the people. However, over the centuries, democracy has attracted different shades of meaning from political philosophers and other political thinkers in society. These different conceptions of democracy, according to Irele, could be attributed to its contested conceptual nature.

According to Tom Christiano, democracy “refers very generally to a method of group decision making characterised by a kind of equality among the participants at an essential stage of the collective decision making.” This definition of democracy has certain elements that we should not tide over. First, democracy procedurally fosters collective decision making as against unilateral decision making in society. Second, it believes in the moral equality of the participants in a collective decision making exercise. Of course, the latter derives from the former in that without a strong commitment to a belief in the moral equality of participants, that all the participants are rationally competent to have something of worth or value to contribute to the success of the decision making exercise, in the first instance, then unilateral decision making is preferable.

For Joshua Cohen, democracy is a way of making collective decisions that connects decisions to the interests and judgments of those whose conduct is to be regulated by the decisions. The essential idea is that those governed by the decisions are treated as equals by the processes of making the decisions. As one could readily see in the present understanding of democracy, the feature of equality of treatment with respect to specific social actions determined by the decisions collectively made is also implied, apart from the feature of equality of participation in the decision making process. Moreover, we are also made to understand that the collectively made decisions are to be in line with the interests and judgments of those whom the decisions are made for. In other words, one could state that the service of the common interests of the people is primal to democratic decision making.

So far, we have been able to see that democracy is founded on moral equality of participants in a group decision making exercise as well as equality of treatment with respect to specific social actions determined by the decisions collectively made. We should note that, in the contemporary society, there are varied issues that may be subjected to democratic valuation; the most important are political and economic in nature. To this extent, it is reductionist to always consign and constrict the concept of democracy to the political sphere; though, admittedly, it is a sphere where democracy is extensively discussed.

Lastly, we must emphasise that, though we now have some understanding of what democratic decision making denotes, we are yet to be clear about specific procedural approaches to what we call democratic decision making. These specific procedural approaches, it must be noted, largely influence types and features of

democracy that have emerged in the contemporary political thought. These will be examined in the next lecture.

Summary

In this lecture, we have made a systematic attempt to examine the historical development of democracy. We started the discussion with reference to the ancient era, before moving to the medieval period. We also touched on the role played by the Renaissance and the Enlightenment as well as the First and the Second World Wars in the development of democracy. Lastly, also attempted to give a good understanding of what democracy is all about. It is believed that subsequent lectures will built on this foundation in clarifying the concept of democracy.

Post-Test

1. Clearly discuss the historical development of democracy in Greece.
2. What role did the Renaissance and the Enlightenment play in the development of democracy?
3. What do you understand by democracy?

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LECTURE TWO

TYPES AND FEATURES OF DEMOCRACY

Introduction

After the exploration of the historical background and the explication of the meaning of democracy in Lecture One, we shall in this lecture, make a systematic attempt to examine the central types, models as well as features of democracy, which have evolved in the long history of democratic thought and practice by the human person in society.

Objectives

At the end of this lecture, you should be able to:

1. write short notes on the central types of democracy;
2. discuss different features of democracy you know, and

3. examine specific models of democracy in the contemporary world.

Pre-Test

1. Distinguish between 'direct' and 'indirect' types of democracy.
2. "Different types of democracy emphasize certain features. However, there are certain features that cut across." Discuss.
3. Discuss some models of democracy.

Content

As noted in the concluding part of the last lecture, specific procedural approaches have largely influenced the types and features of democracy that have emerged in contemporary political thought and practice. It is highly necessary to discuss some of these in the present lecture.

Literature search has revealed that, in the traditional sense, democracy could be generally classified into two:

- (1) direct democracy, and
- (2) indirect/representative democracy

Indirect/representative democracy could be further sub-divided into two: *Presidential democracy* and *Parliamentary democracy*. Moreover, contemporary scholarship and studies on democracy have yielded further sub-divisions, or what some scholars have labelled as models of democracy, such as Communitarian democracy, Deliberative/Discursive democracy, and Radical democracy. We shall now attempt to examine these main divisions and sub-divisions of democracy.

1. Direct Democracy

Direct democracy, otherwise called classical Athenian democracy (because it was practiced in Athens, one of the foremost city-states in the ancient Greece), is a form of decision making exercise about social governance, conducted directly by the people involved, without the mechanism of intermediation as we experience in the contemporary understanding of democracy. This type of democracy is popularly called the rule of the ‘demos’ themselves, that is, the direct rule of the people, for the purposes of making decisions and articulating the means of implementation of the decisions so collectively made. The procedure is that people congregate at a city square on a regular basis to discuss issues of social and political significance to all the people in the city-state as well as ultimately pronounce on certain decisions to pursue specific actions in addressing the issues so commonly discussed.

Although, it is not presently that popular, a paradigm of direct democracy in the contemporary period obtains in Switzerland, which operates a plural executive, otherwise called a Collegial Executive. Unlike presidential democracy with a single chief executive (uni-cephalous executive) or a functional executive that combines the functions of the head of state with those of the head of government, or parliamentary democracy with a bi-cephalous executive: the head of government is different from the head of state, the body that acts as the executive arm of government in Switzerland is, according to Appadorai, called the ‘Federal Council’ that is composed of seven members elected for four years from within the ranks of (the two Chambers of) the Federal Assembly, that is, the Federal Legislature. The President of the Confederation of Switzerland is the Chairman of the Council at any given time. Each of the seven members of the Federal Council

is appointed every year to function as the Chairman, that is, the President. In other words, it is constitutionally approved that the position of Chairmanship should rotate among the seven members of the Council.

2. Indirect / Representative Democracy

As noted above, the classical Athenian democracy faces a serious feasibility question in the contemporary world, and this has made it unpopular. The feasibility question arises simply because of the complexity and diversity of the social and political issues now involved in the state, making it almost impossible in the contemporary world for just any group of people to effectively pronounce decisions on, as it was the practice in the ancient Greek city-states. To this extent, another type of democracy has emerged, and this is called indirect / representative democracy.

Indirect / representative democracy operates through the mechanism of intermediation of some specific group of people, who are chosen out of the mass of the people, for the purposes of discussing and deciding on the social and political issues of general interest to all the people in the state. In other words, indirect democracy is a form of representative government. J.S. Mill explains that, ‘the meaning of representative government is, that the whole people, or some numerous portion of them, exercise through deputies periodically elected by themselves, the ultimate controlling power.’ Generally, there are two sub-sets of indirect democracy in the contemporary world, and they are *Presidential democracy* and *Parliamentary democracy*

Presidential democracy: In presidential democracy, The President, otherwise called the Chief Executive of the State, is directly elected by the people in a

general (presidential) election. The President serves for a specific term and cannot exceed that amount of time. S/he combines the functions of the head of state with those of the head of government. S/he is assisted in the executive duties by the Vice-President, both of whom are jointly elected. The President nominates the members of his/her executive cabinet, and the members so nominated are called ministers, who are the political heads of various ministries, at the national level (they are called commissioners at the state level), which are under the Chief Executive. Therefore, s/he has a direct control over the cabinet. However, the legislative arm of government reserves the authority to ratify the membership of the executive cabinet. There is a clear-cut separation of powers between the executive and the legislative arms of government in presidential democracy. This means that members of the executive arm of government do not belong to the legislative arm of government.

The President appoints the Chief Justice of the Federation, and the appointment to this position is to be ratified also by the legislative arm of government. This personality, who is expected to be of sound judicial background and knowledge, is to head the justice system, that is, the judicial arm of government, in presidential democracy. In spite of the separation of powers mentioned above, there is still a constitutional mechanism which each of the arms of government in presidential democracy employs to control one another from becoming dictatorial in their individual spheres of constitutional operation.

This mechanism is called checks and balances. In sum, the President has a veto power to control the bills coming from the legislative arm of government, the legislature being the body responsible for law-making. On the other hand, the legislative arm has a power of impeachment to remove the Chief Executive from

office, if the President's actions are found to be contrary to the spirit of the constitution. Moreover, the judicial arm of government periodically reviews the actions of both the executive and the legislature. Their actions may be declared *ultra vires* (null and void and, thus, of no legal effect) if the actions so reviewed are not in agreement with the spirit of the constitution, the judiciary, being the chief interpreter of the constitution. The United States of America (USA) and Nigeria are some of the countries in the world today that operate presidential democracy.

Parliamentary democracy: In the United Kingdom, there exists a paradigm of parliamentary democracy. The executive cabinet is composed of the Prime Minister, the head of government as well as the leader of the political party which controls a majority in the House of Commons, and some other members, chosen by the Prime Minister. The list of members selected by the Prime Minister might have been earlier submitted to the British Sovereign, that is, the Queen and approved by her. This submission and approval is important because, though the British Queen reigns and but does not govern (since she is the head of state and not the head of government), she still has some measure of say in what the Prime Minister does and how s/he does it, since she decides, in the first instance, which of the leaders of the majority in the British Parliament shall be entrusted with the Prime Ministership.

After the submission and approval of the ministerial list by the British Sovereign, the Prime Minister assigns to the other members of the executive cabinet their different portfolios, that is, their individual ministerial scheme of duties. As it is obvious from the foregoing, members of the executive cabinet are necessarily drawn from the Parliament. Thus, the kind of separation of powers,

which obtains among the three arms of government in presidential democracy, does not strictly apply in parliamentary democracy. However, this fact does not show that there is no check on the powers of political ruler in parliamentary democracy. According to O’Neil, Parliamentary systems have the right to dismiss a Prime Minister at any point in time that they feel s/he is not doing the job to the expectations of the legislature. This is done through a *vote of no confidence*, where the Parliament decides whether or not to remove the Prime Minister from office by a majority support for his / her dismissal. This amply shows that though there is no strict application of separation of powers in parliamentary democracy, the Prime Minister could still be disciplined by the Parliament if s/he abuses his/her administrative powers.

Models of Democracy

According to Gabardi, a model is “a theoretical construction intended to exhibit and explain the real relations underlying the appearances, between or within the phenomena under study”; “to explain the probability or possibility of future changes in those relations”; and with “a concern for what is desirable or good or right.” A model therefore refers to certain array of conditions that form a template, such that when some things satisfy these conditions and fit the template, it becomes a standard for explaining phenomena or solving problems in the given area. After explaining what a model is all about, we shall now examine some models of democracy.

Communitarian democracy

According to *Wikipedia*, The term ‘communitarianism’ originated in the 20th-century. It derives from the 1840s term *communitarian*, which was coined by a British, Goodwyn Barmby (1820-1881), using it to refer to one who was a member or advocate of a communalist society. The modern use of the term is a redefinition

of the original sense. Barmby claimed to have introduced the word "communist" into the English language as a translation of the French word *communiste* during a visit to Paris in 1840. In the simplest sense, communitarianism is committed to the constitutive conceptual understanding of community. This states that we are thoroughly social beings, and that our identities and self understandings are bound up with the communities in which we are placed.

Robert Bellah has attempted to clearly articulate the central claims of communitarian democracy. He highlights them below:

First, democratic communitarianism values the sacredness of the individual. However, unlike liberalism or libertarianism, democratic communitarianism does not think of individuals as existing in a vacuum or as existing in a world composed only of markets and states. Rather, it holds that individuals are realised only in and through communities. Thus, strong, healthy, morally vigorous communities correspondingly yield strong, healthy, morally vigorous individuals.

Second, drawing on the above, democratic communitarianism affirms the central value of solidarity. Solidarity affirms the fact that we become who we are by virtue of our relationships; that reciprocity, loyalty, and shared commitment to the good are defining features of a fully human life.

Third, democratic communitarianism believes in what Boswell has called "complementary association." By this he means a commitment to "varied social groupings: the family, the local community, the cultural or religious group, the economic enterprise, the trade union or profession, the nation-state." Through this principle, it is clear that community does not mean small-scale, all-inclusive, total groups. In our kind of society, an individual will belong to many communities and

ultimately, the world itself can be seen as a community. Democratic communitarianism views such a multiplicity of belonging as a positive good, as potentially and in principle complementary.

Lastly, democratic communitarianism is committed to the idea of participation as both a right and a duty. Communities become positive goods only when they provide the opportunity and support to participate in them. Relative to this principle is the principle of subsidiarity. This idea asserts that the groups closest to a problem should attend to it; support could only be received from higher level groups if such is necessary. Clearly, democratic communitarianism does not adhere to Patrick Buchanan's interpretation of subsidiarity, which projects a society virtually without a state. A more legitimate understanding of subsidiarity realises the inevitability and necessity of the state. It has the responsibility of nurturing lower-level associations wherever they are weak, as they normally are among the poor and the marginalised.

Deliberative / Discursive democracy

This model of democracy is fast gaining ground. The phrase is a lexical conjugation of 'deliberation' and 'democracy.' Thus, deliberative democracy is one that lays a strong emphasis on critical collective discussion among people, or the people with their representatives, on issues of common interest, as a reliable procedure towards achieving a sustainable people-oriented government in society. In other words, deliberative democracy is founded on what we would call discursive rationality of the people involved. By discursive rationality, we mean that policies and laws of the state are to evolve from the people's exercise of deep reasoning that shows in their offering and justification of positions relative to

matters of general interest. According to Wayne Gabardi, deliberative democracy consists of four key features:

- (1) a free public sphere in which citizens' discussion and debate can take place;
- (2) a set of procedures to ensure that this collective deliberation is fair, equal, and impartial for all participants;
- (3) that deliberation be conducted discursively, rationally, and dedicated to the greater public interest; and
- (4) that governments translate this consensus into laws and policies.

Gabardi goes on to list the leading theorists of Deliberative democracy, such as Seyla Benhabib, James Bohman, John Dryzek, James Fishkin, Jurgen Habermas, and Mark Warren.

Radical democracy

According to Cohen and Fung, radical democratic ideas combine two strands of democratic thought. The first is that radical democrats are committed to broader participation in public decision-making. Citizens should have greater direct roles in public choices or at least engage more deeply with substantive political issues and be assured that officials will be responsive to their concerns and judgments. The second is that radical democrats emphasize deliberation. As an alternative to a politics of power and interest, radical democrats favour a more deliberative democracy in which citizens address public problems by reasoning together about how best to solve them. In this exercise of discursive rationality, there is no force at work "except that of the better argument." The ambitious aim of a deliberative democracy, in short, is to shift from bargaining, interest aggregation, and power to the common reason of equal citizens as a dominant force in democratic life. In

short, radical democrats are committed to a participatory and deliberative democracy

In terms of offering justification for their position, some radical democrats have contended that a more participatory and deliberative democracy would be better at solving practical problems than systems of competitive representation. Their argument is that this model of democracy is better because of advantages in identifying problems, collaborating in their resolution, testing solutions to see if they are in agreement with local circumstances, and if they also accord with solutions adopted to solve similar problems elsewhere.

Features of Democracy

From the discussion so far in this lecture on the types of democracy that have developed in the history of political thought, one could readily see that different types of democracy emphasise on different features. However, there are some fundamental features that cut across the divisions and sub-divisions of democracy discussed so far.

First, democracy is founded on the primacy and the value of collective wisdom over that of an individual person in making decisions relative to issues of common interest in society.

Second, free and fair elections to determine political choices have been a veritable feature of democracy in contemporary society.

Third, rational deliberation as a procedural approach to addressing issues of common concern and interest is yet another feature of democracy.

Fourth, the principle of majority rule as well as the principle of recognition of minority right has also been an important feature of democracy for centuries.

Fifth, emphasis on adherence to the rules as well as the spirit of the constitution is also a fundamental feature of democracy.

Sixth, devolution, rather than concentration of political powers, is also central to democratic practice in society.

Seventh, imposition of checks on political powers of rulers to prevent tyranny is also a significant feature of democracy.

Eighth, rational reconciliation of differences and interests of various groups within the polity is yet another feature of democracy and

Finally, accountability of rulers is another important feature of modern day democracy.

Summary

In this lecture, we have made an attempt to examine the central types of democracy that are in the contemporary world as well as the features of democracy. We first made a distinction between direct and indirect democracy. Moreover, we examined specific instantiations of direct and indirect democracy. We also discussed what some thinkers have labeled as models of democracy. Lastly, we highlighted some central features that have developed from the democratic thought and practice of the human person in society.

Post-Test

1. Clearly examine the central types of democracy, you know.
2. What are the features that cut across all types of democracy?
3. Examine specific models of democracy in the contemporary world.

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LECTURE THREE

JUSTIFICATION FOR DEMOCRACY

Introduction

In this third lecture, we shall make a systematic attempt to discuss some forms of arguments that could be deployed to justify the practice of democracy in contemporary political thought. Specifically, we shall discuss the ontological, epistemological, and moral arguments that have been deployed to support democratic practice in society.

Objectives

At the end of this lecture, you should be able to:

- (1) explain what ontological argument for democracy is all about;
- (2) discuss epistemological support for democracy,
- (3) examine the moral foundation of democratic practice.

Pre-Test

- (1) Briefly explain what ontological argument for democracy is all about.
- (2) Critically discuss epistemological support for democracy.
- (3) Do you agree that democracy has any moral foundation?

Content

A look at what we have discussed so far tends to show that democracy is objectively positive in theory and practice. However, some classics in the ancient Greek philosophy have contrary views to this position. According to Plato, democracy simply translates to mob rule, a rule which gives no room to those who are truly knowledgeable to be in control. Thus, it is unacceptable. Aristotle, perhaps, drawing on the position of his master, Plato, also prefers aristocracy to democracy. This preference graphically shows in his grouping of aristocracy with forms of good government and democracy with forms of bad government. Aristotle identifies three kinds of ideal constitution, each of which aptly frames a society where rulers pursue the common good, and he also identifies three

corresponding kinds of perverted constitution, each of which aptly frames a society where the rulers pursue narrow and selfish objectives. Both the ideal and the perverted kinds of constitution are differentiated by the number of people ruling. To this extent, “rule by one” is monarchy in its ideal form, and tyranny is its perverted form; “rule by few” is aristocracy in its ideal form, and oligarchy is its perverted form; and “rule by many” is “polity” in its ideal form, and democracy is its perverted form.

Yet another major criticism against democracy is that, since it is operationally founded on the idea of the majority rule, it is highly possible for the majority to always be in a perpetual position to override the will of the minority in a plural society. The foregoing, notwithstanding, some arguments have been deployed to justify (provide support for) democracy. These would be examined under the following sub-headings:

- (a) Ontological argument for democracy
- (b) Epistemological argument for democracy
- (c) Moral argument for democracy

Ontological Argument for Democracy

By ‘ontology’, we mean a philosophical study of the qualities of the nature of being or what is. To this extent, an ontological argument for democracy focuses on the being of democracy, that is, what is it that constitutes democracy, the natural

qualities of democracy, apart from reference to the outcomes of democracy in practice in society, or the ontological status of the human person that democracy is to promote. Democracy derives from the belief that the human person is a being of value. The human person is a being, who has something of value to develop his society. What actually constitutes this value is a subject of debate among moral and political philosophers. Philosophers like Immanuel Kant locate the special value in the rational capacity of the human person, that is, the ability of the human person to think both qualitatively and quantitatively. However, other philosophers like Peter Singer and Tom Regan (who desire to extend this special value to lower animal, and thereby, becoming animal rights proponents) ground this value in the ability of the sentient being to enjoy pleasure or suffer pain.

Central to the belief of philosophers like Kant is that this significant value that is inherent in the human person only contributes to social development when s/he is self-expressive. In light of this, to deny the human person his/her self-expression is to devalue the being of his / her rationality to develop his / her society. Adam Lupel agrees to this ontology of democracy when he states thus:

At its core, democracy entails a commitment to the notion of self-determination. It implies the idea that people ought to have the freedom to choose the type of society in which they live; and they ought to be free to contribute to the steering of the political structures that govern their lives and works.

It must also be borne in mind that the ontological argument for democracy could be subsumed under what is regarded as the non-instrumental value of democracy.

Epistemological argument for democracy

As noted earlier in the first lecture, democracy procedurally fosters collective decision making as against unilateral decision making in society. This means that no decision is fair and just in a democratic setting, if it is not an outcome of collective and free participation. In other words, democracy inherently places a high premium on collective wisdom in any decision making process. But, why is collective wisdom better than the wisdom of an individual in making a decision that has a general application? Since democracy brings a lot of people into the process of decision making, according to Thomas Christiano, it can take advantage of many sources of information and critical assessment of laws and policies. The end-point is a system of laws and policies made on the basis of better information and analysis than it would be possible, if the laws and policies were to be based on the limited wisdom of an individual.

Moral argument for democracy

It has also been raised in favour of democracy that it fosters the moral progress and equality of the participants in a collective decision making exercise. According to Christiano, democracy tends to develop and sustain the moral qualities of the

human person in society, such as autonomy, respectability, rationality, to mention a few. When people freely and equally participate in a collective decision making process, they have to make their own cases and justify them, as well as listen to others make their own different (though these may not always be necessarily so) cases and equally justify them. This exercise invariably develops their individual rationality, respectability, and autonomy as well as enhances cooperative interaction among themselves. One could also state that people are indirectly being cultured to think in terms of the interests of others in society, and not only in terms of theirs, in such participatory forums. Both epistemological and moral supports for democracy could also be brought within the instrumentalist view of democracy in society.

We could clearly see from the foregoing that there are arguments against democracy, just as there are arguments for it in society. All things considered, it could be reasonably said that in spite of the classical attacks on democracy, it could still be rationally justified on some ontological, epistemological, and moral grounds in society.

Summary

In this lecture, we have attempted to discuss some justificatory arguments that have been developed in support of democracy. However, before going into those arguments, we first examined some classical contrary views with respect to

democracy. In the next lecture, we shall discuss one of the fundamental concepts that have emerged within the confines of democratic practice. This concept is that of rights.

Post-Test

- (1) What is the central claim of the ontological argument for democracy?
- (2) In the epistemological sense, is democracy defensible?
- (3) Do you agree that democracy has any moral foundation?

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LECTURE FOUR

THE IDEA OF RIGHTS

Introduction

In this fourth lecture, we shall make an attempt to present a systematic discussion of one of the fundamental concepts in social and political thinking. That is the concept of rights. In the course of discussion, we shall first clarify the concept of rights and also examine its central features. We shall then present the contribution of some moral and political philosophers to the historical development of the whole idea of rights. We shall identify some rights that are fundamental to us as

humans and lastly, we shall examine the significance of the whole idea of rights in contemporary political thinking and practice.

Objectives

At the end of this lecture, you should be able to:

1. define in clear terms what a right is, as well as discuss its features;
2. write short notes on the philosophical background of the whole idea of rights;
3. differentiate between the moral and legal (positive) perspectives of the idea of rights, and
4. discuss the significance of rights to human flourishing in contemporary society.

Pre-Test

1. What do you understand by a right? What are the basic features of right so understood?
2. Differentiate between the moral and legal (positive) perspectives of the idea of rights.
3. Name at least ten fundamental human rights you know. Discuss the significance of these rights in the contemporary human society.

Content

The concept of right

We shall commence our discussion of the idea of rights with an interrogative: what is right? Knowing what the concept of right, or better still, human right, is all about is a bit of difficult task. According to James Nickel, human rights are international norms that help to protect all people everywhere from severe political, legal, and social abuses. It is obvious that this understanding of human right satisfies, at least in part, our curiosity about what human right actually does. However, it does not specifically tell us the ontology of human right, that is, what it is that constitutes human right, the knowledge of which is fundamental to our present scholarship on the concept of right. In other words, Nickel tells us what right does, but not what right actually is, that is, what enables it to do what it does. In the latter respect, we have to consider Kant's exposition on the concept of right.

According to Immanuel Kant, it is quite easy to state what may be right in particular cases, as being what the laws of a certain place and of a certain time say or may have said; but it is much more difficult to determine whether what they have enacted is right in itself, and to lay down a universal criterion by which Right and Wrong in general, and what is just and unjust, may be recognised. For Kant, a practical jurist may not know all this until he abandons his empirical principles for a time, and search in the Pure Reason for the sources of such judgments, in order to lay a real foundation for actual positive legislation. Kant contends further that in the search made by the practical jurist, his empirical laws may indeed furnish him with excellent guidance; but a merely empirical system that is void of rational principles is like the wooden head in the *fable of Phaedrus*, that is fine enough in appearance, but unfortunately, it wants brain. What Kant implies is that an empirical understanding of law (and, of course, right), which is devoid of a basis in

reason is conceptually deficient. Considering this, Kant makes three basic conceptual clarifications in his exposition of what constitutes right.

First, conception of right (as referring to a corresponding obligation which is the moral aspect of it-in the first place) has regard only to the external and practical relation of one person to another, in so far as they can have influence upon each other, immediately or otherwise, by their actions as facts.

Second, conception of right does not indicate the relation of the action of an individual to the *wish* or the mere desire of another, as in acts of benevolence or of unkindness, but only the relation of his free action to the freedom of action of the other.

Third, in this reciprocal relation of voluntary actions, conception of right does not take into consideration the *matter* of the act of Will in so far as the end which any one may have in view in willing it, is concerned. In other words, it is not asked in a question of Right whether any one on buying goods for his own business realizes a profit by the transaction or not; but only the form of the transaction is taken into account, in considering the relation of the mutual acts of Will. Acts of Will are thus regarded only in so far as they are *free*, and as to whether the action of one can harmonize with the freedom of another, according to a universal Law.

In a simpler language, the Kantian understanding of right is telling us that any talk of right only reasonably occurs within the context of extant and actively voluntary connection between X and Y (the claimant and the other against whom the claim is made), and the connection is such that it imposes correlative influence with respect to the two agents; if there is no relationship of this sort, then the issue of right is out of order. Furthermore, conception of right is concerned with only

free and voluntary actions of the agents involved (the claimant and the other against whom the claim is made).

Features of the Concept of Right

The concept of right has some basic features. Some of these features will be examined in the preset exercise.

First, the whole idea of human right has a very strong basis in the critical reflections of moral and political philosophers, from the ancient era onwards. These philosophers have always argued that the human person is vested with moral and ontological dignity and worth, independent of the institution of the state, and which the institution of the state must recognise and protect. Immanuel Kant and some Stoic philosophers have grounded human dignity and worth in the power of reason.

Second, human rights are both political and moral norms. They are political in the sense that they are concerned with how people should be treated by the governments and institutions of their states. Furthermore, they are moral norms, which apply to interpersonal conduct among the human persons in society. In the moral sphere, there are rights, such as rights against racial and sexual discrimination that are, according to Susan Okin, primarily concerned with regulating private behaviour.

Third, human rights are also legally based. When human rights are grounded in the promulgated laws of the state, they are usually referred to, according to James Nickel, as civil or constitutional rights. However, it must be made clear that what is regarded as civil or constitutional rights are, in the final analysis, grounded in morality.

Fourth, rights are largely human-focused. From the classical era of ancient philosophy, through the medieval and down to the contemporary times, rights are almost always predicated on only rational human persons in society. However, there is presently a growing trend within the disciplinary fold of environmental ethics, where such rights are being extended to non-human sentient beings, such as lower animals, for instance. This trend, it must be noted, could be largely attributed to the influence of the works of some moral philosophers of the environment, such as Peter Singer and Tom Reagan, published some decades back. However, while rights predication made of the rational human person is open to no debate, rights predication made of non-human sentient beings, such as lower animals is subject to a hot philosophical debate, especially, between those who hold onto anthropocentrism and their counterparts who are supportive of non-anthropocentrism in environmental relations.

Some Fundamental Human Rights

Fundamental human rights are the basic and inalienable rights which an individual enjoys in a society. These rights are usually entrenched in the constitution. In the Nigerian 1989 constitution, these rights are contained in chapter four (IV).

They include the following

1. Right to life: Every person has a right to life and no person shall be deprived intentionally of his or her right to life.
2. Right to freedom of religion: Every person has the right to practice any religion of his or her choice.
3. Right to freedom of association: Every person has the right to belong to or form any association to protect his interests.
4. Right to freedom of expression

5. Right to dignity of human person
6. Right to freedom of movement
7. Right to freedom from discrimination
8. Right to fair hearing

There are however limitations to the enjoyment of all of these rights. For instance;

- (a) A citizen convicted for murder may be denied his or her right to life by the state.
- (b) A citizen serving a jail term may be denied his or her freedom of movement. Also, during emergency period, this right may be denied the citizen. Again, the right of freedom of movement is restricted by the law of trespass.
- (c) Freedom of expression is restricted by the law of libel and slander.

Therefore, for the purpose of protecting the rights and freedom of other persons and in the interests of defence, public safety, public order, public morality and public health, each of these rights may suffer some limitations.

The Significance of the Idea of Right

Political thinkers have over the years proffered cogent reasons to justify the significance of the idea of right in political thinking and practice.

First, it could be reasonably submitted that the whole idea of right has morally promoted the dignity of the human person in society. On the strength of claims for right, the human person is able to freely decide on two fundamental political questions in the state: (1) who is to rule and, (2) how is s/he to rule. Andrew Fagan concurs with this argument when he notes that the doctrine of human right is ideally placed to provide individuals with a powerful means for morally auditing the legitimacy of those contemporary national and international

forms of political and economic authority which confront us and which claim jurisdiction over us.

Second, it is on the grounds of claims for the promotion of human rights that bad policies and laws are justifiably opposed in society. Without this foundation, there appears no other serious justification to oppose dictatorship within the state.

Summary

So far in this lecture, we have presented a systematic discussion of one of the fundamental concepts in social and political thinking, the concept of rights. In the course of our presentation, we examined the concept and central features of rights. We presented the contribution of some moral and political philosophers to the historical development of the whole idea of rights. We then identified some rights that are fundamental to us as humans and concluded by examining the significance of rights to contemporary political thinking and practice.

Post-Test

1. What do you understand by a right? What are the basic features of right so understood?
2. Name four features of the concept of rights and explain each of them
3. What are Fundamental Human Rights? Name at least ten of such rights.
4. Discuss one main argument justifying the significance of rights in the contemporary human society.

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LECTURE FIVE

DUTIES, OBLIGATIONS, AND DEMOCRACY

Introduction

This present lecture is somewhat a continuation of the last lecture. This is simply because of the fact that any talk of rights invariably brings up the twin issues of duties and obligations. In this lecture, the task before us is conceptually analytic and explanatory. We shall engage in the clarification of the concepts of *duty* and *obligation*, showing their conceptual correlation and difference. Lastly, we shall examine the link that connects the concepts of duty, obligation, and right (discussed earlier) with democracy in contemporary political philosophy.

Objectives

At the end of this lecture, you should be able to:

1. explain what duty as a concept is all about;
2. discuss the concept of obligation
3. show the relationship between the concepts of duty and obligation in political philosophy.

Pre-Test

1. What is *duty*?
2. Explain what the concept of obligation entails.
3. Briefly explain the relationship and difference between duty and obligation.

Content

To really make the concepts of duty and obligation intelligible in this lecture, it is apposite to engage in two different tasks here. The first is to show the correlativity between duty and obligation as basic concepts in moral and political philosophy. The second is to conceptually delink the former from the latter, though they are

seemingly cognate concepts. This distinction is important so as to show when the two concepts are to be used correlatively and when they should not be so used.

Duty and Obligation: Exploring the Conceptual Correlation

To begin with, the most obvious conceptual relationship between duty and obligation is grammatical: they belong to classes of words that are either nouns or nominals (the latter being words that may not be nouns in themselves, but still have the capacity of being used as nouns) in sentences.

Moreover, it is equally found in the literature of moral and political philosophy that both duty and obligation are conceptually correlative. According to Michael Josephson, a duty is an obligation to act in a certain way. When the obligation is founded on moral and ethical considerations, then it is regarded as a moral duty. Josephson notes further that moral duties may be negative or affirmative. He states that often, we think about moral duties in terms of rules that restrain us: the “don’ts,” as in don’t lie; don’t cheat, or don’t steal. Such rules are called negative dimension of moral duty in the sense that they inform us about what not to do, but not what to do. He states further that since ethics is concerned with the way we ought to be, it therefore also includes an affirmative dimension that consists of things we should do, such as keeping promises, judging others fairly, and treating people with respect, kindness and compassion.

R. B. Brandt also agrees with Josephson, when he notes that philosophers often use the following expressions as approximate equivalents: “It is X’s duty to do A;” “It is obligatory for X to do A;” “It would be wrong for X not to do A;” “X ought to do A.” The statements are all expressive of a hidden position that if X

fails to do A, then s/he would be legally punished or be morally condemned or reprimanded. In the same way, Richard Dagger also states that obligations are also duties, especially, when the obligation in question is political obligation. Considering the view of Dagger in the present context, one could reiterate that to say “X has an obligation to obey the laws of the state” is parallel to the statement that “X has a duty to obey the laws of the state.

There is yet another correlation between the two concepts that is deducible from the conclusion made from Dagger’s position. The correlation is that both concepts are expressive of directives. Directives are imperative statements made to bring about specific actions and / or effects on the part of the moral agents to whom they are issued. Failure to follow this directive may attract a clearly specified punishment (if it is a legal directive) or moral denunciation (if it is a moral directive). In this light, a directive has three basic features: (1) the authority (legal or moral; known or implied; personal or institutional) that is responsible for the directive; (2) the moral agent (whom is so-called because of his / her capability to engage in moral reflection) to whom the directive is issued, and (3) the specific action required of the moral agent in that material context (or, in some remote case, the effect expected of the specific action of the moral agent in the given context). Thus, in the statement: “X has an obligation to obey the laws of the state,” which, as said earlier, is equivalent to the statement that “X has a duty to obey the laws of the state; the tripartite features are in evidence. There is an implied authority (legal or moral; known or implied; personal or institutional), from which the statement issues; there is X, the moral agent for whom the directive is meant, and there is Y, the specific action expected of X. And, this statement, being ontologically a directive, entails that X, the moral agent involved in the material context, may be punished or morally reprimanded, should s/he fail to act specifically as directed.

Moreover, yet another conceptual link between duty and obligation is that whenever they are used with respect to a moral agent to perform a given action, the idea of commitment is invoked in the mind of the agent, concerning the action. In other words, the moral agent is expected to be committed to the performance of the action so involved. Thus, to say that, “X has an obligation to obey the laws of the state,” or, equivalently, “X has a duty to obey the laws of the state, is not intended to mean that X should obey the laws of the state only on occasions s/he so wishes, or when s/he is forced to do so. Rather, it meant that s/he should show a strong commitment to the obedience of the laws of the state, even when there is no institutional force to ensure the obedience on his/ her part.

It is worthy of note that we have not in any way concerned ourselves with non-moral uses of obligation and duty. That is obviously outside the scope of our present exercise in this lecture.

Duty and Obligation: Exploring the Conceptual Difference

The foregoing, notwithstanding, duty and obligation are still conceptually different. Etymologically, Brandt has noted that both ‘obligation’ and ‘duty’ have paradigm uses, which are essentially dissimilar. All members of the ‘oblige’ family are derived from *ob* plus *ligare* ‘to bind.’ They were first used in connection with promises, contracts, and oaths, all of which were conceived to bind in some way or other. On the contrary, the term ‘duty’ has paradigm use in connection with tasks associated with occupancy of an office or station in some organisation in which the office confers rank, rights, or privileges. The word appears to come from ‘due’, and to refer to services or payments due, not account of promise or contract, but as a consequence of one’s place in a system of association. In other words, the point from the foregoing is that while obligation results from contract-like relations or

simply contractarianism between the self and the other, duty results from the fact of occupying a position of responsibility; duty is a certain job of value expected of a person who occupies the position. This, for Brandt, explains while different words go with the two concepts in operation: duties are performed, while obligations are met, fulfilled, or discharged.

Berry Crawford states that questions of *moral* obligation are relevant wherever an agent's (an individual's or an organisation's) conduct bears on *other people's*, lives...The moral point of view is relevant whenever an agent's conduct affects the good of another.

From the discussion above, one should be able to see that at least three things form the core of the concept of moral obligation: first, a moral actor, who performs an act of value; second, the act of value performed, and third, a moral recipient, that is, the person that receives the benefit of the act of value that is performed by the moral agent. Furthermore, if one brings in the paradigm use of obligation earlier stated, then moral obligation becomes a contractarian moral relationship between the moral actor and the moral recipient involved.

The Concepts of Duty, Obligation, Right, and Democratic Practice

So far, we have individually examined the concepts of duty, obligation, and right. But, up till this point, there is a highly central question that has not been posed and answered. The question is: what binds the concepts of duty, obligation, and right to democratic practice? We shall attempt to address this question.

We must state that the link is that of reciprocity: promotion of what the concepts of duty, obligation, and right stand for in society is promotion of democracy, and this relationship also holds in the converse. We must remind

ourselves that democracy is grounded in the belief that the human person is a being of value. The human person is a being, who has something of value to develop his society, and this all-important value could only be fully realised if the right of self-determination of the human person is promoted and protected. Again, democracy can only flourish when the citizens fulfill their obligations (civil and political) to government and fellow citizens and when both the citizens and government reciprocally perform their distinct duties.

Conclusion

In this lecture, we have examined the concepts of *duty* and *obligation*, showing their conceptual correlation and difference. We concluded by looking at the link that connects the concepts of duty, obligation, and right with contemporary democratic practice.

Post-Test

1. Explain what you understand by the terms ‘duty’ and ‘obligation’.
2. Briefly explain the correlation and difference between ‘duty’ and ‘obligation’.
3. What is the significance of duty, obligation, and right to democratic practice?

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LECTURE SIX

DEMOCRACY AND POLITICAL OBLIGATION

Introduction

In this present lecture, we shall continue our discussion in the last lecture by attempting to examine the connection between democracy and the concept of political obligation in society. In the process, we shall first clarify the concept of political obligation, state its features and also examine some basic theories that have been propounded by some political philosophers as justification for political obligation in society. Lastly, we shall discuss the connection between democracy and political obligation.

Objectives

At the end of this lecture, you should be able to:

1. define political obligation;
2. discuss the connection between democracy and political obligation, and
3. write short notes on some theories of political obligation

Pre-Test

1. What do you understand as political obligation?
2. Examine the connection between democracy and political obligation.
3. Discuss specific theories of political obligation.

Content

We shall start this lecture with a clarification of the conceptual contents of political obligation. Essentially, the term ‘obligation’ is derived from the Roman law and it is defined by Baker (1951) as “a legal bond (*Juris vinculum*) in virtue of which we are tied by necessity to some performance”. Such obligation may be ‘civil’ or ‘political’. When it is ‘civil’, it takes the form of a bond between private persons, but when it is ‘political’, it takes the form of a bond between one, as a citizen, and the governing authority.

The idea of political obligation therefore presupposes that there is a relationship between the citizens and the state. Since man cannot escape the presence of the state, which stands out as the most important institution of social existence, there is the need for both the state and the citizens to co - exist in peace and harmony. It is the principle of political obligation that has over the centuries sustained, not only the idea of the state, but also enhances its peaceful co - existence with the citizens.

There are many issues on the range of problems addressed by the doctrine of political obligation; a whole cluster of different questions of quite various kinds and scope. These questions arose from puzzlement over relationships and bargains in society. Among such questions are: Why should I obey the law? What are the limits of my obligation to obey the law? What is the locus of sovereignty? What ought I do when the limits of my obligation to the authority of the state have been reached? And, what is my interest in the state? Essentially however, the questions raised above would not have arisen but for the fact that we live in a political society. Also, there would have been no government if society was not formed and the problem of political obligation would not have arisen if there were no governments. When therefore we examine the above questions more closely, we notice that they all coalesce into one central issue: and that is the issue of whether a given person 'A' has a prima facie obligation to obey his government, in so far as the latter exercises political power over him within a territorially defined state.

According to John Simmons, the philosophical problem of political obligation and authority is the problem of understanding when (if at all) and for what reasons we are morally required to be "good citizens" in these ways, and when (if at all) and for what reasons, states and/or their governments possess a moral right to rule. As we could see, this framing of the problem of political obligation involves two interrelated things. The first deals with the moral condition that could be conjured as justification for the obedience of the citizens to the state. The second equally deals also with the moral grounds that could be employed by the state as justification for demanding obedience from the citizens.

After the problematisation above, Simmons goes on to define political obligations as general moral requirements to obey the laws and support the political institutions of our own states or governments. He further notes that the

requirements are *moral* in the sense that their normative force is supposed to derive from independent moral principles, a force beyond any conventional or institutional “force” that might be thought to flow from the simple facts of institutional requirement (according to existing rules) or general social expectations for conduct.

Simmons contends further that political obligations could be general moral requirements in the following two senses: first, they are moral requirements to obey the law (because it *is* valid law) or to support government (because it is legitimate), and not because of any further contingent properties, particular laws or governments might possess. Being obligated to an authority, it is often claimed, involves a certain kind of “surrender of judgment,” with the obligations displaying “content-independence”. So, for instance, a moral duty to refrain from legally prohibited murders because of murder’s independent moral wrongness would not constitute a political obligation (since valid law can prohibit acts which are not independently wrong), nor would a moral obligation to refrain from legally prohibited theft because of a promise made to one’s mother to so refrain. Second, political obligations are general requirements in the sense that their justifications are thought to apply to all or most typical citizens of decent states. Most scholars who have addressed the problem of political obligation would regard their accounts as unsuccessful if the obligations they identified bound only a small minority of the citizens of decent states.

Features of Political Obligation

From the conceptual elaborations of political obligation by Simmons, we could validly deduce some basic features:

First, political obligation is a two-sided concept: it comes up to explain why the people ought to obey the laws of the state; on the one hand, and on the other hand, it also justifies the state's control of the people.

Second, the concept of political obligation is normative in nature in the sense that it derives from a set of independent moral principles guiding the reciprocal relations between the people and the state. Political obligation expresses norms of relationship that holds between the people and the leaders within contemporary political democracies.

Third, the concept of political obligation is expressive of a general requirement in the sense that its justification is thought to apply to most, if not all of the citizens of a decent state.

Theories of Political Obligation

Political philosophers have over the centuries attempted to postulate some theories to rationally explain why the citizens have to obey the laws of the state and why the state is justified in its demand for this obedience. Some of the theories would now be discussed.

The Prudential Theory of Political Obligation

The Prudential Theory of political obligation is otherwise known as the Force Theory of political obligation. This theory states that the citizens of a state are obliged to obey the laws of the state not because they willingly want to do just that. Rather, they obey the laws simply because of the fact that they would be severely punished by the state authorities, if they should fail to obey the laws. In other words, the contention is that the people obey the laws of the state simply because they are forced to do just that by the state. The people know that the state has

various instruments of coercion, such as the police, the prison system and so on, which could be employed to visit discomfort and unpleasantness on the law breakers within the state. Thus, they cooperate with the state by being law-abiding citizens. The problem with this theory is that it explains only a part of the concept of political obligation. It is true that most people obey the laws of the state because of the fear of punishment if they should refuse to do so. However, some people would still obey the laws of the state because they are morally convinced that the laws are for the good of the society in general, especially if the laws are just, even if there were no punishment to be meted out to them should they disobey the laws. The prudential theory of political obligation does not account for such moral agents.

The Legitimacy Theory of Political Obligation

The Legitimacy Theory of political obligation makes a normative claim, that the citizens of a state are obliged to obey the laws of the state, if the rulers who make the laws are morally and legally supported to occupy the position, which confers on them the power to make such laws in the first instance. The claim is normative in the sense that it is founded on the fact that it expresses a commitment to the basic moral and legal norms of choosing leaders within the state, as well as the corresponding duties of the citizens to such rulers that emerge in accordance with the system of moral and legal norms. The strength of the theory lies in the fact that it highlights the reasonability of the morally conscious men in society: it states that it is reasonable for morally conscious people in the state to willingly obey the laws of the state, even if there were no instruments of force to ensure such obedience, so long as the rulers who make the laws are morally and legally supported to make the

laws and the laws so made are morally sensitive. The theory, nonetheless, has a weakness in the sense that it does not explain why some people who are not morally conscious obey the laws of the state. Such group of people does not willingly obey the laws of the state; they are compelled to do so by fear of discomfort or unpleasantness that could be visited on them by the instruments of coercion of the state.

The Voluntarism Theory of Political Obligation

This theory of political obligation is an extraction from the social contractarianism of the British political philosopher of the state of nature, John Locke. According to Jonathan Wolff's rendering of Locke's theory, the natural state, or the state of nature, is (i) a state of perfect freedom, (ii) a state of equality, and (iii) it is bound by a Law of Nature that is rationally discovered (discoverable by reason). Since people ought to act only on the basis of the Law of Nature, then one could contend that the natural state is not a state of license; though, it is a state of liberty: people are not free to do just about anything outside the law of reason; they are free to do only things specified by the law of reason. To this extent, nobody has the natural right to subordinate the other. This Lockean understanding of moral equality is transposed to the civil society that emerges from the ruins of the state of nature. To this extent, no ruler in the civil society could exercise power over me unless I have voluntarily granted him the power. And, if I have voluntarily granted him the power over me, then I have to obey the laws the ruler makes. Failure to obey the laws of the ruler I have voluntarily granted power over me makes me morally inconsistent. The strength of the Voluntarism Theory of political obligation is that it shows why a morally conscious agent ought to obey the laws of the ruler he has willingly granted power over himself: failure to do this makes him morally

inconsistent. However, the weakness of this theory is that the theory does not account for a situation in which a moral agent, say X, willingly grants another moral agent, say Y, power over himself (X), and Y later, on the assumption of power, starts to make laws morally depreciative of X's interests. In such a situation, must X still continue to obey Y? The voluntarism theorist of political obligation would find this question very hard to answer.

The Utilitarian Theory of Political Obligation

This theory of political obligation is a derivation from the consequentialist ethical theory of utilitarianism. This ethical theory simply states that the moral rightness or wrongness of the conduct of a moral agent is a function of the goodness or badness (whatever goodness or badness contextually connotes) it brings about, relative to the greatest number in society. If the conduct causes the existence of goodness that is beneficial to the interests of the greatest number in society, then the conduct is morally right. However, if the conduct causes the existence of badness that is non-beneficial to the greatest number in society, then the conduct is morally wrong.

Within the political context, the utilitarian theory of political obligation asserts that the citizens are obliged to obey the laws of the state, if the laws are most likely to bring about the happiness of the greatest number (however happiness of the greatest number is contextually defined). The strength of the theory lies in the fact that it emphasises to the larger part of the citizens, why they should support the state that makes laws that are beneficial to their interests. The problem of the theory is that it does not account for why the minority, whose interests are not supported by the laws, should obey such laws.

The Theocratic Theory of Political Obligation

This theory of political obligation derives from the theocratic assertion that the institution of leadership among men, in the final analysis, is a creation of the Transcendent (God). The theory, it must be noted, derives much from the argumentation of the English noble, Sir Robert Filmer (1588 – 1653) in his work, *Patriarchia or the Natural Power of Kings* (1680). According to J.S. McClelland, while rendering Filmer's position, kings were appointed by God to rule Christian people; therefore, they were responsible to God alone for the exercise of their stewardship of what God had given. The right of succession inhered in the heirs of the king's body, or in the collateral branch of his family. Because hereditary right was indefeasible, it followed that any challenge to the authority of the king was a sin (some Divine Right apologists even went so far as to argue that resistance to the commands of the Lord's Anointed was the greatest of all sins).

Since this theory of political obligation holds that all leadership among men ultimately derives from God, an idea borrowed from the theory of divine right of kings, otherwise called the royalist theory, it logically follows that men ought to unquestioningly obey the laws of political leadership in the state. The strength of the theocratic theory of political obligation lies in the fact that those who obey the laws of the rulers of their states, because they are convinced of the claims of the theory, are socially regarded as God-fearing, and this seems to be a point of social approval. However, the theory packs some obvious weaknesses. First, the theory assumes that the metaphysical concept of God, the very foundation of the theory, is intelligible to all, and this also applies to His *Being*. However, this seems not to be the case: it does not appeal to those who are theocratic sceptists (those who doubt the existence of God). Even to those who are theocratic non-sceptists (those who believe in the existence of God), which the theory mainly appeals to, there is still some problem. How could one obey laws that are obviously morally improper, just

because they have been made by a ruler ordained by God? The theocratic theory of political obligations states that people must obey the laws of rulers without giving any thought to the nature of the laws themselves, as well as the consequences of obedience to the laws in practice. This seems to be less than perfect thinking.

Democracy and Political Obligation

It is of much importance to examine the connection between democracy, which has been extensively examined in this lecture series, and the concept of political obligation that has just been discussed. To begin with, political obligation is one of the basic concepts in the scholarship on democracy generally, and liberal democratic theory in particular. The reason for this assertion is clear enough. The concept of political obligation is expressive of a position that one could call political commitment within a democratic state. The argument is that the people of a functional liberal democratic state ought to obey the laws of the leaders they have willingly chosen at free and fair elections. On the theoretical level, this obedience to laws in a functional liberal democracy is consistent with the voluntarism theory of political obligation. Furthermore, obedience of the people to laws made by democratically elected leaders supports the continued existence of the democratic system in the practical sense.

Summary

In this lecture, we have attempted to examine the subject of democracy and political obligation. In the first instance, we clarified what political obligation is all about, before examining some features of political obligation. We also discussed some specific theories of political obligation. Lastly, we brought out the

connection between democracy and political obligation in the contemporary society.

Post-Test

- 1 What is political obligation? Name some features of political obligation.
- 2 Explain the connection between democracy and political obligation.
- 3 Discuss briefly, the following theories of political obligation:
 - (i) The Prudential Theory of Political Obligation
 - (ii) The Legitimacy Theory of Political Obligation
 - (iii) The Voluntarism Theory of Political Obligation
 - (iv) The Utilitarian Theory of Political Obligation
 - (v) The Theocratic Theory of Political Obligation

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LECTURE SEVEN

MEANING FEATURES AND HISTORICAL DEVELOPMENT OF CIVIL DISOBEDIENCE

Introduction

In the last lecture, we discussed democracy and political obligation. In the present lecture, we shall examine the idea of civil disobedience. Here, we are primarily concerned with unraveling the conceptual contents as well as examining the historical development of civil disobedience. To this extent, the very first step is to

clarify what the concept of civil disobedience is all about, before discussing its features. Thereafter, we shall examine the historical development of the concept of civil development.

Objectives

At the end of this lecture, you should be able to:

1. understand the meaning of civil disobedience;
2. name the features of civil disobedience, and
3. examine the historical development of the concept of civil disobedience.

Pre-Test

1. What you understand civil disobedience to mean?
2. Attempt a discussion of the historical development of civil disobedience.

Content

According to Kimberly Brownlee, the concept of civil disobedience emerged from Henry David Thoreau in an essay in 1848. Thoreau used the term to describe his refusal to pay the state poll tax imposed by the American government to prosecute a war in Mexico and to enforce the Fugitive Slave Law. Since that time, the term has increased in use among dissenters.

Ordinarily however, the terms ‘civil’ and ‘disobedience’ seem diametrically opposed such that their combination would produce something of a paradox. The term ‘civil’ could be used in different senses. First, the term could be used as a recognition of the general obligations of citizens to one another. Second, the term

could be used to depict what is secular, lay, and temporal, as distinct from ecclesiastical; what is polite, courteous and relating to ordinary life, as distinct from what is military and uncivilised. Third, the term could be used to refer to what relates to a city or public as distinct from what is strictly private and personal.

On the other hand, the term ‘disobedience’ means the act of neglecting or refusing to obey. It is the act of failing or refusing deliberately to obey laid down rules, regulations, principles and traditions. Combining both terms therefore poses the paradoxical question of ‘what is civil in disobedience?’ However, the qualifier -‘civil’- plays a very crucial role in the characterisation of the phenomenon of civil disobedience. If for anything else, it helps (as will be explained later) to underline the essentially non-violent and polite, character of civil disobedience. Both Mahatma Gandhi and Martin Luther King Jnr. – fondly regarded as forerunners of civil disobedience – emphasise in their various writings, the non-violent character of civil disobedience. Essentially, an act of civil disobedience is basically intended to address the sense of justice of the majority and not to overthrow the government. It therefore has no need to resort to the use or threat of violence, as such would no longer make the activity civil.

As it is with other issues examined within the precincts of scholarship however, the concept of civil disobedience has generated much scholarly input. According to *Funk and Wagnalls New Encyclopedia*, the concept of civil disobedience could be understood as expressing a refusal to obey civil laws or decrees. This refusal takes the form of passive resistance. No doubt, this understanding of civil disobedience gives three basic hints about what civil disobedience is all about. First, it informs us that civil disobedience involves a blunt refusal of obedience to a law or decree; perhaps, because it is unjust or immoral. Second, it also indirectly informs us that it involves a deliberate action on the part of the rational conscientious objector (RCO) to the law

or decree. The rational conscientious objector (RCO) must have given the law or decree a thorough consideration, weigh out the merits and the demerits, and feels convinced that the demerits outweigh the merits, necessitating his/her action of refusal of obedience. Actually, this critical reasoning process makes him/her a rational objector: s/he does not just object without a due process of consideration. Moreover, he is a conscientious objector because s/he feels convinced that the law is morally evil, and thus, fails to appeal to his / her moral conscience, or that the actions of the government run counter to morality in fundamental terms. Third, the method of conduct of civil disobedience is passive.

For S. G. Brown, civil disobedience means a strategy of non-violent resistance to governments or laws deemed to be unjust or discriminatory. This conception of civil disobedience agrees with the earlier one in two respects. First is that it informs us of the methodology of conduct for civil disobedience, which is, non-violent means or passive resistance. Second, it informs us that civil disobedience entails a resistance to a governmental institution / action or law. However, what is implied in the earlier conception of civil disobedience is clearly stated in the present conception, and this involves the kind of government or law to be resisted: that the resistance is conducted against a government or law that is unjust or discriminatory.

Moreover, S.G. Brown attempts further to differentiate between the narrow and the broad senses of civil disobedience. He states that if civil disobedience is narrowly construed, then it denotes mere refusal to obey the commands of government and thus is almost synonymous with passive resistance. However, if broadly understood, civil disobedience includes gratuitous acts undertaken in defiance of laws for the purpose of rendering them ineffective. One could reasonably call what Brown regards as narrow sense, as strictly (not almost

synonymously with) passive disobedience simply because it involves no action taken to ensure resistance, while the broad sense could also be reasonably called active civil disobedience since it involves some calculated actions taken to frustrate the government or law concerned.

Gene Sharp is yet another intellectual personality that has contributed to the conceptual mapping of the phenomenon of civil disobedience. For Sharp, civil disobedience involves a deliberate, personal violation of particular laws, decrees, regulations, ordinances, military or police orders or the likes, by individuals, small groups of people, or large masses of people. The objects of the violation are usually laws or regulations that some people regard as inherently immoral, unjust, or tyrannical. Just as other conceptions of civil disobedience examined so far, Sharp's conception also highlights some basic features of civil disobedience, such as being a deliberate act of an individual or a group; being a violation of a particular governmental law or regulation, and the object of violation being morally reprehensible. It could be inferred from the conceptions of civil disobedience given so far that the deliberate violation of a morally reprehensible government law is an open indication that the civil disobedient person or group considers the law as morally unacceptable because of its being morally reprehensible; if not, then the law would rather be obeyed.

Basic Features of Civil Disobedience

Having clarified the meaning of civil disobedience, we shall now make a further attempt to fully examine some features of civil disobedience.

First, the concept of civil disobedience necessarily presupposes the existence of a socio-political authority, which has been disobeyed. This appears to be a truism, in the sense that wherever there is no authority, there is no lawgiver, and

wherever there is no lawgiver, there is no law, and wherever there is no law, then there is nothing to be disobeyed.

Second, yet another basic feature of civil disobedience is conscientiousness on the part of the civil disobedient. What is meant here is that acts of civil disobedience are performed or embarked upon by the protester, from the principled and deeply held convictions that what he or she does is in defense or in the interest of those rules or ways of behaviour, which each member of the community is taught, bidden and encouraged to adopt. This is clearly shown in the seriousness and sincerity with which civil disobedients breach the law. Such breaches are therefore predicated on their self-respect, moral consistency as well as their perception of the interests of the general society.

Third, civil disobedience also has a communicative feature. In civilly disobeying a governmental law or policy, a person effectively conveys (communicates) his / her disavowal and moral condemnation of the governmental law or policy to the public attention, in the initial instance. The end-point of the exercise of civil disobedience may be a change in the governmental law or policy.

Fourth, another basic feature of civil disobedience is publicity / openness. John Rawls has made us understand that civil disobedience is never covert or secretive; it is only ever committed in public, openly, and with fair notice to legal authorities. The overriding aim of civil disobedience is not only to register deep concern and vehement objection, but also to make open, grave issues to public debate. It is for this reason that civil disobedience is usually publicly committed, and not under concealment from the appropriate authorities. This requirement of openness is crucial, for it helps to first, demonstrate the fact that civil disobedients are not criminals or plotters whose activities are usually concealed, and then to

enlighten the government and the general public about the nature and direction of the protest. According to Kimberly Brownlee, openness and publicity, even at the cost of having one's protest frustrated, offer ways for the civil disobedient to show his / her willingness to deal fairly with authorities in the process of passing across his / her disavowal and moral condemnation of the policy or action of the authorities involved.

Fifth, the idea of public good and interest forms the cornerstone of civil disobedience. According to F.A. Adeigbo, “the civilly disobedient does not act merely out of self-interest, nor does he seek to affirm some principle in private. Rather, his breach of law is aimed at directing public attention to constitutional defects and, for the most part, in underlining some conception of political justice,” which, in the final analysis, would be in the interest of the general public if the grouses of the civilly disobedient are looked into, and some favourable public decisions are made to this effect by the concerned authorities.

Sixth, the usual method of operation of a civil disobedient is non-violence. In other words, paradigmatic civil disobedients, such as Mahatma Gandhi and Martin Luther King Jr., conducted their acts of civil disobedience in non-violent ways. However, there seems to be some conceptual difficulties with respect to the feature of non-violence in the concept of civil disobedience. The problem is that violence itself is a slippery term, and that it is less than clear the sense of violence which is avoided in the conduct of civil disobedience. The point is that if we restrictively understand violence (as we usually do in society) as that which directly causes injury, damage or destruction, be it to the self or the other, then it becomes clear that an action may be considered as non-violent in one sense, but violent in another sense. For example, if X, the boss, gives Y, an assistant, a sack

letter for the latter's gross misbehavior in office, the action of X constitutes no violence to Y, in one sense, the sense of violence given above: X does not organize a hit against Y, which directly injures or destroys Y, if the hit succeeds. However, if the sack letter makes Y sad, coupled with the unfortunate situation in the labour market, and he ultimately develops high blood pressure and dies, then this is obviously a violence suffered by Y, and this agrees with the conception given earlier of violence.

Additionally, according to Joseph Raz, non-violent legal acts sometimes cause more harm to others than do some violent acts. And, as Kimberly Brownlee has noted, a legal strike by ambulance workers may well have much more severe consequences than minor acts of vandalism in the sense that severely injured accident victims in need of speedy movement to the hospital for medical attention may be deprived of this and they may die as a result of lack of speedy medical attention. The strike action of ambulance workers may not be violent in itself; after all, strike action is legally permitted, and therefore is recognised in the labour law of any civilized contemporary society, and this would not be so if it were to be essentially violent, violence being taken as mostly negative. But, the result obviously creates violence, assuming we are to understand violence in this instance as death that occurs as a result of lack of prompt medical attention. We should note here that the strike of ambulance workers in the present context causes destruction of life to the victims, thereby agreeing with our definition of violence given earlier.

Finally, another important feature of civil disobedience is the willingness of the civil disobedient to accept penalty for his action. This willingness to accept

punishment, among others, is often regarded as a mark of disobedients' fidelity to the legal system within which they carry out their protest.

The Historical Development of Civil Disobedience

Although, we noted earlier that the concept of civil disobedience was first used in 1848, however, it must be made clear that acts of civil disobedience actually predate 1848. In the ancient era, the Greek philosopher, Socrates (c. 470-399) was brought to trial on charges of not believing in the gods of the state, searching into things under the earth and in heaven, making the worse appear the better course, teaching these doctrines to others, and corrupting the youth of Athens. During the trial, Socrates rejected the course of abandoning his beliefs and teachings, stating that though he honored and loved men of Athens, he would rather obey God than them. He affirmed that while he was still alive, he would never cease from the practice and teaching of philosophy. Certain inferences could be made from the foregoing. First, Socrates' behaviour of facing the penalty of the law bravely, simply showed that Socrates was a conscientious civil disobedient, who was more than willing to accept the penalty for his action of disobedience to the state. Second, Socrates did not incite the youth against the state even after the sentence of death had been passed on him. This also showed that he was committed to the mode of non-violence in the pursuit of his civil disobedience.

In the Biblical times, there were varied instances of people who engaged in acts of civil disobedience in order to show their displeasure or opposition to a ruler, policy or rule, which they were convinced were morally wrong. When the disciples of Jesus Christ were ordered by the state to stop their teachings, in spite of the fact that the manner of conduct of the teachings constituted no breach of peace, they replied that they would rather obey God than mortals. One could also detect a call

for civil disobedience, coming from St. Thomas Aquinas, when he argued that people must disobey earthly rulers when the laws of the state disagree with the laws of nature, or God. This also shows that religious men have somewhat actively encouraged civil disobedience on religious grounds.

In the 1600s and 1700s, some religious bodies, groups, or associations stood out for their acts of civil disobedience. For example, the Quakers in colonial America bluntly refused to pay taxes for military purposes simply because they were strongly against war. Similarly, in the 1850s, abolitionists in the United States disobeyed the Fugitive Slave Law. The reason was that the law sought to compel the return of runaway slaves, and the abolitionists viewed slavery that the law sought to promote as morally wrong and ought to be abolished.

Furthermore, feminist groups played an appreciable role in the development of the whole idea of civil disobedience as an instrument of social re-orientation towards morally sound policy-making and policy implementation in society. For instance, in 1872, Susan B. Anthony was arrested for voting before it was legal for American women to vote. Perhaps, she based her dissent to the public policy against women's voting on the moral equality of men and women in society. She felt that if men and women were truly morally equal, then it would be morally wrong for only men to be accorded with franchise.

In the United States, in the 1950s and 1960s, Martin Luther King Jr., and other civil rights workers deliberately violated Southern segregation laws. This action was meant to fight racial injustice and institute social justice. The historical development of civil disobedience would not be complete without mentioning some monumental impacts / changes brought about by some famously coordinated acts of disobedience. For example, the "sit-ins" at segregated restaurants, libraries, transportation terminals; "freedom rides" of integrated groups on interstate buses

were well organised and well publicised. The basic goal was to ensure that the regulations of segregation were not successfully implemented in the United States.

In India, we could also mention some famous well coordinated acts of civil disobedience. Some have even argued that the programme of non-violent disobedience, also known as non-violent non-cooperation of Mahatma K. Ghandi in India, greatly pushed the British to grant independence to India on August 15, 1947. Although, the foregoing is a brevity of account, it still shows that the whole idea of civil disobedience has a very long history that could be traced to the ancient world.

Summary

In this lecture, we have made a systematic attempt to examine the concept of civil disobedience. In the first instance, we clarified what the concept is all about. We later discussed the features of the phenomenon of civil disobedience. Ultimately, we studied the historical evolution of the whole idea of civil disobedience.

Pre-Test

- 1 Explain what the concept of civil disobedience is all about?
- 2 Clearly discuss the features of civil disobedience.
- 3 Do a brief examination of the historical development of civil disobedience.

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LECTURE EIGHT

CIVIL DISOBEDIENCE AS A FORM OF POLITICAL ACTION

Introduction

In this lecture, we shall reflect on the positive role civil disobedience can possibly play in the development and sustenance of a stable democratic culture in Africa. The lecture will preview the socio-political conditions in Africa since the early 70s, with a view to showing how Africans have adjusted to situations that call for protests and how this general indifference and apathy has over the years contributed to the socio-political and economic crises presently threatening democratic experiments on the continent. The general indifference and refusal of citizens in most states in Africa to

embark on civil disobedience even when prevailing circumstances have been calling for such acts, as well as the continuous intolerance and repression of acts of civil disobedience by governments in most of the democratic states in Africa, which has forced most of their citizens to seek social fulfillment within groups not receptive to democratic ideals, are what we identify in this lecture as posing greater threats to democracy on the continent today.

For states in Africa therefore to sustain their present democratic structures, both the citizens and governments must cultivate the right attitudes toward civil disobedience as one of the chief instruments for actualizing the right of dissent. Civil disobedience, we conclude, is a corrective mechanism informed by the individuals' moral conviction on the inadequacy of rules and policies of government. The basis for such conviction is provided by the individuals' conscience. Since political office holders in a democracy exercise power in trust for the individuals who voted for them, the individuals' conscience will continue to remain a major source of challenge to all those who exercise political power under a democratic arrangement. Such challenges are expressed through different ways, chief among which is civil disobedience.

Objectives

At the end of this lecture, you should be able to:

1. distinguish between civil disobedience and right of dissent;
2. explain the role of conscience in acts civil disobedience and
3. explain the role acts civil disobedience can possibly play in the development and sustenance of a stable democratic culture in Africa.

Pre-Test

1. What is the relationship between civil disobedience and the right of dissent?
2. How can civil disobedience contribute to the development and sustenance of a stable democracy?

Content

Civil Disobedience, Right of Dissent and Democracy

Over the years, there has been this conflation between the concept of ‘civil disobedience’ and the ‘right of dissent’. Whereas some see both concepts as having a closely related meaning and so mistook them for synonyms, a few others are of the opinion that while the democratic framework clearly accommodates the right of dissent, civil disobedience is for them, against the very ideals of democracy as a form of government.

In order to resolve what appears like confusion here, it is important to first of all understand the significance of the idea of consent within the democratic structure since the right of dissent can be said to be a necessary consequence of the right of consent. Embedded within the democratic structure is the idea of the citizens’ consent. In a democracy, the people, that is, the citizens, are the ultimate authority. Consequently, the machinery by which laws are enacted and government selected is designed to ensure that no law or government could survive without the consent of the people. Consent here does not mean the kind of coerced or contrived consent as we have in autocratic societies. The consent of the citizens in a democracy must be freely given.

However, this right to free consent, which is one of the most vital principles of democratic societies, necessarily implies a right to free dissent. The understanding here is that those who oppose existing government policies must have the right to

compete openly and publicly with those who support such policies. The 'right of dissent' is not only about disobeying laws; it includes also the right to oppose passage of the law, the right to petition for its repeal, amendment and replacement thereafter, the right to promote the enactment of different laws at any time, as well as the right to campaign and vote for alternative candidates at the next election. To achieve all these, the democratic framework tends to guarantee the right of people to speak, write, publish, assemble, picket and even organise and demonstrate on behalf of their beliefs, opinions and points of view. In this wise, the right of dissent serves as a base from which our whole complex of freedoms in a democracy emanates. Civil disobedience then, like the right to speak, write or publish, becomes and should be seen as one of the chief instruments of dissent. In fact, given the peculiar nature of our societies, civil disobedience is about the most fundamental instrument for actualising dissent.

So far, we have attempted to explain the relationship between civil disobedience and the right of dissent within the democratic framework. In the next section, attempt will be made to relive the African socio-political situations, with a view to showing how Africans have adjusted to heinous conditions that call for civil protests and how this general indifference and apathy has contributed to the socio-political and economic predicaments plaguing the continent today.

The African Condition

Africa is a continent blessed with so much wealth, fine minds and noble personalities that radiate sublime intellectual prowess. Yet when we consider the progressive changes taking place in other parts of the world which are not so blessed, but which were formerly grouped with Africa within the awkward title of 'third world' and how these changes shine too brightly against the dull African background, one then sees

the acuteness of Africa's problems. In fact, the African condition in the past four decades has been, to say the least, pathetic! The continent has over the years remained unproductive, scientifically and ontologically barren and economically backward. This explains in part, the reason the African socio-cultural and political conditions have not been able to adequately sustain the human person on the continent. All these go a long way to justify the derogatory view of Africa by some Western scholars, as a continent habituated by Pseudo-humans (Popkin, 1977: 218; Hegel, 1990: 205; Blyden, 1967: 7).

During the period of colonial rule, African nationalists heaped the blames for the many woes that befell the continent on the colonial masters. They were seen as exploiters and cogs on the wheels of progress. Volumes were written by scholars of African descent to support this claim. Walter Rodney's *How Europe underdeveloped Africa* is one of such classic texts. (Rodney, 1982). But why do people now recall with nostalgia, the robust economic and socio-political conditions of the times colonial masters were in charge of governments in Africa? Why have the socio-political and economic conditions in most of the states on the continent continued to downslide since Africans took charge of these states at independence?

A careful study of pre-colonial Africa reveals that there was some level of civility amongst the people. At least, the people had their existential values with which they developed a culture and politics that they considered adequate for positive living and progressive development. In addition, the structures for checks and balances including those that guarantee the right of dissent were well institutionalized. For example, it is on records that the legendary Oba Ewuakpe of the famous Bini kingdom was forced to abdicate the throne and go on exile when the Bini people withdrew their allegiances to him and civilly disobeyed his proclamations. These

structures survived even during colonial period, as some of the concessions gained from the colonial administration by the African nationalists, were made possible by the exercise of their right of dissent through civil disobedience.

But on taking over the mantle of leadership from the European colonizers, post independence political office holders in Africa started positioning themselves as masters while others were reduced to slaves, and who as slaves must know that the master is to govern absolutely and that he is to obey implicitly, and that he is never for a moment to exercise his will or judgement in opposition to a ‘positive order’ from the master.

As a result, all those opposed to their policies were perceived as enemies that should be crushed and meted with infinite harm. Even some of those who fought for the independence of their states but who were not fortunate enough to be in power, had their right of dissent curtailed by being thrown into prison. It is government’s repression of the right of citizens to freely express dissenting opinions that made most citizens seek other avenues for expressing their grievances. Some of these avenues later developed into the many armed groups and ethnic militias that presently dotted the continent. In Mozambique, there is the Ruling Front for the Liberation of Mozambique (RENAMO), Angola has the UNITA Rebels, the Zulu Inkatha Movement is in South Africa while Senegal has the Casamance Movement of Democratic Forces (MFDC). Kenya has the Forum for the Restoration of Democracy (RPT), Sierra Leone has the Armed Forces Revolutionary Council (AFRC), Liberia, the United Liberation Movement (ULIMO), Sudan, the Peoples Liberation Army (SPLA) and Algeria, the Front for Islamic Salvation (FIS). In Nigeria, we have the Odua Peoples Congress (OPC), the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), the Movement for the Emancipation of Niger Delta

(MEND), the Ijaw Youth Congress (IYC) and of late, the Boko Haram Terrorist group, amongst others.

A few months after the independence of most African states therefore, the continent became a theatre of coups. The military struck in Zaire in January 1961, precisely six months after independence. Togo and Benin Republic had theirs in 1963, Central Africa Republic in 1965, Burkina Faso and Nigeria in 1966, Mali in 1968 Niger Republic in 1974, Mauritania in 1978, Equatorial Guinea in 1979, Liberia and Guinea Bissau in 1980. All these countries have had repeated cases of counter coups. In Nigeria alone, we have witnessed not less than 7 coups and counter coups. All of these military governments promised their citizens, short-term governance and quick return to genuine democratic process. None of them kept their promises! Rather, they all left their countries with goring tales of woe. In a country where poverty holds sway Bedel Bokassa of Central Africa Republic spent over 30 million dollars to crown himself emperor in 1977. In a country where people could hardly feed, Mobutu Sese Seko of Zaire could afford to fly in a barber from New York to trim his hair every two weeks at the cost of over 5,000 dollars. Up till now the former Nigerian military president Ibrahim Babangida has not been able to account for the 1.2 trillion naira oil windfall that the country realised during the gulf war. And not too long ago, Sani Abacha, the late military head of state of Nigeria was declared to be the world greatest looter. Indeed, the military has so far produced the worst, among the already horrible political leaders on the African continent. Yet, one has over the years noticed with dismay, how the emergency of a new military junta is each time received with enthusiasm by the citizenry in most states in Africa. The new gang, it is often believed, has come to ostensibly savage the country from the ills of the government it ousted. But what has our various experiences of military administrations on the continent taught us?

The present era of civil administration during which most of the states mentioned above are allegedly practicing democracy has no better tale, as most democratic rule in Africa have been characterised by systematic mismanagement of national property and gross neglect of societal problems. The present democratic experiment in Nigeria attests to this fact. The story is the same in other so-called democratic states in the continent.

The huge fortune that providence bestowed on the African continent would ordinarily be enough to launch the continent into the middle rank of the developed nations and transform the lives of her poor and needy citizens. But what have our political office holders done with them? Achebe's (1983) response to this question is very apt:

Stolen and salted away by people in power and their accomplices. Squandered in uncontrolled importation of all kinds of useless consumer mechanize from every corner of the globe (and) embezzled through inflated contracts to an increasing array of loyalists who have neither the desire nor competence to execute their contracts.

We are not here insinuating that corruption is precluded to political officer holders in Africa alone. The infamous American Watergate Scandal and even recent disclosures of the enormous corruption of political office holders in Asia and even Europe show that corruption is a world-wide phenomenon. But it seems however that corruption, like other societal vices thrive more in places where they are complacently tolerated. This underscores the persistence and even magnitude of this worldwide problem on the African continent.

In each of these miserable conditions the continent has found itself, Africans have always devised mechanisms for adjusting to the situations, individually and collectively. In fact, Africa, to quote Obi Oguejiofor (2001), has become "one section of the world where people are habituated to wait for bad news". This tendency is

contrary to Harold Laski's admonition that if a state becomes morally degenerate, the only option for the citizen is to remain consistent with his moral nature. To be consistent with one's moral nature according to Laski, is to withdraw one's allegiance on noticing a moral degeneration on the part of the state. Where therefore citizens persistently refuse to act in the face of unjust laws and immoral decisions and policies of government, such citizens would not only have given room for government to further perpetrate acts that are detrimental to their very well-being, but most importantly, such citizens would be reneging in their duties as morally autonomous agents. This general indifference on the part of the citizens has contributed immensely to the persistence of the various malaise presently besetting the African continent.

Civil Disobedience, Moral Autonomy and Sustainable Democracy.

The point so far made in this lecture is that the challenges facing good governance and democratic experiment on the African continent result partly from the way and manner the citizens and government have each responded to the use of civil disobedience as one of the chief instruments for actualizing dissent. In this remaining part of the lecture, we argue that civil disobedience as a corrective mechanism is informed by the individuals' moral conviction on the inadequacy of laws and policies of government and that the democratic framework, which itself depends for its vitality, upon the vigorous confrontation of opposing forces, admits of civil disobedience. Democracy is therefore better strengthened when both citizens and government exhibit attitudes that are promotive, not only of civil disobedience, but also of other actions that would enhance the actualization of the right of dissent.

The issue of the extent to which citizens should submit to the state by obeying its laws, as well as the limits of the rights of rulers to issue out such laws, has occupied the thoughts of socio-political theorists as far back as the modern period in the history of philosophy. The obligation of the citizens has been described as deriving from a number of sources, among which are the following: (i) The theory of justice holds that the obligation of the citizens to obey the laws of the state is premised on the fact that such laws are made purposely to give justice and that obedience to the law enhances the attainment of justice in society. (ii) The social contract theory sees obedience to be the result of a tacit agreement, made between the citizens and the state. The argument here is that political society grew out of a contract between the citizens and that political obligation is a fulfillment of the terms of that contract. (iii) The theory of general will tries to justify obedience to the law on the ground that law represents the concrete expression of the general will of the people and (iv) the theory of prudence holds that citizens obey the law because of their fear of the consequences of disobedience. This theory is also sometimes referred to as “the theory of enlightened self-interest” (Otunbajo, 1998: 92). There is also the theory of consent, which holds that obedience to the law, or authority of the state rests on the consent of the citizens, whether antecedently or contemporaneously. This theory is well explained in John Locke’s statement that “... no one can be subjected to the political power of another without his consent” (Locke, 1958: 98).

The question however as to which of these theories best justify political obligation in a democracy is a different issue altogether. On this, many are of the view that the most persuasive justification for political obligation in a democracy is provided by the consent theory. The reason for their choice of consent is that in a democratic arrangement, the people are believed to have consented to forming the government through voting in an election. However, given the liberal character of a democratic

system, with its constitutional guarantee of fundamental human rights, it sounds odd to justify political obligation on the basis of consent alone. This is because by guaranteeing the fundamental human rights of citizens, democracy by implication, also recognises the autonomy of man as a being with freewill and the capacity for reasoning. Also, the flagrant disrespect and abuse of the electoral process in nearly all the states in Africa has not only raised the question of who actually consented, and the authenticity of such consent, it has further confirmed the claim that the outcomes of electoral process in most African states is not a genuine reflection of the consent of individuals (Morrow, 1998: 359). Hence, the need to put some other considerations above the requirements of consent, in deciding whether or not to obey the laws of the state in democratic arrangements as ours.

This consideration finds expression within the theory of moral obligation in which obedience to the law is premised on the individual's conviction that it is the right and proper thing to do. Where obligation is moral, "the vast bulk of the population is generally law abiding even where there is not the slightest chance that real punishment will pursue the deviant" (Sandra, 1979: 9). In the same way that the theory ties obedience to one's conviction about the 'rightness' of a law, decision or policy, the theory similarly ties disobedience to one's conviction that it is right and proper to do so. Given these requirements, the issue then arises as to how any man can subject himself to obeying the state at all times without abdicating his responsibility as a morally autonomous agent.

Democracy is about rules and processes. So, the opinion is often expressed that the state should continually earn the citizens' obedience so long as it operates within the limits set by law. The legal backing given to the state in a democratic arrangement notwithstanding, the state is expected to exercise caution when dealing with policies

it suspects not to be consistent with the morally held beliefs, values and desires of its people. This is because the legitimacy of any democratic government rests ultimately on its claim to represent the desires of the citizens. Conversely, the claim of the government to obedience to its laws should depend on whether or not the government is doing what the people expect it to do. It follows therefore that when a government's decision, policy or law is incompatible with the citizens morally held beliefs, values and desires, the citizens have a moral right and responsibility to disobey such law, policy or decision. Harold Laski gives credence to this view when he insists on pledging his allegiance only to the state in which he discovers moral adequacy. According to Laski, if any given state becomes morally degenerate, the only option open to the citizen is to remain consistent with his moral nature (Laski, 1980). To be consistent with one's moral nature according to Laski, is to withdraw one's allegiance on noticing a moral declension on the part of the state. Such a decision is based on one's conscientious conviction. This is the reason civil disobedience is described as a conscientiously committed act, the curtailment of which amounts to imprisoning the conscience (Gandhi, 1961: 172).

The role of conscience in acts of civil disobedience is very instructive here. Conscience has been described as the innate or divinely implanted faculty that enables the individual to make correct judgement about moral issues. The distinctive role of conscience in acts of civil disobedience is that it establishes in the individual consciousness, a general sense of moral obligation. It establishes in the moral agent, a felt need or disposition to act in accordance with what he considers proper. This gives the agent a sense of personal integrity when he listens to his conscience and embarks on civil disobedience, and a corresponding sense of inner failure or guilt when through some fault of his, he fails to do so. Thus, conscience then plays the role of man's interior light in moral matters. This perhaps is the reason people are usually

said to have 'lost their conscience' whenever they behave in any manner not befitting their status as moral agents.

In the era of military dictatorship that preceded the present democratic dispensations, the citizens in most of the states in Africa have had to bear with most unjust policies of their governments because of the ways and manner government responded to acts of civil disobedience. But whereas it was the practice during this period for government to resist all expressions of serious disagreement to their policies and laws, actions and inaction, democracy, through its constitutional guarantee of man's basic freedom, makes it possible not only for such disagreement to be expressed on individual basis, but also for the individual to use and expand this freedom by organising and mobilising other citizens. It is therefore the case that the operational principles of democracy give backing to civil disobedience. The exercise of this right to disobey the government does not in any way undermine the citizen's fidelity to, and recognition of the rule of law and the political legitimacy of the government. On the contrary, it is their commitment to these ideals that would make people choose the option of civil disobedience instead of engaging in violent protests. Apart from civil disobedience being embarked upon in line with one's moral conviction, the act is significant in two other important ways. First, it affords people who ordinarily are divorced from the conventional instruments of power, that is, people who hold no political office or control no political machinery, the opportunity to participate even though indirectly, in moulding policies that affect them. Second is that acts of civil disobedience give significant meaning to the real essence of the concept of political obligation.

But, where citizens persistently refuse to act in the face of unjust laws and policies, they would not only have reneged their moral duties, but also would have given room

for government to further perpetrate acts which might turn out to be inimical to the very ideals of democracy as a system of government. And where governments, as we have in African states, continue to respond to acts of civil disobedience with suspicion and affront, then they will by their actions be undermining some of the basic ideals of democracy - like the citizens' freedom of expression and association as well as their right to participate in government.

Nigeria and indeed African countries should learn from the experiences of the United States and other advanced democracies of the world. In fact, America's greatness today rests largely on her protection of the freedom of her citizens to criticize, to dissent, to oppose and to join with others in mass opposition. In fact, one can boldly say that the United States of America is one of the few countries in the world today where the freedom to dissent and oppose governmental actions has been broadly safeguarded, and the results of the exercise of this right have indeed been auspicious through the years, as seen in the Negroes' protest against government segregated schools and the general protests against the United States' involvement in the Vietnamese war. The role of the United States in Afghanistan, Iraq, Iran, Pakistan and the Middle East is presently being protested by a handful of Americans, both at home and abroad, and these protests have had modifying effects on America's actions and policies in these areas.

Therefore, rather than repress acts of civil disobedience, democratic governments in Africa should learn to tolerate the criticisms, protests and demands of the dissenters, for this is part of the dynamics of democracy, which itself depends for its vitality, upon the vigorous confrontation of opposing forces (Fortas, 1968: 123). Acts of civil disobedience have most often degenerated into serious collective violence, riots and general disorder in this part of the world because of the way they have been handled

by governments and their agents. This indeed is the dangerous potential of civil disobedience, if mishandled! To prevent this however, governments in Africa should not only be ready to accept the discomforts implicit in civil disobedience acts, they should also make every effort to provide adequate facilities and protection for the dissenters where necessary, so that the 'demonstration' can be effectively staged without paralyzing economic or social activities. As long as government in a democracy holds power in trust for individual citizens, the individuals' conscience will continue to pose as major source of challenges to those who exercise political power. Such challenges are what the citizens express through civil disobedience. For democratically elected governments in Africa to sustain their present democratic structures therefore, they must be ready at all times to respect the dictates of the citizens' conscience as expressed through civil disobedience. This indeed is a major step in the quest for a stable and sustainable democratic culture in Africa.

Summary

So far in this lecture, we have reflected on the positive role civil disobedience can play in the development and sustenance of a stable democracy. We started by looking at the relationship between civil disobedience and the right of dissent and insisted that civil disobedience is one of the fundamental instruments for actualising dissent. We previewed the socio-political conditions in Africa since the early 70s, in order to expose how Africans have adjusted to situations that call for protests and how this general indifference and apathy has over the years contributed to the socio-political and economic crises presently threatening democratic experiments on the continent.

For states in Africa to sustain their present democratic structures, both the citizens and governments must cultivate the right attitudes toward civil disobedience as one of the chief instruments for actualizing the right of dissent. Civil disobedience, we

conclude, is a corrective mechanism informed by the individuals' moral conviction on the inadequacy of rules and policies of government. The basis for such conviction is provided by the individuals' conscience. Since political office holders in a democracy exercise power in trust for the individuals who voted for them, the individuals' conscience will continue to remain a major source of challenges to all those who exercise political power under a democratic arrangement. Such challenges are expressed through different ways, chief among which is civil disobedience.

Post-Test

- 1 What is the relationship between civil disobedience and the right of dissent?
- 2 How is civil disobedience one of the chief instruments for actualizing dissent?
- 3 Examine the role of conscience in acts of civil disobedience.
- 4 How can civil disobedience contribute to the development and sustenance of a stable democracy?

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General Conclusion

The meaning of ‘democracy’ may have been controversial and elastic, and its concrete expression may vary from society to society, we have nevertheless been able in this lecture series, to capture the essential features of all the various forms of democracy that can be found in the different parts of the world. Some of these features include free and fair elections, adherence to the letters and spirit of the constitution, periodic elections, accountability, respect for the fundamental human rights of citizens, the principle of majority rule and the recognition of minority rights, amongst others. However, the people’s participation in the process of government either directly as elected representatives or indirectly through elected representatives still remains one of the most distinguishing hallmarks of democracy.

In this lecture series, we have preoccupied ourselves with the history, meaning and features of democracy; the meaning and historical development of civil disobedience; rights, duties and obligation as well as the institutional frameworks provided by democracy not only for performing our duties and obligations but also

for expressing our fundamental human rights. One of such democratic frameworks for exercising our rights is civil disobedience. Civil disobedience, we argue, is a corrective mechanism informed by the individuals' moral conviction on the inadequacy of laws and policies of government. The basis for such conviction is provided by the individuals' conscience. For states in Africa to sustain their present democratic structures, we conclude, both the citizens and governments must cultivate the right attitudes toward civil disobedience as one of the chief instruments for actualising the right of dissent.

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