Developing Country Studies
ISSN 2224-607X (Paper) ISSN 2225-0565 (Online)
Vol.13, No.4, 2023

Rethinking Rights and (In)Security in (Post)Colonial Nigerian-State

Yimovie Sakue-Collins[1*] Isa Mohammed[2]
1. Department of Political Science, University of Africa, Toru-Orua (UAT), Nigeria
2. Department of Political Science and International Relations, Taraba State University, Jalingo
*yimovie.sakue@uat.edu.ng

Abstract
Harold Laski's assertion that political rights are useless to a starving being entreats us to move beyond limited notions of 'human rights', to more fundamental issues quintessential to minimally decent living. Notions of, and concerns for, human rights have long emphasised protection from bodily harm or physical violence at the expense of issues not limited to freedom from basic want or economic starvation, "basic sense of moral worth", fear of social deprivation/exclusion, and basic sense of mental worth, etc., all revolving around the primary reason of the state, that is, the overall wellbeing of the human person. This draws directly from minimalist conception of security, which hitherto dominates human rights discourse, and downgrades economic deprivation, social exclusion, political marginalisation, and mental suppression, etc., as forms of terror endangering minimally decent life for humans. The contention is that the composite nature of human rights means that the realisation of one depends on and is in turn depended upon by others in an intricately linked and overlapping manner. This paper argues that states' conduct, in some ways, either by error, omission and or commission, constitutes forms of terror in the broader spectrum of political violence. Anchored in critical terrorism studies (CTS) and employing content analysis, this paper examines the purpose of the state vis-à-vis its role in perpetuating terror and undermining 'human rights' through negligence and or political irresponsibility by focusing on security challenges in Nigeria. The paper concludes that, witting or unwittingly, state's negligence in the provision of conditions necessary for security and wellbeing of the citizenry constitutes a major threat to 'human rights' and removes the human from human rights discourse.
Keywords: Human rights, Security, Critical studies, Post/colonial state, Violence, Nigeria
DOI: 10.7176/DCS/13-4-03
Publication date: June 30th 2023

1. Introduction

After all the efforts at truncating wide scale dehumanising social practices as obtainable under slavery, colonialism and fascism, the evil triumvirate of authoritarianism, totalitarianism and statism seems to be rearing its ugly head. Here and there we witness rise in the glorification of the state over and above all else. The interest of the state now appears to be the ultimate end of society and every other interest, including the rights of citizens, are subordinated to that of the state. The welfare of citizens, encapsulated in the notion of security, as the raison d'état of the state, has been usurped and turned on its head with citizens now existing for the sake of the state.

Nowhere do we find this pathetic situation more profound than developing societies struggling to recover from battered psyche, a continuing legacy and effect of slavery cum colonialism. In Africa, dehumanising conditions subsist as leftover of colonial archetypes and continuing with the help of the postcolonial states. In many cases, the state or, more appositely, postcolonial state, functions more or less as anti-state machine, reproducing the violence and insecurities akin to the proverbial state of nature and (re)enacting policies and programmes which dispossesses the people of the benefits of independence and self-determination. The effect is the perversity of demeaning human condition entrenching human rights violations. In Nigeria, the increasing incidence of protest against the state and contest over its continuing suzerainty over the people bespeaks of a 'crisis of legitimacy'. This paper approaches this 'crisis of legitimacy' from human rights perspective.

Specifically, it explores the dearth of human security, in its broadest sense, in human rights discourse. In this regard, it examines the role of the state in emphasising one aspect of security, i.e. physical security, over and above other forms of security quintessential to the survival of the human person. The contention is that while attention to physical security or protection against bodily harm is not out of place, its emphasis to the detriment of other critical aspects of security such as freedom from basic want or economic starvation, "basic sense of moral worth", fear of social deprivation/exclusion, and basic sense of mental worth, etc., constitutes an even greater threat to human existence. These securities are not only quintessential but the neglect they suffer from the state is itself a graver form of insecurity.

This paper seeks to unearth these insecurities by redirecting our attention to enablers of violence, i.e. state-sanctioned violence: dearth of or lack of concern for the underlying basis of the state and displacement or, rather, misplacement of security of the people for security of the state. To do this, the paper is divided into five sections following this introduction: theoretical positioning; reinventing classical questions and interrogating the 'social

contract', post-colonial state and the raison d'état of the state, terrorism discourse and human security in Nigeria; and discussing (in)security.

2. Theoretical Positioning and Explanation

This study is anchored on critical terrorism studies (CTS) as a broad array of writings and emerging body of scholarship expressing displeasure with traditional approaches to security studies, particularly the conceptualisation and framing of 'terrorism'. CTS in general draws from and, in particular, this study aligns with, Critical Theory's commitment to ethic and emancipation as quintessential element of socio-political engineering (Stump and Dixit, 2016; Toros, 2016). Of particular interest in this alignment with critical theory is its quest to "making the familiar appear strange and bring the unfamiliar into clear focus", through which the restrained becomes free and the misled recalibrated (Death, 2014: 1). At the core of CTS is the contention that, the conception and framing of social categories not only affect how they are perceived and understood but also determines the support they elicit and attention they get from society. Some of the leading scholars in this tradition are Jessica Wolfendale, Marie Breen-Smyth, Harmonies Toros, Lee Jarvis, Jeroen Gunning, Richard Jackson, and Richard Joseph, among others.

The emphasis on ethic and emancipation in CTS directs our attention to the dangers of the predominance of statism and ahistoricism in traditional approaches to security and terrorism studies. On the one hand, statism here refers to the tendency to always put the state at the centre of security and terrorism studies, as the determinant of what security or terrorism is or is not. Ahistoricism, on the other hand, refers to the penchant for skewed history which eschews and excludes alternative narratives not in tandem with mainstream approaches. To this end, CTS is premised upon the problematisation/rejection of three basic assumptions underlying mainstream security and terrorism studies.

First, the belief in positivism which espouses a value-free and neutral reality which can be objectively studied. Second, the belief in the state as the epicentre of security studies, particularly as the judge, prosecutor and protector of what is "good". As a corollary, the third, is the predominance of narratives relinquishing the monopoly of violence or legitimate use of force to the state as the 'defender' of the 'good' of society.

CTS therefore calls for deeper reflection and critical interrogation of dominant narratives which espouse linear and fixed character to social categories and seek to obliterate to the margins alternative voices and notions. The object here is to refuse the temptation of homogenising violence or acts of violence as something akin to non-state actors and, in so doing, removes those perpetuated by state actors and their representative institutions from the ecology of violence. What this resurgence in critical attitude towards security suggests is, as Hoffman (cited in Toros, 2016: 162) argues, that "society [is] in need of radical transformation and not simply reform" of extant categories and modes of signification. In practical terms, this means "challenging the very categories of better, useful, appropriate, productive, and valuable… and refuse to take them as non-scientific presuppositions about which one can do nothing" (Horkheimer in Toro 2016: 162). Domesticating this to security studies entails moving beyond minimalist notions of security to explore not only the raison d'état of the state as safeguard for citizens from the vicissitudes or vagaries of nature and egoistic tendencies of each other, but also interrogates the ethics of security in its broadest form as the emancipatory intent of the political state in the face of increasing neglect.

Critical theory is thus evoked here to, among other things, unearth the basic assumptions about politics generally and, more specifically, security, and the terrorism scholarship undergirding it. It exposes the fallacy of homogenisation and trivialisation of vastly different but important social realities under the buzzword 'human security' by traditional approaches. The concern here is to direct our attention to the trivialisation in the activities and conducts of the state and its institutions, i.e. the neglect of education and health sectors in favour of military and defense spending, as part of the ecology of violence against its citizens. The contention is that, violence of this sort, i.e. by state-actors, out-scales and has far reaching effect than the periodic violence of non-state actors. The insecurities, often emphasised and blown out of proportion, occasioned by non-state actors occur only periodically as events whereas, the insecurities mediated by states' neglect of the social, economic, health and psychological wellbeing of its citizens appear systemic as a trend. Critical theory is therefore employed to lay bare the often- neglected aspects of human socio-psychological wellbeing and bring it back into the discourse of human security.

3. Revising the 'classical questions' and interrogating the 'social contract'

Why state? What is the origins of the state? How ought we organise the state? These are classical questions that have attracted political philosophers through the ages, but nonetheless continue to command relevance in modern theorisation albeit new forms. To the first question, the common denominator among political theorists is that the state is a necessary force or, even, necessary evil, convoked by deliberate human action to contain the vagaries, egocentricities and uncertainties which characterised the earliest human formations before the advent of deliberate social organisations, a state of affairs or condition that has been aptly dubbed as the *State of Nature* in

political philosophy (Ebenstein, 2002; Misra and Asirvatham, 2004). To the second question, different scholars draw from the different philosophical traditions situating the origins of the state within the extremes of irrationality with fear as the basis and consensus with reason as the basis, with anxiety, compulsion, agreement and or acquiescence in between.[1] And, to the third question, justice, happiness, the good life, democracy, *Ubuntu* and so forth have been espoused as the cornerstone of social organisation and the rule of a single individual or monarch, group or brightest citizens, masses or decolonised body of citizens, and so forth have been advanced as appropriate mechanism to coordinate the organisation of the affairs of the state.

Varying notions of politics notwithstanding, a common thread most scholars subscribed to is that it is the science of the allocation of values in society i.e., understanding and determination of who gets what, when, how, and by whom, so that we are tempted to ask: *why* do we allocate those values in the first place? To what end are values allocated? Are values allocated for value's sake or they are allocated for the promotion of the wellbeing of the people in a given society? Is it not an aberration that the end of allocating values has been relegated to the background in favour of the means of its allocation? However, to put it differently, are values independent objective verifiable criteria that can be measured outside the wellbeing of the people on whose behalf states allocate values? It appears the allocation of values in society, eschewing the reason for such values, amounts to pursuit of value for value sake. To cite Pierre Bourdieu (cited in Harmonies 2016: 164), such endeavour is merely concerned with "seeking eternal answers to eternal questions". Classical questions on origins and rationalisation of the political state were not concerns in futility, but concerted effort to underscore the purpose of the state and its continuing relevance in contemporary times. The allocation of values in society is not for value's sake, but for the promotion of the good life and the good life of all.

Political philosophers have divergent views on the imperatives of how to achieve an "ideal state", democratise the "good life" and, even, why we must organise an ideal state in the first place. These concerns premeditated questions of origins and purpose of the state. Though the origins of the state cannot be ascertained with certainty and acuity, evolutionary theorists relying on Eurocentric episteme have espoused that the state evolved gradually and is continuously developing out of some grossly imperfect beginnings to relatively crystalised forms of maturation akin to communalism but one whose democratisation of the good life is deliberate, systematic and scientific. This understanding of the origins and purpose of the state is instrumentalist in nature, believing it to be in furthering the well-being of society.

The origin of the state cannot be properly located because in evolutionary theory the state is a gradual and continuous development of human societies out of a grossly imperfect beginning. The origin of the state is shrouded in mystery (Mahajan, 1988: 226). However, what is known in history is that humans live in the state of nature without government and survives by gathering of fruits, hunting and farming. Gradually, the early humans form families, tribes and kingships which grow to bands that gave birth to communities and finally societies. All over the world and in all civilisations, the people lived in a condition of statelessness. In the origins of political order, the necessity of politics created the basis for coming together of men and women, in the form of a contract, to form the state to achieve political order under the authority of the state (Fukuyama, 2011: 7-14).

The Social Contract as a philosophical construct refers to the pre-historic agreement entered by humans who lived in pre-state time of the proverbial *State of Nature*. In this period, life is unbearable and dangerous due to the ever presence of, according to Thomas Hobbes, the presumptuous *survival of the fittest* as the governing natural law written in the hearts of all. It is expected that humans must exit the savage state of nature to a state of social contract to prevent war of all against all. Hence, the necessity of *self-preservation*, another natural law, which draws from Lockean philosophy. This philosophical state of nature and the predisposition of its natural law i.e., survival of the fittest or self-preservation, justify the emergence of social contract theory as a displacement of the insufficiency of *Divine Origins Theory* and places political responsibility within the purview of human actions (Agbaenyi, 2012: 59).

Social Contract Theory can be traced as far back as the time of the ancient Greeks and the Roman law and in Kautilya's *Arthasastra* in reference to the creation of the state. Hobbes's Leviathan begins with an extended catalogue of natural human passion and argues that the deepest and most abiding one is the fear of violent death. From this he derives the fundamental right of nature, which is the liberty each human has to preserve his or her own life. Human nature also provides three causes of quarrel: competition, difference (fear), and glory. The first maketh [hu]man invade for gain; the second for safety; and third, for reputation…there was constant danger of violent death, the life of [hu]man was solitary, poor, nasty, brutish and short (Hobbes cited in Fukuyama, 2011: 26-27).

Philosophically, several political thinkers have voyaged into the past and returned convinced that the state owes its existence to furnishing the conditions necessary for the pursuit of, and providing the necessary support for, the cultivation of the good life of all, not few, in society. Sociologically, this functional prerequisite of the

[1] See Thomas Hobbes's *Leviathan*, John Locke's *Two Treatise of Government*, Jean Jacques Rousseau's *The Social Contract*, Friedrich Hayek's *The Road to Serfdom* and John Rawls' *A Theory of Justice*.

state is its ultimate end. The end of the state being to guarantee the safety of its populace and provide for the conditions necessary for their pursuit of the good life in common. Politically, the concept of social contract is popularised as an attempt to reconcile the idea of popular sovereignty and its legitimate deployment for conditions necessary for the cultivation of the good life of all in society. The concern here is that the state as a deliberate human creation is the appropriation of all sovereign powers in society for the sole purpose of deploying same for the security – broadly conceptualised – and wellbeing of all in society (Zibima, Sakue-Collins and Yoroki, forthcoming; Etekpe, 2023).

However, outside Eurocentrism, there is noticeable inclination of human socio-political organisation towards the tranquility of communalistic tenets as mark of increasing human understanding and realisation that the progress of humanity relies on the progress of the human community, not a section of it. This tilt of concern towards the wellbeing of all of society as against the wellbeing of a few in society, echoes the concerns of the ancients, especially as obtainable in non-European and non-capitalistic societies such as Africa before the incursion of Euro-Arabian invaders. Though outside the purview of the current paper, it is however worth noting that it bespeaks of a broader underlying current/thread which runs through progressive Eurocentric philosophies evidently culminated in Marxian depiction of human evolutionary progression from hunting and gathering to communalism, erroneously/systematically dubbed communism. In this theorisation, communism is the highest point of human evolutionary advancement and progress, which is arguably but undeniably Afrocentric ontologically, horizontal compositionally, and others-regarding organisationally. Europe, on its part, in all its glamour and fanfare, have proved to be ontologically capitalistic, vertical compositionally, and individualistic practically or organisationally.

In this higher form of being, the good life – not only risks and suffering – is equitably distributed for the benefit of all. The point is that the presupposed evolution from lower forms of human existence to presumably higher forms (i.e. socialism cum communism) is a push for the (re)organisation of society to ensure the wellbeing of the entirety of all in society, where security includes enabling environment devoid of physical, psychological, moral, social and economic threat to survival not just to live but to live the good life. This means protection, not against one of these threats but, of all and not for few but for all in society to share in the good of society, not only misery. In other words, the communal life is to democratise good and wellbeing not just political rights to vote and be voted for (Etekpe, 2023; Toros, 2016; Stump and Dixit, 2016).

Nevertheless, underscoring ancient understanding as well as modern recalibrations is that the state, as the current acme of human social formations, is a product of human rational creation, intentional and purposeful in its quest to better the lots of human and, in its actions and inactions, to be guided by unabashed concern to further the wellbeing of all, not a section, thereof. Thus, drawing from the corpus of human historical experience, the state as the embodiment of this historic will of the people and vehicle for its realisation found vivid expression in the notions of social contract. There are several theories of the social contract but three of the best-known theorists are Thomas Hobbes (1588-1679), John Locke (1632-1704), and Jean Jacques Rousseau (1712-1778).

3.1 Situating the 'social contract'

Thomas Hobbes had reasoned that the precarious state of existence in earliest of times characterised by human physical insecurity, uncertainty in the pursuit of leisure and commerce and the overall impossibility of human wellbeing had forced humans to enter a contract which produced the *Leviathan*. In a bid to justify royal absolutism, Hobbes rationalised how human concern to improve their life chances and advance their common good coalesced into an absolute authority in whom their rights and quest for best possible life can no longer be guaranteed. For Hobbes, the state or Leviathan the people created out fear and concern for their own good becomes so powerful; it gives sovereignty to the ruler and deny the individual the right to freedom of expression and dissent. The state here is so powerful and denies liberty. The implication of this Hobbesian contract is that the Leviathan is a product of the contract, not a party to it and, as such, is not bound by it so that even when it deviates from the will of the people, the people is still at its mercy (Sabine and Thorson, 1973; Ebenstein, 2002; Misra and Asirvatham, 2004). It nonetheless does not subtract from the fact that there was a deliberate attempt by the people to escape the precarious conditions of the state of nature where neither life nor the basic necessities of life were guaranteed; to create an authority and petition it with the sole responsibility of ensuring their wellbeing in the most robust sense.

Like Hobbes, John Locke, in his *Two Treaties of Civil Government*, situates the state in the context of the wellbeing of all in society. In his state of nature, humans were sympathetic towards each other and were cooperative in their attitude and enjoy some degree of natural rights and freedom. However, in spite of being sociable, people felt very much insecure and threatened. Despite the existence of idyllic happiness, threat to all was inevitable due to transgressors who, when corrected, felt coerced against their will in furtherance of the commonweal (Sabine and Thorson, 1973; Ebenstein, 2002; Misra and Asirvatham, 2004). To address this problem, two contracts were necessary. The first was a contract of each with all, where all agreed to form a

community or political society i.e., the state, in order to fully secure and protect themselves. The second was a contract between the political society and those to manage the political society i.e., the people and the government as their messenger. By the second contract the political society empowers the government to rule the state and to act as the trustee of the security of the people. Thus, the first contract begotten the political society – the state – while the second contract begets the means – the government – of realising the purpose of the first contract, the wellbeing of the people.

To Locke the power of the ruler cannot be unlimited as the government is subordinate to the consent of the people. And, since the ruler rules in place of the people, whenever they endeavour to renege putting the interest of the people first or concede to enslave them under any guise, "they put themselves into a state of war with the people" (Locke, quoted in Ebenstein, 2002: 210). Locke distinguished between the government and the state and argued that the people transferred only part of their powers and reserve the better part of it to effect change of government whenever necessary. What this means is that a bad, erring and oppressive government can be overthrown while the state remains. This theory of revolution suggests that the people reserves the right to change their government whenever the end of the state is not being met without destabilising the state. The point is that the state represents the will of the people. The will, being the security, welfare and wellbeing of the people, is to be made manifest by the government as the machine of the state. To this end, a bad government is one which lavishes the commonwealth on itself while the people languish in poverty. Thus, a government is erring when its quest to free the people from want and starvation compounds economic hardship on the people, and; a government is oppressive when it frowns at people's attempt to direct its attention to the very purpose for which the state was birthed.

In whichever case, in surrendering their sovereignties and subsequent creation of the Leviathan, civil government and or General Will as espoused by J. J. Rousseau, underscoring the social contract is that the transfer of this ultimate power was done with firm belief that, in so doing, the whole will not sit idle and watch a part perish where all can live and live abundantly. The will of the people conveyed through the contracts and embodied in the state is to provide for and ensure the greater good of all. In other words, the state as the ultimate arbiter is empowered to "authoritatively allocate values" and "determine who gets what, when and how" in order to ensure no one runs the risk of being attacked or deprive of anything by anyone else for not having guarantee of meeting their basic needs for subsistence.

Moreover, while it is true that there exists no actual evidence of this contract, there are factual evidence that English people drew upon Locke's contract, especially its theory of revolution, to force King John I to sign the Magna Carta and the French people drew upon Rousseau's explications to animate the French Revolution. Drawing on these, the American Declaration of Independence after the civil war in that country serves as a modern re-articulation of the philosophical social contract in the West being re-enacted every four to five years in the form of election in liberal democracies. However, in societies outside the West, regardless of liberal or 'illiberal' disposition, especially those struggling with the continuing legacies of colonialism cum imperialism, the origins of the state follow different trajectories. The implication is that while there are states, there are states that are not qualified to be so addressed without sub-titles: the refrain is the preponderance of pejoratives such as "failed state", "failing state", "unstable state", "fragile state", "post-colonial state", etc., but hardly state without scornful prefix describing the statelessness of the 'states' outside the West.

4. Raison d'état and the (Post)colonial State

Political philosophers are agreed that the contemporary political state is a purposeful human creation conceived for the safety, security and wellbeing of those in whose interest it is formed (Etekpe, 2023; Sabine and Thorson, 1978; Appadorai, 2004; Misra and Asirvatham). The classical concern for the origins and purpose of the state remain valid today as it serves as the basis for the continuing relevance of the state as *primus inter pares* among human organisations in contemporary times (Bourdieu, 1977; Toros, 2016). Yet, as time progresses from the earliest conceivable periods, the logos of the state and its necessity appears to have expanded rather than obliviate. However, of primary interest here is how the contemporary manifestation and function of the state shape and, is in turn, shaped by the origins and purpose of the state.

The state is generally theorised as a deliberate human creation meant to guard against the uncertainties of nature and the egocentricities of fellow humans. Thus understood, the state is not only purposeful; "it is a curative for the conditions of the state of nature; to contain exercise of whims, eschew force domination, and further the well-being of all" (Zibima, Sakue-Collins and Yoroki, forthcoming). But the practical manifestation of the state generally, but especially in previously colonised societies, leave many questions unanswered, particularly in the context of its purpose. The purpose of the state has remained, just like to the ancients, a major source of concern in contemporary political discourse and an important source of inspiration in this regard is the Italian philosopher and statesman, Niccolò Machiavelli. Machiavelli had argued that the state is both an end in itself and a means to that end. The end of the state is the raison d'état.

According to Machiavelli, the chief political good is the survival of the state, where the survival of the state

means the preservation of the commonwealth; protection of citizens, guaranteeing their prosperity and well-being, and safeguarding of the national interest. This Machiavellian import is significant here as it highlights not only that the state is meaningful in itself but, more importantly, it is instrumental for the perpetuation of itself as contingent upon the wellbeing of its citizens. Here, the state is both utilitarian and moral, with states' action adjudged as moral to the extent it ensures the survival of the state or the raison d'état and immoral to the extent of its failure to cater for its citizens' wellbeing thereby ensuring decay from within.

Thus understood, on the one hand, raison d'état implies reason of the state which suggests that there are universally valid recommended rules of conduct concerning the advantageous management of a state. On the other hand, it also implies that each state boasts of a peculiar reason which must be recognised and followed through as a policy guideline for the state's action/conduct. In this sense, Meinecke (1929) avers that for every state there is an ideal line of action, an ideal reason for a state's action and or inaction. The reason of being is the logos of state action; the law of motion governing the state. The purpose of the state understood as the essence for which the state came into being and continues to subsist is the instrument of realpolitik in political dynamics, and the only dynamics that remains constant in a state's consideration for its survival.

The notion of singular or common origins and purpose of the state does not apply across board as some states came to be by reason of their own internal need while others are product of some external desire:

> the origins and purpose of states seem different i.e., the Westphalian state vs. the (post-) colonial state. The Westphalian (European) state and the post-colonial state in Africa which derives from it seems different. The former's origin is predicated on consent or consensus of some sort while the latter's is premised on coercion or compulsion, and their purpose are not unconnected with their origin. That is to say the origin of a state and the purpose underlying it are intricately linked and this determines its functional manifestation (Zibima, Sakue-Collins and Yoroki, forthcoming).

The postcolonial, unlike the European, state was purposefully designed with brigandage in mind, theft as its motive force, and violent dispossession as its technique has largely subsisted unaltered. Though not without challenge, the subsisting postcolonial state carries all the trappings of its colonial predecessor. What then is the purpose of the extant Nigerian state? Should we admit that the state has transmogrified through colonial structuration, pre-independence calibrations and post-independence restructuration, does it cohere reason(s) beyond its imperial design? Has it purged itself of the sadistic logic establishing it as an imperial machine of violence and exploitation? To be sure, the common refrain is to extol that we move past the colonial inheritance that situates the state against the people, after all the state has outlived its imperial designers and 'remodeled by Nigerians for Nigerians.'

Thus, we can rephrase by retorting, what then is the reason for the continuing existence of the Nigerian state? The Nigerian state exist to promote and defend her national interest. However, the national interest is whose interest; the elite, masses or those in power? Nigeria had experiences of colonialism, post-colonialism, military rule and democratic rule; in all these, claims have been made that national interest drives and guides the exercise of political power in the interest of all in the state (Mohammed, 2018). Hence, the end of the state is intricately interwoven with the wellbeing of the people inhabiting it. It is these interwoven ends, simultaneously complementing and reinforcing each other, that is translated as and codified in the national interest of a state. National interest is therefore the ultimate goal of states in the international system to be more powerful (Morgenthau, 1947), but being powerful without guaranteeing the wellbeing of citizens works in contradistinction to the survival of the state. Thus, national security and human security are under threat due to the prevalence of structural violence, physical violence, insurgency, kidnapping and general insecurity.

In present day Nigeria, regime security is given more preference than the national security which promote national interest. Aristotle argued the essence of politics and the purpose of the ideal state is "good life". This is what Bentham called "the happiness of the greatest number" the goal and ambition of a state in the areas of economy, political, social and otherwise. According to Jefferson the first duty of government is the protection of life, not its destruction. And, as if drawing from this pool of understanding, the 1999 Constitution (as amended) of the Federal Republic of Nigeria states categorically in Chapter II Section 14, subsection 2(a) and (b), that the security and welfare of the people is the primary purpose of government in acquiescence to the raison d'état of the state (Etekpe, 2023).

Thus, the state, as unitary as it appears in theory across climes, is drenched in ambiguities rooted in its origins and continually re-enacted in contemporary practices giving them out as distinct entities. This contradiction manifest in full when we pay attention to how the Nigerian State, in unambiguous term, defines threat to its existence as treason in section 49 of the Penal Code but transmutes threat to citizens to a section of the constitution considered non-justiciable, so that the state cannot be held responsible for imminent threat to the citizens. And, as Mumia Abu-Jamal averred of the manufactured "industry of fear" in America, "the state's coercive apparatus of "public safety" is erected as a needed protective counter-point" (quoted in Rodriguez, 2017) to subdue the security of Nigerians for the safety of Nigeria without question. In effect, the state places its

security far and above that of the citizens and makes its security a statutory obligation of the citizens while eschewing its responsibility to its citizens.

Today, there is a spectre of uncertainty, akin to the state of nature, haunting Nigerians. Nigerians now live in a forest of fear, surrounded by trees of wasted talents, plants of crumbled ambitions and howling sounds of despair calling into the void of political irresponsibility. The numbing of citizens and its re-enforcements are reified by a strategic troika of violence; force, psychology and reward industries. The coercion industry consists of the police, military, paramilitary, prisons, court, and the likes. The psychological industry consists of the media (which deodorises stealing with euphemisms such as corruption, embezzlement, misappropriation, and the likes) and education (which socialises extraversion with outward-looking as the winning virtue of civility). And, the reward industry, consisting a combination of torpedoed cultural institutions that has abandoned its ways for the glamorisation of vainglory Western traditions commodifying and churning out revered titles for fees, a coterie of investors/bankers ever-willing to sponsor and support unproductive ventures (i.e., 'entertainment'), and a consortium of sadistic religions valorising earthly sufferings while praying for and blessing those responsible for such sufferings. Taking together, this troika furnishes a reversed psychological condition where citizens panic for the safety and security of the state and its agents as opposed to their own wellbeing. Thus, the social psychology of Nigeria is fed with falsehood and illusion that the being of the state is sacred, that the redaction of security and welfare of the citizen is the permissive will of the state and as such cannot be questioned, that the state is the primary victim of social insecurity in need of sympathy and, all building into a symphonic raucous of uncritical call on the state to deploy its arsenal of force to protect itself by any means necessary while condemning its hapless and helpless citizens to perpetual state of fear and uncertainty akin to overt terrorism by non-state actors.

5. Terrorism and security discourse in Nigeria

Since the 9/11 attack in the United States, terrorism and war on terror has become a global phenomenon. In Nigeria, since the 2011 Madalla and Suleja bombing, terrorism has been discursively heightened as an existential threat. Like war, the threat of terrorism and the likelihood of its occurrence is imminently heightened by successive government since then. Like George Bush and Tony Blair, Goodluck Jonathan declared 'war on terror' noting that Nigeria is at *war against terror*; Nigeria is at *one of the darkest phases* in its history; that the war is occasioned by *agents of evil*; and needs to be *crushed by all means* (Jonathan, May 20, 2014). However, this rendering i.e., the imminence and possibility of hypothetical war has led to the invasion of independent nations, bombing of cities, towns and villages, destruction of lives and properties, suppression of rights and encroachment of privacy by state actors. Yet, academic literature has paid relatively little attention to state-related terror even though it far exceeds terror resulting from non-state actors. Rummel (2011) documents that "an estimated 170-200 million deaths were caused by state-instigated mass murder, forcible starvations, and genocide in the twentieth century" while over 300,000 people were forcible "disappeared" by state agents worldwide in the last two decades of the twentieth century (Sluka, 2000). In Nigeria, the number of deaths caused by state-terrorism in a year towers far above the number of terrorism-related death by non-state actors in the same period.

This has led scholars to question the rationality of counter-terrorism, especially states' claim to be 'protector of the good' and waging counter-terrorism war on behalf of society while simultaneously occasioning untold suffering in society (Wolfendale 2016; Herring and Stokes 2012). Johan Galtung's distinguished between "personal" (direct) and "structural" (indirect) forms of violence as instructive to understanding the role states, especially Western-capitalist states, have played in the (re)production of violence. In the former, an actor can be identified while in the latter, violence is built into the structure with no personal identity (1969: 170-171). Drawing from this distinction, Herrings and Stokes (2012: 12) argue that even counter-terrorism which claims to protect citizens from overt terrorism from non-state actors, more often than not, is itself a form of structural violence. In a study of terrorism in Colombia, they detailed interconnections between capitalism and terrorism, and demonstrate how capitalist-oriented state effects terrorism by targeting the poor and working class in order to boost/expand security spending to benefit domestic and foreign capital (2012: 12).

Often, discourse on state terrorism tends to focus on totalitarian regimes, even though the bulk of state-backed terror flows from liberal 'democratic' states who have perpetuated violence of varying kinds coercing populations into silent obedient consent and European (neo)colonial powers who brazenly employ terrorism to establish, maintain and perpetuate control over their previous colonies and now protégé (Blakeley and Raphael, 2016). For instance, while the scale of terror unleashed by European colonial powers on colonial populations can hardly be quantified, discourses on industrial scale violence tends to highlight Stalin and Hitler as exemplars. These examples appear like child's play when compared to the grand scale violence occasioned by King Leopold of Belgium in the Congo alone, where over 10 million Africans were massacred between 1900-60 as a result of direct state policies of pauperisation which prioritised cash-crop production over food production, inhuman working conditions and excruciating labour, weaponisation of hunger and forcible starvations, and outright

amputation, maiming and killings of Africans.

Similarly, between 1954 to 1962, France alone murdered over 2 million Algerians in a vain attempt to suppress resistance to the oppression of colonialism while, between 1952 to 1960, Britain massacred over 20,000 Kikuyu, hanged hundreds and held over 150,000 in concentration camps during the infamous *Mau Mau* Uprising against European land-grabbing scheme and white-dominated state-sanctioned poverty on Blacks. These specifics do not discountenance the fact that slavery cum colonialism have democratised terrorism across Africa yet hardly gets mentioned as the example of the acme of human's inhumanity to human because the victims are Blacks, not whites and or Europeans. It is pertinent to note that while the brutalities of Stalin and Hitler represent large scale violence against humanity, they are but footnotes to violence of genocide Europe meted on Africa. Indeed, they are only great violence caught on tape and by no means the greatest of violence by man against humans. Colonial cum imperial violence remains largely unaccounted for and subsists to this day and "liberal democratic states have continued to use and sponsor terrorism during the last two decades of the twentieth century and into the twenty-first century as part of a process of guaranteeing access to resources and markets across the globe" (Blakeley and Raphael, 2016: 340). Also, germane to note is that, Nigeria, like most other postcolonial states, is a carryover of this colonial violence and hitherto remains an active incubator of its neo-forms (Zibima, Sakue-Collins and Yoroki, forthcoming). This means both the Westphalian (liberal) state and its post-colonial version fashioned after its image and likeness, by its nature, origins, constitution and or purpose inhere violence of some sort (Chomsky and Herman, 1979; Blakeley, 2009).

5.1 Expanding the scholarship of violence

Scholars have identified different manifestations of terrorism. For Medhurst (2002), it is domestic and transnational, while Abimbola and Adesote (2012) identified state-bond, non-state bond and cross-border terrorism. In his view, Anger (2000) identified four types of terrorism namely, transnational, international, state-terrorism and domestic. Terrorism can be political, religious, criminal, revolutionary, reactionary, nationalist/separatist, right-wing, left-wing, pathological, imperialist, state/regime and even single-issue based, all aiming at inflicting fear or harm, real or imagined, on a targeted audience with a view of conditioning behavioural pattern (Medhurst, 2002; Abimbola and Adesote, 2012; Blakeley and Raphael, 2016). However, nomenclatural differences notwithstanding, whether state-bound or beyond national boundaries, what is crucial is the agency of terrorism, state or non-state actors. There are basically two types of terror sponsors: direct and indirect. The former is known individuals, groups, institutions, and even states; they are known and as such easy to deal with, while the latter are usually domicile forces which furnish the enabling environment for terror to fester and foster, i.e., state's failure to cater for the security and wellbeing of its citizens; they are largely ignored/eschewed in the discourse of terrorism and as such difficult to deal with. This latent condition, the latter, is almost always present anywhere 'terrorism' reared its face, unlike the former that might not necessarily be present in all circumstances.

Many postcolonial states have expanded the scholarship of violence redacted from slavery cum colonialism and continue to terrorise their populace for the parochial benefit of few elites and foreign interests (Stokes and Raphael, 2010; Bassey, 2015; Blakeley and Raphael, 2016) through systems of pauperisation. The way and manner these states effect terrorism manifest in twofold: conducts resulting from direct attempt to suppress dissident voices (overt terrorism) and conducts resulting from neglect of state's responsibility, including pauperisation policies that weaponise poverty and negligence of responsibility causing avoidable death (covert terrorism). The former is direct while the latter is indirect terrorism. However, the extent to which one can attribute negligence of responsibility to 'indirect' cause of the substantive issue(s) meant to be addressed as the prerequisite of a state, an office or station is tautological. It is in exploring this line of enquiry that we argue that terror occasioned by the colonial state and the post-colonial structure subsisting in its place forms an implicit part of unstated state policy. The terror of colonialism is what is redacted as the violence of post-colonial state's negligence and political irresponsibility where monies meant for public goods is stolen for personal use (Zibima, Sakue-Collins and Yoroki, forthcoming).

In Nigeria, the government's response to overt terrorism by way of Terrorism Prevention Act (TPA) has been examined from a legal point of view and Uchechukwu Nwosu (2018) argues that the Act is incompatible with Nigeria's Domestic and International human rights obligations and, as such, would lead to increase in human (rights) abuses and degradation. Concurring with Nwosu (2018), Akujobi (2018) asserts that the failure of the Act to address security for the citizens was responsible for its amendment by the Terrorism (Prevention) (Amendment) Act, 2013. In the same vein, Nwatu and Ogbuabor (2012) begrudged the Nigerian state's response to non-state terror, as with other responses by the state, as "ad-hoc and dysfunctional" because it failed to establish link between the concepts of national security, citizens' welfare, human security, terrorism and development. Collectively, the refrain is that, development exegesis, which is pro-poor, comprises individual security and right to decent life and, that the latter, is cardinal to national security. In this sense, the absence of guarantee of the wellbeing of citizens has telling and disturbing consequences for any society. A cursory glance

through Nigeria's checkered history of fiscal irresponsibility shows that the state has made a covenant to divert public fund to 'security' while downplaying sectors quintessential to society's overall security.

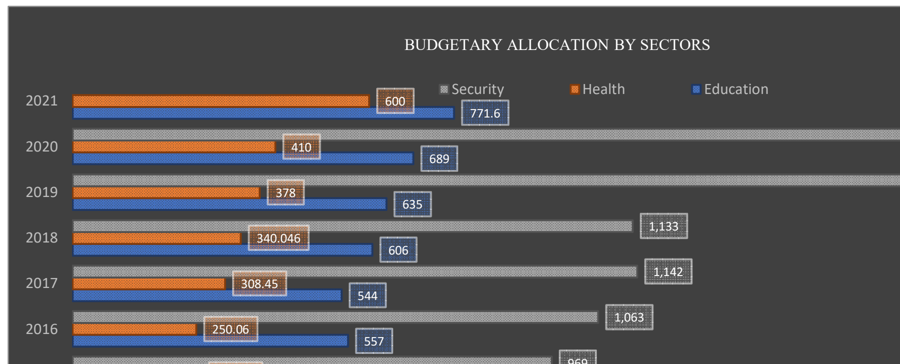

Figure 1: Sectoral allocation between 2014 – 2021 in billions and trillions of Naira (₦)

The table shows that while security expenditure continues to soar higher, other sectors of the economy remains relatively stable. It demonstrates the power of emphasis on physical security as existential threat and the imperative for huge expenditure to address it, while at the same time de-emphasising or neglecting human social security which, without, makes existential threat to society ever imminent. A recent study on the causes of health-related death in Nigeria shows that neonatal disorder, malaria, diarrheal diseases and lower respiratory infections, all of which are curable, constitute over 46% of deaths owing to neglect of the heath sector. To put things into perspective, a whopping 12.44 billion and 17.55 billion naira were allocated for anniversaries/celebrations under 22 ministries, departments and agencies (MDAs) and international travels by government officials respectively. While the former is full of opacity with no breakdown of expenditure or items, the latter ignored the obvious reason for foreign missions/outposts and fact that they are funded for exact same reasons. However, most troubling is that the same budget, government prioritised these spending over issues that would benefit the masses so that "at least 38 Federal Hospitals did not have any allocation for drugs and medical supplies including [foremost medical facilities such as] the University College Hospital Ibadan and Ahmadu Bello University Teaching Hospital" (BudgIT, 2021).

Recent studies show that Nigeria's health sector has been plagued with various challenges that have significantly impacted on its medical, social and economic security (KPMG, 2021; Mohammed and Sakue-Collins, 2021). Dimeji Salaudeen and Lanre Olapoju in an empirical study for KPMG (2021: 38) note that:

> out-of-pocket expense for healthcare stands at 60%, with over 90% of Nigeria's growing population not covered by health insurance. In remote parts of the country, the challenges of access and quality of healthcare have proven intractable. The wealthy few in urban areas often seek quality healthcare abroad. In 2019 alone, an estimated US$1 billion was spent on outbound medical tourism.

Similarly, Mohammed and Sakue-Collins (2021: 8) assert that, medical tourism, "a situation whereby leaders or political elites abandon their country's healthcare facilities in a despicable state and travel overseas for treatment of common illnesses", is the bane of Nigeria's health sector and results from government's neglect and negligence of the political state. The net impact is inadequate health infrastructure, poor maintenance of public healthcare facilities, unavailability and unaffordability of private or foreign healthcare and thus condemning the masses in society to manageable and curable health challenges.

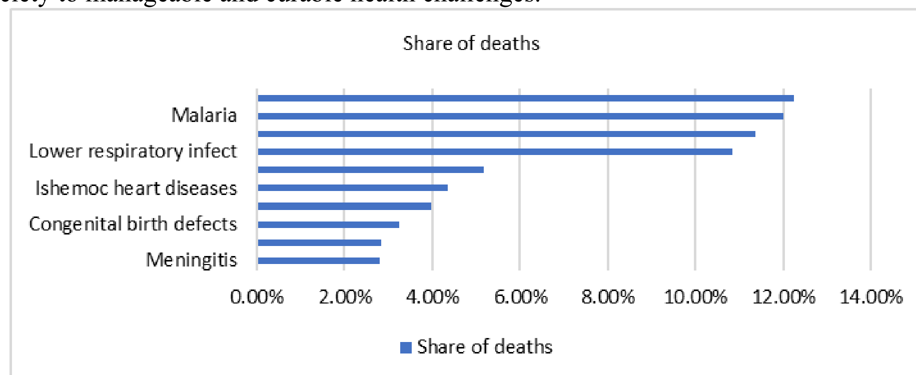

Figure 2: Main causes of health-related death in Nigeria (Statista Research Department, 2022)

The table shows the proportion of death attributed to treatable and curable causes. These are, however, the major causes of death in Nigeria due to the absence of adequate health facilities, delipidated and poor infrastructural maintenance, and the rising cost of private services.

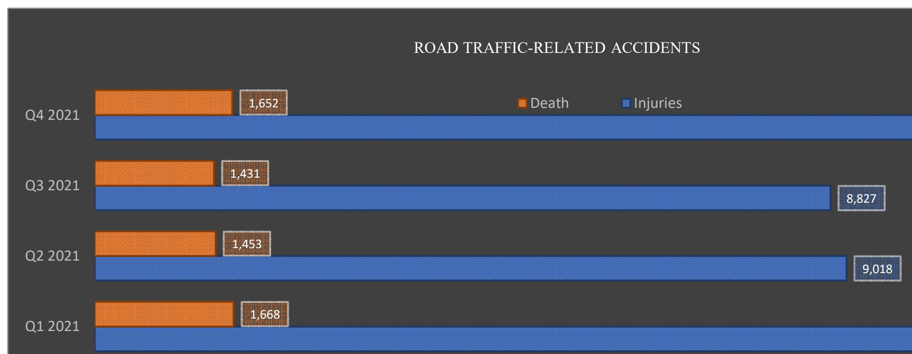

Figure 3: Number of road traffic-related injuries and deaths in Nigeria in Q4 2020 - 2021

Data from the Federal Road Safety Corps (FRSC) and the National Bureau of Statistics (NBS) shows that at least 41,709 persons have lost their lives to road traffic accidents in Nigeria between 2013 and 2020. This corroborates the World Economic Forum (WEF) 2016 Report which states that road traffic deaths are the eighth leading causes of death for all age groups and the leading cause of death of youngsters between ages 5 and 29. Furthermore, according to the FRSC, besides insurgency and banditry, road traffic crash is among the leading causes of death in Nigeria. Data from the FRSC and NBS shows that since 2015, Nigeria has recorded steady increase in deaths from road traffic crashes with a minimum of 5,000 deaths annually (Amata, 2022).

It is also on record that most road traffic-related accidents occurring in Nigeria are classified as fatal and ghastly, caused by a combination of factors including but not limited to reckless/dangerous driving, wrongful overtaking, poor licensing and predominance of vehicles that are not road-worthy and bad roads, most of which are unmotorable (Sasu, 2022; NBS, 2022). The last three factors fall squarely within the purview of state function of which it has substantially neglected by a combination of complicity, omission and or commission, buttressing the position that deaths related to the state towers above that associated to non-state actors.

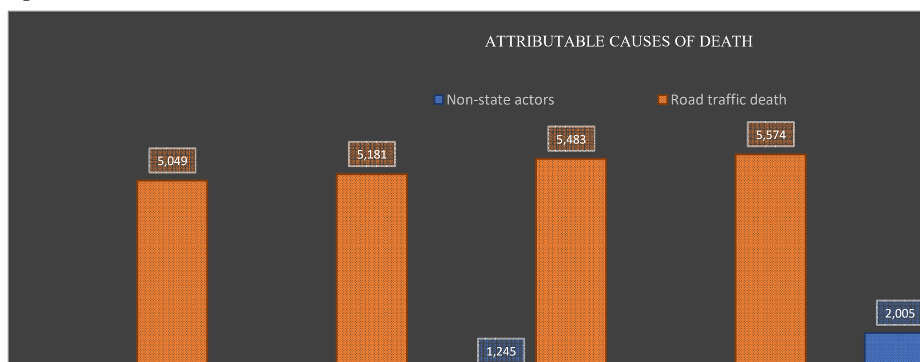

Figure 4: Deaths: State-related and non-state actors

The table juxtaposes attributable causes of death between non-state related deaths i.e. resulting from the activities of state-defined terrorist organisations and state-related deaths i.e. road traffic accidents resulting from state's negligence such as poor and inaccessible roads, poor licensing system and weak and inefficient regulatory mechanisms granting vehicles that are not road-worthy access to roads that are not motorable. It indicates that culpability of deaths is largely due to negligence on the part of state actors and only partly due to non-state actors. The uncritical notion of terrorism is directly linked to the discomfort with the level of violence being perpetrated by the state under the guise of negligence and or irresponsibility. The contention is not whether terrorism is real or not, or the existence or non-existence of terrorism 'threat' but, as Jessica Wolfendale puts it, that "there is no compelling evidence that non-state terrorism poses a significant risk to the physical security, economic stability, and continuing functioning of democratic states or the lives of citizens of those states" as much as there is certainty of states' negligence, irresponsibility, commission or accessory to or related violence on its citizens (2016: 253). For instance, in 2014 alone, when nearly 4,000 people died in Boko Haram-related attacks, there are four times as many deaths of Nigerians from malnutrition, five times as many deaths of Nigerians from infant mortality, six times as many deaths of Nigerians from road accidents alone (NBS, 2018). Yet, terrorism alone gets highlighted as an existential threat to society.

6. Discussing human (in)security

In Nigeria, the situation has exacerbated humanitarian crisis and occasioned untold hardship on the citizens. The discursive representation of terrorism "has played a crucial role in justifying not only the resort to war, but also exceptions to long-standing prohibitions in international laws, such as the prohibition against torture [in its

broadest sense] and cruel, inhuman, and degrading treatment" on a people, be it by state or non-state actors (Ip, 2009: 39). It has provided pretexts for states to resort to quantum force and use of unlimited violence and, most importantly, it has served as a basis for states to divert significant amount of resources meant for general wellbeing to arms purchase and defense spending. The dominant discourse of terrorism diverts security issues from individual and citizens' safety to the safety and security of the state. And, as Dedaic and Nelson (2003) argued, language has been a major domain where this war is fought and meaning of who is safe, unsafe and needs to be protected are made. In *At War with Words*, Hodges and Nilep (2007) examined how wars were fought over vocabularies:

> Language is used to create meanings; and the process of meaning making is inherently political in that it is imbued with relations of power that come together to maneuver, contest and negotiate the meaning at stake" Hodges and Nilep (2007: 2).

Language does not randomly describe things and, at best, it represents an expression of struggle espousing the interests of those employing it. Jackson (2014: 2) asserts "language is never neutral; words don't just describe the world; they actually help to make it. As such, language can never be employed in a purely objective sense". Underscoring the discourse of terrorism in Nigeria, especially the dominant narrative emanating from government and government-sponsored quarters, appears to be one such carefully scripted phenomenon where language is deliberately employed to make sense of, while at the same time elicit the support of the citizens that, terrorism as imminent threat to the state.

The concern is that terrorism is barely discussed for what it is but rather for what the state wants society to know and, what the state wants known is, to place itself as the guardian against terror while simultaneously excluding itself as part of the broader spectrum of violence terrorising citizens. The state, acting through its agent – government, teleguides discourses of violence and shroud them around policy objectives it seeks to pursue in the interest of the people without addressing how policy misinformation prioritises state security over citizens wellbeing. Roxanne Lynn Doty (1993) appraised how legitimation discourses are achieved through linguistic construction of reality, supplanting what people actually feel for what they should feel. She breaks this process down into three analytic categories, which she termed "grids of intelligibility": presupposition, predication, and subject positioning (Doty, 1993: 306).

Presupposition, on the one hand, refers to a state of "conscious effort of individuals to construct meaningful accounts in order to motivate, and legitimate collective action" (Alvarez and Rodriguez, 2010: 4). Presupposition helps to construct a version of history or reality that is simultaneously appealing, justifies exclusion of some sorts in the past, and implicitly renders current course of action both desirable and appropriate (Rogers, 2015; Taylor, 2013; Alvarez and Rodriguez, 2010). Here, the government and its agencies as the major actors construct a terrorising 'other' and coerce a certain kind of knowledge into the masses with a view of espousing the government as the 'force of good' against this terrorising other.

Predication, on the other hand, "involves the linking of certain qualities to particular subjects though the use of predicates and the adverbs and adjectives that modify them" (Doty, 1993: 306). Predication functions to achieve the sole objective of eliminating alternative points of view through the use of aphorism, metaphor and slogans that normalise extant condition. Discourse at this level serves to empower, favour and consolidate certain dialogues over others by enveloping, negating or totally excluding narratives that does not further the discourse intended. This the Nigerian state has accomplished by redacting the purpose of the political state and its corresponding responsibilities, as contained in the Fundamental Objective and Directive Principle of State Policy, to a section of the Constitution that is non-justiciable.

And, the third element which completes discourse construction, subject positioning, gives effect to the discourse by "linking particular subjects and objects to one another [in order to] create reality" (Doty, 1993: 306). Subject positioning fixes or attempts "to locate the subject to a locus, which creates a link between them and the audience, serving to persuasively appeal to the receiver of the discourse" Roger (2015: 4). This aspect or phase of the 'creation' process is very important if the discourse must be effective because it links up the subject and object to one another and foist a 'regime of truth' on its audience that facilitates the calls for potential action, where a 'regime of truth' refers to the narrative built around a given phenomenon which seeks to propel and teleguide its audience in a specific direction.

In the context of this study, the *presupposition* is deployed in presupposition of, or to suggest that there was once upon a time, not quite long ago, when being safe as a Nigerian was guaranteed by the state and cherished by all. But, now, alas, the state can no longer guarantee citizens' security because the state is under attack by anti-state forces. Then comes the predication which presupposes or, perhaps more appropriately, predisposes the citizens to think that being secured is akin to being free from physical threats or bodily harm, or that security is an objective unilinear phenomenon that is all about police action. It inclines people to think, by limiting their thinking, that freedom from hunger and starvation, guarantee of basic economic needs, provision of shelter and protection from denial of basic psychological worth and so on are undeserving of attention and far removed from security concerns. Here, individually or collectively, the threat to life or imminence of death is dissociated with

the failure of the state to address them individually and or collectively and how such failures constitute threat to life. At this point, the citizens are presented a reality bespoke of the regime of truth envisaged by the state, the government. This regime of truth underpins the make-belief imagery or hegemony, to speak in Gramscian sense, wherein the dominant narrative promotes imminent danger of the state; the need to simultaneously constraint citizens and empower the state, including prioritising arm and defense spending over human welfare and capital development, and the imperatives for declaration of state of emergency in security sector which, appositely, removes the safety and wellbeing of the citizens from security discourse.

In conclusion, this paper examined the classical question of human rights, security and wellbeing in post-colonial Nigeria within the context of social contract. The political history and development of Nigeria is replete with repression, negligence, irresponsibility, violence, and war as its hallmark of journey to nationhood – all of which situates the postcolonial state at the heart of the ecology of violence and insecurity threatening the people. However, what is evident is successive governments in Nigeria prioritise regime security against national security. The nature and dynamics of poverty, resource curse, and corruption has halted Nigeria's vision of greatness. This undermines the human resource that is expected to galvanize development. Hence, terrorism, banditry, kidnapping, farmer-herder conflicts and, more importantly, governmental negligence and irresponsibility continue to threaten the corporate existence of Nigeria. Nigeria needs to revisit the 'social contract' by reasserting the security and welfare of the people as the primary purpose of the state and the raison d'état of its existence.

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