

POLS 103 A

Comparative Politics

Class 15:

Constitutions and constitutional design

Nigeria in comparative perspective

Plan for Part IV of the course

- Formal government institutions

What are institutions?

Plan for today

- Formal government institutions
- Constitutions and constitutional design
- New course material + consolidation



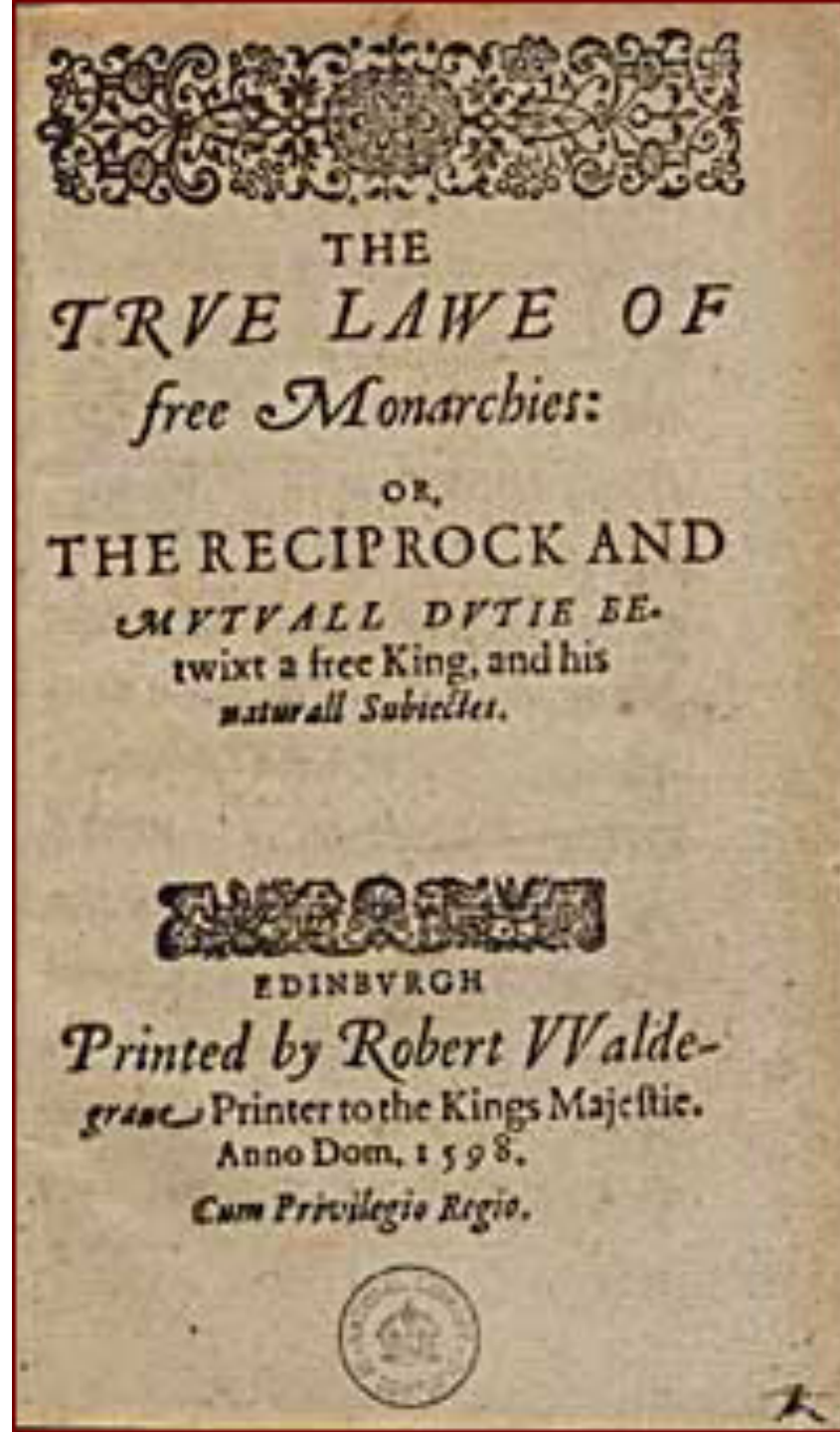
What are constitutions?



What is constitutionalism?

Constitutionalism

- → State-making in 17th-century Britain:
 - The divine right of kings and political absolutism of the Stuart kings
 - English Civil War (1642-1651) → no governance without Parliament's consent
 - Restoration (1660) → Glorious Revolution (1688) → Bill of Rights (1689) and parliamentary sovereignty

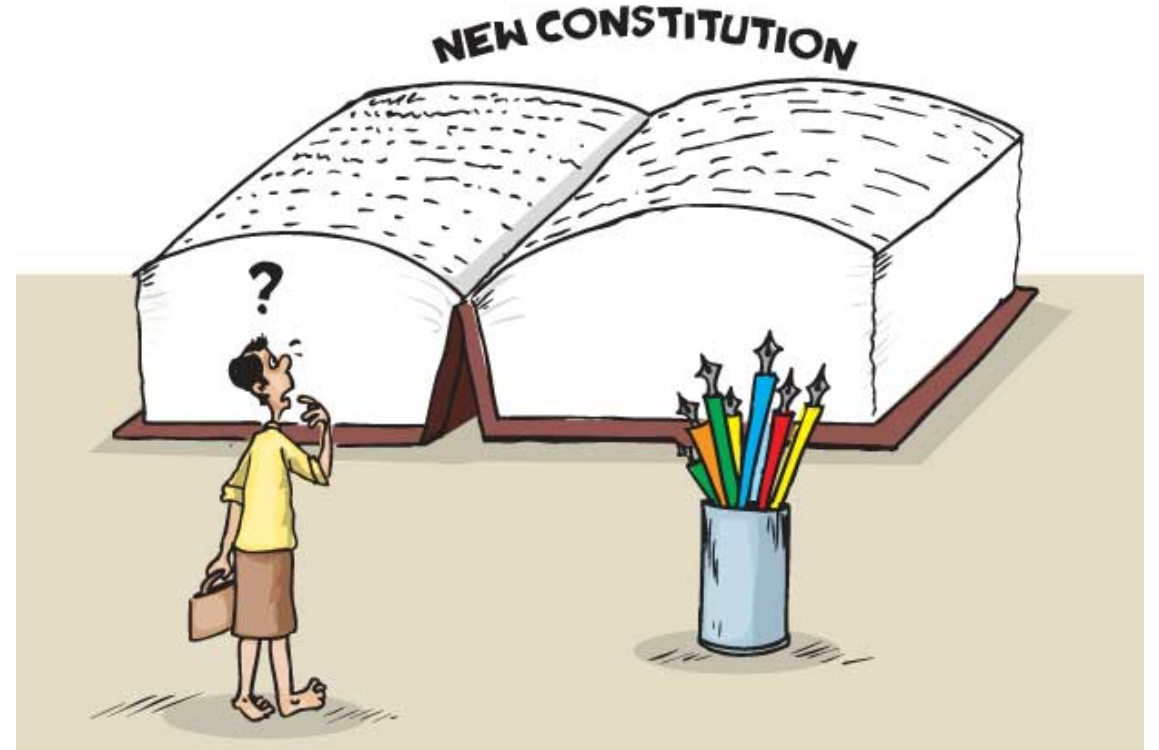




What is parliamentary sovereignty?

Constitutional design

- Flexible and rigid constitutions
- Separation of powers
- Federalism and unitarism



What is the difference
between rigid and flexible
constitutions?

How many constitutions does the United Kingdom have?

The United Kingdom's constitutional documents

- Magna Carta (1215)
- Bill of Rights (1689)
- Devolution acts (Scotland Act, Government of Wales Act, and Northern Ireland Act, 1998)
- Acts of parliament
- Court cases
- Etc.

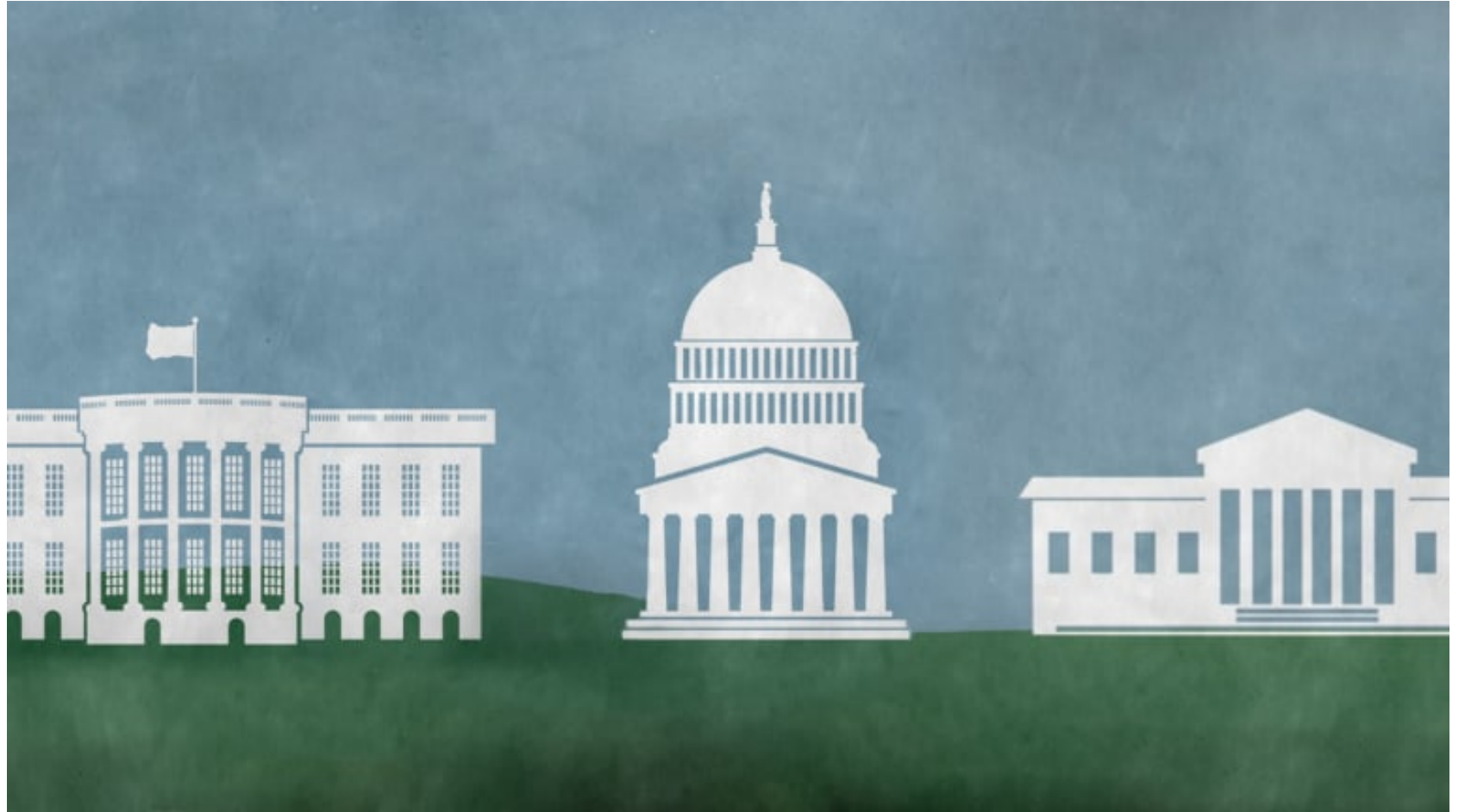


What is the key principle of
British constitutionalism?

Hint: it emerged after the Glorious Revolution

Separation of powers

- Branches of government:
 - Executive
 - Legislative
 - Judicial

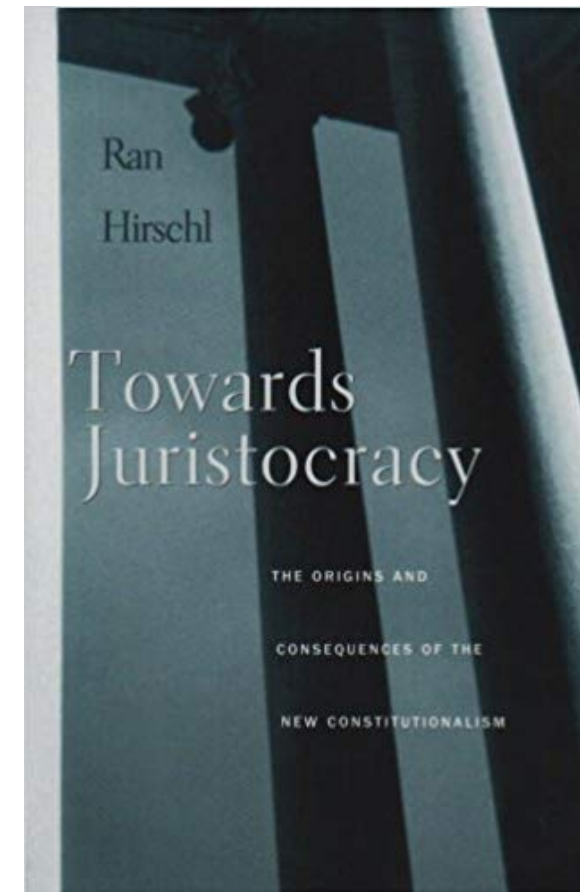


What is judicial review?

Why do political elites agree to judicial review according to Hirschl?

Juristocracy

- Elite strategic calculations →
- Insulation of policy-making from the vicissitudes of democratic politics →
- Protection of elite political dominance



Can judicial review
and parliamentary
sovereignty coexist?



Judicial review and parliamentary sovereignty in the contemporary UK

- Judicial function of the House of Lords → Appellate Committee of the House of Lords →
- Creation of the Supreme Court of the United Kingdom (2009):
 - Right to review and overturn secondary legislation



Judicial review and parliamentary sovereignty in the contemporary UK



<https://www.youtube.com/watch?v=rCxJhj7tMkc>



What is the difference
between federal and unitary
systems?

What is the difference between federal and unitary systems?

A world map in the background, with countries colored in green and blue. Green highlights include Australia, parts of South America (like Brazil and Argentina), and parts of Africa and Asia. Blue highlights include the United States, Canada, the United Kingdom, France, Germany, Italy, and many other countries in Europe, Africa, and Asia.

- Federation:

- Union of partially self-governing sub-national administrative units, whose governments share power with the central government

- Unitary state:

- State in which the central government is supreme

What is the difference
between symmetric and
asymmetric federalism?

Symmetric and asymmetric federalism

- Symmetric federalism:
 - Federal system in which each constituent state to the federation possess equal powers
- Asymmetric federalism:
 - Federal system in which different constituent states possess different powers

Symmetric and asymmetric federalism

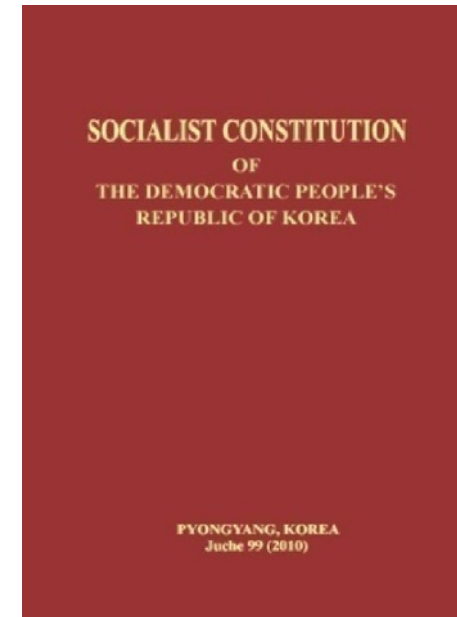
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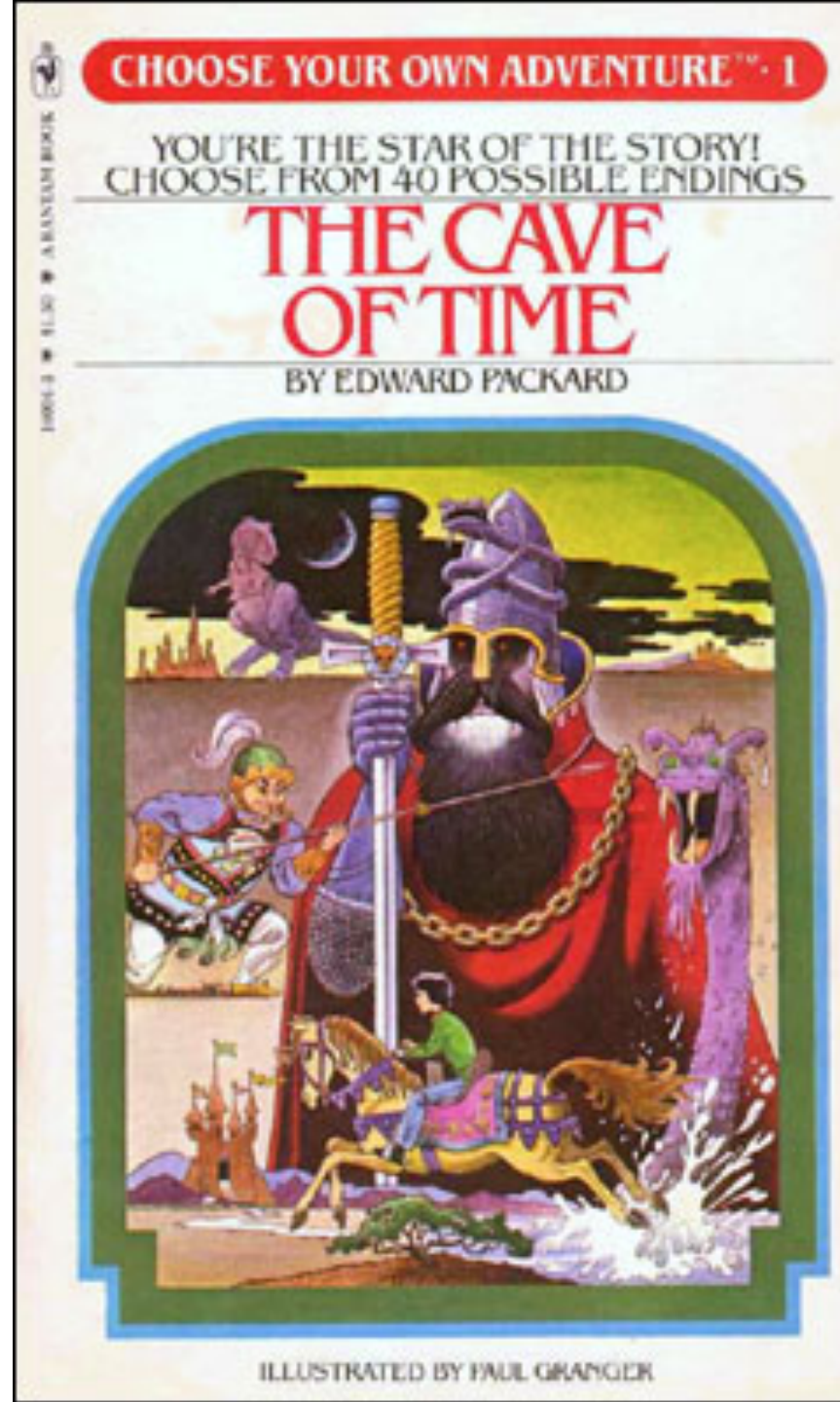
Is the United Kingdom a federal country?



Why do countries ruled by authoritarian regimes have constitutions?



Choose your
own adventure:
constitutional design



Choose your own adventure: constitutional design

Large country

Small country

History of government
protection of democratic rights

History of government
violations of democratic rights

History of political stability

History of political instability

Wealthy

Poor

Nigeria

Nigeria's political history



<https://www.youtube.com/watch?v=bmgsRC3BrGs>

Nigeria's political history

- Largest ethnic groups:
 - Hausa-Fulani, Igbo, Yoruba
- Precolonial political systems:
 - States in the North
 - More diffuse political systems in the South
- Slavery
- Scramble for Africa (late 19th century)
- British colonization and indirect rule



"History Today" map by S. H. Perr

Map of Nigeria, showing the boundaries of 1914

<http://www.icslamps.com/?p=184>



What was indirect rule?

A KING OF EJAYBOO.—GOVERNOR OF LAGOS ON RIGHT.

Nigeria's political history

- Anticolonial struggle and independence as a federal republic (1960)
- Political tensions and political mobilization of collective identities:
 - Ethnic
 - Regional
 - Religious
- Biafra War (1967-70, 1-3 million dead)



Nigeria's political history: Biafra War



<https://www.youtube.com/watch?v=f9cSA1gLizE>

Nigeria's political history

- Military rule
- Democratization (1999)
- Widespread corruption and misuse of government revenue, chiefly from oil
- Clientelism and neopatrimonialism



Olusegun Obasanjo

Clientelism



<https://www.youtube.com/watch?v=GLMXSWobiHM>

Clientelism according to Fukuyama

- Clientelism:
 - Reciprocal exchange of favors between patrons and clients



Clientelism and neopatrimonialism according to Fukuyama

- Clientelism:
 - Reciprocal exchange of favors between patrons and clients
- Patrimonialism:
 - “The natural human propensity to favor family and friends”
- Neopatrimonialism:
 - Combination of actual operation of the government centered on sharing state resources with friends and family with outward form of a modern state (constitution, legal system, etc.)
 - Fukuyama, Francis. 2014. *Political order and political decay: from the Industrial Revolution to the globalization of democracy*. New York: Farrar, Straus and Giroux.



Nigeria's political history

- Clientelism and neopatrimonialism
- Political prominence of ethnicity and ethnic conflict
- Creation of new states



What is the most appropriate constitutional design for Nigeria?