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Relevance of Utilitarian Values to Nigeria's Democratic Development in the Fourth Republic

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Abstract

*Although a volume of literature on political theory exists, but there is no much emphasis on the analysis of the relevance of the utilitarian values to the Nigeria's democratic development in the Fourth Republic. This is what informs this paper to attempt an analysis of the values of utilitarian political philosophy and its relevance to the Nigeria's democratic development in the Fourth Republic. The paper mainly relies on qualitative type of data where secondary materials were the only sources of data collection. These secondary materials comprised books, academic journals, conference papers and internet materials among other secondary sources. Besides, through the instrumentality of the qualitative method of data analysis, the paper argues that utilitarian political philosophy is a reformist movement that was aimed at achieving the greatest happiness for the greatest number of people in society. It serves as a philosophical foundation of democratic development in terms of good governance and representation, constitutionalism, welfarism, and the protection of fundamental human rights among others. In a nutshell, utilitarian philosophy equates democracy as a *sin-qua-non* to societal qualitative development in terms of security of lives and property, deliverance of qualitative leadership etc. However, looking at the Nigeria's Fourth Republic, the outcomes of democratic practice have proven contrary to the postulations of the utilitarian philosophers. Most of the indicators of achieving greatest happiness for the greatest number are absent. The Fourth Republic has been characterized by recurring ethno-religious and political conflicts, militancy, insurgency, kidnapping, armed robbery, cattle rustling, banditry and herdsman-farmer conflicts among other social vices. All these are by-products of corruption, electoral irregularities, bad governance and impunity that have been nurtured by both colonialism and military dictatorship. Based on these, the paper therefore calls for the qualitative improvement of the Nigeria's democratic system through adoption of utilitarian values to achieving greatest happiness to the greatest number of the Nigeria's citizens.*

Keywords: Utilitarianism, Philosophy, Democratic System, Fourth Republic

Introduction

The Nigeria's Fourth Republic began in 1999 when the military finally disengaged from politics and handed over the mantle of leadership to the democratic government of Chief Olusegun Obasanjo. The return to the democratic system

created a lot of expectations and intensified hope that democracy is the best system that ensures security of life and property, promotes political participation, guarantees freedom of expression and movement as well as directs economic development that are directly or indirectly connected to the advancement of the greatest happiness for the greatest number of the citizenry. From the inception, principles of liberal democratic system have been influenced by values and principles of Utilitarian Political Theory which were developed and promoted by classical political philosophers. Like utilitarian reforms democracy emerged as corrective mechanism of dictatorial and totalitarian systems.

Beyond the era of Bentham and his associates, utilitarian philosophy was developed by a 17th century England moral philosopher, Bishop Richard Cumberland (1632-1719) and his thought influenced other moralist philosophers such as Francis Hutcheson (1694-1747), John Locke (1632-1704), David Hume and French philosopher Halvetius, who took it to France before passing it to two of his followers; Beccaria and Bentham (Sabine and Thorson, 1973). It is, however, argued that after exporting the utilitarian philosophy to France, Bentham learned it from Halvetius and took it back to England and used it as an instrument for radical reform (Sabine and Thorson, 1973). Bentham (1748-1832) later became the most popular proponent of utilitarianism and his thinking influenced some of his contemporaries such as James Mill (1773-1836), John Austin (1790-1859), John Stuart Mill (1806-1873), and Henry Sidgwick (1838-1900) among others (Mahajan, 2008).

The main concern of the Bentham's utilitarian political philosophy according to Mahajan (2008:596) "was the welfare of the community as a whole. He was convinced that his principle of utility could be applied to all social questions, particularly those concerning constitutional, legislative and law reform". He argues that the greatest happiness of the greatest number would play a vital role in the process of law making, in which the law maker could seek to maximize the happiness of the entire society by creating an identity of interests among members of society. With this idea therefore, utilitarianism became the ideological foundation of a reform movement that is popularly known as 'philosophical radicalism', which would test all democratic institutions and policies by the principle of utility (Encyclopedia Britannica, 2017). It is as a result of these reforms on the basis of utilitarian values that democracy came to be seen as a *sin-quo-non* for guaranteeing greatest happiness for the greatest number of people.

It is against this background that the paper aims at analyzing the relevance of the utilitarian values to democratic practice in the Nigeria's Fourth Republic (1999 to date). To do that the following questions would guide the paper:

- i. What are the values and principles of the utilitarian political theory?
- ii. To what extent does democratic practice of the Nigeria's Fourth Republic conform to the values and principles of the utilitarian political theory in terms of guaranteeing greatest happiness to the greatest number?

Thus, these questions would serve as yardsticks for measuring democratic practice in the Nigeria's Fourth Republic. However, the paper is divided into four (4)

sections. The first section is the on-going introduction which briefly highlights the two main variables, democracy and utilitarian values. The second section captures the conceptual clarifications. Here, different views on democracy and utilitarianism are synthesized and applied to the analysis of democratic system of the Nigeria's Fourth Republic. The third section deals with the analysis of the relevance of the utilitarian values of political theory to democratic practices of the Nigeria's Fourth Republic. The fourth section, which is the final section, concludes the paper and offers some possible recommendations.

Conceptual Clarifications

Utilitarianism

Utilitarianism aspired to be a movement of social reform in order to promote a new conception of morality which eschewed references to God and religion (NEW, 2017). Sabine and Thorson (1973) argue that a surprising difference between the tone of utilitarian ethics in England and France is theological. And that "In England it was originally (sic) theological and even an ecclesiastical theory preferred by the orthodox because of the importance which they attached to pleasures or pains of a future life. In France Helvetius made it a programme so as to reform law makers, who can utilize the mechanism of human motives to bring private happiness and public welfare into the most complete accord" (Sabine and Thorson, 1973: 518). It was on this that Jeremy Bentham, who popularized utilitarian values built his own contribution.

Moreover, Bentham's radical reform had a serious influence on some disciplines such as political science, law and economics. His disciples like James Mill, John Austin and John Stuart Mill etc argued for representative government and universal male suffrage on utilitarian grounds (Encyclopedia Britannica, 2017). John Stuart Mill was an advocate for women suffrage, state-supported education for all that is popularly known as the universal basic education and other proposals that were considered radicals (Encyclopedia Britannica, 2017). Utilitarian philosophy bases the authority of government and the sanctity of individual rights upon their utility, hence providing an alternative to theories of natural law, natural rights or social contract (Encyclopedia Britannica, 2017). All these were aimed at achieving the greatest happiness for the greatest number.

In law and other related legal disciplines, the utilitarian theory of the justification of punishment became a critique to 'retributive theory' which believes that punishment is intended to make the criminal 'pay' for his crime. However, the main aim of punishment as utilitarian theory of law argues is to entirely prevent further crime by either reforming the criminal or protecting the community from him and to deter others from crime through fear of punishment (Encyclopedia Britannica, 2017). Some English economists and welfarists became influenced by utilitarian philosophy to have developed their economic theories. For instance, William Jevons, one of the founders of the marginal utility theory derived many of his ideas from Jeremy Bentham. Therefore, Jeremy Bentham became the major promoter of the utilitarian philosophy.

To the utilitarians, the rational standard of conduct of a man on the whole should be the greatest good of the greatest number (in Sabine and Thorson, 1973). They also believe that “A proper understanding of human motives places unlimited power in the hands of intelligent rulers and opens an unlimited possibility of progress of human happiness” (in Sabine and Thorson, 1973: 519). Having been influenced by utilitarian doctrine, physiocrats also argued that “Since each man is the best judge of his own interests, the surest way to make men happy is to reduce restrictions on individual effort and initiative” (in Sabine and Thorson, 1973:521). However, the utilitarian political philosophy, to an extent, concords with the theory of general will of J.J. Rousseau in France where Holbach argues that “men are not born bad but are made so by bad government; the essence of bad government is that it has not made the general happiness its main object; the cause of bad government is that it has been in the hands of tyrants and priests whose interest is not to govern but to exploit; and the remedy is to give free scope to the ‘general will’...” (in Sabine and Thorson, 1973: 523). Utilitarianism therefore is based on the principles of freedom, equality, rule of law etc that would ensure security of life and property for the realization of the greatest happiness for the greatest number.

Furthermore, the following are the values of utilitarian philosophy as captured by Mahajan (2008):

- 1) The utilitarian philosophy puts more emphasis on individual liberty and moderated the growing tendency to deify the state; hence it was opposed to anarchist tendency.
- 2) It contributed to the development of a new theory of government which assumes that government was based not only on contract but on the habit of obedience born of utility.

The Concept of Democracy

Democracy is one of the concepts in social sciences that are viewed differently by different scholars. Democracy is described to be a system of government in which law is supreme, rulers and subjects’ alike being subject to it irrespective of the formers’ political statuses (Adagbabiri, 2015). Democracy is all about people enjoyment which is transmitted through good governance. In this case, Kwasau is right to argue that democracy “... is particularly sensitive to the current socioeconomic and political circumstances of nations striving for international identity and developmental posture as well as liberality and good governance” (Kwasau, 2013:182). Democracy as a system changes over time because of the societal dynamism.

According to Anyaoku (2011:73), “... the history of western democracy began from a limited franchise determined by property and gender qualification until when, by the last century, universal suffrage became the norm in most western polities”. This explains universalistic nature of democracy as a principle of governance that upholds high moral imperatives and accords the citizenry the right to participate in decision-making that adheres to their collective will and interest (in Adagbabiri, 2015). Similarly, democracy is seen as a political system which enables

people to freely choose effective, honest, transparent and accountable leaders who can protect and promote the dignity and fundamental rights of individual (in Ghana, 2011). The essence of democracy is to produce good governance where the will of the people will prevail. The will of the people is a cardinal pillar of democratic governance; it can therefore be expressed through the following:

- i) The right of the people to freely choose their governments in periodic but free and fair elections;
- ii) The right to freedom of association, especially to form political parties;
- iii) The right to freedom of expression, especially freedom of speech and press freedom;
- iv) The primacy of the rule of law and independence of the judiciary;
- v) The commitment to transparency and accountability of leaders to the people (Ghana, 2011).

However, it is further argued that “The more a democracy is guided by these five principles, the more likely it is that the [sic] government would practice good governance. For good governance would more normally follow when we have a freely elected democratic government with a vigilant electorate and press under the supremacy of laws rather than persons in government, and a commitment to public good on the part of the government leadership” (Anyako, 2011:75). Democracy as system of government therefore is made to provide good governance and representation, constitutionalism, welfarism, and the protection of fundamental human rights. Moreover, democratic state is supposed to provide social welfare, social security, health, education, and affordable means of livelihood that would increase happiness to the generality of the electorates. Even in this era of market economy, democratic states should be able to protect the weak, enhance the environment, provide and regulate transport facilities and ensure that increased efficiency and performance of government are translated into the advancement of the people general happiness (Anyako, 2011).

Utilitarian Value and Democratic Practice: The Nigeria’s Fourth Republic Experience

Through democratic system, legislators can determine that certain actions are detrimental to public happiness and they are, therefore, regarded as crimes which require possible punishments (Mahajan, 2015). On this note, utilitarian values have reinforced democratic values and on the basis of this democratic system is assumed to be the best. In his book “*Political Theory: Principles of Political Science*” (2008), Mahajan identifies two main suppositions that are regarded as reinforcing utilitarian values or principles on the liberal democratic system. The first supposition is that all individuals are perfectly egoistical and the second is that the greatest happiness of the greatest number should be the goal and guiding principle of every democratic government (Mahajan, 2015).

Moreover, the link of utilitarian values with democratic system could be found from the thought of John Stuart Mill, who was one of the greatest advocates of freedom of expression and representative government (Mahajan, 2015). To him, political institutions are artificially made by people and do not act by themselves, rather, they require active participation of people (Mahajan, 2015). It is on this note that democracy globally becomes inevitable political phenomenon because of its emphasis on freedom as part of the critical elements of human development (Anyaoku, 2011). Participation is a key to the realization of the utilitarian values of the greatest happiness in the society and participation is part of the essential ingredients of democratic system. Prior to the beginning of the Fourth Republic in Nigeria, the political environment was characterized by military dictatorship which completely blocked popular participation (Anyaoku, 2011). Most Nigerians became unhappy and dissatisfied with consequences of tyranny, misrule and massive corruption of the military regimes (Anyaoku, 2011).

However, with the coming of the Fourth Republic in 1999, the democratic values anticipated to have emerged were liberty, socio-economic equality, fraternity and freedom of expression, which could have formed the basis of new participatory political process (Sani, 2011). These democratic values were relatively absent in Nigeria, thereby hindering people's political participation. It is the participation of the generality of people in the process of governing their nation that can lead to their development and upgrade their levels of happiness. Therefore, failure to involve people can lead to failure of society, because 'nations cannot be built without popular support and full participation of the people, nor can the economic crisis be resolved and human and economic conditions improved without the full and effective contribution, creativity and popular enthusiasm of the vast majority of the people' (in Gana, 2011: 69). This coincides with the general will thesis of Jean Jacques Rousseau (Appadorai, 2004). Rousseau continues to argue that "state came into existence through a General Will and its purpose was to satisfy the goods and well-being of the people based on the General Will" (in Ugwu, 2013: 40).

Looking at the democratic experiment of the Nigeria's Fourth Republic, most of the ingredients that could make democracy to thrive in the country have either been absent in totality or absolutely weak. The institutions of political parties, vibrant civil society organisations and critically effective mass media have been very weak (Kwasau, 2013). These have rendered the Nigerian state to remain "...the exclusive property of the indigenous political elite who appropriated and sustained the state in an authoritarian, repressive and oppressive manner. The effect of this has been the total alienation, subjugation and marginalization of the greatest number of the people in issues directly and indirectly associated with the acquisition, expansion and sustenance of state power" (Ugwu, 2013: 68). Similarly, Roberts (2002) asserts that "Continued complaints of marginalisation and parallel calls for political restructuring of the federation represent evidence that many Nigerians might not be reaping the dividends of the new democratic order" that constituted the Fourth Republic. The followings are the areas that have exposed the failure of democratic experiment of the Nigeria's Fourth Republic:

Insecurity: the 1999 Constitution of the Federal Republic of Nigeria as amended, states that “The security and welfare of the people shall be the primary purpose of government” (Chapter 11 Section 14 subsection 2 (c) of the 1999 Constitution). Nevertheless, throughout this Republic, the Nigerian state has been unsecured due to recurrent inter-ethnic and inter-communal conflict, elections related violence, militancy and insurgency as well as herdsmen-farmers crises among others. Politicisation of the national security has been in the increase. According to Adetoye and Omilusi (2015: 52), “Since the re-emergence of democracy in May 1999, not less than one hundred politically, ethnically and religiously motivated conflicts have occurred in Nigeria”. Similarly, Ugwu, (2013: 68) argues that some of the recurrent conflicts that lead to insecurity from the beginning of this Republic include “TIV/Jukun, Ife/ Modakeke, Itsekiri/Ijaw, Aguleri/Umuleri etc. Others stemmed from the activities of ethnic groups like Odua Peoples Congress in the west, the movement for the Actualization of the Sovereign State of Biafra, threat of militant activities of Boko Haram in the North which have variously led to loss of many innocent lives and property of Nigerians”. Also, the increasing rate of kidnapping, armed robbery, cattle rustling, banditry and herdsmen-farmers clashes among others, have climaxed that people started to lose hope on government’s capacity to protect them.

Increased rate of poverty and Unemployment: Some scholars are of the view that manifestation of poverty is a function of unemployment (Aiyedogbon and Ohwofasa, 2012). The chronically rising rate of poverty in Nigeria’s recent history is connected to the increasing expansion of the percentage of unemployment (Aiyedogbon & Ohwofasa, 2012). Despite the significant improvements in GDP’s growth in recent years compared to 1980s and 1990s, the number of Nigerians living below \$1 per day has increased (Aiyedogbon & Ohwofasa, 2012). This signifies the increasing expansion of poverty resulting from low earnings of the majority Nigerians. However, the frustrating nature of poverty has eaten deeply into the psyche of most Nigerians, thereby rendering them unhappy and agitated resulting into violent conflicts. The nature of the quantitative growth recorded through GDP makes the National Bureau of Statistics to report, in 2010 that Nigeria is one of the 10 fastest growing economies in the World and the fastest growing economy in Africa, but yet having as many as 69% of her population living below poverty line (NBS, 2010 and ActionAid Nigeria, 2015). Though factors responsible for increasing rate of poverty and unemployment are multi-dimensional, corruption is said to be one of the most critical factor.

However, the manifestation of poverty in Nigeria is predicated by “... lack of freedom of action and choice; lack of adequate food, shelter, education and health; vulnerabilities to ill health; economic dislocation; maltreatment by public agencies; and exclusion from key decision-making processes and resources in society” (in ActionAid Nigeria, 2012: 10). These indicators of poverty are supposed to be eradicated with the return of democratic politics in 1999 but they are still manifesting in the country.

Corruption: in its 2012 Annual Report, EFCC asserts that ‘Corruption in the public sector remains a sore spot in Nigeria’s quest to instil transparency and accountability in the polity. The failure to deliver social services, the endemic problem of power supply and the collapse of infrastructures are all linked to [sic] corruption... ’ (in ActionAid Nigeria, 2015: 6). From the inception of this Republic, corruption has become a well glorified act especially in the hands of some politicians and civil servants. It manifested in the forms of 10%, 15% and 20% return in the award of government contracts, Ghana-Must-Go, handout, gratification and budget padding among other things. These are some of the accumulated dimensions of corruption in Nigeria that make some of its citizens fantastically corrupt, thereby relegating the majority of the masses to be languishing in abject poverty and suffering from different kind of deadly diseases. It is, however, revealed that from the beginning of this Republic, a lot of “Public funds have been mismanaged by the state governors, ministers, legislators, and ministries, departments and agencies (MDA) at national, state and local government levels who control the machinery of governments and are responsible for the deployment of resources for welfare and development” (ActionAid Nigeria, 2012: 9). Politicisation of corruption in Nigeria has therefore eroded the institutional capacity of governments to deliver good quality dividends of democracy to the greatest number of Nigerians. However, the failure of democratic governance to that effect has been summarised by Ajayi (2012: 102) that “Democracy can only be considered and accepted by the populace as a worthwhile system when it significantly promotes the common good, rather than the narrow interest of the few opportune elected officials”

Lack of Adherence to the Principle of Rule of Law

The essence of the principle of the rule of law in a democratic system is to strengthen the adoption of constitution for the enhancement of good governance. This, as captured by Akomolede and Bosedede (2012: 69) the “The parameters for ensuring good governance through the rule of law are well spelt out in the constitution”. They, therefore, see good governance as “... a prerequisite to nation building and national development. It is ruling the people well within the tenets of the Constitution and other enabling legislations”. Since the era of A. V. Dicey, the doctrine of the rule of law had been linked to the principle of human right and equality before the law. It encourages the removal of biasness in the application of legal instruments as enshrined in the constitution.

The expectations were that when Nigeria returned to democratic rule in 1999, ... the rule of law would naturally thrive better in a democracy than in erstwhile military regimes. The hopes were certainly dashed; certain ugly developments [sic] that were experienced during the short periods of civil rule and still so persisting in the current dispensation have shown that the disregard for the rule of law is not the exclusive characteristic of the military government, democratic governments also sometimes have constitutions, but without constitutionalism and the rule of law (Akanbi, and Shehu, 2012: 6).

The preponderance of instances of the principle of the rule of law by different administrations in the Fourth Republic has been worrisome. There have been several instances of the violation of constitutional provisions and deviation of the principle of separation of power where executive armed interfered into the activities of legislature and judiciary. As Roberts (2002: 41) argues. "... [the] perceived lack of respect for the rule of law by elected politicians has had the consequential effect of encouraging many Nigerians to take laws into their hands, as exemplified by the increasing spates of armed criminal assault on society and vicious inter-ethnic and inter-religious feuds".

Conclusion

The paper analysed the relevance of utilitarian values on democratic experience of the Nigeria's Fourth Republic. When Nigeria was transiting from the military dark era in 1999, there were high expectations that things would be better under democratic system. However, the different administrations of the Fourth Republic did not prove better than the military regimes of the past in terms of production of good governance that would better the life of the majority Nigerians. Instead of enjoying dividends of good governance, the Nigeria's Fourth Republic has been characterised by serious security challenges that resulted in wanton killings of people extra-judiciously, destruction of properties and displacement of people from their homes. There has also been an increase in the rate of poverty and unemployment due to corruption in the system. These and other challenges of democratic governance in the country have indicated that the democratic practice under the Nigeria's Fourth Republic has failed to provide greatest happiness to the greatest number of Nigerians as utilitarian philosophy envisages.

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