

A Critique of Locke's Prerogative of Constitutional Democracy

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Abstract

The fundamental problem associated with Locke's constitutional theory is that his political theory envisaged the complexities of our contemporary times. For Locke, the people are the source of political power. Moral evaluation is grounded in political power. Political power reflects the manifestation of the state with its laws and government. The chief reason for Locke's constitutional democracy is epitomized in political judgments, such as "stability", "state", "law", "government", "power", "authority", "justice", "right", "freedom", and "equality". For Locke, the fundamental questions of political morality are questions about what men ought to do in relation to the right ordering and functioning of political power, society and government. Locke's prerogative of constitutional democracy is factual, empirical and pragmatic. His prerogative of constitutional democracy reflects the basic factual questions about human nature and the causal determinants of society and government. Locke's prerogative of constitutional democracy reflects the need for consent, organic or corporate society. The need for consent reflects the source for political power. This paper adopts the analytical framework. This paper also needs an expository method in addition to the analytic framework in unraveling Locke's democratic theory. Locke's conceptualization of constitutional democracy represents the "cooperative existence of civil society". Freedom is the kernel of Locke's political philosophy. Locke's rationalization of civil society is the preservation of private property. Locke's contention on constitutional democracy is borne out of the need to avoid violence and war in the state. Locke's emphasis on avoiding war is aimed at establishing a commonwealth based on consent. Locke's liberal conviction of constitutional democracy serves as a philosophical base for the moral conviction of private property and revolutionary tendencies. Locke's fundamental objective of functional government is grounded in limited government. Locke sees the state as the political arbitrator of the people. Locke's constitutional democracy and limited

government is aimed at the principles of collectivity and social order. Locke's idea of limited system of government advocates the foundation of revolutionary program. This paper concludes that Locke's prerogative of constitutional democracy represents the collective identity of the people. It represents the collective interests and public happiness of the people.

Keywords: Constitutional Democracy, Society, Property, Government, People

Introduction

Locke's argues for executive prerogative which showcases the power of doing good for the overall interests of the people. Locke's prerogative fronts a liberal constitutional democracy. The word "prerogative" means a right or advantage belonging to a particular person or group of people because of their importance or social position.¹ Locke's constitutional democracy requires accountability so that people can get decisions made which help them to govern their own lives. Locke's constitutional democracy requires democratic representation. The Lockean democratic representation showcases elitism. Representation, it should be said, involves empathy, the capacity to put oneself in the position of other people. Robust democratic setting requires representatives and constituents. Democracy needs a form of representation that is sensitive to the plight or problems of the people they represent.

According to the Lockean real essence, the notion of democracy becomes a means of resolving conflict in a way that acknowledges the identity of the parties to a dispute. Locke's political philosophy goes beyond the need for a democratic institution to claim a monopoly of legitimate force for the state. This theoretical discourse is sectionalized into six structures. It starts with an introductory remark. Secondly, the papers discusses the

¹ Hornby, A. S, *Oxford Advanced Learner's Dictionary*, (Oxford: Oxford University Press, 2010), Pg.1155.

conceptualization of Locke's prerogative of constitutional democracy; Locke's theory of constitutionalism as a paradigm shift for liberal democracy; and his idea of constitutional democracy and the limits of political obligation. Furthermore, the paper, therefore, ends with an evaluation of Locke's prerogative of constitutional democracy and concluding considerations.

Locke's Prerogative of Constitutional Democracy

Locke (1632-1704) was one of the founding fathers of democratic liberalism. However, for Cohen, Locke's political theory starts like Plato's with a search for moral philosophy. Locke was described as the "apostle of the Revolution of 1688".²

Locke argues that the "product of force and violence" lays a foundation for perpetual disorder and mischief, tumult, sedition and rebellion.³ Locke holds that the real solid foundation for civil society is the preservation of property. One of the aims of Locke's political philosophy is to distinguish between legitimate and illegitimate government.⁴ However, in Locke's philosophy, property right is the key to civil society and the key to property is labour. Locke writes that in the state of nature or the 'original state', property right gives the individual freedom. Freedom, then, of man, and liberty of acting according to his will is grounded on him having reason.⁵ Locke argues that Hobbes's Leviathan reveals a state of equality yet not total anarchy. Locke's political writing reveals a kind of political radicalism. We are all equal and we are all the work of the 'one omnipotent maker'.⁶ Cohen argues that:

It follows that, in the state of nature, no one may interfere with another's liberty – 'we are born free, as we are born rational' but if once one transgresses another's rights or

² Cohen, Martin, *Political Philosophy: From Plato to Mao*, 2nd Edition, (London: Pluto Press, 2008), Pg. 120-121.

³ Locke, John., *Two Treatises on Civil Government*, (London: Awnsham Churchill Press, 1797) Pg.1-2.

⁴ Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 124.

property, then, be warned, everybody has a right to punish the transgressors of that law to such a degree, for there is one rule – the sacred and unalterable law of self-preservation. His own will is grounded on his having reason which is able to instruct him in the law he is to govern himself. Locke's doctrine is an early kind of utilitarianism, the engine of a machine with the aim of increasing the sum of human happiness.⁷

Furthermore, just like Baradat rightly observed, Cohen argues that Locke has in mind only the enlightened self-interest of individuals.⁸ However, the individuals remain the leitmotif test for any democratic setting. However, Cohen maintains that:

Locke's political philosophy as the 'original state' is concerned is grounded on a "cooperative existence" of civil society. Freedom is the kernel of Locke's philosophy, the freedom of man and liberty of acting. Locke appeals to a moral conception which is beyond self-interest and which lies at the heart of political liberalism. This new morality starts with the institution of property. Locke's traces property as the foundation of his political theory. Like Hobbes, Locke assumes a kind of 'social contract between ruler and ruled. Locke's radical liberalism is founded on the American constitution.⁹

Cohen argues that society is thus authorized by each individual to make laws for him as the public good of the society shall require. The inconveniences of anarchy ensure that this is a free decision and quickly taken. The state of nature now gives way to the laws made for the common will.¹⁰ Locke contends that the legislative or supreme power of any commonwealth is bound to govern by established standing laws, peaceable, social order, safety and public good of the people. Locke's political writings concerning the

⁵. Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 125.

⁶. Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 125-126.

⁷. Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 127.

'separation of powers' was actually championed by Montesquieu (in his *Spirit of the Law*), some half a century later in 1748.¹¹ Montesquieu argues for the need for the additional separation of judicial power characteristic of the American constitution. Constitutional democracy favours the 'separation of power' among the three arms of government pushed forward by Locke's liberal hypothesis on women's political importance with a wide ranging denunciation of rationality and power criticizing Rousseau in particular.¹² Locke creates a picture of the world in which 'rationality' is the ultimate authority not God and certainly not as Hobbes had insisted on brute force.

Locke's legacy is the first essentially practical even legalistic framework and analysis of the workings of society in the realm of the executive, legislature and the judiciary.¹³ Locke has had so much influence on Thomas Paine in his work. "The Rights of Man," published in 1791 and Mary Wollstonecraft in her work "A Vindication of the Rights of Women", published in 1792. Locke's influence is apparent in the writings of one of Paine's contemporaries and one of the first of the feminist philosophers, Mary Wollstonecraft. Thomas Paine argues that the rights of men in government reflect true moral denominations.¹⁴

Locke's Theory of Constitutionalism as a Paradigm for Liberal Democracy

Locke's contention on constitutional democracy is borne out of the need to avoid violence and war in the state. The generalized opposition to violence comes out of the liberal tradition.¹⁵ Hobbes in the *Leviathan* further argues that there is an emphasis upon avoiding war and establishing a commonwealth based on consent. Locke likewise argues that force or violence is averted

^{8.} Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 127-128.

^{9.} Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 128.

^{10.} Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 129.

^{11.} Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 30-32.

under the 'ties of common law of reason'. Locke's social contract theory is political liberalism. Liberalism argues that a world in which market exchanges are defined as activity that has banished violence. The use of the term "force" or violence is "atypical".¹⁶ Locke's greatest political importance is his second treatise which was seen as a major masterpiece. Locke's second treatise was filled with so much simplicity and common sense approach.¹⁷

Locke's liberal conviction serves as the philosophical basis for the American Declaration of Independence of 1776 - 1778 and the United State Constitution. Locke's political liberalism and his moral conviction of private property and the commonwealth provide the normative basis for constitutional democracy to countries in the world. Locke is regarded as a leading classical liberal who champions the natural law theory. Locke argues that the natural law could be discovered by the principles of universal reason. The natural law has a moral structure. Accordingly, Baradat further argues that "because all people are equally subject to the natural law (the same moral structures), each person owes every other person a degree of respect and consideration not owed to un-equals. Locke, however, refers to these inalienable rights as "life, liberty and property". Locke argues that individual freedom is an essential right. It has been argued that although Hobbes and Locke agreed on many points they also differ in other arguments.¹⁸ Hobbes was very pessimistic about human nature.

On the contrary, Locke was very optimistic about human nature. For Murkherjee and Ramaswamy, Locke is an optimist.¹⁹ Locke argues that individual persons are free and that freedom is regarded as the absence of constraint or impediment citizens unfettered by government. The real Lockean essence is that people

¹². Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 133.

¹³. Cohen, Martin, *Political Philosophy: From Plato to Mao*, Pg. 30-32.

¹⁴. Cohen, Martin, *Political Philosophy: from Plato to Mao*, Pg. 133.

¹⁵. Paine Thomas. *Rights of Man*, (Edited by Tom Griffith with an Introduction by Derek Matravers), (Hertfordshire: Wordsworth Limited 1996), Pg. 79.

ought to be free to exercise their civic rights as long as they do not infringe upon other people's rights. Locke argues that the natural law guarantees the normative possibility of individual equality. Locke holds that the natural law from which the natural rights of people emanate applies to all people in equal measure.

Locke acknowledges that people differed widely in intellectual capacity, physical skills, size and so on. Thus, no one had a greater claim to liberty than anyone else.²⁰ Locke's most significant contribution to political philosophy is that he integrates economic theory into political theory. Locke is the founder of political economy or economic liberalism. The importance of economics to political motivation and behaviour has become increasingly accepted and of course Locke discusses political economies within the context of his major objective for individual liberty. Locke advocates that private property was essential to peoples' well-being.²¹ However, Baradat maintains that property is viewed as a means to an end and the task of developing characters. Locke viewed property as a means to an end and not as an end itself. He sees private property as a vital first step to an improved human race.²² Locke argues that common property became private property when human labour was applied to it. Locke has had so much influence on capitalist economists such as Adam Smith, David Ricardo and the economic theory of Karl Marx. Locke argues that there has been a time where there was no organized society.²³

Furthermore, during this period people interacted with nature creating private property. Locke holds that private property existed before society was organized.²⁴ Locke maintains that private property is necessary to the human condition because it helps people to achieve liberty. Locke claims that because private

16. Hoffman, John, and Graham, Paul. *Introduction to Political Theory*, (2nd Edition), (England: Pearson Education Limited, 2009), Pg. 453.

17. Hoffman, John, and Graham, Paul. *Introduction to Political Theory*, Pg. 453-454.

18. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, (9th Edition), (New Delhi: Prentice - Hall Limited, 2008), Pg. 68-69.

property is important, it has to be infused or mixed with human creativity or labour.

Moreover, Locke, however, favours a market economy. Locke argues that the basic interests of all people in a given society were the same. Locke views people as being united by common interests.²⁵ Locke argues that in the natural state, the dominant themes were peace, goodwill, mutual assistance and preservation. Locke holds that conflict between people then, could occur in the state of nature because there was no third party to arbitrate the disputes.²⁶ Locke maintains that people were good, though, not perfect; they were also rational. Locke, in his political theorizing opines that people saw the need for an agency to dispense justice among them. Locke argues that the people create the society through the social contract and then government is created as an agent of the society.²⁷ Locke's social contract differs from that of Hobbes. Locke's social contract presupposes political liberalism while that of Hobbes is anchored on absolutism and monarchical government.

Locke's Idea of Constitutional Democracy and the Limits of Political Obligation

Locke maintains that government ought to be strictly limited because it's fundamental objective and vital function is to serve the people. Locke in his theory of constitutional democracy and limited government argues that governmental activity was necessary to protect the rights of the people.²⁸ Locke sees government as an arbiter and it is aimed at their best interests. However, two or more individuals came into conflict over the extent of their liberties, government was required to step in, arbitrate the dispute and then step out again and let people go about their business without further interference.²⁹

19. Baradat. Leon, *Political Ideologies: Their Origins and Impact*, Pg. 69-70.

20. Murkherjee., S and Ramaswamy, S. *A History of Political Thought*, (New Delhi: Prentice-Hall Limited, 2007), Pg. 79-80.

21. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 70.

22. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 70.

Locke's conception of individual rights presupposes a form of limited government. For Hobbes, individuals could surrender their natural rights to government in order to achieve peaceable, social order. Locke maintains that the society could use the will of the majority as a formula to influence policy decision making. This envisages the normative foundation of his limited form of democracy. Locke's idea of limited system of government advocates the foundation for revolutionary programme. Locke envisages the need for separation of powers between the executive, legislature and the judiciary as observed by Baradat that:

The only right that Locke expected people to surrender to government was the right to decide how extensive their individual liberties would be. Even here, the only time government should use its power was when individuals came into conflict over the use of their rights. Locke was very particular about the structure and form of government. Locke assumes that what was good for the society as a whole was good for the individual as well. Law was the product of the people's preferences. Locke saw members of a parliament as representing their constituents and that the people should vote as their constituents wanted. The legislature which was the direct agent of the people should take precedence over the executive branch. The legislature should decide on the policy of government and the executive should dutifully carry out the mandates of parliament.³⁰

Baradat argues that only property owning citizens should vote and that the people must obey the government as long as it does not abuse their rights. Locke contends that the people were sovereign and that they had the right to rebel against an unjust government.³¹ By contrast, Kant would hold that even though the government is unjust, the people should make it a moral duty to

^{23.} Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 70-71.

^{24.} Baradat . Leon. *Political Ideologies: Their Origins and Impact*, Pg. 71.

eschew any form of violent revolution.³² However, the freedom or sovereignty of every democratic state ought to be respected. The Kantian tradition aims at normative possibility of democratic society. His conceptualization of revolution is predicated on the need for social order. It is germane to assert that Locke and Kant are poles apart. Locke supports revolutionary movement while Kant is anti-revolutionary.

Locke holds that the government's sole purpose or responsibility was to serve the individual in such a way as to increase individual rights and liberties.³³ Locke's prerogative of constitutional democracy is deeply rooted in the promotion of individual rights and liberty which served as the solid bedrock of every democratic society. Baradat carefully observes that Locke's philosophy was essential to the development of liberal democracy. Locke's democratic framework or normative principle does not actually favour the masses of ordinary people or the poor in society.³⁴ Baradat argues that:

Locke theories were so sweeping that they could logically be applied to all people. Locke was probably prevented from extending his ideas only by the unquestioned bias toward the privileged endemic to his era. Thus, democracy has to await more egalitarian era when the mass production of goods created the necessary economic and social conditions. Still, it cannot be disputed that Locke's idea came very close to being democratic in the next generation, contemporary democratic thought was born. The first truly democratic political theory, however, came not from English liberalism but from French radicalism.³⁵

Moreover, Locke was generally considered to be one of the founders of modern radical thought.³⁶ The formation of the

^{25.}

Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 72.

^{26.}

Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 71-72.

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Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 76.

^{28.}

Baradat Leon, *Political Ideologies: Their Origins and Impact*, Pg. 75-76.

^{29.}

Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 72-73.

democratic community can logically and necessarily lead to a comprehensive conception of the good life.³⁷ Rousseau argues that the democratic community is actually possible through the possession of rights to participate in public affairs as advocated by the social contract theorists Locke, Hobbes and Rousseau. Locke's political thought is constitutional democracy and democratic citizenship. As observed by Jay, democracies were regimes in which citizenship, the possession of a right to participate in public affairs was widely shared among the many (*hoi polloi*).

It entails determining what was right by counting heads rather than by consulting standards of truth, morality or reason.³⁸ For Hoffman and Graham, the term democracy means rule of the people but such a concept has created real problems for those who believed that political theory should be value-free in character.³⁹ Democracy as a concept has become increasingly confusing. Democracy was an exclusive idea: the demos; the people with the right to participate in decision making were certainly not all the adults who lived in the society.⁴⁰ Locke maintains that democratic ideas could be built on the solid bedrock of liberalism. Hoffman and Graham posit further that:

Democracy must be linked to liberalism so that the term liberal qualifies democracy. A democratic society must respect the rights of minorities as well as majorities. Otherwise, democracy can become dictatorial and oppress individuals by imposing majority tastes and preferences on society as a whole. In Schumpeter's view, the notion of democracy must be stripped of its moral qualities. There is nothing about democracy that makes it desirable. Democracy is simply a 'political method'. It is an arrangement for reaching political decisions. A democracy is more realistically defined as 'a political method' by which

30. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 73.
 31. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 74.
 32. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 75.
 33. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 76.
 34. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg.76-77.

politicians are elected by means of a competitive vote. The people do not rule: their role is to elect those who do. Democracy is a system of elected and competing elites.⁴¹

Locke's contextualization of liberal democracy foregrounds the possibility of low political participation. It could be argued, however, that low political participation undermines democracy. Democracy requires participation at different levels and in different ways.⁴² Hoffman and Graham, however, observed that in order to create a more effective participation it has to be accompanied by policies that address the inequalities underlying the problem of apathy. A lack of jobs, housing, adequate health care, physical and material security remain critical causes of despair and low self-esteem.

Evaluation

One very fundamental notion of Locke's liberal democracy is that he favours the few privileged individuals such as the middle class elites. This is fundamentally an elitist position and it does not give a true reflection of democratic accountability. Accountability is a logical necessity of democracy.⁴³ Democracy requires accountability so that people can get decisions made which help them to govern their own lives. Representation, it could be said, involves empathy, the capacity to put yourself in the position of another and while it is impossible to actually be another person; and it is necessary to imagine what it is like to be another. Hence, accountability 'is the other side' of representation.⁴⁴ However, one without the other descends into either impracticality or political elitism. The notion of empathy points to the need for a link

35. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 75.

36. Baradat, Leon, *Political Ideologies: Their Origins and Impact*, Pg. 76.

37. Baradat Leon, *Political Ideologies: Their Origins and Impact*, Pg. 76-77.

38. Baradat Leon, *Political Ideologies: Their Origins and Impact*, Pg. 75.

39. Jay, Richard "Democracy" in Robert Eccleshall *et al* (Eds.) *Political Ideologies: An Introduction*, (London: Routledge, 1992), Pg. 153-154.

between representatives and constituents.⁴⁵ It has also been argued by Hoffman and Graham, that it is one thing to argue that representatives must have knowledge of (and experience of) the people they represent, it is quite another that they represent them in precise numbers, hence, the need for the 'mirror' theory of representation.⁴⁶ Hoffman and Graham further argued that the "mirror" theory has a grain of truth in it: representatives should be sensitive to the problems of their constituents and it helps if a predominantly black constituency, for example, has a black representative.⁴⁷

Having critically examined Locke's prerogative of constitutional democracy, it is germane to assert that his political theory presupposes freedom. For Gewirth, the central concern of political philosophy is the moral evaluation of political power.⁴⁸ However; the state is the actuality of concrete freedom.⁴⁹ Locke's theory presupposes the notion of democracy as a means of resolving conflict of interests. The political authority has this authority from God and the purpose of this authority is to provide for the common good.⁵⁰ It goes beyond the need for an institution claiming a monopoly of legitimate force – the state.⁵¹ Locke's civil philosophy laid down the normative and moral foundation for liberal democracy. Locke makes us understand that politics and economics are inter-related concepts. For Mackenzie, political activity is first and foremost a way of binding together groups of people with common interests. Politics is best thought of as the pursuit of the common good.⁵² Locke's notion of prerogative is all

40. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 103.

41. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 110.

42. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 110.

43. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 110-111.

44. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 109-110.

45. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 110.

46. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 110.

47. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 110-111.

about the people and human flourishing. For Carden, an adequate conception of human flourishing should emerge from the bottom up, so to speak, it should arise from the actual struggle of life rather than from the airy realm of conceptual coherence.⁵³ Locke's prerogative is all about the people. Locke's vision of government was that the power of government may not go beyond that required by the common good.⁵⁴ Politics is a clear cut conception of an influence game, a conflict game, a power game and a value game.⁵⁵

Politics is the normative concerns into a clean set of regulative propositions and of practicality condition centered on the understanding of ethical truths.⁵⁶ Locke's doctrine of prerogative reflects the prospects for a political praxis.⁵⁷ Politics reveals the liberal-humanist ideal of personhood.⁵⁸ Locke's doctrine of prerogative and constitutional order is pragmatic; it reveals the existential unraveling or imperative of liberal democratic life. Locke's constitutional prerogative represents a sort of harmony.⁵⁹ Locke's prerogative reflects the emancipative epistemological paradigm of politics in Africa in general and Nigeria in particular.⁶⁰ Nigeria as a country can learn a great moral lesson from the moral evaluation of Locke's prerogative of a

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48. Hoffman, John, and Graham, Paul, *Introduction to Political Theory*, Pg. 110-111.
 49. Alan, Gewirth, *Political Philosophy*, (London: The Collier-Macmillan, 1965), Pg. 1.
 50. Alan, Gewirth, *Political Philosophy*, Pg. 83.
 51. Stumpf, Samuel, *A History of Philosophy: Socrates to Sartre and Beyond*, (New York: McGraw Hill, 2003), Pg. 180-181.
 52. Hoffman John and Graham Paul, *Introduction to Political Theory*, Pg. 110-111.
 53. Mackenzie, Iain, *Politics: Key Concepts in Philosophy*, (London: Continuum International Publishing Group, 2009), Pg. 5.
 54. Carden, Stephen. *Virtue Ethics: Dewey and Macintyre*, (London: Continuum International Publishing Group, 2009), Pg. 136.
 55. Lawhead, William, *Voyage of Discovery: A Historical Introduction to Philosophy*, 2nd Edition, (USA: Wadsworth and Thomson Learning, 2002), Pg. 290.
 56. Odimegwu, Ike, *Philosophic Foundation of Politics*, (Amawbia: Lumos Limited, 2008), Pg. 48.
 57. Wisniewski, Jeremy, *Wittgenstein and Ethical Inquiry: A Defense of Ethics as Clarification*, (London: Continuum International Publishing Group, 2007), Pg. 99.

constitutional order in a modern democratic life. Nigerian democratic setting has fallen short of this Lockean principle of a constitutional order. Political instability and poor economic system has solidly grip the Nigerian state. The Nigerian state is faced with the problems of corruption, suppression of freedom of speech, and the media has been the order of the day. Another fundamental challenge facing the Nigerian state is police brutality and senseless killings of the Nigerian masses or peoples. For Ramose, our philosophy should be, then, both theory and practice, conceived and executed in our own fashion, according to our own standards and qualities.⁶¹ These fundamental challenges facing the contemporary Nigerian states have fallen short of the Lockean paradigm. Politics is built on social order.

For Ukagba, a realistic social order is inseparably tied to a realistic human nature to the extent that any attempt to separate one from the other leads to an ontological disorder. Social disorder is the absence of social order. Social order must be patterned after a realistic understanding of human nature.⁶² Social order requires internal and external harmony between man and democratic society. For Russell, if man's is to be satisfactory, whether from his own point of view or that of the world at large, it requires two kinds of harmony an internal harmony of intelligence, emotion and will, and an external harmony with the wills of others.⁶³ Locke's constitutional democracy represents order. The contemporary Nigerian society does not represent the Lockean Ideal state. We must redefine our history. For Nkrumah, our history needs to be written as the history of our society.⁶⁴ Locke's doctrine of prerogative is grounded in constitutional

58. Ramose, M.B., *African Philosophy through Ubuntu*, (Harare, Zimbabwe: Mond Books, 2002), Pg. 103.

59. Howie, Gillian, "Teaching Philosophy in the Context of Knowledge does not Keep Better than Fish" in Andrea Kenkmann (Ed.), *Teaching Philosophy*, (London: Continuum International Publishing Group, 2009), Pg. 20.

60. Foster, Michael, *Masters of Political Thought*, Vol.1, (London: George G. Harrap and Company Limited, 2001), Pg. 75.

61. Ramose, M.B. *African Philosophy through Ubuntu*, Pg. 104.

order and the pursuit of the common good.

Conclusion

Locke's prerogative of constitutional democracy presupposes the overall interests of the people in any democratic setting. He fronts a liberal democratic framework for the collective interests of the people in a normative society. His conceptualization of the prerogative of constitutional democracy requires democratic accountability so that the people can get rational decisions which can help them to govern themselves aright. Locke argues that private property is fundamental to the radical development of the human condition. The hub of Locke's thesis reflects on the need for social harmony, favourable market economy coupled with human labour and human creativity. Labour is said to be the epitome of the human-specie. Work defines man and it paves the way for the acquisition of private property. Nevertheless, in consonance with Hoffman and Graham, we need a form of representation that is sensitive to the particular collective interests, identities and problems of the people they represent. Locke's political philosophy anchors on human happiness or human flourishing or the public good. Finally, politics is all about the collective identity of the people and it aims at the pursuit of the common good in normative society. Locke's doctrine of prerogative of constitutional democracy represents social order.

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