

**THE APPLICATION OF JOHN LOCKE SOCIAL
CONTRACT THEORY TO THE PRACTICE OF
DEMOCRACY IN NIGERIA FROM 1999 TO 2015**

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by

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Thesis Excerpts

“Social Contract Theory provides a general framework for inquiry, genuine dialogue and analysis into how societies are formed and governed. Social Contract Theory is an attempt to establish the theoretical base for the establishment of an idea civil society and government (Gherghe, 2011).”

[pg 84]

“In strong terms Ellis (2006) asserts that the principles of Social Contract Theory are by all means the framework of contemporary system of democracy. The array of assertions linking Social Contract Theory with democracy no doubt proves that there are links between them.” [pg 95]

In 2005 Thomas Friedman complained that many countries do not apply the principles of Social Contract Theory in a historical sense of a voluntary contract among citizens to establish their governments. This is the problem in most democracies around the world today (Friedman, 2005).

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LIST OF ABBREVIATIONS

NHRC	Nigerian Human Rights Commission
NEPC	National Economic Planning Committee
UDHR	Universal Declaration of Human Rights
AD	After Death
USA	United State of America
BC	Before Christ
UN	United Nations
MDGs	Millennium Development Goals
OSCE	Organization for Security and Cooperation in Europe
DRC	Democratic Republic of Congo
PDP	Peoples Democratic Party
AC	Action Congress
KANU	Keyan African National Union
NARC	National Alliance Rainbow Coalition
NDC	National Democratic Congress
NPP	New Patriotic Party
ANC	African National Congress
COPE	Congress of the People
SLPP	Sierra Leone People's Party
PMDC	People's Movement for Democratic Change
APC	All People's Congress (Sierra Leone)
APC	All People's Congress (Nigeria)
NPN	National Party of Nigeria
MKO	Moshood Kashimawo Olawale
UK	United Kingdom
EU	European Union
UDHR	Universal Declaration of Human Rights
CW	Commonwealth
NAM	Non-Alignment Movement
OPEC	Organization of Petroleum Exporting Council
AU	African Union

ECOWAS	Economic Community of West African States
CEMAC	Monetary and Economic Community of Central Africa
SADC	Southern African Development Community
EAC	East African Community
AC	Andean Community
IAFO	Iberoamerican Federation of Ombudsman
OAS	Organization of American States
OECS	Organization of Eastern Caribbean States
NAFTA	North American Free Trade Agreement
LAFTZ	Latin American Free Trade Zone
ASEAN	Association of Southeast Asian Nations
PIF	Pacific Island Forum
SAARC	South Asian Association for Regional Cooperation
CU	Council of Europe
EU	European Union
OSCE	Organization for Security and Cooperation in Europe
GCC	Gulf Cooperation Council
LAS	League of Arab States
NPC	National Population Census
ORP	Oil Rivers Protectorate
RNC	Royal Niger Company
UAC	United African Company
NAC	National African Company
NEPU	Northern Element Progressive Union
AG	Action Group
NCNC	National Council for Nigerian Citizens
NPC	Northern People's Congress
NNA	Nigerian National Alliance
NNDP	Nigerian National Democratic Party
UPGA	United Progressive Grand Alliance
FEDECO	Federal Electoral Commission
UPN	Unity Party of Nigeria
NPP	Nigerian People's Party

GNPP	Great Nigerian people's Party
PRP	People's Redemption Party
MAN	Manufacturer's Association of Nigeria
PB	Political Bureau
NEC	National Electoral Commission
DIFRRI	Directorate for Food Road and Rural Infrastructure
CDC	Constitution Draft Committee
CRC	Constitution Review Committee
RMC	Revenue Mobilization Committee
CDS	Center for Democratic Studies
CA	Constituent Assembly
PFN	People's Front for Nigeria
NPWP	Nigerian People's Welfare Party
NNC	Nigerian National Congress
PSP	People's Solidarity Party
NLP	Nigerian Labor Party
RPN	Republican party of Nigeria
NUP	National Union Party
LC	Liberal Convention
PNP	Patriotic Nigeria's Party
IPP	Ideal People's Party
ANPP	All Nigerian People's Party
PPP	People's Patriotic Party
SDP	Social Democratic Party
NRC	National Republican Convention
WAFF	West African Frontier Force
QONR	Queens Own Nigerian Regiment
NEC	National Electoral Commission
OIC	Organization of Islamic Conference
NECON	National Electoral Commission
UNCP	United Nigerian Congress Party
CNC	Congress for National Consensus
DPN	Democratic Party of Nigeria

GDM	Grassroots Democratic Movement
NACYAN	National Council of Youth Association
NSMC	Nigerian Security and Ministering Company
PTF	Petroleum Trust Fund
NLC	Nigeria Labor Congress
ASUU	Association of Staff Union of University
NANS	National Association of Nigeria Students
SMC	Supreme Military Council
AFRC	Armed Forces Ruling Council
NCC	National Constituent Conference
NADECO	National Democratic Coalition
PENGASSEN	Petroleum and National Grass Senior Staff Association of Nigeria
MAMSER	Mass Mobilization for self Reliance, Social Justice and Economic Recovery
CEDAW	Convention on the Elimination of All forms of Violence against Women
INEC	Independent National Electoral Commission
OPC	Odua People's Congress
MASSOB	Movement for the Actualization of the Sovereign State of Biafra
MOSOP	Movement for the Survival of the Ogoni People
NDVF	Niger Delta Volunteer Force
MEND	Movement for the Emancipation of the Niger Delta
MNOC	Multinational Oil Corporation
ACF	Arewa Consultative Forum
ICJ	International Court of Justice
CDCC	Constitution Debate and Coordinating Committee
CAN	Christian Association of Nigeria
EFCC	Economic and Financial Crimes Commission
SAN	Senior Advocate of Nigeria
SPPU	Special Project Unit

NLC	Nigerian Labor Congress
CNPP	Conference of Nigerian Political Parties
NHRC	National Human Rights Commission
IGP	Inspector General of Police
TMG	Transition Monitoring Group
IPOB	Indigenous Peoples of Biafra

APLIKASI TEORI KONTRAK SOSIAL JOHN LOCKE TERHADAP AMALAN DEMOKRASI DI NIGERIA DARI 1999 HINGGA 2015

ABSTRAK

Kajian ini merupakan suatu aplikasi teori dan penelitian terhadap amalan demokrasi di Nigeria dari 1999 hingga 2015 menggunakan Teori Kontrak Sosial John Locke. Objektif utama kajian ini adalah untuk menentukan tabii dan karakter amalan demokrasi di Nigeria dari sudut pandang Teori Kontrak Sosial John Locke. Kajian juga mengkaji impak dikotomi di antara Teori Kontrak Sosial John Locke. dan amalan demokrasi di Nigeria dari 1999 hingga 2015. Data kajian diperoleh daripada sumber primer dan sekunder. Kaedah yang digunakan untuk menganalisis data adalah pendekatan deskriptif kritikal berdasarkan triangulasi. Dapatan kajian ini menunjukkan bahawa tabii dan karakter demokrasi di Nigeria dari 1999 hingga 2015 adalah dicirikan oleh pelanggaran undang-undang (lawlessness) dan impuniti (bebas daripada hukuman). Dikotomi di antara Teori Kontrak Sosial John Locke. dan amalan demokrasi di Nigeria didapati bertanggungjawab terhadap pengasingan majoriti rakyat daripada proses pembentukan negara Nigeria, dan pendrafan serta pengesahan Perlembagaan Nigeria 1999. Ditemui juga bahawa kebanyakan pendakwaan dan pelaksanaan kuasa prerogatif dari 1999 hingga 2015 tidak mematuhi peruntukan yang ditetapkan dalam Teori Kontrak Sosial John Locke. dan Perlembagaan Nigeria 1999. Tirani (kekejaman) dan perebutan kuasa juga didapati bertanggungjawab terhadap pencabulan prinsip pemisahan kuasa. Ketidakpatuhan terhadap prinsip kontrak sosial John Locke dalam amalan demokrasi Nigeria dari 1999 hingga 2015 didapati bertanggungjawab terhadap desakan yang berterusan oleh kumpulan tertentu

terhadap pemisahan dan pindaan Perlembagaan Nigeria 1999. Dapatan kajian juga menunjukkan bahawa terdapat kepincangan yang berterusan dalam pilihan raya di Nigeria. Justeru, dalam kesimpulan ini dapat diujahkan bahawa, jika kepincangan proses pilihan raya di Nigeria, kenegaraan Nigeria dan kekurangan dalam Perlembagaan 1999 tidak ditangani dengan segera, maka Nigeria akan berterusan mengalami amalan demokrasi yang tidak begitu baik. pencabulan hak manusia, pengasingan politik dan bantahan terhadap Negara Nigeria, Sebagai cadangan, disarankan bahawa suatu platform dijana untuk memberi peluang kepada rakyat menentukan terma negara Nigeria dan menggubal perlembangan yang berorientasikan rakyat bagi mengatasi kekurangan yang wujud di antara Teori Kontrak Sosial John Locke dan amalan demokrasi di Nigeria.

THE APPLICATION OF JOHN LOCKE SOCIAL CONTRACT THEORY TO THE PRACTICE OF DEMOCRACY IN NIGERIA FROM 1999 TO 2015

ABSTRACT

This study is the theoretical application and investigation of the practice of democracy in Nigeria from 1999 to 2015 using John Locke's Social Contract Theory. The major objective of this study was to find out the nature and character of the practice of democracy in Nigeria in the light of John Locke's Social Contract Theory. The study also investigated the impacts of the dichotomy between John Locke's Social Contract Theory and the practice of democracy in Nigeria from 1999 to 2015. The data presented in this study was obtained from the primary and secondary sources. The method used to analyze the data was the critical descriptive approach based on triangulation. The findings of this study showed that the nature and character of the practice of democracy in Nigeria from 1999 to 2015 were characterized by lawlessness and impunity. The dichotomy between John Locke's Social Contract Theory and the practice of democracy in Nigeria was found to have been responsible for the alienation of the majority of the people from the processes which led to the creation of the Nigerian State, the drafting, and ratification of the 1999 Constitution of Nigeria. It was further discovered that most of the impeachments and the exercise of the power of prerogative from 1999 to 2015 did not adhere to the provisions of Locke's Social Contract Theory and the 1999 Constitution of Nigeria. Tyranny and usurpation of power were also found to be responsible for the violation of the principles of separation of powers. The non-adherence to John Locke's social contract principles in the practice of democracy in Nigeria from 1999 to 2015 was discovered

to be responsible for the incessant demands by groups in Nigeria for secession and the demand for the amendment of the 1999 Constitution of Nigeria. The findings of this study also showed that constant electoral malpractices in Nigeria short-changed the contractual relationship between the people and those who ruled over them. In the conclusion, it was argued that, if the electoral process in Nigeria, the Nigerian statehood and the loopholes in the 1999 Constitution of Nigeria are not urgently addressed, Nigeria would continue to experience the poor practice of democracy, human rights violation, political alienation and periodic protests against the Nigerian State. As recommendations, it is suggested that a platform is created to provide an opportunity for Nigerians to determine the terms of the Nigerian state and to produce a people's oriented constitution for Nigeria which can address the perennial deficit between John Locke's Social Contract Theory and the practice of democracy in Nigeria.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

John Locke theorization on the social contract was to address the political problems in 17th and the 18th Century England. The politics in England in the 17th and the 18th Century was characterized by monarchs who became too powerful and unquestionable. It was the era of severe abuses of power in England by the monarch. This was the period when the political, religious and parliamentary functions were fused in the monarchs beyond measures, and it was the time in which the consent of the people was hardly recognized regarding state matters (Eng, 2015). As a result, John Locke who was a keen spectator of the political happenings was set to propound ideas that would correct the abnormalities which characterized English politics in the 17th and the 18th Century. He was also committed to set the principles for an ideal state for generations ahead as a model on how to organize and practice government. Locke had in his mind the need to synergize theory and practice (Hopfl & Thompson, 1979; Keeley, 1995).

Although John Locke's Social Contract Theory is traced to the 17th Century, it has survived over the centuries and provides basic but fundamental theoretical principles of inquiry and model for analysis into 21st Century politics. As at the 20th Century, Lloyd still iterated that, the Social Contract Theory of John Locke was peculiar to the 17th and the 18th Centuries. However, the theory has survived into the 19th Century and possibly into the 20th Century (Lloyd, 1901). The relevance of John Locke's Social Contract Theory has been immense around the world. The usefulness of John Locke's Social Contract Theory is associated with its long

historical effect on the political affairs during the 18th Century whereby states in the United States of America (USA) were launched into early constitutional states (Keeley, 1995). John Locke's Social Contract Theory provided insight and way forward to the political upheavals which threatened the politics of England in the 17th and the 18th Century (Eng, 2015).

John Locke's concern for the political situation of his time led him to publish his most famous book on the political theory the Two Treatises of Government in 1690. The ideas in the book to a great degree justified the 1688 Revolution in England. The revolution ousted the reign of King James II in the notion that King James severely broke the terms of the social contract as a trustee (Hopfl & Thompson 1979). Countries like the USA, France, England, and Canada built their nations, democracies, constitutions and politics on the ideas of Locke's Social Contract Theory as propounded in the Two Treatises of Government (Tate, 1965).

This shows that the ideas of Locke's Social Contract Theory as propounded in the Two Treatises of Government are to some extent synonymous with democracy, useful and applicable to the 21st Century. However, the practices of democracies in most countries like Nigeria as Keeley (1995) points out are antithetical to the principles of Social Contract Theory and good governance. The discrepancy between social contract principles and the practice of democracy seems to come with adverse effect. Whatever the consequences of the discrepancies are, they cannot be understood if the principles of Social Contract Theory are not applied to a specific country practicing democracy.

John Locke's Social Contract Theory over the years has come under several criticisms. Those who criticize his Social Contract Theory assert that his ideas are incoherent, hypothetical, unrealistic and ahistorical in nature (Laslett, 2013; Tate, 1965). However, there are those who also argue that the principles of Locke's Social Contract Theory are synonymous with the principles of democracy and as a result provides useful framework for analyzing and understanding the practice of governance (Ritchie, 1891; Lloyd, 1901; Ellis, 2006; Hicky, 2011; Hampton, 1980; Abbott, 2008; Gherghe, 2011). That is why Ward (2005) concludes that John Locke was the harbinger of democracy. Elsewhere Laslett, (2013) and Tate (1965) confess that despite the several criticisms and deficiencies associated with social contract generally, scholars have not stopped using it as a model of analysis in different areas of research. This shows that irrespective of the tag of absoluteness attached to Social Contract Theory by its critics it has not lost its allurements in research and political behavior.

The observation of Laslett, (2013) and Tate (1965) elucidates why the social contract is still being used as a model of analysis. On a general note, for instance, social contract has been used at different times as a tool of analysis in such areas as medicine (Reid, 2011); agriculture (Cotlear, 2006); family (Sepinwall, 1999, Paz-fuch, 2011); business and marketing (Vaaland, Heide & Grohaug, 2008; Judith, 1993; Yang, 2000); Millennium Development Goals (Hickey, 2011). Other areas where Social Contract Theory has been applied include Workers' Union relationship and their employer (Judith, 1993; Yang, 2000); religion, (Novak, 2005) international relations and diplomacy (Paz-Fuchs, 2011) and marriage (Shapiro, 2009).

That notwithstanding, these contributors to Social Contract Theory have not been able to investigate why several democracies like Nigeria has not been faring well in line with the expectations of the principles of democracy. Elisabeth Ellis rightly noted that contributors have not been able to provide a satisfactory response to two persistent complaints about social contract theory's application to imperfect political conditions. First, how can political authority derive from contract theory? How can authorities consent be granted by real world citizens? This point to the fact that Social Contract Theory needs to be applied to investigate why some democracies like Nigeria is in the situation in which it is. One of the reasons explanations for the imperfect conditions of democracy are not found is the absence of studies on Social Contract Theory and democracy (Ellis, 2006).

Since there are limited critical applications of Social Contract Theory to the practice of democracy, many scholars like Laslatte (2013); Tate (1965); Gauthier (1977), Hegel (1988) and Hume (2006) are very fast to dismiss the Social Contract Theory as a mere academic fiction. But scholarship needs to move beyond those criticisms to attempting to apply the Social Contract Theory to specific cases of democratic practicing nations in order to see how the imperfect democratic situations can be explained and understood from a theoretical and philosophical perspective. Once this is done, it will address the lacuna in the literature on John Locke's Social Contract Theory and the practice of democracy, which otherwise gives the impression that John Locke's Social Contract Theory is not useful. It is for this reason, that this study considers Nigeria as a case study for the application of John Locke's Social Contract Theory in order to understand the nature and character of the practice of democracy in a country.

Political philosophy is a discipline which does not treat issues apart from the realities of human experience. Political philosophy makes meaning when it is applied within the context of a societal setting. That is why political thinkers take into consideration the political, cultural, economic, historical and religious factors surrounding man's life. Since man is political, and political thought has to do with collective decision making, political philosophy puts into account issues regarding the origin, nature and development of human societies. John Locke's Social Contract Theory is an attempt to establish the theoretical base for the establishment of an ideal civil society and government which will promote the security, liberty and wellbeing of the people who so form the society and government (Gherhhe, 2011). In the Two Treatises of Government Locke theorizes how to establish an effective social contract system in the society; how to determine when the social contract is violated or abused; how to protect the social contract system and the best way to handle abuses of social contract agreement by leaders. Locke's Social Contract Theory as enunciated in the Two Treatises of Government was to challenge the abnormal political situation in 17th and 18th Century England, at the same time to direct the political pathway for the future (Dienstag 1996).

Social Contract Theory is associated with three major modern philosophers; Thomas Hobbes, John Locke and Jean-Jacques Rousseau (Gauthier, 1977; Tienda, 2002). These were great political philosophers who came up with great ideas that laid the foundation for the theory and practice of democracy today. These theorists agree that the formation of the state and civil governance is the product of a compact of the people. The implication is that, the state and its leadership cannot be in place if the people do not collectively consent to establish them (Faber, 2011). Social Contract Theory sets in motion the picture of an ideal state whereby the authority of the state

and its leaders is legitimized by the consent of the people. It provides the principle which explains human relations and existence.

For example, in 1707 the Kingdom of England and Scotland accepted to enter into a compact to be amalgamated. The thirteen colonies in America agreed to come together to form the United States of America and to establish its government therein in 1776; similarly, in 1867 some British colonies in North America agreed to come together to form a Confederation known today as Canada (Lloyd, 1901; Dare, 2003). In 1963 Sabah and Sarawak agreed to join the Federation of Malaysia (Means, 1963; Kahin, 1964 and Fong, 2011). This to some extent illustrates the relationship between Social Contract Theory and the emergence of nation-states.

John Locke's Social Contract Theory is a constitutional contract that is aimed at protecting the people's life, liberty and property. To Locke, the people form the government to protect their rights and when the government reneges, the people have the right to revolt and change the government (Locke, 2014). In Locke's perspective: the powers of the government are not absolute but defined by the constitution and the people who equally reserve the rights to check the government. The people hand over their rights to protect, judge and fight for themselves to a constituted authority but reserve the right to remove erring leaders.

Locke's social contract is synonymous with Liberal democracy because his principles of Social Contract Theory provided the inspiration for constitutional democracy and the idea of fundamental human rights protection (Shapiro, 2003; Popkin & Stroll 1996). This is in line with the principles of liberal democracy and the UN Universal Declaration of Human Rights (UDHR) promulgated in Paris in 1948 by the UN General Assembly Resolution Number 217 (A) (III) as best practices

by nations of the world. To effectively protect the people's rights, Locke specifies some principles the government should put into practice. Locke's ideas eventually gave birth to liberal and representative democracy, one of the fastest growing and popular systems of government today (Hampton 1986; Baumgold, 2005; Popescus, 2012).

The last decades have witnessed an unprecedented wave of democratization around the world (Cervellati, Fortunato & Sunde, 2014; Thompson, 2010). In fact, there are about 200 countries in the world today practicing different forms of democracy. Others are undergoing the process of being democratized, some fully democratized while others are partially democratized (Karatnycky, 2002). The system of democracy postulates human freedom and equality. It is for this reason that Omelle states that whatever deficiencies there are in the Liberal democracy it must be credited for the great avenue it provides for individual and group for self-actualization. Democracy should be affirmed without fear of contradiction; that of all forms of governance ever devised by man, democracy is seen by many as the best form of government. Democracy today is the most cherished system of government across the globe. So, over the years there has been increased demand and incorporation of countries into the practice of democracy (Karatnycky, 2002; Omelle, 2005).

Democracy is particularly appealing to the oppressed peoples of the world whose yearning for freedom, equality and justice are being frustrated daily (Nnoli, 2012). In most of the countries practicing democracy, there exists one form of problem or the other. Even among mature democracies. In the USA for instance, there is still racial discrimination between the blacks and the whites. A case of

electoral malpractice was even reported in Florida in 2000. This is succinctly captured by Pippa Norris who says that:

Even long-established democracies are not immune, as exemplified by the notorious hanging chads in Florida in 2000, more recent accusations of voter suppression through over-zealous identification requirements during the Obama-Romney contest, and security vulnerabilities in UK postal ballots (Norris, 2012:2).

Africa is not spared from the crisis which confronts democracy. The wave of democratization which came to African countries at the dawn of decolonization evaporated by 1965 due to political violence and general insecurity (Elaigwu, 2011). African democracies are associated with a considerable number of violent crises from Liberia to Nigeria, from Sierra-Leone to Angola, from Ivory Coast to Algeria. Ethnoreligious and political formations were up in arms against one another in democratic states that describe themselves as democracies. As a result, these African countries do not enjoy relative political tranquility which democracy is purported to provide (Adebanwi, 2004).

Democratic governments all over the world today are undergoing one problem or the other. An assessment of the freedom of the world's political rights and civil liberties indicators over the past five years shows the most pronounced declines in sub-Saharan African countries (Puddington, 2014). The growth of such negative trends undermines democracy and the principles of Social Contract Theory among people. The widespread use of violence in democratic states is generally regarded as a sign of the failure of the democratic process. The breakdown of the democratic order may reflect policy failure of the regime policy-makers or minorities to undermine democratic values. But democracies that are able to avoid such disorder

while still being competitive and free and a better performer than those that are dominated by violence or those that restrict freedom in the name of order (Powell, 1992).

Besides this, electoral malpractices and political violence are the order of the day in some countries like Egypt. Egypt's failed attempt to conduct elections in 2011 and 2012 during President Mohamad Morsi threw the country into chaos with widespread protests from millions of Egyptians who thronged the streets of the country in the spirit that they were denied the opportunity to collectively decide who should lead them; this attitude of the Egyptians was a show of the spirit and desire to be involved in the choice of their leaders through a process which involves social contract principles. What happened in Egypt illustrates that leadership devoid of the people's consent breeds uproar. The major problem was not that the elections failed, but because there was no social compact in the country on how to transform to a democratic regime via a laid down code for the elections (Brown, 2013).

The commonest problem of democracy in Africa is the quest of leaders to remain in power for life against the will of the people. There are many cases in Africa regarding their leaders who want to be in power for life. They have used cruel means to push their agenda. In Zimbabwe, for instance, President Robert Mugabe who has personal control of the Armed Forces in the country has used it to brutally deal with the citizens to quell opposition. He has repeatedly violated human rights and promoted massive electoral fraud which has brought about civil unrest in the country (Mangongera, 2014). Robert Mugabe perpetuated these crimes so as to be the Life President of the country. Mugabe's leadership ambition made him violate human rights thus undermining liberal democratic practice. Recently in July 2015 the

two terms President of Burundi, Pierre Nkurunziza amended the constitution of the country to contest the Presidential Elections for the third time contrary to the provisions of the Constitution of Burundi. This attitude is incongruous to rule of law and to the principles of social contract.

Nigeria is no exception. Nigeria shares the same fate with those nations that do not adhere to the principles of Social Contract Theory in their practice of democracy. Since Nigeria was founded in 1914, it has more or less been in perennial transition from one form of governance to another; some of the transitions were democratic and others were not (Diamond, Krirk-Greene and Oyedirin, 1997). Both the democratic and military regimes in Nigeria have saddled the people with oppressive administrations which violated fundamental human rights and have at different moments failed to guarantee peace and security.

According to Elaigwu (2011), there were several indicators which pointed to the fact that Nigerian democratic experience in the First Republic (1960 to 1966) was not going well. These indicators were: breakdown of rules and regulations of party politics, abuse of political power, misappropriation of public funds and widespread corruption among public servants. Other indecent were human rights violation and insecurity, disenfranchisement, electoral malpractices, political violence and ethnic politics. All these led to the collapse of the First Republic. The widespread political violence which erupted in various parts of the country resulted in the first military coup of 15th January 1966. This was the beginning of the military rule in Nigeria. In 1984 and 1993 when Nigeria had the opportunities to move on to a presidential democracy the military intervened again and interrupted the process (Elaigwu, 2011).

Nigeria's democracy has experienced numerous crises and conflicts since 1960. These conflicts signaled a breakdown of law and order, peace and security in the country. These crises include the highly controversial and rigged Federal Election of 1964; the Action Group Crisis of 1962, the Western Election Crisis of 1965, the Electoral Crisis of 1979 and 1983. These crises denied the people the opportunity to legally choose their leaders in the country. Consequently, the unity of the country has been threatened since then. The crises in the First Republic (1964-1966) led to the 1966 coup in which the Prime Minister Alhaji Tafawa Balewa and Sir Ahmadu Bello, the Sultan of Sokoto were assassinated. These episodes led to the Nigerian civil war which lasted three years (1967 to 1970) resulting in the death of about two million people (Nwosu, 2008). Over the years it has been very hard to describe Nigeria as a strong nation state that upholds the social contract principles due to the constant ethnic rivalry that has permeated every facet of Nigeria's life.

From 2003 to 2015 Nigeria witnessed increased insecurity of human lives and property, violation of human rights, increased crime rates; the emergence and spread of politically motivated violence and assassinations; increased importation of illegal ammunition; an upsurge in ethnic, communal and religious conflicts; proliferation of ethnic and sectional militias (Tyoden, 2005; Okau, 2011). Admittedly, in 2007, the President of Nigeria, Alhaji Umaru Musa Yar'Adua accepted that the 2007 General Election process through which he became President was flawed. There are several cases of unlawful impeachments of those whom the people elected to represent them, abuse of power, tyranny, protests against the Nigerian statehood among other issues (Egwemi, 2010).

Several attempts have been made to study and proffer solutions to the problems associated with Nigeria's democracy. Despite these efforts, the problems confronting Nigeria's democracy seem to prevail. The literature available shows that none of the studies conducted on the problems of Nigeria's democracy have applied the Social Contract Theory of John Locke to look at the democratic situation in Nigeria from a theoretical perspective. The purpose of this study is to adopt a new approach to understanding the real factors responsible for the crisis being experienced in Nigeria's democracy. For this reason, the Social Contract Theory of John Locke is used as a framework to understand the nature and character of Nigeria's democracy in order to find out if the problems beseeching the practice of democracy are related to the dichotomy between John Locke's Social Contract theory and the practice of democracy.

1.2 Statement of problem

This study is a theoretical investigation of the practice of democracy in Nigeria from 1999 to 2015 based on the social contract framework of John Locke. Existing literature shows that the Social Contract Theory of John Locke has not been sufficiently applied to the practice of democracy thus creating a gap in the literature. Besides this problem, there exists a lot of dichotomy between the Social Contract Theory of John Locke and the practice of democracy which creates the discrepancy between theory and practice. The dichotomy between the Social Contract Theory of John Locke and democracy in Nigeria had a direct impact on the outcome of the practice of democracy in the country. The dichotomy between John Locke's Social

Contract Theory and the practice of democracy has never been identified as one of the major problems confronting Nigerian democracy.

Over the years Social Contract Theory has scarcely been used by authors as a framework to analyze the practice of democracy. According to Laslett social contract is hardly applied to political matters (Laslett, 2013). Also, Egwemi points out that there are still a lot of theoretical and philosophical gap in analyzing the practice of democracy in Nigeria (Egwemi, 2010). Along the same line, Hickey (2011), observes that social contract is very useful in determining political authority such that most nations are returning to the contractual nomenclature of governance through democracy. But little attempts have been made in bringing out the theoretical implications of Social Contract Theory to governance. These concerns by Egwemi (2010), Hickey (2011) and Laslett (2013) indicate that there is a gap in the literature on Social Contract Theory and the practice of democracy.

To substantiate this claim, the literature available shows that the ideas of Social Contract Theory have been applied to studies in other areas of human life except democracy. As shown in the literature review, social contract was applied to medicine (Reid, 2011), government and farmers' relationship in agriculture (Cotlear, 2006), the family, parents and the child relationship (Sepinwall, 1999, Paz-fuchs, 2011), the relationship between the buyer and the seller (Vaaland, Heide & Grohaug, 2008; Judith, 1993; Yang, 2000), the politics of tax administration and the Millennium Development Goals (Hickey, 2011).

Other areas in which Social Contract Theory was applied were the social contract between Workers' Union relationship with their employer (Judith, 1993; Yang, 2000), the social contract between God and man (Novak, 2005), in

international relations social contract was applied to justify the formation of international organizations, diplomacy, bilateral and multilateral relationships between and among nations (Paz-Fuchs, 2011) and finally in marriage to examine the social contract relationship between the husband and the wife (Shapiro, 2009). So far there is no sufficient literature to show that John Locke's Social Contract Theory was applied to the practice of democracy.

Even though Gherghe (2011) rightly establishes a relationship between John Locke's Social Contract Theory and democracy he did not apply it to any democracy practicing nation. This vacuum has resulted in scarcity in the literature on Social Contract Theory and the practice of democracy. This development has left a lacuna in the literature on Social Contract Theory and the practice of democracy. Therefore, the study of the problems confronting the practice of democracy needs to be investigated using John Locke's Social Contract Theory in order to fill up the gap existing in the literature.

Apart from the gap created in literature, another problem is the dichotomy between John Locke's Social Contract Theory and the practice of democracy. It is worrisome that there are some discrepancies between the principles of Social Contract Theory and the practice of democracy in Nigeria from 1999 to 2015. Woolner (2009) had found that there is a dichotomy between the theoretical framework of democracy and the actual practice of democracy when applied to real world situations.

This dichotomy has a lot of effects on the outcome of the practice of democracy. These discrepancies seem to be responsible for the poor performance of democracy in Nigeria. For instance, there have been serious contentions and protests

regarding the creation of the Nigerian statehood in 1914 and how the 1999 Constitution of Nigeria was drafted and ratified without the consent of the people. As a result, different groups in Nigeria have been demanding to cede from the country. The protest demands led to the death of over fifty thousand persons and the arrest and detention of over twenty persons (Azubuike, 2015). This development has resulted in dissatisfaction, disaffection and political apathy from different parts of Nigeria. It is also worrying that the Fourth Republic has about 47 cases of impeachments, the highest since Nigeria got independence in 1960. What could be responsible for this? Could this be due to the discrepancies between John Locke's Social Contract Theory and the manner in which democracy was practiced in Nigeria? The First Republic had no case of impeachment; the Second Republic had 2 cases of impeachments while the Third Republic did not experience any impeachment at all. Why did the Fourth Republic have the highest number of impeachments is a problem which needs to be investigated.

Besides, the Fourth Republic had 15 cases of state of emergencies declared in different states at the different time in Nigeria. This was also the highest in the history of Nigeria's democracy (Kehinde, 2014). What could be responsible for this upward trend of the state of emergencies in Nigeria? Furthermore, President Obasanjo's regime in the Fourth Republic witnessed a consistently strained executive-legislative relationship which affected the functions of the executive and the legislature especially the enactment of bills of laws and the execution bills (Ukase, 2013; Akena, 2013; Ojakamino, 2007). Again, the elections held in the Fourth Republic from 1999 to 2015 experienced a lot of electoral frauds which resulted in political violence, deaths and nullifications of some elections by the Election Petition Tribunals across the States (Adesomojo, 2015; Azubuike, 2015;

Akinyemi, 2015). What could be responsible for these developments? Could these developments be as a result of the dichotomy between the principles of John Locke's Social Contract Theory and the practice of democracy in Nigeria?

The political scenario in Nigeria is worrying. For example, it is estimated that 800 people were killed and 65,000 people were displaced due to post-election violence and rioting among rivals in the 2011 elections in Nigeria (Human Rights Watch, 2011). Similarly, the Islamic extremist group, 'Boko Haram' in Nigeria has been responsible for the attack on police stations, banks, and churches throughout Northern Nigeria. In July 2009 members of the Boko Haram clashed with security forces over five days in Borno, Bauchi, Kano, and the Yobe States. Consequently, 800 people died in those clashes, including at least 30 police officers. The majority of these attacks have occurred in Maiduguri, Borno State (Human Rights Watch, 2011). All these point to the fact that the Nigerian Government is losing the capacity to protect its citizen in line with the provision of John Locke's Social Contract Theory.

While investigating the factors responsible for the problems of Nigeria's democracy, Locke's social contract principles were not considered by existing scholarly studies. Rather, problems confronting Nigeria's democracy were associated with the poor implementation of true federalism (Ekeh, 2014; Adedeji, 1969; Oyovbair, 1985; Suberu, 2003; Sklar, 2000; & Graf, 1998), ethnicity and minority issues (Nnoli, 2008; Agbor, 2009 & Adeyinka, 2009), resource allocation (Obi, 2004; Albert, 2004, Suberu, 2004; Aigbokhan, 1999), military intervention in politics (Ojo, 2004, Adekanye, 1999) and corruption (Audu, 2009 & Adeg, 2009). It is, therefore, important to bridge this gap and establish the relationship between social

contract and the practice of democracy in Nigeria. By so doing, the problem of the practice of democracy would be approached from another viewpoint based on theoretical underpinning in the light of John Locke's Social Contract Theory.

The application of John Locke's Social Contract Theory to the practice of democracy in Nigeria does not only bridge the gap in the literature, it also sheds more light on the nature and the character of the practice democracy in Nigeria. It also shows how the dichotomy between Locke's Social Contract Theory and the practice of democracy is responsible for the woes of democracy in Nigeria. Hence, the need is not just to examine the practice of democracy within the purview of John Locke's Social Contract Theory but to identify the implications of the dichotomy arising from Locke's Social Contract Theory and the practice of democracy. The foregoing points the fact that there is a gap in the literature. Signs of political implications abound arising from the dichotomy between John Locke Social Contract Theory and the practice of democracy generally.

1.3 Research questions

The research questions for this study are:

- a) What is the nature and character of the practice of democracy in Nigeria in the light of the principles of John Locke's Social Contract Theory?
- b) What are the effects of the dichotomy between John Locke are Social Contract Theory and the practice of democracy in Nigeria?
- c) How can John Locke's Social Contract Theory serve as a foundational base for the practice of democracy in Nigeria?

1.4 Objectives of the study

The objectives of this study are:

- a) To explore the nature and character of the practice of democracy in Nigeria using the principles of John Locke's Social Contract Theory;
- b) To understand the implications of the dichotomy between the principles of John Locke Social Contract Theory and the practice of democracy in Nigeria;
- c) To discuss how John Locke Social Contract Theory can be effectively applied to the practice of democracy in Nigeria.

1.5 Significance of the study

There are rarely studies on John Locke's Social Contract Theory and the practice of democracy in Nigeria. The significance of this study is its novelty in the theoretical application of John Locke's Social Contract Theory to the practice of democracy. As earlier stated Social Contract Theory has scarcely been used to analyze the practice of democracy in Nigeria. Over the years Locke's Social Contract Theory has been studied abstractly as though it does not relate to contemporary democracy.

As a result, this study uses the philosophical ideas of John Locke's Social Contract Theory to examine the factors responsible for the problems of practicing democracy in Nigeria. This philosophical approach to the practice of democracy based on Locke's Social Contract Theory bridges the gap in the literature in political philosophy and the practice of democracy. The bridging of this gap contributes to the

existing literature on political philosophy, social contract and the practice of democracy thus addressing the lacuna in literature.

The departing point between this study and other studies on Social Contract Theory is not just the specific application of John Locke's Social Contract Theory to the practice of democracy. The study indeed identified the dichotomy between John Locke's Social Contract Theory and the practice of democracy in Nigeria and attributed the woes of the practice of democracy in Nigeria from 1999 to 2015 to those discrepancies. It is based on this significance, that policy makers will be interested in the study as a framework for policy formulation and implementation to promote true liberal democracy based on the theoretical underpinning of Locke's Social Contract. This study is quite timely in the sense that it came up at the time when the statehood and democracy in Nigeria were threatened. In addition, political leaders who would come across this study would realize the importance of balancing political philosophy, theories of democracy with the practice of democracy.

1.6 Scope of the study

The scope of this study is limited to John Locke's Social Contract Theory and the practice of democracy in Nigeria from 1999 to 2015. There are three major classical social contract theorists, viz Thomas Hobbes, John Locke and Jean-Jacques Rousseau. The study chose and applied the principles of John Locke's Social Contract Theory to the practice of democracy in Nigeria. John Locke's Social Contract Theory was preferred to Thomas Hobbes and Jean-Jacques Rousseau because the ideas of Locke were found to be more synonymous with the liberal

representative system of democracy practiced in Nigeria. The scope of the study did not include joining the arguments of whether or not John Locke's Social Contract was hypothetical or speculative. The concern of this study was to consider how Locke's Social Contract Theory could be used as a model of an ideal state and the applicability of the theory to the practice of democracy in Nigeria from 1999 to 2015.

Therefore, this study was limited to looking at the extent to which the social contractual relationship in Nigeria resulted in the formation of the Nigerian state and the making of the 1999 Constitution of Nigeria. Other issues which constituted the focus of this study were related to issues regarding the impeachment exercises in Nigeria, the use of the power of prerogative, usurpation of power and tyranny, separation of powers and the choice of the people's representatives at the polls. These parameters were used as the units of analysis in analyzing the extent of the social contract in the democratic experience in Nigeria from 1999 to 2015. The parameters were derived from John Locke's book the Two Treatises of Government. This study covered the period of the Fourth Republic of Nigeria from 1999 to 2015. However, to give an insight into how Nigeria arrived at the Fourth Republic, a brief historical background to show how the social contract was practiced in Nigeria from the pre-colonial, colonial, First Republic, Second Republic, Third Republic and the military regimes was provided as an addendum to the literature.

1.7 Research methodology

The research methodology for this study deals with how the data presented in this study was generated and analyzed in order to respond to the research questions of this study. This research is qualitative in nature. The source of data for this study was from primary and secondary sources. The method of data analysis was the critical descriptive approach based on triangulation.

The research design for this study is the narrative-qualitative approach. The narrative aspect of the qualitative method was chosen because the study was concerned with the in-depth narration and the understanding of the phenomenological (Hussey & Hussey, 1997; Morgan & Smircich, 1980) nature and character of the practice of democracy in Nigeria in the light of John Locke's Social Contract Theory. On the other hand, the qualitative method was chosen because of the nature of data collected for the study (Newman, 2011).

1.7.1 Data collection

The data presented in this study was generated from the primary and secondary sources. The primary data for this study are those collected by the government or organizations but not yet processed. On the other hand, the secondary sources are those data already collected and analyzed for different studies (Blaikie, 2003). The data collected was based on the political decisions and actions taken and implemented by the institutions of government. The decisions and actions were compared with the principles of John Locke's Social Contract Theory synonymously with the principles of democracy and the 1999 Constitution of Nigeria [see Table 1.1]. This was done to find out if those decisions and actions by the representatives

of the people were responsible for the crisis the practice of democracy in Nigeria faced from 1999 to 2015.

Table 1.1 How the Parameters of Locke's Social Contract Theory were compared with the aspects of the Practice of Democracy in Nigeria from 1999 to 2015

S/N0 .	The Parameters of Locke's Social Contract Theory	Aspects of the Practice of Democracy in Nigeria's Fourth Republic
1	Social contract based on the consent of the people	i) The creation of the Nigerian State ii) The drafting and the ratification of the 1999 Constitution of Nigeria iii) The General Elections of the Fourth Republic from 1999 to 2015
2	Power of Prerogative	The use of power of prerogative by Nigeria's Presidents in The Fourth Republic
3	Tyranny & Usurpation of Power	The relationship between the arms of government in the Fourth Republic
4	Impeachment/dissolution	Cases of impeachments in Nigeria's Fourth Republic

Source: Author's Initiative, 2015

The parameters of John Locke's Social Contract Theory are the independent variable while the different aspects of the practice of democracy in Nigeria are the dependent variables. As shown in Table 1.1, data was generated from the different aspects of Nigeria's practice of democracy as aspects of the dependent variable in relation to each of the parameters of John Locke's Social Contract Theory which is the independent variable for comparative analysis to identify the dichotomy existing between the independent and the dependent variables and the implications of such dichotomy on the practice of democracy in Nigeria from 1999 to 2015.

1.7.2 Primary data

According to Blaikie (2003), original data from government, organizations, and individual which are not analyzed are primary data. Hence, one of the major primary data used for this study is the original work of John Locke on social

contract; the Two Treatises of Government. Other sources of primary data used for this study include the original document from the Nigerian Government such as the 1999 Constitution of Nigeria, the Nigerian Electoral Act, and Special Reports from Presidential Committees. Other primary sources used were data from the Nigerian Human Rights Commission (NHRC), Transparency International (TI), the Nigerian Independent National Electoral Commission (INEC) and the Nigerian Judicial Reports. The advantage of these types of data is its originality and validity because they are considered to be coming from authentic and reliable sources.

1.7.3 Secondary data

The secondary data used for this study was obtained from renowned peer-reviewed academic journals, textbooks, Freedom House (FH) collaborative research reports on democracy, reliable websites and analytical documents from civil societies in Nigeria like the Transition Monitoring Group (TMG). The advantage of the secondary data is the opportunity it afforded the researcher to see other people's views, comments and opinions on the practice of democracy and the social contract. Their perspectives were helpful in triangulating the sources of data for this study.

1.7.4 Data analysis

Data analysis is the process which involves processing data collected in order to answer the research questions (Blaikie, 2003). The analysis of the data collected for this study was done by reviewing extant literature by triangulation. Triangulation involved comparing the primary and secondary sources of data to arrive at the findings and conclusion of the study. The critical descriptive method of analysis was also used to compliment the triangulation of the sources of data for the study. The

method of triangulation was introduced to research by Webb and his colleagues in 1966 to complement the critical description methods (Webb, Campbell, Schwartz & Sechrest, 1966; Brewer & Hunter, 1989).

The method of analysis based on triangulation helped to cross check the data generated to establish regularities, inferences and premises upon which the findings and conclusion of the study were made. Silvernuma (1985) calls this method the many layers of diverse realities; Geertz (1973) calls the descriptive triangular method the thick analysis while Glaser (1978) calls it the constant comparative analysis whereby the researcher continuously checks data against data to create grounds for conclusions.

The critical descriptive analysis based on triangulation was chosen due to the qualitative nature of the data generated for the study. Another reason for choosing the method was because the research questions do not require statistical analysis (Blaikie 2003; Neuman, 2011). So, the method of analysis afforded the researcher the opportunity to do an in-depth analysis of the nature and practice of democracy in Nigeria in the light of John Locke's Social Contract Theory via data cross-checking the methods of data collected (Denzin, 1978; Douglas, 1976).

The units of analysis for the practice of democracy in Nigeria and the parameters of Locke's Social Contract Theory used for this study were as shown in Table 1.2. For each of the parameters of John Locke's Social Contract Theory, data on aspects of the practice of democracy in Nigeria relevant to the parameter were collected for analysis as shown in Tables 1.1 and Table 1. 2.