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How Political Culture affects the success and failure of Constitution

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Abstract

This article is written in part to clarify the assumption by some people that a constitution is the panacea to solving a country's problem, that is to say that a constitution once written would safeguard a country's political apparatuses and existence. However, this article argues that while a well written constitution is very important it never the less guarantees a country from encountering political debacles such as military intervention, military takeover, adherence to the rule of law, maintenance of law and order, guarantee democracy. Thus, the most important features a constitution must possess in order to a large extent guarantee a country's existence as success or failure are; ownership, supreme, constitutionalism, rule of law, written or unwritten, economic and social leverage. A constitution is something, which is paramount to government or as Paine (1988) points out, 'antecedent' to government giving legitimacy to government and defining the powers under which a government may act. As indicated in this article the constitution sets limits on both the powers, which can be exercised and to the manner in which they may be exercised, and act, which is generally referred to as 'constitutionalism.' In addition, a constitution inherent different type of weaknesses emanating from internal and external environment, that may come to haunt a country and this depends on the country and varies from country to country. This article in part argues that a country's political culture is fundamental to the failure or success of its constitution. Therefore the success or failure of a constitution is not whether it is well written or not, and no matter how well written a constitution may be if the echelons or leaders or custodians of it do not properly adhere to its tenets and principles and flaunt it, as was often the case in Nigeria, it will very much often fails.

Keywords: Instrument, constitution, document, British rule, imperialists, scolonialism, native authority, amalgamation, Governor General

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Introduction

The answer to how political culture affects the success or failure of constitution may lie on the meaning and importance attached to a constitution, which varies from country to country, which may be owned to different country's political culture and other political institutions. Thus the success or failure of a constitution of a country will be a direct result of mainly its political culture and environmental characteristics in which any constitution operates.

Thus I am tempted to define political culture as; the attitude, belief, value and perception that shape one's belief within a given political system and these characteristics could derive their roots from historical events, socialisation, politics of the day, and incidental global environmental happenings. Many political culture definitions abound, for example, White (1979) defines political culture as 'the attitudinal and behavioural matrix within which the political system is located. Other definitions can be seen in Pye and Verba (1955, p.7) Rosenbaum (1975. p.69) Remington (1999, p.7).

There is a consensus amongst these writers that the constitution of any country is a determinant of its political value but the value and importance that is ascribed to constitution is different from country to country. It is also a well-known fact that there is a correlation between the constitution and political culture and that the meaning and importance attached to constitution is a product of its success and failure as a legal framework that guides the activities of a country. For example, the American Constitution as an act of the people cannot be flaunted at will, because of the 'divinity' with which it is clothed in the eyes of the Americans, and in Britain the Parliament is regarded by members of the society as the paramount supreme law making body of the nation. In Ghana, Nigeria, and most other countries that freed themselves from colonial yoke constitutional development is in embryonic stage and adherence to constitution is questionable, certainly not in the same vein as in America or Britain.

Why does it fail and succeed in other countries?

The relationship between political culture and political behaviour was succinctly described by Weber (1974) who believed that a correspondence could be drawn between particular values and given structural relationships, for example, authority relationship. Thus Weber (1974) argues, when values are of an 'instrument' nature, there is a strong likelihood for a given pattern of dominance, which is characteristic of bureaucratic institutions, to be associated with such values. It is also recognised that value are not uniformly distributed, even in places such as Britain where fairly homogeneous population exists, there will be found sub-regional groups holding different values and beliefs. –Value being defined in terms of language and shared common history. Therefore Dudley (1982) enthuses that it is not inconceivable that where two individuals show the same value or uphold similar beliefs that they will behave differently. Consequently in talking about values and beliefs and how it affects constitution, one needs to look at the way a given society is structured and to examine the behavioural pattern of the different strata. It is also argued, according to Dudley (1982) that many constitutions fail because such a country's political culture is fragmented and constitutions that works well are mainly found in integrated countries such as Britain, USA, German, and most advanced countries of the world. There is a consensus amongst analysts depicting stable communities as 'integrated' and non-stable communities as 'fragmented'. (Rosenbaum, 1974)

When a country's political culture is fragmented the population would lack broad political agreement and at political level the population operates into groups isolated from each other by contradictory and compatible orientations, or other conflicts, and quite often, according to Rosenbaum (1974) 'extreme distrust exists between opposing groups. According to Cavanash (1980) the majority of fragmented political culture would be found in countries growing out of rebellions against the colonial regime after the World War II, these types of country will be found in most developing nations. Although such fragmented cultures can also be found in Northern Ireland, many Latin American states, and Canada as well. Most of these countries argued

Cavanash (1980) developed almost the same pattern of government in their attempt to break out of the yoke of colonial powers or tyrannical government. In Britain enthuses Almond (1980) stated that the experience of political culture is different because of the historical, cultural and attitudinal setting within which the British political institutions have to function. The key characteristics according to Almond (1980) are Britain's national history, the unitary nature of the state, the underlying cohesion of the society and the degree of political agreement on fundamental issues.

Dudley (1982) contributing to political culture theory and the influence that it asserts on political behaviour, vice versa the failure of or success of a constitution did not use the term 'integrated' or 'fragmented', but he refers to the political cultural differences that could be associated to different countries as 'low' political culture and 'high' political culture. According to Dudley (1982) a country has a 'low' political culture when, among other things, its political structures have not been institutionalised or only weakly institutionalised, and dominant political norms, the 'rules of the game' have not been sufficiently internalised. Thus, states in which political structures have been institutionalised and political norms have been internalised are said to have 'high' political cultures while states with 'medium' political cultures presumably would be those in between, hence Dudley (1982) infers that there is 'correlation between countries with 'low' political culture and military coups. Contributing to this reason behind certain countries' constitution working and other failing, Finer (1962) espoused that a society with developed political culture will have a broadly- held belief of a certain kind of political; structure, in which leaders are selected according to a given procedure or exercise power in accordance with given standards as to what is legitimate or right. Such structure he contends can be a liberal democracy, Marxist- Leninist or traditional religion one, but what is important is that it must give an element of moral backing to a regime which cannot be supplied by simple force.

This argument is significant because a large proportion of third world states that have not be threatened by coups are those in which some such sense of legitimacy can be discerned: Liberal democratic in Sri Lanka or Jamaica, Marxist- Leninist in Cuba or in reformed China, Traditional in Saudi Arabia. Not that this legitimacy can be relied on to preserve these regimes for all the time: legitimacy itself lays down standards, which must be respected if it is to survive. And traditional and liberal democratic values are especially vulnerable.

A second way in which it is significant according to Huntington (1968) is that a high proportion of third world states are artificial and subject to rapid and disruptive change, both of which make it extremely difficult to generate widely accepted political values. This allows military interventions because there is no moral constraint that prevents it. Huntington's explanation is on institutionalisation or organisation of political institutions rather than political value. An institutionalised society is one in which there are effective political mechanisms for reconciling and implementing demands, the most appropriate of which are political parties. Huntington (1968) maintains that political party or other equivalent institutions will certainly prevent many kinds of demand from being presented at all, which is one of the ways they maintain effective order. He argues that they should not only keep things out of political agenda but as Huntington (1968) puts it to be 'Autonomous' that is, they should not simply act as the mouth piece of particular sections of the society, such as ethnic, religious or class groups. Implicit in this is some conception of a national or public interest, overriding sectional interests, but this again takes one to the notion of shared value that I have so far argued for. Thus Huntington (1968) argues that the instability of polity in the third world countries and elsewhere in the world is down to those countries praetorian society nature. Thus a praetorian society is one in which there are no effective institutions, and in which social group take direct political action to achieve their goals.

In conclusion, from the definitions so far posited and the underlying explanatory reasons for the definitions it can be discerned that a constitution is something, which is paramount to government or as Paine (1988) points out, 'antecedent ' to government giving legitimacy to government and defining the powers under which a government may act. As indicated previously, the constitution sets limits both the powers, which can be

exercised and to the manner in which they may be exercised, an act, which is generally referred to as 'constitutionalism'. Still, the diversity in the above-mentioned definitions suggests, that there is no ideal constitution appropriate for all countries at all times. Every country is so different so are their respective constitutions different. Joye and Igweike (1982) stressed that a constitution reflects the beliefs and interests of the dominant groups in society at the time the constitution is adopted. Wheare (1966) posits that 'A constitution is indeed the resultant of a parallelogram of forces- political, economic, and social –which operate at the time of its adoption. Therefore, we should expect that the constitution of different countries would vary to the extent that the political, economic, and social forces vary in different countries and this in itself will determine the meaning and importance attach to constitutions in different countries and also the success and failure of the constitution will very much depend on the socio-economic and political circumstances in any particular country. Consequently, the constitution of a particular country will be tailored to fit the needs of that country and therefore important to recognise the uniqueness of constitutions and to avoid measuring the worth and ideal of one constitution with another. Therefore no matter how well written is a constitution, it will fail if the people who are meant to be the custodian of the constitution fail in their duties to uphold to the ideals of the constitution also the environment under which a constitution operates would be a major determinant of its failure and success, all as a result of political culture. Thus, the most important characteristics of a constitution are: 1. Ownership 2. Supreme 3. Constitutionalism 4. Rule of Law, 5. Written/Unwritten 6. Economic and Social leverage.

Conclusion

The effect of political culture on constitution is one of catastrophe because unstable polity may if not always would result in writing a new constitution as events in Nigeria, Ghana, Pakistan and some unstable countries of the world have shown. The effects these factors bear on society was succinctly argued by Ekeh (1995) who in his analysis of Dudley's Weberian themes, i.e. individual and collective values; asserts that in case of developing countries, and unlike the West, from which the state was imported, developed two public realms rather than one. One was the civic public, which is roughly coterminous with the sphere of government; the other was the primordial public, comprising ethnic and regional promotional associations, which was nurtured by the values of the indigenous society or private realm. While the former public operated in an essentially amoral milieu, the later retained an abiding morality, which emphasised the obligations of the individual to his extended family and community. Problems of corruption, ethnicity and their like are then attributed to the fact that the same individuals operate in two publics working at cross-purposes. Osaghae (1998) argues that the disjuncture between state and society underlie the legitimacy crisis which debilitates the state in Africa. Therefore politics is about the importance one attaches to value system such as wealth, where one comes from, (Regionalism) language, ethnicity and religion and this gives rise to corruption, abuse and exploitation of public office to serve private ends, ethnicity and reliance on patron –client network for legitimacy which in effect affects the value and importance that society places on constitution.

Summary

It is clear from the above analogy that the state of a country's political culture, such as: state of political institutions, whether the country has low or high political culture, integrated or structured culture, in other words whether or not the country is a praetorian society or not, will determine the importance and value which the society ascribes to its polity and vice versa its constitution.

Therefore success and failure of a constitution is a determinant of the society it emanates from. In a society in which the political culture is well integrated, well structured, and the political institutions and associated institutions are well acclaimed and which is backed with moral standard, it is unlikely that issues such as regional, religion, ethnicity, education will seem to matter much to the pattern of behaviour that the society

exhibits but in a Praetorian society, these issues are well meaningful and significant and do affect the politics and constitution of that country. Therefore issues such as regional, religion, military, education and ethnicity, language can and do affect the political stability of a country.

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