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THOMAS HILL GREEN'S COMMON GOOD AND THE QUEST FOR ENFORCEABLE WELFARE RIGHTS IN NIGERIA

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Abstract

Contemporary Nigeria is characterized by extensive socio-economic deprivation and a systemic failure in public welfare delivery. Although the 1999 Constitution of the Federal Republic of Nigeria outlines fundamental objectives for health, education, and social security under Chapter II, these provisions remain largely non-justiciable and aspirational. Consequently, the social contract between the state and its citizens is severely eroded. This paper critically explores the intersection between Thomas Hill Green's idealist philosophy, specifically his theory of the common good, and the current crisis of welfare rights in Nigeria. Employing a philosophical methodology of critical analysis and evaluation, the study examines how Green's conceptualization of positive freedom and state responsibility can reformulate the foundations of social justice. By integrating Greenian thought with indigenous African communitarian ethics, this paper offers a distinctive Greenian-Ubuntu synthesis that establishes a culturally grounded normative framework for socio-economic rights in an African context. Green posits that human freedom is realized through moral and political institutions, where the state acts as a moral agent duty-bound to remove obstacles to human flourishing. The paper argues for a re-envisioned state apparatus actively engaged in the moral and material upliftment of its citizens. It recommends a paradigm shift from a "charity-based" welfare model to one grounded in justice and institutional guarantees.

Keywords: T.H. Green, Common Good, Welfare Rights, Nigeria, Ethics

Introduction

In Nigeria's socio-political landscape, a profound disconnect exists between constitutional promises and citizens' lived experiences. The 1999 Constitution of the Federal Republic of Nigeria, specifically under Chapter II, outlines the "Fundamental Objectives and Directive Principles of State Policy."

These provisions mandate that the state ensure the security and welfare of the people, provide adequate medical and health facilities, and offer equal access to educational opportunities (Constitution of the Federal Republic of Nigeria, 1999). However, the material reality for millions of Nigerians is defined by systemic deprivation. Despite the nation's vast natural resources, Nigeria continues to grapple with high rates of multidimensional poverty and a collapsing public infrastructure, creating a stark "aspiration-reality gap" between the law and the life of the average citizen.

The crux of this problem lies in the non-justiciability of these socio-economic rights. Per Section 6(6)(c) of the Constitution, the judiciary is effectively barred from determining whether any act or omission by the government conforms to the objectives set out in Chapter II. This legal shield has led to a significant erosion of the social contract. Scholarly debate on this issue is often polarized between legal positivists, who argue that state financial constraints necessitate the non-enforceable nature of welfare, and social justice advocates who contend that political rights are hollow without the fulfillment of basic economic needs (Sen, 1999). This lack of accountability has fostered a climate of institutional distrust; when welfare is treated as a benevolent gift of the state rather than a contractual obligation, the moral legitimacy of the state is undermined (Udoidem, 1988).

To address this crisis, this paper proposes a re-evaluation of state responsibility through the lens of Thomas Hill Green's philosophy of the common good. Unlike classical liberal theories that prioritize negative liberty defined simply as the absence of interference, Green's framework centers on "positive freedom." For Green, freedom is the actual capacity of an individual to contribute to the social whole and realize their moral potential. While this conceptualization of substantive justice shares functional goals with John Rawls's (1971) later formulations of the 'difference principle,' it is crucial to decouple the two: whereas Rawls arrives at substantive resource distribution through a liberal, hypothetical contractarian framework under a veil of ignorance, Green's framework is grounded in an idealist metaphysics of social interdependence, where rights are organically derived from a shared moral consciousness. Green posits that the state is a moral agent whose primary function is to remove obstacles such as poverty, ignorance, and disease that hinder human flourishing. Green posits that the state is a moral agent whose primary function is to remove obstacles such as poverty, ignorance, and disease that hinder human flourishing. By adopting a Greenian perspective, this study argues that welfare rights in Nigeria must be reimagined as moral imperatives essential for the actualization of the common good, rather than mere aspirational goals.

To demonstrate this, the paper is structured into six interlocking sections. Following this introduction, Section Two outlines the philosophical methodology of critical analysis and evaluation guiding this study. Section Three presents a comprehensive literature review contextualizing Greenian idealism, African communitarianism, and Nigerian constitutional law. Section Four unpacks the core tenets of Green's philosophy of the common good. Section Five examines Nigerian welfare realities and the non-justiciability paradox, leading into Section Six, which constructs the Greenian-Ubuntu synthesis, addresses counterarguments, and presents targeted governance recommendations.

Methodology

This paper adopts a philosophical methodology consisting of critical analysis, conceptual clarification, and normative evaluation. Rather than relying on empirical quantitative tools, the study engages in a textual and conceptual interrogation of primary texts—primarily Thomas Hill Green's *Prolegomena to Ethics* (1883), *Lectures on the Principles of Political Obligation* (1895), and his seminal lecture *Liberal Legislation and Freedom of Contract* (1881). Through conceptual clarification, terms like 'positive freedom' and 'the common good' are systematically analyzed to isolate their moral implications from mere legalistic interpretations.

Furthermore, the study applies a comparative and conceptual synthesis, mapping the structural contours of British Idealism onto the ethical foundations of African communitarian philosophy (specifically Ubuntu). This synthetic approach serves as a normative evaluative framework to critique Section 6(6)(c) of the 1999 Nigerian Constitution, evaluating the legal 'claw-back' clause not merely through the positivist mechanics of constitutional law, but through the lens of ethical justiciability and state legitimacy.

Literature Review

The academic intersection between Western political idealism, African relational ethics, and socio-economic rights in developing nations is dynamic yet fragmented. To fully situate this paper's contribution, it is essential to review the existing literature across three distinct theoretical landscapes. First, scholarship on Thomas Hill Green's political philosophy has undergone a significant revival through the works of Nicholson (1990), Simhony (2001), Dimova-Cookson (2001), and Wempe (2004). Nicholson clarifies that Green's common good is not a totalitarian ideal but an aggregation of harmonized moral capabilities where individual development requires institutional support. Simhony and Dimova-Cookson argue extensively that Green's positive freedom effectively bridges the historical gap between individual liberty and state interventionism, refuting the classical liberal assumption that state action inherently diminishes personal freedom. Wempe underscores the institutional dimensions of Green's philosophy, demonstrating that for Green, corporate and state structures are necessary vessels for externalizing moral willpower. However, these British Idealist interlocutors focus primarily on Western industrial welfare states, leaving a profound conceptual gap regarding how Green's 'hindering of hindrances' operates within post-colonial, multi-ethnic political economies like Nigeria.

Second, within African philosophy, the debate regarding collective responsibility is dominated by communitarian and relational ontologies. Gyekye (1992) champions a 'moderate communitarianism' that attempts to retain individual rights while recognizing the primacy of the social whole, a balance highly compatible with Green's rejection of the atomistic individual. Conversely, Ramose (1999) and Metz (2011) anchor their ethics in *Ubuntu*, the relational aphorism that a person is a person through other persons. Metz formulates a highly structured, relational normative theory showing that an action is right just in case it promotes harmonious relationships and communal solidarity. While Metz and Ramose show how Ubuntu can form the basis of public morality, they rarely harmonize this indigenous framework with specific Western institutional mechanisms of positive law or constitutional enforceability.

In addition, Nigerian constitutional law scholarship is historically polarized over the justiciability of Chapter II. Legal positivists, aligning with Nwabueze (1993), maintain that socio-economic provisions must remain non-enforceable due to fiscal volatility and the risk of judicial overreach. Conversely, human rights scholars argue that political liberties are fundamentally hollow without basic economic security. While this legal debate has been enriched by contemporary post-colonial and Afrocentric critiques that question the cultural legitimacy of the inherited colonial state apparatus, a critical gap remains: few scholars have synthesized the ethical metaphysics of Western idealism with indigenous African relational ethics to build a unified moral imperative for constitutional reform in Nigeria. This paper directly addresses this lacuna by constructing a Greenian-Ubuntu framework.

4. Thomas Hill Green's Philosophy of the Common Good

To understand the moral and political foundations of welfare rights, one must look beyond the minimalist "night-watchman" state of classical liberalism and toward the British Idealism of Thomas Hill Green. Green's philosophy provides a robust framework for conceptualizing the state not merely as a legal arbiter, but as a moral institution essential for human flourishing. His work, primarily articulated in *Prolegomena to Ethics* (1883) and *Lectures on the Principles of Political Obligation*

(1895), shifts the focus from individualistic rights to the “Common Good” - a concept that serves as the moral compass for state intervention.

Conceptualizing the Common Good: The Shared Interest

At the heart of Green’s political theory is the rejection of the atomistic individual. Unlike the utilitarian tradition, which views the “greatest good” as the mathematical sum of individual pleasures, Green (1883) argues that the common good is a shared consciousness of a communal interest. In *Prolegomena to Ethics*, Green posits that an individual’s self-realization is intrinsically linked to the well-being of the community. He writes that the “well-being of a person is impossible except in a society of persons” (p. 201). For Green, the common good is not a collection of private interests but a singular moral aim: the realization of human potential through social cooperation.

This conceptualization transcends mere group interests or the tyranny of the majority. The common good is “common” because it is a good that can only be achieved and enjoyed in participation with others. It implies a sense of mutual recognition where each citizen acknowledges that their own ability to live a virtuous and productive life depends on the social conditions shared by their neighbors. Consequently, rights are not “natural” in the sense of existing before society; rather, they are social recognitions of the powers necessary for an individual to contribute to this common interest. If a segment of society such as the impoverished or uneducated is denied the capacity to participate in the common life, the common good itself is diminished.

Positive Freedom and the State: Freedom as Self-Realization

Green’s most significant contribution to political philosophy is his distinction between “negative” and “positive” freedom. In his lecture *Liberal Legislation and Freedom of Contract*, Green (1881) argues against the prevailing view that freedom is simply the absence of external restraint. He contends that such a definition is hollow if a person lacks the actual capacity to act. To Green, freedom is a “positive power or capacity of doing or enjoying something worth doing or enjoying, and that, too, something that we do or enjoy in common with others” (p. 371).

This “positive freedom” is synonymous with self-realization, the process by which an individual develops their moral and intellectual faculties. Crucially, Green believes that this self-realization is not achieved in isolation but is “enabled by moral and political institutions.” The state, therefore, is not an enemy of liberty but its architect. By regulating the conditions of society, the state ensures that freedom is not just a legal abstraction but a lived reality. For example, a man who is illiterate or trapped in extreme poverty may be “free” in the negative sense (no one is physically stopping him from working), but he lacks the positive freedom to realize his potential. Green’s philosophy justifies state intervention in areas like education and labor to provide the “moral and political machinery” required for true liberty.

The State as a Moral Agent: Hindering the Hindrances

If the goal of society is the common good, then the state serves as a “moral agent” with a specific ethical mandate. Green’s view of the state is characterized by the famous phrase “hindering the hindrances.” In *Lectures on the Principles of Political Obligation*, Green (1895) asserts that the state does not have the power to make people “moral” through force, as morality requires a free internal will. However, the state has a rigorous duty to remove the external obstacles that prevent people from acting morally and flourishing.

These “hindrances” include ignorance, disease, and destitution. Green argues that the state acts legitimately when it interferes with private contracts such as labor laws or health regulations, if those contracts impede the common good. For instance, he defends compulsory education and public health measures because a child denied an education is a person whose capacity for positive freedom is

permanently stunted (Green, 1881). The state's responsibility is to maintain the "external conditions" under which a moral life is possible.

Through a textual analysis of his *Lectures*, it becomes clear that Green sees the state as a partner in the citizen's moral development. He maintains that "the state is an institution for the promotion of a common good," and its authority is derived from its ability to uphold rights that facilitate this good (Green, 1895, p. 124). Therefore, state-led welfare is not an act of charity but a fulfillment of the state's primary moral function. In a contemporary context, this suggests that the state's failure to provide basic welfare such as healthcare or education is not just a policy failure but a dereliction of its moral identity as a state.

Thomas Hill Green's philosophy provides the necessary bridge between individual rights and collective responsibility. By defining the common good as a shared moral goal and freedom as the capacity for self-realization, Green shifts the burden of welfare onto the state. The state must move beyond the passive protection of property and become an active agent of social justice. In the Nigerian context, this framework allows us to view welfare rights not as "non-justiciable" aspirations, but as the very conditions required for the Nigerian state to fulfill its moral purpose and for its citizens to achieve true freedom.

Welfare Rights and Constitutional Realities

The Nigerian state operates under a constitutional framework that explicitly acknowledges the welfare of its citizens as a foundational priority. However, the legal and structural mechanisms designed to deliver this welfare are characterized by a deep-seated tension between high-minded directives and restrictive enforcement clauses. To understand the reimagining of welfare through a Greenian lens, it is first necessary to dissect the constitutional basis for these rights, the legal paradox that renders them ineffective, and the historical trajectory that has shaped Nigeria's current social investment landscape.

Constitutional Basis: Section 14(2)(b) and Chapter II

The primary mandate for governance in Nigeria is rooted in Section 14(2)(b) of the 1999 Constitution, which unequivocally states that "the security and welfare of the people shall be the primary purpose of government" (Constitution of the Federal Republic of Nigeria [CFRN], 1999). This provision establishes the moral and legal baseline for state existence, positioning the government not merely as a sovereign power, but as a trustee of the public interest. This mandate is further expanded in Chapter II, titled "Fundamental Objectives and Directive Principles of State Policy."

Chapter II provides a comprehensive blueprint for a social democratic state. It outlines various duties across the economic, social, and educational spheres. For instance, Section 16 mandates the state to direct its policy toward ensuring that the material resources of the nation are harnessed and distributed as best as possible to serve the common good. Section 17 emphasizes social objectives based on "freedom, equality, and justice," requiring the state to provide adequate medical and health facilities, as well as equal pay for equal work. Furthermore, Section 18 commits the government to strive toward providing free, compulsory, and universal primary education, and even free university education, as and when resources permit (CFRN, 1999). Philosophically, these provisions align with the idea that a state's legitimacy is tied to its ability to facilitate the conditions under which citizens can flourish, a concept central to the "common good" (Udoidem, 1988). This constitutional mandate resonates with earlier philosophical arguments for state welfare responsibility. As Anweting (2024) argues, the state exists to protect the lives and property of citizens and to provide systematically for their social welfare. This implies that the state's ontological security is inseparable from its active delivery of public goods, transforming the state from a passive observer into an intentional vehicle for the realization of the common good. It is self-evident that government, as the institutional expression of

the state's will, exists primarily to actualize the common good for its citizens. Consequently, the fundamental purpose of governance is the continuous realization of this shared welfare

The Non-Justiciability Paradox

Despite the robust language of Chapter II, the Nigerian constitutional framework suffers from a significant legal “claw-back” known as the non-justiciability paradox. While Section 13 imposes a duty on all organs of government to conform to and apply the provisions of Chapter II, Section 6(6)(c) effectively strips the judiciary of the power to enforce them. This section states that the judicial powers of the court shall not extend to any issue or question as to whether any act or omission by any authority or person is in conformity with the Fundamental Objectives and Directive Principles of State Policy (CFRN, 1999).

Unlike Nigeria’s non-justiciable Chapter II, the South African and Kenyan models offer concrete frameworks for enforceable welfare rights. South Africa’s 1996 Constitution permits citizens to litigate for access to healthcare and housing notably evidenced in the landmark *Grootboom* ruling which mandated state accountability for social needs. In this case, the South African Constitutional Court demonstrated that while the state cannot be forced to provide immediate luxury, it is legally bound to establish reasonable, progressive, and structured legislative programs to address housing deficits for vulnerable populations. Similarly, Kenya’s 2010 Constitution (Article 43) explicitly guarantees every citizen the right to the highest attainable standard of health, adequate food, and education. The Kenyan model goes a step further by establishing an institutional duty on state organs to utilize budget allocations transparently to realize these rights, proving that constitutional enforceability is not a gateway to fiscal anarchy, but an instrument of fiscal accountability.

The Nigerian constitution creates a “right without a remedy.” From a legal positivist standpoint, these directive objectives or principles of state policies are viewed as moral exhortations or political manifestos rather than legally binding obligations. Eminent constitutionalists, notably Nwabueze (1993), contend that the ouster clause relegates state welfare obligations to the sphere of discretionary political benevolence, effectively eroding the juridical enforceability and normative weight of the social contract. Within scholarly discourse, this tension is frequently characterized as the “dead hand” of the constitution - a framework that offers substantive socio-economic promises while simultaneously precluding their judicial enforcement. Such non-justiciability fundamentally undermines the social contract, as it eliminates the essential mechanisms of juridical accountability required to ensure the state adheres to its foundational mandate regarding the collective welfare of the citizenry. As Sen (1999) argues in the broader context of development, political liberties and civil rights are essential for social security; without the ability to legally challenge the state’s failure to provide welfare, the citizen’s positive freedom remains stunted.

Historical Evolution: From Communalism to Modern Social Investment

The evolution of welfare in Nigeria has transitioned from indigenous communitarian models to a state-centric, resource-dependent system. In pre-colonial Nigerian societies, welfare was predominantly a function of the “extended family” and communal support systems. Social justice was rooted in mutual aid and the collective responsibility of the kin group or village (Udoidem, 1988). This era reflected a natural alignment with the “common good,” where the survival of the individual was inextricably linked to the survival of the collective.

The transition to a formal state-led welfare model began in the colonial era but accelerated significantly during the “oil boom” of the 1970s. The influx of petroleum wealth led to an era of state paternalism, where the government embarked on massive public spending in education, healthcare, and infrastructure. During this period, the state was viewed as the “ultimate provider.” However, this model was built on a fragile foundation of volatile oil prices and lacked the institutional framework to survive economic downturns. By the 1980s and 1990s, the collapse of oil prices and the

introduction of Structural Adjustment Programs (SAPs) led to a drastic reduction in social spending, leaving the majority of the population without a safety net.

In recent decades, the Nigerian government has attempted to institutionalize welfare through modern social investment programs. The National Health Insurance Scheme (NHIS), established to provide accessible healthcare, represents an effort to create a sustainable funding model for health. More recently, the National Social Investment Programme (NSIP), which includes initiatives like N-Power, the National Home-Grown School Feeding Programme (NHGSFP), and the TraderMoni scheme, signifies a shift toward targeted interventions aimed at poverty alleviation and youth empowerment. While these programs indicate a recognition of the state's responsibility, they often struggle with issues of sustainability, political interference, and inadequate coverage. Within a Greenian framework, these initiatives can be seen as the state's attempt to "hinder the hindrances" to human flourishing. However, as long as these programs remain policy-based interventions rather than enforceable constitutional rights, they are subject to the whims of successive administrations. Reimagining these rights requires moving beyond the "aspirational" status of Chapter II and establishing a framework where state-led moral and material upliftment is a mandatory institutional guarantee, ensuring that the common good is not a matter of political benevolence but a fundamental right of every Nigerian citizen.

Reimagining Nigerian Welfare through Greenian Philosophy

The disconnect between the Nigerian state and its citizenry is fundamentally a crisis of purpose. While the legal framework of the 1999 Constitution provides a list of socio-economic objectives, the lack of an underlying moral philosophy has allowed these objectives to be treated as optional political goals rather than essential duties. By applying the philosophy of Thomas Hill Green, specifically his concepts of positive freedom and the common good, we can reimagine the Nigerian welfare state. This discussion moves beyond the legalistic debates over "non-justiciability" to argue for a moral reconstruction of the Nigerian social contract, bridging the gap between state duty and citizen realization.

Bridging the Gap: Challenging the "Charity" Model of Welfare

In contemporary Nigeria, welfare is often misconstrued as a form of state benevolence or political charity. Programs such as the National Social Investment Programme (NSIP) or the distribution of "palliatives" during economic crises are frequently presented by the political class as acts of generosity rather than the fulfillment of a fundamental duty. This "charity" model is inherently precarious; it is discretionary, often patronizing, and subject to the whims of political cycles. Green's philosophy provides a radical challenge to this paradigm.

For Green, the state's involvement in welfare is not an act of charity but a requirement of "positive freedom." As Green (1881) argued, freedom is not merely the absence of interference but the power to act as a moral being and contribute to the social whole. When a Nigerian citizen is denied access to basic healthcare or quality education, they are not truly "free" in a Greenian sense, even if no law actively prevents them from seeking these things. Their capacity for self-realization is stunted by external hindrances. Consequently, the state's role is to "hinder the hindrances" (Green, 1895). This shifts the status of welfare from a "gift" of the government to a "right" of the citizen.

Scholars like Amartya Sen (1999) echo this sentiment in the "capabilities approach," arguing that development should be seen as the expansion of human freedoms. In the Nigerian context, the "charity" model fails because it addresses symptoms (poverty) without addressing the structural unfreedom that causes them. By adopting a Greenian framework, the Nigerian state must recognize that providing for the welfare of the people is its *primary* moral obligation. As Udoidem (1988) notes, the authority of the state is derived from its commitment to the common good. If the state fails to provide the basic conditions for its citizens to flourish, it loses its moral claim to authority. Thus,

reimagining welfare requires moving from a paternalistic model of "poverty alleviation" to a rights-based model of "capacity building."

Justiciability as a Moral Imperative

The most significant barrier to welfare in Nigeria is the non-justiciability of Chapter II of the Constitution. Legal scholars often argue that making these rights enforceable would bankrupt the state or lead to "judicial overreach." However, from a Greenian perspective, the non-justiciability of welfare rights is a moral paradox that undermines the state's identity as a moral agent.

Green (1895) posited that a right is a "power claimed and recognized as contributory to a common good." If the Nigerian society recognizes that education and health are essential for the common good, then these must be recognized as rights. A right that cannot be enforced in a court of law is, in Greenian terms, a right that has not been fully recognized by the state. If the state is a "moral agent," it must be accountable for its moral failures. The current constitutional arrangement, which prevents the judiciary from questioning state failure in welfare delivery, essentially grants the state "moral immunity" for its neglect of the common good (Adejumobi, 2006).

Reimagining Nigerian welfare requires viewing justiciability not as a legal burden, but as a moral imperative. Justiciability provides the mechanism for "social recognition" that Green deems essential for the existence of a right. Without enforceability, the "Fundamental Objectives" are merely what Rawls (1971) might describe as "formal justice" without "substantive justice." For the Nigerian state to fulfill its role as the architect of the conditions for human flourishing, it must allow its citizens to hold it accountable. Making welfare rights justiciable would force a shift in national priorities, moving from "security-first" or "debt-servicing" budgets to "common-good" budgets that prioritize the material and moral upliftment of the citizenry.

African Communitarianism: The Greenian-Ubuntu Nexus

A common critique of Western political philosophies is that they are ill-suited for the African context. However, Thomas Hill Green's philosophy of the common good finds a deep and natural resonance with indigenous African communitarian ethics, particularly the concept of *Ubuntu* often summarized as "I am because we are." Both Greenian thought and *Ubuntu* reject the atomistic individualism of classical liberalism in favor of a vision of human interdependence.

In traditional Nigerian societies, the welfare of the individual was inseparable from the welfare of the community. This communal support system was the "common good" in practice. As Udo-Orji (1988) observes, in the African context, personhood is attained through social participation and the fulfillment of communal responsibilities. This aligns perfectly with Green's (1883) assertion that the "well-being of a person is impossible except in a society of persons (p.201)."

The reimagining of Nigerian welfare involves a synthesis of these two traditions. Green provides the philosophical framework for the *modern state* to act as the primary facilitator of welfare, while *Ubuntu* provides the *cultural and ontological* justification. In a synthesized model, the state-led welfare system is seen as an institutionalization of the African spirit of communal care. Rather than viewing welfare as a "Western welfare state" import, it should be seen as the modern evolution of the "extended family" system, where the state takes on the role of the ultimate kin-group, ensuring that no member of the "national family" is left behind.

This synthesis addresses the "free-rider" problem often cited in welfare debates. In a communitarian framework, a right to welfare is balanced by a duty to contribute to the common good. Green's positive freedom is not a license for passivity; it is the freedom *to be* a contributing member of society. This resonates with the African view that every individual has a role in the social fabric. By framing

welfare through this lens, the Nigerian government can foster a greater sense of national belonging and social responsibility.

Reimagining welfare in Nigeria through Green's philosophy necessitates a fundamental shift in how the state perceives its relationship with the people. It requires moving from the "non-justiciable" to the "essential," from "charity" to "duty," and from "individualism" to the "common good." Scholarly views from both the Western idealist tradition (Green, 1895) and African communitarianism (Okeja, 2013; Udoidem, 1988) suggest that a state that neglects the material and moral conditions of its citizens is a state that has failed its primary purpose.

To bridge the gap between constitutional objectives and social reality, Nigeria must embrace a Greenian vision of the state as a moral agent. This involves not only legal reform to make socio-economic rights justiciable but also a cultural shift that recognizes welfare as a collective investment in positive freedom. When the state "hinders the hindrances" of poverty and ignorance, it does not just help the poor; it realizes the common good, ensuring that every Nigerian has the capacity to contribute to the nation's growth and moral realization.

Challenges to Implementation in Nigeria

The transition from a theoretical framework of the common good to the practical implementation of a robust welfare state in Nigeria is fraught with multifaceted obstacles. While Thomas Hill Green's philosophy provides a compelling moral imperative for state-led upliftment, the Nigerian reality presents a series of systemic, structural, and philosophical hurdles. These challenges do not merely represent administrative friction; they constitute what Green might describe as entrenched "hindrances" that actively prevent the state from fulfilling its role as a moral agent and the citizen from achieving positive freedom.

Systemic Barriers: Corruption, Political Will, and Fiscal Constraints

The most pervasive systemic barrier to implementing welfare rights in Nigeria is the endemic nature of corruption and the subsequent lack of political will. In a Greenian framework, the state exists to promote a shared interest that transcends individual gain. However, the Nigerian state has often been characterized by "prebendalism" - a term coined by Joseph (1987) to describe the pattern of political behavior where public office is treated as a personal "prebend" to be exploited for the benefit of the officeholder and their ethnic or clientelist network.

Corruption in Nigeria acts as a direct assault on the common good. When funds allocated for the National Health Insurance Scheme (NHIS) or social safety nets are diverted, the state is not merely failing in its administrative duty; it is committing a moral breach by stripping citizens of the "powers" necessary for their self-realization. Scholarly analysis suggests that corruption creates a "trust deficit" between the state and the citizenry, making it nearly impossible to mobilize the collective action required for a welfare state (Woleola, 2017). This lack of political will is further evidenced by the consistent underfunding of social sectors. Nigeria's budgetary allocations for health and education routinely fall below the recommended international benchmarks such as the 15% Maputo Declaration for health, indicating that welfare remains a secondary priority in the national expenditure framework. Furthermore, the fiscal dependency on volatile oil revenues creates a precarious funding environment. A state-led moral and material upliftment requires a stable and diversified revenue base. Without significant tax reform and the elimination of wasteful "leakages" in public spending, the financial architecture for a comprehensive welfare system remains aspirational at best.

Structural Deficits: The Crisis of Data and Infrastructure

For a state to act as a moral agent capable of removing obstacles to human flourishing, it must possess "state capacity", which is the ability to identify its citizens and deliver services efficiently. Nigeria suffers from a profound structural deficit in both physical infrastructure and digital data. The lack of

accurate, synchronized data for targeting beneficiaries is a critical bottleneck for social investment programs. Without a comprehensive national database, programs like the National Social Investment Programme (NSIP) struggle with “inclusion and exclusion errors,” where the truly vulnerable are overlooked while the non-poor capture the benefits. Scholars have noted that the absence of a reliable national identity system hinders the state’s ability to engage in the “moral accounting” required for distributive justice (Holmes et al. (2012). If the state does not know who its citizens are, it cannot effectively “hinder the hindrances” that affect them.

This data crisis is compounded by physical infrastructure deficits. A Greenian vision of welfare requires functional schools, hospitals, and transportation networks. In contemporary Nigeria, the rural-urban divide in infrastructure distribution is stark. Many Nigerians living in the hinterlands are effectively “invisible” to the state’s welfare apparatus because of the lack of roads and communication facilities. As Sen (1999) points out, the lack of infrastructure is a form of “capability deprivation” that prevents individuals from participating in the economic and social life of the nation. Therefore, the implementation of welfare rights is not just a legal or philosophical task but a massive engineering and logistical one.

The “Free-Rider” and Resource Allocation Problems

The implementation of a welfare state in Nigeria also faces philosophical and practical difficulties regarding distributive justice, specifically the “free-rider” problem and the ethics of resource allocation. In a society where resources are scarce and the population is burgeoning, determining who gets what, when, and how becomes a source of intense social friction.

The “free-rider” problem is where individuals consume a public good without contributing to its production is often cited by critics of the welfare state. In the Nigerian context, this is frequently framed through the lens of “national cake” politics. There is a pervasive cultural expectation that the state should provide for the people, yet there is a simultaneous resistance to taxation and civic contribution. This tension challenges Green’s (1895) notion that rights are powers recognized as “contributory to a common good.” If the citizenry views welfare as a one-way street of state provision without reciprocal duty, the moral fabric of the common good is weakened.

Scholars like Udoidem (1988) argue that in the African communitarian context, the “common good” must be balanced with “social responsibility.” The practical difficulty in Nigeria lies in allocating resources across a diverse and fragmented population. The “federal character” principle, while designed to ensure equity among ethnic groups, often conflicts with the principles of need-based distributive justice. Resource allocation becomes a contest between groups rather than a targeted intervention for vulnerable individuals. This leads to what Ake (1996) describe as “allocative inefficiency,” where resources are spread too thin to be effective or are concentrated in areas with higher political capital rather than higher social need.

To overcome these challenges, the Nigerian state must move beyond the “distribution of rent” and toward the “cultivation of capacity.” Addressing the free-rider problem requires a new social contract where welfare is linked to civic participation and where the state demonstrates its moral integrity through transparency and accountability. Only then can the “hindrances” of corruption, data deficiency, and inequitable allocation be removed, allowing for a genuine reimagining of welfare as a pillar of Nigerian social justice.

Policy Implications and Recommendations

To bridge the chasm between the aspirational promises of the Nigerian Constitution and the material reality of its citizens, a fundamental shift in policy and legal architecture is required. Applying Thomas Hill Green’s philosophy necessitates moving from a passive “charity-based” welfare model to an active, rights-based framework where the state fulfills its moral identity by ensuring the

conditions for human flourishing. The following recommendations provide a roadmap for this transformation.

I. Constitutional Reform: Establishing Enforceable State Responsibility

The most significant barrier to a Greenian “common good” in Nigeria is the non-justiciability of socio-economic rights. While Section 14(2)(b) of the 1999 Constitution mandates that the “security and welfare of the people shall be the primary purpose of government,” the ouster clause in Section 6(6)(c) effectively renders these objectives unenforceable. For the state to act as a “moral agent,” its responsibility for welfare must be grounded in justice rather than political expediency.

Scholarly discourse in Nigeria emphasizes that this legal gap undermines the democratic social contract. Ogundiya (2010) argues that the dilemma of Nigerian democracy is rooted in the government's inability to deliver good governance, which is inextricably linked to the provision of welfare. Therefore, a primary policy implication is the constitutional amendment of Chapter II to make socio-economic rights justiciable. Such a reform would align with the “positive freedom” Green envisioned, where the state is duty-bound to remove obstacles such as poverty and illiteracy that prevent citizens from acting as moral beings. By integrating social justice directly into the enforceable legal framework, the state moves from a role of “paternalistic provider” to one of “accountable guarantor”.

II. Institutional Strengthening: Infrastructure and Administrative Accountability

The realization of the common good requires robust social institutions that serve as vehicles for fulfilling the collective welfare. In the Nigerian context, this necessitates a deliberate bolstering of public schools, healthcare centers, and social insurance schemes to ensure universal access. As Woleola (2017) notes, welfare delivery is often undermined by institutional inefficiency and a lack of coordination. To counteract this, policies must focus on institutional strengthening rather than just project implementation.

A critical recommendation is the adoption of “digital accountability tools” and “participatory budgeting” to manage welfare funds. These mechanisms ensure that resources for health and education are effectively managed and equitably distributed, reducing the “hindrance” of corruption. Furthermore, expanding initiatives like the National Health Insurance Scheme (NHIS) and the Universal Basic Education (UBE) Act is essential for building citizen capabilities. As Okeja (2013) suggests, strengthening these institutions is not just an administrative task but a moral one, as it ensures that the “moral and political machinery” of the state is geared toward the flourishing of every individual in society.

III. Civic Education: Promoting Moral Agency and Social Responsibility

Finally, the implementation of a welfare state in Nigeria requires an active and informed citizenry. Green’s philosophy emphasizes “moral agency” and “ethical citizenship,” suggesting that rights are not just legal entitlements but are “contributory to a common good”. A significant policy implication is the launch of “mass literacy programs” focused on rights awareness, democratic participation, and social responsibility.

Civic education should bridge the gap between “individual good” and “common good,” helping the public view the common good as superior, which in turn enhances individual well-being. This recommendation aligns with communitarian ethics, which is indigenous to African heritage. By educating citizens on their “rights to welfare” and their “duties to the state,” Nigeria can foster a culture of solidarity where welfare is seen as a collective responsibility. This bottom-up approach, using community forums and local consultations, ensures that welfare policies are not just “donor-driven” but are rooted in the lived realities and interdependence of the Nigerian people.

Evaluation

Critics may argue that utilizing a nineteenth-century British Idealist framework like Green's to address contemporary Nigerian socio-political issues is an exercise in Eurocentric intellectual dependence. While Udoidem (1988) rightly defends cross-cultural philosophical borrowing on the grounds that truth and rational governance principles are universal, this defense must be updated to engage with modern post-colonial theory. Contemporary Afrocentric scholars like Metz (2011), emphasize that the decolonization of knowledge is not about an uncritical rejection of global thought, but about the selective, critical appropriation of ideas that serve local emancipation. By synthesizing Green's institutional 'hindering of hindrances' with the indigenous, relational ethics of Ubuntu, this paper shifts the discourse away from mechanical Eurocentric transplantation. The synthesis acts as a conceptual decolonizing tool, reframing a Western idealist concept within the relational, community-centered realities of African socio-political life.

Conclusion

Section 6(6)(c) of the 1999 Constitution still embodies the contradiction of the non-justiciability of socio-economic rights as a pillar of governance in Nigeria. The Nigerian state systematically undermines the positive freedom of its citizens and diminishes its own moral legitimacy by relegating vital welfare needs such as healthcare, education, and social security to the status of aspirational guidelines rather than enforceable claims. This paper has argued that Thomas Hill Green's philosophy of the common good, when decoupled from individualist or purely contractarian readings, provides a transformative ethical template for political restructuring. From an idealist standpoint, the state is for him essentially a moral undertaking whose authority is justified not by its monopoly on violence but by its active 'hindering of hindrances' to human flourishing.

The translation of this idealist framework into a post-colonial environment, however, demands careful cultural contextualization. The study addresses the need by creating a Greenian-Ubuntu synthesis, which fuses Green's social interdependence model with the relational, community-centred ethics of indigenous African thought. The government is the most important institution to express and carry out the will of the state. The government is, at its core, designed to secure and provide the common good of its citizens. Therefore, the state's institutional legitimacy is directly related to the systematic provision of this common good. This synthesis, by rooting welfare rights in a shared moral consciousness that values human dignity and mutual responsibility, transforms the constitutional debate from a rigid question of fiscal affordability to an absolute imperative of social justice.

While this study provides a robust normative framework for constitutional reform, certain limitations must be acknowledged. This paper is, first, a purely philosophical investigation and, as such, is concerned with paradigms of concepts and ethics rather than with a detailed technical draft of constitutional amendments or a comprehensive fiscal cost-benefit analysis of mechanisms for funding welfare. Second, the synthesis constructed here relies on an idealized implementation of state institutionalism, which may downplay the deeply entrenched character of political prebendalism and structural corruption defining the Nigerian political economy.

Future research should, therefore, go in two separate directions. At the first level, there should be a collaborative effort on the part of scholars of legal philosophy and constitutional law to come up with concrete models of legislation that can translate the Greenian-Ubuntu synthesis to workable clauses in a revised Nigerian Constitution, particularly in the manner in which criteria such as "progressive realization" can be legally measured in a volatile fiscal climate. Second, comparative political scientists should explore how local government areas and grassroots communities in Nigeria can tap into existing decentralized frameworks to establish community-led welfare structures based on Ubuntu relationality, thereby circumventing federal bureaucratic bottlenecks.

This paper's originality to philosophy and Nigerian governance scholarship is the successful bridging of Western political idealism and African communitarian ethics. It takes the discussion of section 6(6)(c) out of a purely technical legal dead end and makes it a basic issue of the moral legitimacy of the state. It argues that the Nigerian state must constitutionally guarantee the material conditions for its citizens' positive freedom if it is to be able to claim to have real sovereign authority.

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