

Politico-Ethical Appraisal of the Nigerian State as the Actuality of Concrete Freedom: A Kantian Perspective

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Abstract

In the 19th century, G. W. F. Hegel in his Philosophy of Right wrote that “the state is the actuality of concrete freedom.” The logical import of that assertion is that individuals lack concrete freedom outside the civil state. It further implies that the state, for all practical purposes, is meant to protect the freedom of its individual members. All states can thus be understood to be the product of a compact or covenant and the Nigerian state is no exception to this rule. A logical outcome of this contract then is that the citizens of the instituted state must possess an actual freedom which the state is required to protect and preserve at all costs. This paper, therefore, conducts an assessment of the authenticity of freedom as expressed in the Nigerian state, using Kantian political and ethical thought as a guide.

Keywords: Morality, Kant’s Categorical Imperative, Freedom, autonomy, Will, Nigeria, Politics)

Introduction

Freedom can be conceptualised in both the positive or affirmative and the negative senses. In the affirmative sense, it consists in the exercise of the right to choose and the ability to create for oneself the alternatives of choice; whereas in the negative approach, it is seen as the absence of any restraints on the actual exercise of one’s right to make choices and ability to create the alternatives of choice. Without the possibility of choice, man is reduced to a mere thing. Choice is, therefore, the defining basis for freedom and this means that one who is restrained from choosing is not free in the true sense of the word. It goes without saying, then, that privation is a *negation* of freedom.

The state, properly considered, is more than a community. It is, more than anything else, an association with a specific end. If the state’s specific end is laid down as the security and protection of lives, property and personal freedom, then the interest of the individuals *as such* becomes, or ought to be, the ultimate end of their association and it is only within the state that the individual has objectivity, genuine individuality and an ethical life. But what is the historical origin of the state and its rights and institutions? Did the state arise out of fear or trust; and in what light has the basis of the state’s rights been conceived and consciously established? These questions constitute the main problematics of our study. It examines the ways in which the state promotes concrete individual freedom and the enactment of a people-oriented constitution. Our main focus is on the question of political and ethical freedom in the Nigerian State. We seek to arrive at an evaluation of concrete freedom in Nigeria within the prism of a neo-Kantian framework.

The methodology of this study consists in content analysis of some primary texts of Immanuel Kant, as well as other secondary commentaries relevant to the study. It is at once normative, descriptive and evaluative. It fulfils the normative criterion by not only defining the ontological status of the state but also stipulates its proper end, thus providing a parameters for appraising the actual performance of any state, in our case, the Nigerian situation.

The Meaning and Complexity of Freedom

The analysis of the concept of freedom – its meaning, nature, antithesis, and forms – has been of interest to many scholars, especially in religion, politics and philosophy. As stated in our introduction, freedom, defined negatively, means the absence of restraint. A man is free in so far as he is not restrained from doing what he wants to do or what he would choose to do if he knew he could. And, D. D. Raphael makes the salient point that ‘the restraint must either be due to the deliberate action of other persons or be removable by the deliberate action of other persons.’ Choice is the selection of one possibility among others. Thus, the notion of choice implies a kind of freedom. D. D. Raphael distinguishes two kinds, or call it forms, of freedom, namely: (i) freedom of the will, that is, free will or freedom of choice; and (ii) freedom of action, which is commonly called freedom or liberty in social and political discussions. The former is the possibility of making a choice, whereas the latter is the freedom to do what one has chosen to do (115). The latter form, we need to note, presupposes the former.

Freedom could also either be the freedom *of* doing something or freedom *from* restraints. The Atlantic Charter, drawn up by President Roosevelt and Mr. Winston Churchill during World War II, contains a declaration of ‘Four Freedoms’ as their war aims. The four freedoms were: freedom *of* speech, freedom *of* worship, freedom *from* fear, freedom *from* want. One would notice that the first two freedoms are freedoms ‘of’ and the last two are freedoms ‘from’. Austin Fagothey discusses the concept of freedom by analysing three broad kinds of restraints that could hinder freedom, based on which he identifies four kinds of freedom, three of which he classifies as *freedom from*, and the fourth kind as *freedom for*. The first consists in the imposition of *external physical necessity*, ‘which compels or restrains bodily actions only and cannot touch the inner act of the will’ (Fagothey 138). This is the kind of restraint that the prison wall or any form of fetter imposes on a person. He calls freedom from such restraint freedom of *spontaneity*. The second kind of restraint is imposed by a being’s own nature, which imposes on the being an *internal physical necessity*. As he puts it, ‘A being lacking free will is utterly subject to its own natural tendencies and instincts, and must act in the way its nature prescribes for it’ (Fagothey 138). This kind of restraint is imposed by physical laws. Freedom from such inner determination of one’s nature is referred to as *freedom of choice*.

The third kind of restraint is non-physical; it is imposed by moral bonds. The restraints consist in ways in which the authority of a commanding will is instituted to regulate the free will of rational beings. Moral bonds constitute law in the strictest sense of the term. These moral laws impose moral necessity, which is the same thing as *oughtness*, obligation or duty. Freedom from law, from coercion by a commanding will is freedom of *independence*. This kind of freedom is freedom *from*, identical with the last two freedoms of the Atlantic Charter stated above. By the recognition of Nigeria as a self-governing republic in 1963, Nigerians became free from the jurisdiction of British laws. In a similar vein, a party to a contract is *free* upon its performance or a breach of its terms by the other party; so also is a man who has paid his bill in full *free* from that debt. The bonds are different in each of these cases, and ‘Because the bonds are different, one kind of freedom may exist without the other. Hence, a man can retain his free will and yet be bound by a law. He may be physically free to do an act, since he is able to do it, but may not be morally free since he ought not to do it.’ (Fagothey 138).

Fagothey is of the view that freedom from various restrictions and hindrances serves a crucial purpose, namely to make a person free for the actualization of his/her kind of being. In this respect, he is advancing further on the Kantian perspective. The logical import of that postulate is that *freedom from* is a means towards the actualization and/or protection of *freedom for*, which constitutes a higher end. In other words, freedom from is ancillary to the perfection of man’s being. As we are going to see later on in our study, this is in fact a strand of Kant’s notion of freedom, which was further elaborated by Hegel. In the Hegelian system, the *Idea-for-itself* is higher than, and constitutes the basic antithesis of, the *Idea-in-itself*, both of which attain dialectical unity in the *Idea-in-and-for-itself*, representing the Mind (Spirit) in the triad of the Absolute. It is interesting to note according to Hegel that within the triad of the Absolute, the Mind also has its own triad, namely: (i) Subjective Mind (thesis); (ii) Objective Mind (antithesis); and (iii) Absolute Mind (synthesis). Society and the state represent the Objective Mind, and its subject-matter consists of law, morality, ethics, and history.

The Objective Mind reflects the free will as it develops in three areas of experience: (1) legal abstract, or formal right as an implementation of freedom; (2) morality, in which the will evaluates itself and sets its own standards, a process of conscience; and (3) social ethics, pertaining to the family, society, and the State. The self-conscious moral judgment and action of the Objective Mind are realized in the State in so far as the State puts the ethical Idea into practice. (Sahakian 193 - 4)

Kant had, in a similar way, conceived of the state as the actualization of concrete freedom and Hegel's statements above is, in my judgment, an ingeniously illuminating elaboration of Kant's conception of the dialectical relationship between the state and genuine, *practical* freedom.

Let us now focus on Kant's moral and political philosophy more specifically in order to grasp other salient points in his conception of freedom.

Kant's Political and Moral Philosophy

The social and political philosophy of Immanuel Kant was occasioned by his desire to champion the idea of freedom. He holds that every rational being has an innate right to freedom and a duty to enter into a civil condition governed by a social contract in order to realize and preserve that freedom. Freedom is universal and he defines it as "independence *from* being constrained by another's choice" (*Metaphysics* 6:237, italics ours). His concern in political philosophy is not with the determination of our choices by laws of nature, but rather with the determining of our choices by other human beings. Kant assumes that by virtue of our rationality, our freedom of choice is a universal human attribute. This freedom of choice is to be respected and promoted and it involves allowing choice to be effective in determining actions.

Contrary to the position of the anarchists who regard the existence of the state as constituting a limitation to freedom, Kant holds that the state is not an impediment to freedom; rather the state is the means to the realization of freedom. State action that is a hindrance to freedom can, when properly directed, support and maintain freedom if the state action is aimed at hindering actions which would themselves hinder the freedom of others. Such state coercion is compatible with the maximal freedom demanded in the principle of right because it does not reduce freedom but instead provides the necessary background conditions needed to secure it. The state sustains the maximum amount of freedom consistent with identical freedom for all without reducing it.

For Kant, like other social contract theorists, the state is the product of a social contract. In his own formulation of the social contract which he calls the *Original Contract*, he is of the opinion that the sovereign has to recognize the contract as an idea of reason that would compel him to make laws 'in such a way that they could have arisen from the united will of a whole people and to regard each subject, insofar as he wants to be a citizen, as if he has joined in voting such a will' (*Metaphysics* 8:297). The idea of an original contract limits the sovereign as a legislator. No law may be promulgated that 'a whole people could not possibly give its consent to' (*Metaphysics* 8:297). This consent is not empirical or actual, but that of rational possible unanimity based on fair distribution.

The principles underlying the establishment of the state itself obligate all citizens to respect the rights of other citizens. In this sense, it is supposed, in addition to its other functions, to serve as an objective institution for the resolution of disputes about individual property and for enforcing compliance with these determinations. It is the state that enforces and gives practical effect to the existence of these property rights. Consequently, it is only within the social contract that individual persons can exercise their freedom by legitimately using objects for their own purposes. State power is thus necessary for each individual to be guaranteed access to some property in order to realize their freedom since individuals lack the capacity to make and enforce laws by which everyone will respect the property rights of others.

In his Moral Philosophy, Immanuel Kant argued that the principles and postulates of morality, one of which according to him is freedom, are based on a standard of rationality which he called the *Categorical Imperative*. The categorical imperative is the truly moral imperative. It is universal and commands "an action necessary of itself without reference to another end, that is, as objectively necessary" (Kant, cited in Stumpf 316). It is *categorical* because it instantly applies to all rational beings, and it is *imperative* because it is the principle on which *we ought to act*.

The basic formulation of the categorical imperative is: ‘*Act only on that maxim whereby you can at the same time will that it should become a universal law.*’ To substantiate his position that everything in nature is governed by laws, and that rational beings alone have the faculty of acting according to the conception of laws, Kant posits that the categorical imperative is our conception of the law of nature within the spheres of human behaviours. From this basic postulate, he offers another expression of the imperative of duty, namely: ‘*Act as if the maxim of your action were to become a universal law of nature.*’

It may appear that Kant failed to achieve his main objective of developing the categorical imperative, not merely as an abstract formula but, more fundamentally, as the establishment of *the supreme principle of morality* that will provide specific rules of conduct. Yet, the categorical imperative usefully constitutes a fundamental principle of morality which can be applied not merely *prudentially* but with a sense of *duty* in specific cases. To illustrate how the categorical imperative enables us to discover our moral duties, Kant gives an example, which Stumpf summarises as follows:

A man “finds himself forced by necessity to borrow money. He knows that he will not be able to repay it, but sees also that nothing will be lent to him unless he promises stoutly to repay it in a definite time. He desires to make this promise but he has still so much conscience as to ask himself: Is it not unlawful and inconsistent with duty to get out of a difficulty in this way? Suppose, however, that he resolves to do so, then the maxim of his action would be expressed thus: When I think myself in want of money, I will borrow money and promise to repay it although I know that I never can do so. Now this principle of self love or of one’s own advantage may perhaps be consistent with my whole future welfare; but the question now is: Is it right? I change then the suggestion of self-love into a universal law, and state the question thus: How would it be if my maxim were a universal law? Then I see at once that it could never hold as a universal law of nature, but would necessarily contradict itself. For supposing it to be a universal law that everyone when he thinks himself in a difficulty should be able to promise whatever he pleases, with the purpose of not keeping his promise, the promise itself would become impossible, as well as the end that one would have in view in it, since no one would consider that anything was promised to him, but would ridicule all such statements as vain pretenses.” (Stumpf 317)

Kant goes further to assert that we owe it as a matter of duty to always tell the truth because the one who tells a lie treats his victim as a means, whereas there is something about the human will that makes it resist or resent being treated as a *thing* instead of a *person*. The individual possesses an absolute intrinsic worth as a *person*, which derives from his rationality. This affirmation of the absolute worth of the individual led Kant to a second formulation of the categorical imperative which says: *So act as to treat humanity, whether in your own person or that of any other, in every case as an end in itself, never as means only.*

From the first two formulations of the categorical imperative stated above, Kant derived a third and more explicit formulation which says that we should ‘always act that the *will could regard itself at the same time as making universal law through its own maxim.* This formulation accentuates the *autonomy* of the will. Immorality involves a violation of the imperative of moral autonomy and is therefore irrational. Conformity to the categorical imperative for Kant was essential to rational agency. This argument is based on his doctrine that a rational will must be regarded as autonomous or free in the sense of being the author of the law that binds it. The fundamental principle of morality is none other than the law of an autonomous will. This particular position is at the heart of Kant’s moral theory, that rational human wills are autonomous. Kant saw this as the key to understanding and justifying the authority which moral requirements have over us. Freedom does not consist in being bound by no law but by laws that are in some sense of our own making. The idea of freedom as autonomy thus goes beyond the merely negative sense of being free from influences on our conduct originating outside of ourselves. It contains first and foremost the ideas of laws made and laid down by oneself and in virtue of this, laws that have decisive authority over one’s self.

Kant’s practical philosophy and the categorical imperative on which it is anchored were intended to form the grounds not only for ethics but also for everything that had to do with deliberative human behaviour. For Kant, self determination, that is the autonomy of the rational will, is the indispensable condition of all morality. Without self direction, morality would be impossible. Without freedom, morality would not exist. Man must be free to make his own moral choices. For Kant, “ought” implies “can”. Because I ought to or because I must, I can.

Freedom is therefore an idea that is necessary to assume because of our experience of moral obligation. Although we cannot demonstrate that our wills are free, we are compelled to assume it for freedom and morality “are so inseparably united that one might define practical freedom as independence of the will of anything but the moral law alone.” People could not be considered responsible or to have a duty if they were not able or free to fulfil their duty or respond to the moral command. Freedom must be assumed, and as such, as the first postulate of morality. According to Kant, although we cannot prove freedom to be something actual in ourselves and in human nature, we must presuppose it if we want to think of a being as rational. Freedom is a very real condition of our moral experience. There must be real freedom in spite of the fact that humans are subject to natural laws. Kant also says that the moral law and practical reason have forced the concept of freedom upon us. Free choices must conform to laws “otherwise a free will would be an absurdity” (*Groundwork* 74).

Kant’s basic ideas can be grasped intuitively by analogy with the idea of political freedom as autonomy (Reath 1994, 71). It is relevant to consider how political freedom in liberal theories is thought to be related to legitimate political authority. A state is free when its citizens are bound only by laws that are in some sense of their own making – created and put into effect, say by vote or by elected representatives. The laws of the state then express the wills of the citizens who are bound by them. The idea then is that the source of legitimate political authority is not external to its citizens but internal to them, internal to the will of the people. It is because the body politic created and enacted these laws for its self that it can be bound by them. An autonomous state is thus one in which the authority of its laws is in the will of the people in that state, rather than in the will of a people external to that state, as when one state imposes laws on another during occupation or colonization, in which case, the laws have no legitimate authority over those citizens.

What is remarkable about Kant’s conception of ‘motivation by duty’ is that it consists of a bare respect for lawfulness. Naturally, we would consider that duties emanate from rules or laws and thinking that we are duty bound is simply the respect for certain laws pertaining to us. However, this cannot be Kant’s meaning as these laws may actually be morally despicable and obeying or respecting them could not then be considered moral.

Kant rather refers to laws that apply to us as rational beings who are capable of guiding their own behaviour on the basis of directives, principles and the laws of rationality. When we do something because it is our moral duty, we are motivated by the thought that insofar as we are rational beings, we must act only as this fundamental law of reason prescribes, a law that would prescribe how any rational being in our circumstances should act. The law would be true of all rational agents by being a principle of reason. “There is only one innate right. This is freedom (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other person in accordance with a universal law” (*Metaphysics* 6:237). Kant rejects any other basis for the state including the welfare of the citizens. The state cannot legitimately impose any particular conception of happiness on its citizens (*Metaphysics* 8:290-91) and doing so would be paternalistic governance. For Kant, the “Universal Principle of Right” can be stated thus: “any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law” (*Metaphysics* 6:230).

Henry E. Allison (1990) provides a comprehensive interpretation of Kant’s concept of freedom that is useful in our present engagement. He analyzes the concept and discusses the role it plays in Kant’s philosophy, highlighting the general hypothesis of *rational agency* as the fulcrum of Kant’s ethical maxim of the categorical imperative, and, then, uses this theory to elucidate on the Kantian concept of moral agency. Allison also explores Kant’s attempt to found both moral law and freedom in the *Groundwork* and the *Critique of Practical Reason*.

Arthur Ripstein (2009) insists on the possibility of a coherent system of individual rights from his idea of an innate right of humanity. This approach establishes a strong link between natural and positive rights and, in doing so, addresses some questions left open by Kant’s moral theory. Michelle Kosch examines the idea that moral autonomy is self legislating. She outlines Kant’s view on freedom, stating that Kant conceives of freedom in the sense of “rational self determination” which is inextricably conjoined with the contingency of individual choice (42).

The Nigerian State as the Actuality of Concrete Freedom

The Nigerian state is structured as a federation of 31 states and a federal territory, altogether comprising 774 municipalities. It is made up of well over 250 ethnic groups (Mbeki-Ekanem xxiii; Achebe 1). However, in practice, power resides disproportionately in the central government which controls most of the country's revenues and resources. The federal government monopolizes ownership of the country's natural resources, including oil and natural gas, and retains mining rights. Even with the derivation formula which, at present, allows for no less than 13 percent of oil revenue to accrue to producing states, the states still receive less than a fair share of the revenue accruing from the exploitation of these resources due to autocratic governance and pervasive injustice and corruption, arising in part from over-centralization of governmental powers.

Nigeria is the poster child for the "resource curse." According to the World Bank, 80% of oil monies accrue to only 1% of the population. Although the government states vehemently that it is totally opposed to corruption, its officials continue to feast lavishly on state funds, often times with impunity. The rights of the people, especially 'minorities', are trampled upon with reckless abandon. Ethnic minorities in the Niger Delta feel marginalised, particularly with regard to the distribution of the country's oil wealth. The case of the Ogoni people, whose traditional lands hold vast quantities of oil but are incredulously among Nigeria's poorest citizens, is an instance of the miscarriage of economic justice. The Nigerian state, at basically all levels, is run like personal fiefdoms with the citizenry having little or no autonomy in the determination of their affairs. Despite a nominally open primary process and reforms in the electoral process, the participation of the people in mainstream politics has been severely curtailed. The problem of ethnic discrimination prevents many qualified Nigerians from running for public office or seeking employment where they desire. While women enjoy improved opportunities to participate in public life, Sharia statutes restrict their rights in relation to property, marriage and other areas of civil life. Among some ethnic groups, women are denied equal rights to inherit property with their male counterparts, and spousal rape is not considered a crime, which all constitute a negation of freedom.

Kant posits that "all politics must bend its knees before right" (Peace 8:30) and by this he implies that "right must never be accommodated to politics, but politics must always be accommodated to right" (SRL 8: 429). This position shows the nexus in Kantian thought between politics and morals. For Kant, morality underwrites politics and conflict arises between these two whenever an action seems both politically legitimate and yet also immoral. However, given our very nature as humans, imagining that politics can function solely on principles of complete candour, openness and truthfulness is a disposition that only idealists like Kant who can uphold.

In contradistinction to Kantian requirement, the Nigerian State depicts a more realistic and Machiavellian standpoint, perceiving politics as overriding morality. For this particular position, anything, whether virtue or vice, is permissible whenever it becomes a necessary means to achieving a political goal. In line with Machiavellianism, it is often prudent in Nigeria to depart from morals (48, 55) when it is politically expedient to do so. Politics that is completely subservient to morality is considered both unrealistic and undesirable. This realist stance in the Nigerian political arena nullifies the universality of humanity's moral principles and undermines their unconditional status – a position that the Kantian theory upholds. It is the position of this paper that Kant is not being politically impractical when he argues that due to the complexity of political problems, it is more prudent to adhere unconditionally to principles as the best guide to action under certain conditions but also to allow for the parting of prudence and morality when it is in defence of human autonomy. While principles must not change to suit the situation, the particular situation must be considered with sound judgment to determine how principles are to be applied in that case. Political realists in the Nigerian state tend to misconceive the very essence of politics, thereby failing to place moral restrictions on political actions.

Kant argues not simply that politics ought not to conflict with morals but that properly conceived and conducted, it *cannot* conflict with morals. While there can be subjective conflict between morals and things like passions or self interest, there can be no objective conflict between morals and politics because politics is primarily about right and not about self interest or ideology (Peace: 8:370). Politics is the rule of right that morality demands and it respects equally the freedom and independence of each citizen. Human dignity, the founding value of morality, demands nothing less. The norms of respect, decency, openness and honesty are therefore central to a properly understood political life because the absence of such norms strip the people of their supposed sovereignty in the autonomous 'legislation' of their own laws, due to the resultant absence of genuinely free and fair public debate.

According to Kant, the lies, secrecy, manipulation, lack of publicity, deceit and deception that are inherent in the political machinations of political realists negate and contravene human dignity and undermine political progress towards autonomy, peace and freedom (*Peace* 8: 376). It is pertinent to note that the state *as such* actualizes its essence only when its members have a feeling of their own selfhood and it is stable only when public and private ends are identical. It has often been said that the end of the state is to enhance the *good life* and wellbeing of its citizens. To be sure, this assertion has an idealistic flavour; but although most realists would consider the advancement of the *good life* as extraneous to the domain of state functions, such consideration is often erroneously informed by the thinking that such an ethical requirement for the state could lead to its weakness and narrow the scope for its technological and economic development in relation to other states.

We are not unmindful of the contention of the advocates of the doctrine of the *minimal state*, which was very popular during the seventeenth and eighteenth centuries but has lost its currency and appeal in contemporary conceptualization of the functions of the state. This conception of the state narrowly considers its function to consist primarily in the maintenance of law and order. The newer, positive function of the modern state may, however, be described as the promotion of *welfare* and *justice* (Raphael 48). This covers both the *negative* function of safeguarding existing rights or existing wellbeing of its members (that is, *preventing* them from harm) and the positive function of ‘adding to well-being or of adding new rights or redistributing old ones’ (Raphael 46). We must grant, then, that if all is not well with the citizens, if their subjective aims are not satisfied, if they do not find that the state actually serves as the basic means to the advancement and satisfaction of their genuine aspirations as rational cum moral agents, then the footing of the state itself is faulty and insecure.

Man is concretely free only under the rule of justice and justice can reign only where there is a vibrant public realm in which publicity acts as a motor of progress and a measure of legitimacy. A situation such as often obtains in Nigeria, in which political decisions are not made as a result of public debate but are done behind closed doors and based on the interests of those in power over the masses, constitutes an assault on the autonomy of the citizens’ will. This is in opposition to Kant’s position that just public laws must arise out of, and be subjected to, reasoned public debate for it is the spirit of freedom that must be the condition in terms of which policies are evaluated.

There is, no doubt, a huge prospect of a great and virile nationhood in the present multi-ethnic configuration of Nigeria if the country is properly re-structured and transformed. But there is, at the same time, a growing disenchantment in some parts of the country with the delicate, artificial lattice by means of which the peoples have been held together in the unholy Nigerian federation (Achebe 2). This feeling is particularly strong among the Ibos in south-eastern Nigeria. Their self-declaration in 1967 of the aborted Republic of Biafra climaxed the active political expression of their loss of faith in the Nigerian State. That explains why despite the monumental human and material loss which the Ibos and other affected groups experienced during the 1967 – 70 Nigerian Civil War that ensued as a result of the declaration of Biafra, the Ibos have not totally given up on their secessionist struggle.

The Ogonis and its neighbours in the South-south have also expressed discontent with the Nigerian State in various other forms such as minority rights struggles, competition for state resources, and even militant agitation, all of which reflect a reaction to the suppression of the autonomy of the will of the aggrieved people. They may need to belong together in the Nigerian State with the other ethnic groups for some imagined advantage, but their being together ought to be a matter of free choice by the people concerned. In other words, it should be the outcome of the exercise of the *autonomy* of their will rather than of *heteronomy*. This leads us to the nature of obedience to laws. Some of the existing laws of the land are obnoxious and are merely obeyed out of fear of the consequence of disobeying them rather than *respect* for the law. It ought not to be so. As Kant points out,

What I immediately recognize as a law for me, I recognize with respect, which signifies merely the consciousness of the *subjection* of my will to a law without any mediation of other influences on my sense. The immediate determination of the will through the law and the consciousness of it is called *respect*, so that the latter is to be regarded as the *effect* of the law on the subject and not as its *cause*. Authentically, respect is the representation of a worth that infringes on my self-love. Thus it is something that is considered as an object neither of inclination nor of fear, even though it has something analogical to both at the same time. The *object* of respect is thus solely the law, and specifically that law that we *lay upon ourselves* and yet also as in itself necessary. As a law we are subject to it without asking permission of self-love; as laid upon us by ourselves, it is a consequence of our will, and has from the first point of view an analogy with fear, and from the second with inclination. All respect for a person is properly only respect for the law (of uprightness, etc.) of which the person gives us the example. (*Groundwork* 36)

What is implied in Kant's position above is that our obedience to the law should be borne not out of coercion but of respect, which derives from the recognition that the law represents our will, that of a rational moral being. We will not, in our present, study attempt to resolve the controversy concerning whether we ought to obey all state laws, including an unjust law, or whether we have a right to civil disobedience. Suffice it to mention in passing that, given the reasons for the state, we do not have a moral duty or obligation to obey an unjust law.

Apart from punishment, there are other sources of fear that impel one to obey an obnoxious law. One of such is insecurity. The level of hostage taking, killings and other forms of crime in Nigeria has made life very insecure. The federal government amnesty programme in the Niger Delta has not yielded the anticipated result of eliminating, or at least reducing the incidence of poverty related crimes in the area, nor has the government been able to successfully clamp down on the coordinated onslaught on innocent lives by the Boko Haram group in the North. All these are antithetical to the exercise of freedom.

The demands that morality and justice make are not independent of changing circumstances, but at all times and in whatever circumstance, they demand truthfulness and a full suite of basic rights and liberties. Those who take the lives of others through extrajudicial means and those who in various ways pose a threat to the lives of others are not, philosophically speaking, exercising freedom but *licence*. Just laws are therefore meant to protect members of society from licentious aggression by deviant members.

Conclusion

Freedom is a necessary condition for individual self-realization and collective self-determination. Freedom is not a virtue as such for it does not make a person good, rather it is necessary for the exercise of virtue, and good acts remain mere intention unless one is actually free to do them. The modern emphasis on human rights and the dignity of the human person has much to do with the conception of freedom as one of our chief values. The state is considered well-governed that guarantees the freedom of its citizens and advances their welfare. Thus freedom becomes a value which the state ought to protect and that its citizens ought to even fight for.

The Kantian notion of duty is primarily a relation to something which is substantive and universal. A right, on the other hand, is simply the particular embodiment of this substance and enshrines one's particular freedom. In the state, one's obligation to duty is at the same time the embodiment of one's particular freedom. This means that in the state, duty and right are united in one and the same relation. In the spheres of personal rights and morality, what is one man's right ought also to be another's, and what is one man's duty ought also to be another's.

The concept of the union of duty and right is a point of vital importance and in it is contained the inner strength of states. In whatever way an individual may fulfil his duty, he must at the same time find his account therein and attain his personal interest and satisfaction. Out of his position in the state, a right must accrue to him whereby the state's public affairs will be his own particular affair. Particular interests should not be set aside or completely suppressed; instead, they should be put in correspondence with the general will. An isolated individual is in subjection; but as a member of civil society he finds in fulfilling his duties to it protection of his person and property, regard for his private welfare, the satisfaction of the depths of his being, the consciousness and feeling of himself as a member of the whole; and in so far as he completely fulfils his duties by performing tasks and services for the state, his freedom is upheld and preserved.

The conjunction of duty and right has a twofold aspect: what the state demands from us as a duty turns out to be our right as individuals, since the state is nothing but the articulation of the concept of freedom. The determinations of the individual will are given an objective embodiment through the state and thereby they attain their truth and their actualisation for the first time. The state is the one and only prerequisite of the attainment of particular ends and welfare.

Sustainable political progress in any state requires the entrenchment of sound moral values in the conduct of social life. It follows, then, that a fully politicised public realm requires not only a right-respecting but also a virtuous citizenry. The state in-and-by-itself is the ethical whole, the actualisation of freedom; and it is an absolute end of reason that freedom *should* be actual. Only then does the human will enjoy genuine *autonomy*. An overview of the condition of the Nigerian populace reveals that the Nigerian State is yet to emerge as the actuality of concrete freedom in the sense postulated by Kant. This remains the ideal which both government and the citizenry must strive to attain in order to justify the existence of the state and their allegiance to it.

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