

# “Who Is My Neighbour” in Relation to Governance in Nigeria

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## Abstract

The paper explores the principle “who is my neighbor” in relation to governance in Nigeria from the Biblical and legal perspectives. Biblically, a neighbor is the person who shows mercy to another in need of help. Central to the legal perspective of a neighbor is the duty of care. Both perspectives form one unity and indivisible form of law known as “who is my neighbor.” The study is anchored on the systems theory propounded by David Easton which explains the relationship between political processes with other aspects of social life. The study explains that while the legal perspective seeks to prevent the neighbor from harm, the Biblical seeks to redeem or cure. Therefore, the neighbors in relation to governance in Nigeria are the various organs of government and authorities and persons exercising legislative, judicial and executive functions. These organs owe Nigerians the duty to conform to, observe and apply the principles of justice and equity in order to achieve good governance and welfare of all citizens.

**Keywords:** Governance, Neighbor, Duty of Care, Citizens, Welfare

## 1. Introduction

Governance is the act of steering and piloting affairs of an organization. It is about being in a position of control, direction, or authority. It is also the complex process by which a state exercises its authority and power in the allocation and management of its economic and social resources for public good. When governance is good it is associated with growth and development which in turn affects the welfare of the citizens or members of any given government or organization. It is therefore imperative that governance is to strive for the welfare of those being governed. This paper puts this imperative side by side with the Biblical parable of the Good Samaritan who demonstrated a duty of care to his neighbor. It relates it to the role of the government in Nigeria in relation to her citizens. From the Biblical perspective the neighbors in Nigeria are the three arms of government and all authorities and persons exercising executive, legislative and judicial functions and powers. From the legal perspective the neighbors are Nigerians to whom the various organs of government owe a duty of care. The objective of this paper is to explore the principle “who is my neighbor” in relation to governance in Nigeria from the Biblical and legal perspectives. This is done in seven parts; the first part discusses the concept of ‘who is my neighbor.’ The second part reviews the theory upon which the paper is anchored. The third part describes the legal perspective of the concept. The next part draws a correlation between the Biblical and the legal. The fifth part highlights the duty of a neighbor in relation to governance in Nigeria. The sixth section makes an assessment of the Nigerian situation. The final part forms the conclusion.

## 2. The Concept of who is a Neighbor

Among the Jews the question who is my neighbor was always a controversial one. The Jews were certain that the heathen and Samaritans are strangers and enemies. These categories of persons fall outside the province of those the Jews regarded as their neighbors. The question is whether a line of division can be drawn among the people and the different classes of people that compose the society of the Jews (White 1989). As Jesus was teaching, a certain lawyer stood up and asked him, “Teacher, what shall I do to inherit the eternal life? Jesus did not answer the question but instead asked the lawyer, “what is written in the law? How do you read? And the lawyer answered.” You shall love the Lord your God with your heart, and with all your soul, and with all your strength and with your entire mind, and your neighbor as yourself. Jesus told the lawyer he has answered well and bid him to do likewise and he will live (Luke 10:25-37). The lawyer in order to vindicate or justify himself before the teeming population asked Jesus, “who is my neighbor”? Jesus answered by relating an incident which was fresh in the minds of his hearers. He told the story of the Good Samaritan. In his teaching Jesus presented the command to love one’s neighbor as a divine unity, and that it is impossible to observe one and fall in breach with the other in that it is the same principle that runs through all (White 1989). In the story Jesus Christ laid it down that the question ‘who is my neighbor’ bears no reference to race, color, ethnic, tribal, social, cultural or economic background. A neighbor is any human being who lends his hand to a fellow human being in need or to the down-trodden and suffering humanity. The Biblical depicts a neighbor as a savior or redeemer. The neighbor is depicted as the “Actor” while society is the needy or victim. The Actor-neighbor has the duty to redeem the society-neighbor. It follows that a neighbor is the person that shows mercy to the man in need of help. A neighbor is he that ministers to suffering humanity, especially the poor and needy. The Biblical perspective depicts a neighbor as a savior or redeemer. The Actor is the neighbor-redeemer while the society is the needy or victim.

### 3. Theoretical Framework

Several theories have been postulated to explain the relationship that exists between political processes and other aspects of social life such as law and religion in a particular environment or society. Some of these theories, according to Anifowose (2011) include Frustration-Aggression Theory (Dollard, 1939; Berkwitz, 1962; and Yates 1962), Systemic Theory usually credited to the pioneering work of (Easton, 1973) and the group Conflict Theory. This study Adopts Systemic Theory to examine or analyse who is my neighbor in relation to governance in Nigeria

#### Systems Theory

The system theory is one of the new approaches developed as a protest to the traditional approaches of politics. The major exponent of the system approach is David Easton (1973). The System approach attempts to describe the relationship existing between political processes with other aspects of social life. Easton (1973) sees the system approach as “the system of interaction in any society through which binding or authoritative decisions are made and implemented.” He considers the political system as existing within an environment of other systems namely-physical, biological, social, or psychological which affect it and are in turn affected by the political system-through continuous transactions and exchanges. According Easton, the political system functions in a way that it receives inputs from its environment which after undergoing some change processes within the political system emerge as outputs. Inputs are the demands that values be allocated in a particular way, that is, they are expressions of approval for particular decisions. Output on the other hand, are usually authoritative decisions such as government policies, judicial decisions, parliamentary acts made by the authorities. The outputs in turn evoke results or feedbacks depending on the volume and intensity of demands and support from the environment (Enemuo, 1999). The system theory has been criticized in particular with regard to the difficulty in defining authoritativeness especially when formal decision of the governments of many developing states are not allowed to be challenged. The theory has also been criticized for being abstract and unrealistic. In spite of the shortcomings of the system theory the model marks a significant improvement on the rational approaches. It is of great relevance when applied in the explanation and analysis of functional political system (Mahajan, 2014). The System Theory therefore applies to this study.

### 4. Legal Perspective of Who Is My Neighbor

The aphorism “who is my neighbor” has its legal connotation and implication and is a strict value with commanding significance. The principle and the meaning of “who is my neighbor” are laid down the principle of the Duty of Care. The question “Who is my neighbor” as gathered from Luke 10:25-37 has its legal connotation or purport. The meaning of who is my neighbor bears its origin in the case of *Donoghue (or M' Alistar) vs. Stevenson (House of Lords) 1932 ALL E. Rep. 562 at 580*. In this case Mrs. Donoghue went to a café with a friend. The friend bought her a bottle of ginger bear which Mrs. Donoghue drank and then discovered that there was a decomposed snail in the bottom of the opaque bottle. Mrs. Donoghue found the sight so upsetting that she suffered physical illness. She sued the manufacturers claiming that they were under a duty to see that such outside bodies did not get into the bear. The House of Lords by a bare majority held that the manufactures had a duty to take reasonable care. In this case Lord Atkin formulated and propounded the Duty of Care using the phrase “who is my neighbor”. He stated thus:

The liability for negligence, whether you style it such or treat it as in other systems as a species of ‘*culpa*’, is no doubt based upon a general public sentiment of moral wrongdoing for which the offender must pay. But acts or omissions which any moral code would censure cannot in a practical world be treated so as to give a right to every person injured by them to demand relief. In this way rules of law arise which limit the range of complainants and the extent of their remedy. The rule that you are to love your neighbor becomes in law: You must not injure your neighbor, and the lawyer’s question: who is my neighbor? Receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbor. Who then, in law, is my neighbor? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question. This appears to me to be the doctrine of Heaven v Pender as laid down by Lord Esher when it is limited by the notion of proximity introduced by Lord Esher himself and A.L. Smith LJ in *Le Lievre v Gould*. Lord Esher MR say (1893) 1 QB at 497).

That case established that, under certain circumstances, one man may owe a duty to another, even though there is no contract between them. if one man is near to another, or is near to the property of another, a duty lies upon him not to do that which may cause a personal injury to that other, or may injure his property

The state of the law was that a duty of care can be imposed by law or can be created by contract or trust *CBrown v Boorman (1844) II CL & R I, International Messengers Nig. Ltd v Nwachukwu (2004) 6-7 SC at 93*. The present state of the law is that a duty of care is created where a special relationship is found to exist between the wrongdoer and his victim. This state of the law has been expressed with admirable lucidity in *Ann v Metro*

London Borough Council (1978) AC 728 per Lord Willberforce as follows:

The position has now been reached that in order to establish that a duty of care arises in a particular situation it is not necessary to bring the facts of that situation within those of previous situations in which a duty of care had been held to exist, first one has to ask as between the alleged wrongdoer and the person who has suffered damage if there is a sufficient relationship of proximity or neighborhood such that in the reasonable contemplation of the former, carelessness on his part may be likely to cause damage to the latter in which case a prime face duty of care arises.

The principle “who is my neighbor” established by the English Judicial authorities has been adopted and applied by the supreme Court of Nigeria in many cases including *Abusomwan v Mercantile Bank of Nigeria Ltd. (1987) pt 2. vol, 18 NSCC 878 at 887* and in *International Messengers Nig Ltd. v Nwachukwu (2004) 6-7 SC 88 at 94*.

### **5. The Correlation between Biblical and Legal Perspectives of “Who Is My Neighbor”**

The correlation between the two perspectives is that the legal is a sub-set of the Biblical perspective of who is my neighbor. Both perspectives form one unity and indivisible form of law known as “who is my neighbor.” While the legal perspective seeks to prevent the neighbor-society from harm or injury the Biblical seeks to redeem or cure. A neighbor is someone when and whenever he has the means and opportunity to help another in need of help lends the desired assistance. Simply stated a neighbor is someone who gives assistance to another in need of help.

The legal perspective raises the question of duty of care. Here the society is the neighbor. The Actor-leader owes the society and neighbor, a duty of care. The duty of care is a preventive measure. The actor is enjoined to take due diligence or reasonable care to ensure that his conduct in executing and failing to carry out certain of his duties does not result in any harm or injury to his neighbors- the society. The neighbors here are the members of the society to whom the Actor owes the duty of care. The Biblical rule that you must love your neighbor as yourself therefore becomes in law thou shall not injure your neighbor. And the lawyers question “who is my neighbor” becomes in law the person to whom you owe the duty of care. The “Actor” owes a duty of care, not to cause harm or injury to his neighbors who are the fellow citizens.

### **6. Governance in Relation to the Duty of Care to the Neighbor.**

Governance is the process by which a state exercises authority and power to manage its economic and social resources for developmental purposes. The essence of governance is to attain public good (World Bank, 1992, Ogundiya, 2010). In Nigeria the avowed purpose of governance is stated in the preamble to the 1999 Constitution of the Federal Republic of Nigeria. It is to promote good government and welfare of all Nigerians on the principles of Freedom, Equality and Justice and for the purpose of consolidating the unity of Nigeria people. An exposition of the word “Governance” has become imperative for a profound understanding of the essence and functions of the state. In the first instance the word “Governance” bears its origin from a Greek word which means to steer and to pilot or be at the helm of affairs (Nwogwugwu 2015:269). To understand the word “governance” account must be taken of the cultural and social milieu, and the system of government of the specific states. Also the fundamental objectives of the state concerned as stated in the Constitution must be examined (Ogundiya, 2010) (Check a professional definition of governance).

According to Kaufmann (2005) quoted in Usman et al 2013) “governance” is a tradition and institution by which authority in a country is exercised for common good and thus include political, economic and institutional respect dimensions. The political dimension is the process by which those in authority are selected monitored and replaced. The economic dimension is the government’s capacity to effectively manage its resources and implement sound policies. The institutional respect dimension involves using the political economic approach. Adopting the economic approach the World Bank (1992) defines governance as “the means by which power is exercised in the management of a country’s economic and social resources for development.” The UNPP (1999) adopted the institutional approach as “a complex mechanism, process, relationship and institution through which citizens and groups articulate their interest, exercise their legal rights meet their obligation and mediate their differences.

#### **6.1. The Indicators for Good Governance**

The Worldwide Governance Indicators (WGI) 1996-2007 measure six elements of governance as follows:

- a. **Voice and Accountability:** This is the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association and a free media.
- b. **Political Stability and Absence of Violence/Terrorism:** This is the likelihood that the government will be destabilized by unconstitutional or violent means, including terrorism.
- c. **Government Effectiveness:** This is the quality of public services, the capacity of the civil service and its independence from political pressures and the quality of policy formulation.

- d. Regulatory Quality: This is the ability of the government to provide sound policies and regulations that enables and promotes private sector development.
- e. Rule of Law: This is the extent to which agents have confidence in and abide by the rules of society including the quality of contract enforcement and property rights, the police and the courts, as well as the likelihood of crime and violence.
- f. Control of Corruption: This is the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elite and private interest.

These elements serve as the index or platform with which to measure the style of the government of a particular country as being either good or bad. Government is therefore adjudged to be good if it manifests or exhibits the foregoing features or characteristics. On the other hand, bad governance can be defined as the failure or neglect or inability of a particular government to perform the foregoing functions or deliver the public good. According to Chigbue (2007) cited in Usman et al (2013) bad governance is the unwillingness or inability of leaders to rise to their responsibility, to the challenge of personal examples which are the hallmark of true leadership. In the view of Ogundiya (2010) bad governance in essence is the absence of good governance. This he contends is evident in the inability of a state to achieve or realize the purpose or essence of the state at a particular time. In summation, governance is said to be bad when it fails to provide the citizens with public good or achieve the purpose or ends of a state defined in terms of socio-political and economic development. In Nigeria, good governance is adjudged to be attained if the government of the day promotes the good government and welfare of all persons in Nigeria on the principles of Freedom, Equality and Justice by strict adherence to the observance and application of the provisions of Chapter II of the Constitution (1999), in addition to the foregoing characteristics.

## 6.2. Governance and Human Development

Concerning the responsibility and duty of care of a neighbor in terms of governance and those governed, it will be pertinent to consider the five aspects to sustainable human development listed by the UNDP (1997) in relation to how it affects the lives of the poor and vulnerable. The first aspect has to do with empowerment. This is when the expansion of citizens’ capabilities and choices increases their ability to exercise those choices free of hunger, want and deprivation. It also increases their opportunity to participate in, or endorse, decision-making processes affecting their lives. The second aspect concerns cooperation. This affects the ways in which people work together and interact with a sense of belonging in order to achieve personal fulfillment, well-being and a sense of purpose and meaning. The third aspect is equity. It affects access to opportunities not just to more income but also education and other amenities. The next aspect is that of sustainability. In this case, the needs of any particular generation would be met without compromising the right of future generations to be free of poverty and deprivation. Finally and very importantly also is the aspect of security. This is a situation where citizens have the security of livelihood with freedom from threats, such as disease or repression and from sudden harmful disruptions in their lives.

## 7. Assessment of the Role of My Neighbor in Governance in Nigeria

### 7.1. The Provisions of the Constitution

To understand the obligation of a neighbor in the context of governance in Nigeria, it is pertinent to know the purpose of governance in the country. The purpose of governance in Nigeria is clearly and unambiguously stated in the preamble to the Constitution of the Federal Republic of Nigeria (1999) as follows:

...and to provide a Constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of Freedom, Equality and Justice and for the purpose of consolidating the unity of our people.

The Fundamental Objectives and Directives Principles of state policy contained in chapter II (Section 13 to 24) of the Constitution (1999) is both a philosophy and a strategy to fulfill and deliver the covenants to the people which if implemented in strict accordance will lead to the actualization of the noble objectives in the preamble. That chapter provides for political, economic, social, educational, foreign policy and environmental objectives of the country. It also provides for the protection, preservation and promotion of Nigeria, culture, the duty of mass media to uphold the fundamental objectives, the national ethics and the responsibility of Nigerian citizens to abide by and respect the provisions of the Constitution.

### 7.2. Duty to Implement the Constitution

The responsibility of implementing the provisions is consigned to all the organs of government and authorities which include the Executive, Legislative and Judiciary and persons exercising the functions. Thus section 13 of the (1999) provides:

It shall be the duty and responsibility of all organs of government and of all authorities and persons



exercising legislative, executive or judicial powers, to conform to, observe and apply the provision of this chapter of this constitution.

By the oaths of allegiance, the Actors/Neighbors have a duty call to discharge their constitutional duties to the best of their ability, faithfully and in accordance with the Constitution of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, wellbeing and prosperity of the people. They are not to allow their personal interest to influence their official conduct or decisions. Nigeria needs Actors/Neighbors to promote good government and welfare of all Nigerians on the Principles of Freedom, Equality and Justice and to consolidate the unity of the country. The legal perspective of 'who is my neighbor' applies to governance in Nigeria with every force and potency by dint of the binding operation of the provisions on the various organs of government, and all authorities and all persons carrying out executive, legislative, and judicial functions have duties imposed on them by the Constitution which extends to all such Nigerians who are likely to be affected or injured by their acts or omissions. Nigerians are the neighbors or persons which are in contemplation or ought to be in contemplation to be affected by the acts or omissions of the organs of government, and all authorities and persons in the performance of such duties.

From the Biblical perspective and taking into account the present state of affairs in Nigeria. Nigerians need neighbors in the standing of the Samaritan. The neighbor needs to implement or carry into execution the provisions of chapter II of CFRN, 1999 and promote the promises contained in the preamble in order to remove the country from the brink, the threshold of a failed state and place it in its primeval position of a strong and enviable state. The neighbor from the Biblical account is the various organs of government, all authorities and persons carrying out executive, legislative and judicial functions.

From the dawn of independence in 1960, Nigeria has existed as one of the strong and promising states in Africa. There is however, a dwindling of fortunes for the country. One of the major factors that account for this twist and turn is the role of leaders who are also the neighbors from Biblical perspective and Actors from the legal perspective. Aina (2010) puts the blame of this setback on the leaders. According to him, these actors and neighbors are Pseudo-transformational leaders who use their vantage position to engage in primitive acquisition and accumulation of wealth to the detriment of other citizens of the state who have equal and competing right to the public good and services. This situation leaves the state weakened or fragile (Aina 2016). In shirking their responsibility these Actors have failed to see Nigerians or bear them in mind as the neighbors or persons in contemplation to be affected by their omissions or failure to abide by the provisions of the Nigerian Constitution they have sworn to protect. By their acts or omissions, they have failed to prevent Nigeria from sliding into a state of fragility. They have also failed to redeem the nation unlike the Biblical Samaritan who rescued his neighbor who was in need.

## 8. Conclusion

The study explored the principle "who is my neighbor in relation to governance in Nigeria from both the Biblical and legal perspectives. It is clear that strict observance of the provisions of the Constitution is imperative if Nigeria is to come by her dream of promoting good government and welfare of all her persons on the principles of Freedom, Equality and Justice and consolidating the unity of the nation. Nigerians, both under the Biblical and legal perspectives, either as victims or neighbors, have a duty call to abide by and respect the provisions of the Constitution thereof in order to achieve good government and welfare of all Nigerians. This will keep at bay hardship, prevent the country from sliding into the realm of failed states, or remove it from the province of fragile states and bring it to its pristine position of a strong state. It is therefore recommended that all the Actors and neighbors, that is the various organs of government, and all authority and persons performing legislative, executive and judicial functions should *per force* strictly conform to, observe and apply the letters of Constitution. This will fulfill and provide an answer to the question "who is my neighbor."

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