EXPLORING THE MERITS OF UTILITARIANISM AS A PANACEA TO SOCIO-ECONOMIC CHALLENGES IN NIGERIA.

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Abstract

As part of social contract, the very features of any egalitarian society is to guarantee to its citizens socio-economic satisfaction. Similarly, citizens are requested to oblige with what laws of land requested from them. However, the recent and abrupt removal of fuel subsidy and implementation of other stringent economic policies by Nigerian government have seriously affected the decent life of common man, hence adding more sufferings to them. On this background, this paper explored the merit of utilitarianism as veritable philosophy, which will bring a paradigm shift by instilling a mind-blowing idea of welfarism in the law making process. It's in the opinion of this paper that, our law makers should adopt the liberal and pragmatic approach in law making process that will ensure maximum satisfaction of common man in his daily life.

1. Introduction

Certainly, one of the basic features of Nigeria as a country, its homogeneous setting.¹ It was blessed with diverse culture, tribe and religion.² It is also blessed with numerous natural resources one of which to include dense volume of crude-oil in some part of the country.³ However, taking in to account the socioeconomic profile of Nigeria in the current political dispensation, the above blessings may likely or possibly turned to be a curse,⁴ as the air for sufferings and yearning for palliatives to cushion it, is still blowing. In other words, socio-economic challenges like Inflation, insecurity, tertiary institutions strike⁵, and overall day-to-day activities was nearly at a brink of retardation⁶. Similarly, the above mentioned conditions may lead to injustice and a society where some citizens are not treated well and some class of people are better than others, in terms economic opportunities⁷. Thus, it holds the potentials to promote unequal distribution of resources among the citizens, as most of the above mention social vices affected in most cases common

¹ Raheem, W. A, Oyeleye, O.I, and Adeniji, M. A.(2014) "Regional Imbalances and Inequalities in Nigeria: Causes, Consequences and Remedies" Research on Humanities and Social Sciences <u>www.iiste.org</u> ISSN (Paper)2224-5766 ISSN (Online)2225-0484 (Online)Vol.4, No.18, 2014

² Abiboa, D.E and Maiangwa, B. (2020)"Corruption in the Underdevelopment of the Niger Delta in Nigeria", (2020) 5 (8) The Journal of Pan African Studies, 108-132

³ Ayotunde, L. (2018)"OIL Production And Host Community relations In Nigeria: The Limits Of the Utilitarian Approach" *Afe Babalola University: Journal of Sustainable Development. Law & Policy vol.* 9: 2: 2018 https://dx.doi.org/10.4314/jsdlp.v9i2.8

⁴ https://www.thegurdian.com/global-development/2021/nov/09/a-wealth-of-sorrow-why-nigeria

⁵ <u>https://business.ng/opinion/article/asuu-strike-and-the-implications-on-nigerias-economy</u>

⁶ ibid

⁷Badru, O.R (2014)Negative statecraft and the *Social Worse-offs* in the modern African state: Exploring the concept of political utilitarianism for ethical leadership and governance © Unisa Press *Africanus* 44 (1) 2014 ISSN: 0304-615X pp 4-20

man.⁸ Conversely, as the government which is conscious of the wellbeing of it citizens, and it aim in building an egalitarian society objectively seeks to promote well-being and equalization of the citizens, it end with putting their life in to mess instead.⁹

Recently, in order to reduce so called burden of spending on pump price of premium spirit, the federal government officially removed the oil subsidy, and the dichotomy in the foreign exchange market to stabilise the fuel price and that of US dollar respectively. Thus adding more suffering and hard ship to Nigerians, particularly workers.¹⁰Such a dilemma and tough decision, the government is confronted with either continuing the subsidy or deepening an unsustainable fiscal deficit or risk potential social and economic unrest by its removal¹¹. As the index of inflation have skyrocket from 16% to 24% as provided by national bureau of statistic.¹²On the other hand, utilitarianism is an ethical theory that promotes the greatest good for the greater number of people. In essence, it advocates for actions that maximize the happiness of the larger percentage of the population.¹³ On this background, this article seek to look at Nigeria's socio-economic challenges from the lenses of some of current economic policies, and equally need to explore the assumptions from utilitarian school of thought and see how Nigerians can benefit from the utilitarian point of view on ameliorating socio-economic challenges in Nigeria.

2. Conceptual Clarification:

2.1 Utilitarianism

The basic idea behind utilitarianism is to maximize utility, which is often defined in terms of well-being of society. In other words, utilitarianism as a concept of justice ensures equitable distribution of scarce resources to the greatest number of people.¹⁴ Utilitarianism promotes actions t in order to achieve maximum happiness.¹⁵ Thus, utilitarian proponents hold that a right action is the one that promotes the greatest total happiness of the people it affects¹⁶. It was noted that utilitarian ethics is fundamentally oriented toward promoting the common good and enhancing the general welfare of people¹⁷. Some scholars stated that utilitarian ethical principle postulates and encourages that, in any situation, people should always act or make decisions that will lead to maximization of human wellbeing and happiness.¹⁸

2.2 Social Development

Social development is now conceived as a comprehensive action programme designed to cater for the needs of all the people in the same way as economic development. In other words, social development should be

¹⁵ Austin, M. C, (1995) Essential Jurisprudence (Great Britain: Cavendish Publishing Ltd, 1995).

⁸ Ibe-Ojiludu, S. (2022). "Nigeria's Developmental Challenge: Conceptualising Law and Development in the Nigerian Context." Beijing Law Review, 13, 1- 22. <u>https://doi.org/10.4236/blr.2022.131001</u>

⁹ Iqbal, M. (2018). "Poverty, Inequalities and the Perceptions on Distributive Justice", *Islamic Economics*, *31*(1),115-128

¹⁰<u>https://www.vanguardngr.com/2023/06/consequences-of-fuel-subsidy-removal-on-nigerias-balance</u>
¹¹ ibid

¹² <u>https://tradingeconomics.com/nigeria/inflation-cpi</u>

¹³ Adebayo, W. A.(2019) "Utilitarianism and the Challenges of Insecurity in Nigeria from 2015 to 2019" Journal of Law, Policy and Globalization <u>www.iiste.org</u> ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) DOI: 10.7176/JLPG Vol.86, 2019

¹⁴ ibid

¹⁶ Sweet, W. (2008). In Jeremy Bentham (1748-1832). In *Internet Encyclopedia of Philosophy*. Retrieved from <u>http://www.iep.utm.edu/bentham/#H4</u>

¹⁷ ibid

¹⁸ Stewart, D. W. (1991). "Theoretical foundations of ethics in public administration: Approaches to understanding moral action". *Administration and Society*, *23*, 357-373. doi:10.1177/009539979102300305

complementary of economic development.¹⁹ Upon citing above definition, it is imperative to Understand that the character of political regime and its style of governance in Nigeria, so also the process of achieving social development. It is therefore pertinent to requires an examination and critical analysis in order to gain insights into how democracy, indeed democratic governance could overcome its challenges so as to be able to achieve and sustain social and economic development.

2.3 Economic Development

From policy perspective, economic development can be defined as efforts that seek to improve the economic well-being and quality of life for a community by creating and/or retaining jobs and supporting or growing incomes and the base.²⁰ It is a sustained community effort to improve both the local economy and the quality of life by building area's capacity to adapt to economic change²¹

2.4 Socioeconomic development

To combine the both two concept one must believe that; the socioeconomic development is the process of social and economic development in a society. Socio-economic development is measured with indicators such as GDP, life expectancy, literacy and levels of employment. Changes in less tangible factors are also considered, such as personal dignity, freedom of association, personal safety and freedom from fear of physical harm and the extent of participation in civil society. Causes of socio-economic development are basically changes in technology and in laws which is one of responsibilities of the state in the process of governance²²

3.0 The brief highlight of legal frame work for the Protection of Socio-Economic Rights.

Socio-economic rights are generally referred to as second generation rights and therefore, positive in nature as they require affirmative action by the government for its realisation. Typical examples of social, economic and cultural rights include the rights to education, work, social security, food, and an adequate standard of living. These rights are protected both under the Universal Declaration of Human Rights (UDHR) and the International Covenants on Economic Social and Cultural Rights(ICESCR)²³.

Historically, Before 1979, Nigeria's past constitutional experiments had been concerned with the traditional civil and political rights. It was the 1979 Constitution of Nigeria that, for the first time, in line with the developing global trend provided for socio-economic rights. Chapter II of that Constitution is styled "Fundamental Objectives and Directive Principles of State Policy". Its inclusion in that Constitution was quite polemical haven been subjected to the competing ideals of whether to include the Chapter and make it non - justiciable, by regarding it as presenting a philosophical road map to the good life; or to include it and make it justiciable.²⁴

The 1999 Constitution also replicates the same Fundamental Objectives and Directives Principles of State Policy in its Chapter II, which runs from sections 13-24²⁵. The Chapter spells out the political, economic,

 ¹⁹ Jinadu, G.M (1985) "Social Development in Nigeria: A Case Analysis," *The Journal of Sociology & Social Welfare*: Vol. 12: Iss. 4, Article 10. Available at: <u>https://scholarworks.wmich.edu/jssw/vol12/iss4/10</u>
 ²⁰ Ibid

²¹ Onyekwere, B.A "Economic Growth And Development In Nigeria" *Kuwait Chapter of Arabian Journal of Business and Management* Review Vol. 6, No.3, November 2016 acces from <u>www.arabianjbmr.com</u>

 ²² Ijere, C.T "The State, Governance and Socioeconomic Development Realities in Nigeria" Public Policy and Administration Research access from <u>www.iiste.org</u> ISSN 2224-5731(Paper) ISSN 2225-0972(Online) Vol.4, No.1, 2014 46

 ²³ Wahab O. E, Taofeeq N. A. (2017) "Realizing Socio-Economic Rights In Nigeria and the question: Lessons From South Africa And India" International Journal of Politics and Good GovernanceVolume VIII, No. 8.3 Quarter III 2017ISSN: 0976 – 1195

²⁴ Nwatu, S.I (2012) "Legal Framework for the Protection of Socio-Economic Rights in Nigeria" *Nigerian Juridical Review Vol. 10* (2011-2012) 10 Nig. J. R.

²⁵ Constitution of federal republic of Nigeria 1999 (as amended)

social, educational, foreign policy and environmental objectives of Nigeria. It also outlines the national ethics, obligations of the mass media, directives on Nigerian culture and the duties of the Nigerian citizen. However, the tragedy of Chapter II of the Constitution is located in section 6(6)(c) of the Constitution,²⁶ which provides that the judicial powers vested in the courts: shall not, except as otherwise provided by this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of the Constitution²⁷.

Economic and social rights are objectives to be achieved progressively.²⁸ Therefore a much longer period of time is contemplated for the fulfilment of the objectives. The enactment of legislation is generally sufficient to effect the enjoyment of civil and political rights, while legislation is not sufficient for the attainment of socio-economic rights²⁹. Very much depends on the economic condition of the State. For this reason and its evident that there is need of consolidating commitment between law making body and executive to have the best way to deal with wasting of much time in implementing policies that change the socio economic activities in Nigeria

4.0 The benefit of utilitarianism

Philosophically speaking, there was a plethora of suggestions, discussions and literatures, highlighting Nigeria's socio-economic problems and the way to be out of it. However, some thoughts and philosophies are not pragmatic in the term of implementation, considering the Nigeria's political permutations and setting, which required a very strong political will, to implement whatever socio economic policies aim to achieve. For these reasons, the evolution of social welfare which is the bedrock of utilitarianism can be traced to the beginning of human existence and the interrelationship among human beings. The state as the agent of social protection, establishes a welfare system with the legitimate purpose to redistribute resources among the citizens. A social welfare system is one of the significant approaches adopted by countries to reduce inequality.³⁰

In another point of view, utilitarianism is founded on the concept that pleasure or happiness is the ultimate good, desirable in itself. Bentham argued that the ultimate goal of human action was to achieve happiness or pleasure and to avoid pain; these two values govern human actions, thus stating: Nature has placed mankind under the governance of two sovereign masters, pain and pleasure.³¹ It is for them alone to point out what we ought to do, as well as to determine what we shall do…They govern us in all we do, in all we say, in all we think. Based on this idea, Bentham formulated his moral principle called the utility principle or the greatest happiness principle. The principle of utility is that principle which evaluates any human action based on its augmenting or diminishing the happiness of those affected, whether individual or community as a whole³².

From this perspective, what is considered morally right action is that "which produces the greatest amount of happiness for the greatest number of people, happiness being determined by reference to the

²⁶ ibid

²⁷ ibid

²⁸Wahab O. E, Taofeeq N. A. (2017) "Realizing Socio-Economic Rights In Nigeria and the Justiciability question: Lessons From South Africa And India" International Journal of Politics and Good Governance Volume VIII, No. 8.3 Quarter III 2017ISSN: 0976 – 1195

²⁹ Wahab, op-cit above

³⁰ Irele, A.O. (2019). "The Evolution of Social Welfare and Social Work in Nigeria", *A Journal of Contemporary Research*, *16*(4), 64 - 85

³¹ Ogbinyi, O.J, Ojiji, C. (2021) "Africa, Democracy, And The Mortality Of Jeremy Bentham's Utilitarian Hypothesis: A Review" *International Journal of Sociology and Anthropology Research* Vol.7, No.2 pp.15-29, 2021 Print ISSN: ISSN 2059-1209 Online ISSN: ISSN 2059-121 <u>https://www.eajournals.org/</u>

³² Bentham, J. (1823). An introduction to the principle of morals and legislation. In Burtt, E.A. (1939). *The English philosophers from Bacon to Mill*. The Modern Library

presence of pleasure and the absence of pain.³³ In this regard what Nigerian deserved was according to Bentham, that government policies should be in accordance with the principle of utility, which implies that they must be geared toward promoting the happiness and the welfare of the citizenry rather than diminishing it. Leaders in the public sector must look beyond self-interest and other narrow-minded interests to be inclusive and be crusaders for public interest

5.0 Law as a means of social and economic change

Utilitarianism as a school of Legal theory is generally understood to be a mirror of society a reflection of its customs and morals that functions to maintain social order.³⁴ The function of law is that of social engineering and this perception has been accepted by all the civilized countries of the world including Nigeria.³⁵ The concern of law as an instrument of enhancing economic and Social Justice has widened to the extent that there has been a growth of a variety of laws touching almost every aspect of human life³⁶. Law, is considered not as an end in itself, but as a means to an end. The end is securing of social justice. Almost all theorists agree that law is an instrument of securing justice.³⁷

The principle is a roadmap to legislators in their duty of making laws to regulate the conduct of the people, and a guide in the relationship between the people and the government. In law making, Bentham distinguished between the science of *legislation and the art of legislation. Science of legislation is the ability of the* legislature to know the 'good'; the ability to predict the measures that could maximize pleasure or happiness, and/or minimize pain or misery³⁸. In other words, it means discovering the means of realizing the 'good.' Again, this would imply the National Assembly actually enacting or amending an existing law that would meet the yearnings and aspirations of the greatest number³⁹. Note that S. 4(2) & (3) of the Constitution of the Federal Republic of Nigeria (CFRN)*1999 empowers the National Assembly to make laws for the peace, order and* good government of the Federation or any part thereof. It is, therefore, the conclusion of Bentham that the quality of legislation is proportionate to the ability of legislators to acquaint themselves with the intricacies of the science of legislation and the art of legislation, and to effectively put them to practice.⁴⁰

On the above mentioned premise, Utilitarianism when applied to law is a functional approach to the understanding of law by observing its basic tenets and purpose in the society which is programmed to generate happiness⁴¹ In the field of Law and Development, there are some assumed theoretical bases or discourses like that of utilitarianism, which have had some enduring influence on the way the field has evolved, is viewed or is practised.⁴²The primary business of government is to serve its citizenry via provision of various needs that will improve their well-being and happiness. It is also meritorious to utilitarianism that profess that the aim of government agencies is to take charge of "health, education, safety, and poverty is

³³Burtt, E. A. (1939). *The English philosophers from Beacon to Mill*. New York, NY: The Modern Library.

³⁴ Curzon, L.B (1998)Jurisprudence (London: Cavendish Publishing Limited, 1998)

³⁵Adebayo, W. A., op-cit infra

³⁶Austin, M. C, (1995)Essential Jurisprudence (Great Britain: CavendishPublishing Ltd, 1995).

³⁷ Akhihiero P.A, (2021) "Law As A Vehicle For Socioeconomic change" being a paper presented at university of Benin, student union government 13TH Legal symposium held at the university's main auditorium

³⁸ Curzon, L.B (1998) op-cit above

³⁹ Adebayo, W. A. (2019) "Utilitarianism and the Challenges of Insecurity in Nigeria from 2015 to 2019" Journal of Law, Policy and Globalization <u>www.iiste.org</u> ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) DOI: 10.7176/JLPG Vol.86, 2019

⁴⁰ ibid

⁴¹ ibid

⁴²Ibe-Ojiludu, S.(2022)"Nigeria's Developmental Challenge: Conceptualising Law and Development in the Nigerian Context." Beijing Law Review,13, 1-22<u>https://doi.org/10.4236/blr.2022.131001</u>

to make the lives of people happier³⁴³Nigeria law making process should geared toward enacting laws that have the spirits of utilitarianism, that is to say any law focused on promoting the common good and enhancing the general welfare of people.

6.0 Political will of Policy Making and Implementation

Certainly one of the major socio-economic challenges of Nigeria was the ability of the government of the day to properly implement the policies of welfare it made, or for the practical policies which directly affect common man to receive the deserving attention of a particular authorities, which is saddled with responsibility for it to take off⁴⁴. This is against the spirit of leadership which give the trust and the power to have the policy and supposedly ought to be implemented.

Generally, political stability is one of the key factors that make a government successful.⁴⁵ It encourages a functional and the quality of human capital, those will contribute most importantly in making policies that will enhance the revitalization of all essentials social and economic life of the citizens, That can solve all contemporary societal problems which is the basis of any functional system.⁴⁶ Most government policies/reforms in Nigeria have failed to achieve the desired objectives because of either lopsided implementation or total failure to give effect to the motive of the policy or reform.⁴⁷ The Nigerian Public has expressed doubt as to the government's sincerity in carrying out the implementation of the socio-economic reforms to a logical conclusion. It is expected that the reform programme will minimize the massive waste, misuse, abuse and fraud that characterized the provision of fringe benefits to the members of society at large. The reform will bring more government commitment and popular participation in practical socio-economic programmes that will be all encompasses, that is to say, it has the taste of welfares, since people will gave a confidence based on the realization of real and practical benefits, which would either depend on the effectiveness of the implementation of the reform.⁴⁸

In nutshell, the political will or political undertaking, in this regard involved the extent of committed support among key decision makers for a particular policy for socio economic welfares to be implemented or solution to a particular problems, those can be solve and impacted reforms in the realm of governance, within the purview of maximum happiness of society. It however provides a fundamental conduit pipe for social transformation in a democratic society therefore, the social, economic and political agenda of every society must promote the happiness of the citizens, through welfares and real touch to their life.

7.0 Conclusion:

Lastly, having available political will in policy making and execution, which give birth to a peculiar phenomenon in our emerging democratic political order. It is important, all the same, to understand that, our law makers should device appropriate mechanisms to forestall escalation of some if not all social vices,⁴⁹ by imbibing the culture of welfarism social satisfaction in law making process.

⁴³ Garofalo, C., & Geuras, D. (1994). "Ethics education and training in the public service" *The American Review of Public Administration*, *24*, 283-297. doi:10.1177/027507409402400304

⁴⁴ Abiboa, D.E and Maiangwa, B. (2020) "Corruption in the Underdevelopment of the Niger Delta in Nigeria", (2020) 5 (8) The Journal of Pan African Studies, 108-132

⁴⁵ Olanrewaju, O. (2022)"Minimum Wage, Poverty and Social Welfare in Nigeria: Revisiting Distributive Justice" *Ife Social Sciences Review 2022 / 30(2), 53 - 63* Journal homepage: <u>www.issr.oauife.edu.ng/journal</u> ISSN:0331-3115 eISSN:263375X

 ⁴⁶Onyekwere, B.A "Economic Growth And Development In Nigeria" *Kuwait Chapter of Arabian Journal of Business and Management* Review Vol. 6, No.3, November 2016 access from <u>www.arabianjbmr.com</u>
 ⁴⁷ ibid

⁴⁸ ibd

⁴⁹Ojo, P.O, Elizabeth, I.T "Governance And The Challenge of Socio-Economic Development In Nigeria." Afe Babalola University: *Journal Of Sustainable Development Law And Policy (2014) 3:1*

8.0 Recommendations

a-The law-makers in Nigeria should widen the scope of law making process by adopting inter-disciplinary procedure to allow various experts in all related fields to express their views and seriously consider the wider consequences of each law being proposed on the public welfare of each community and society as a whole, both present and future.

b- There is serious need to integrate law with reality and societal need. Every enactment and governmental policies, should be more of social and economic need, and satisfaction of Nigerians not to please the western world

c- We have also demonstrated that to make socio-economic rights pragmatic and not esoteric, the courts must rise equal to the occasion through progressive and broad interpretation to make Chapter II of the Constitution justiciable. It is by doing this that the socio economic rights which we also cherish can be meaningful. In this wise, it is suggested that the respect and protection bound obligations for the realization of socio-economic rights should be made justiciable in the current effort at amending the Constitution, while the fulfilment bound obligations should progressively be made justiciable

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