The Rule of Law in Nigeria: A Reflection on Jean-Jacques Rousseau's Theory of Freedom

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Abstract

The rule of law is one of the basic principles that sustain a civil or democratic society. It is a concept that goes hand in hand with other concepts such as constitutionalism, good governance and democracy. Ever since the era of A.V. Dicey, several scholars have nourished and contributed to the growth of the principle. However, the doctrine contains some anomalies which may be due to the unconstitutional nature of a system of governance in a society which may ultimately lead to bad governance. Taking its cue from Nigeria's political landscape, and reflecting on the theory of freedom enunciated by the renowned French political philosopher, Jean-Jacques Rousseau, this study argues that the rule of law is in a vegetative state in Nigeria. This situation seems to make all attempts at instituting good governance in the country to be problematic. Rousseau's theory of freedom involves a tacit agreement between people who have willingly come together to form a civil society. By this, anyone who refuses to conform to the 'General Will' (after he/she has willingly decided to be part of it) is forced to do so by the whole body politic. That means he/she shall be 'forced to be free', since it is by obeying the 'General Will', that the individual in the society is authentically free. By employing the method of analysis, this paper reflects on Nigeria's socio-political reality. It contests that there is a deficit of rule of law in the country's political structure. In the final analysis, the research notes that this deficit can be corrected through the adoption of Rousseau's theory of freedom which can ensure a viable and virile civil society imbued with a

qualitative leadership.

Keywords: Good Governance, Jean-Jacques Rousseau, Nigeria, Rule of Law, Theory of Freedom, Qualitative Leadership.

Introduction

A perusal of the major concerns of the rule of law reveals its affinity with other concepts that sustain a civil society such as constitutionalism, good governance and democracy. In the administration of any polity as a defined structure, the role of the constitution as the legal framework within which policies and laws are fashioned is sacrosanct. Every constitution whether written or unwritten has a philosophy behind its establishment (Egwu, 2020:29). The document is the reference point especially in a constitutional democracy that is purportedly being practised in Nigeria with much of its principles imported from the Great Britain at Independence. If properly experimented, the parameters for ensuring good governance through the rule of law must have already been clearly documented in the constitution. It is then logical to conclude that the relationship between constitutionalism, rule of law and good governance is inseparable (Ifedayo & Akomolade, 2012:69). It is therefore not surprising when Charlie Nwekeaku avers that "these three concepts; namely, the rule of law, democracy and good governance are so interrelated that one is tempted to liken their relationship to that of Siamese twins. Their relationship is so intricately linked that, sometimes, one wonders where one stops and the other begins." (Nwekeaku, 2014:26). There is no doubt that the idea expressed by this phrase is meant to spell out, without vagueness or ambiguity the roles of the governing and the governed. It is therefore pertinent to reflect on the main claims present in the

rule of law and reveal the connection(s) between the phrase, democracy and good governance vis-à-vis what obtains in Nigeria's political clime.

Through the employment of critical analysis, this research intends to reflect on the principles of the rule of law in Nigeria and how its operation can be guided by Rousseau's principle of the 'General Will' as embedded in his theory of freedom. Thus, there are five sections in this paper. The first is this introduction. This is followed by another section on the rule of law and its modus operandi in Nigeria. The third part of this paper examines Rousseau's theory of freedom. In the fourth section, the application of Rousseau's theory to the practice of the rule of law in Nigeria is undertaken as the final section summarises and concludes the study.

The Rule of Law in Governance

The meanings or contents of the concept of the rule of law vary. Nevertheless, it is worth hinting that the doctrine of the Rule of Law is one of the pillars upon which democracy and good governance are established. Historically, the concept is rooted upon the theories of early philosophers, who in their own ways proffered various definitions to the doctrine. Aristotle expressed the view that the Rule of Law was preferable to that of any individual (Aristotle, 1916:39). The rule of law, according to Agu, is a dynamic concept and principle which is employed not only to safeguard and advance the civil and political rights of the individual in a free society, but it is also used to establish social, economic and cultural conditions under which his legitimate aspirations and dignity may be realized (Agu, 2009). John Locke *(Locke 1690)* perceives the Rule of Law as *standing rule in the made by the legislative power created in it, and free from*

arbitrary will of another man. What John Locke means in essence is that the Rule of Law indicates how all governmental powers were to be exercised and determined by reasonably laid down laws and not by the whims and caprices of anybody or authority (Aihe, 2005:19).

For Aristotle (1916), the rule of law is preferable to that of any individual. During the Medieval Ages, the world was governed by laws, human or divine, and that the king ought not to be subject to man, but subject to God and to the law, because the law makes him king. Anthony Mathew summarises the doctrine of the rule of law as follows: (a) that the law touching on the basic rights of citizens shall be narrowly and precisely drafted so as to constitute a clear guide to official actions and citizens' conduct; and b) that the application and interpretation of such laws shall be under the control of impartial courts operating according to fair procedures (Matthew, 1988:219).

The rule of law simply means that law rules or reigns (Nwabueze, 1985:3). This presupposes a situation where everything is done in accordance with the law thereby excluding any form of arbitrariness. The concept is adopted in the developed societies where democracy has long been a way of life of the people and where despotism or dictatorship is no longer the order of the day. It connotes that the citizens in relationship amongst themselves and in relationship with the government bodies and their agencies shall be obligated unto the law which shall not be ignored by anyone except at his peril; if ignored by the government that will promote anarchy and executive indiscipline capable of wrecking the organic framework of the society (Pat-Acholonu, 1995:43). It is a way of preventing the abuse of discretionary power. It accords with the dictates of reason that the court should use its awesome power to make the government of the

day rule by principles recognized in civilized societies and bound by the pronouncements of the courts.

However, the first attempt at reducing the idea of the rule of law to precise legal form was by Professor A. V. Dicey in his lecture on English Law at the University of Oxford in 1885. His definition has since become widely accepted and authoritative of the concept (Phillips, 1957:31). According to him, the concept of the Rule of Law connotes three things. Firstly, it connotes the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness, of prerogative, or even of wide discretionary authority on the part of the government. Dicey explains that "Englishmen are ruled by the law, and by the law alone, a man may be punished for a breach of the law, but he can be punished for nothing else (Dicey, 1990:202)." What this means is that governmental powers must be exercised in accordance with the ordinary prescribed laws of the land. Some scholars believe that to some extent, the courts in Nigeria have adhered to this principle (Mohammed & Ajepe, 2012:69).

Secondly, it means equality before the law, or the equal subjection of all classes to the ordinary laws of the land administered by the ordinary law courts. In this sense, the concept of the Rule of law excludes the idea of exemption of any officials or others from the duty of obeying law which governs other citizens or from the jurisdiction of the ordinary tribunals or courts (Dicey, 1990:202). Thus, every person, irrespective of status is subject to the ordinary law of the land. However, Dicey himself admitted that this idea of equality before the law ought to be subjected to some modifications in view of the fact that some Acts of Parliament had given judicial or

quasi-judicial powers to executive authorities. There are also some exemptions from liability based on public policy granted to judicial officers such as the president, vice president, state governors and deputy governors, legislators, members of diplomatic corps, public officers, etc. A further limitation to this second definition of the concept of the Rule of Law by Dicey is the fact that there are numerous tribunals established in Nigeria, for example, which in the real sense of the word, are no courts as envisaged by Dicey.

Thirdly, according to Dicey, the rule of law may be used as a formula for expressing the fact that with us, the laws of the constitution, the rules which in foreign countries naturally form part of a constitutional case are not the source but the consequence of the right of individuals as defined and enforced by the court. In other words, in Dicey's view, the doctrine of the Rule of Law may be said to mean the existence and enforcement of certain minimum rights usually preserved by the Constitution. These rights are found in most national constitutions as in Chapter Four of the 1999 Constitution of the Federal Republic of Nigeria (as amended), African Charter on Human and Peoples' Rights and other regional and international Bills of Rights.

From Dicey's three meanings, it could be inferred that in any given society, before the Rule of Law could be said to exist, the following must be in place: (a) supremacy of written regular law made by the lawmakers (b) certainty and regularity of law (c) absence of arbitrary or wide discretionary powers of governments or its agencies (d) equality before the law (e) administration of the law by the ordinary law courts (f) enforcement of some minimum rights (g) independence of the judiciary.

In addition to the foregoing, it is helpful to point out that the rule of law is not the exclusive preserve of any single government, it transverses all actions and jurisdiction. It is a universal concept. The International Commission of Jurists has attempted to throw light on the doctrine. In 1955, in Athens, the Commission declared that the rule of law means that law must bind the state like the governed; all governments must respect individual's rights and provide effective means of enforcing such rights; that judges must adhere to the rule of law and adjudicate without fear or favour. They must resist attempts from any quarters to jeopardize their independence in the performance of their duties. Lawyers all over the world must guide the independence of their profession and uphold the rule of law in the practice of their profession (Mohammed & Ajepe, 2012:2).

So far, this study has been able to take a look at the concept of the rule of law from different perspectives. Since the primary aim of the discourse is to reflect on the practicability of the concept in Nigeria vis-a-vis J.J. Rousseau's theory of freedom, the next section does justice to this as we proceed therein immediately.

Jean-Jacques Rousseau's Theory of Freedom

The theoretical framework within which this research is carried out is Jean-Jacques Rousseau's Ethical Theory of Freedom. The substance of this theory is that freedom is the primary political value. It emphasizes individual rights and seeks a society characterized by the rule of law, where governmental power is limited. It is now time to reflect on Rousseau's theory of freedom.

Rousseau's Ethical Theory of Freedom is embedded in his General Will. By this theory, freedom is innate and natural in man. Man

enjoys his full freedom in the state of nature which Rousseau views as idyllic and peaceful. But as a result of the infrequent interaction of men in this state, they cannot develop their full potentials. When they make an attempt to socialize, they end up destroying each other's freedom. According to Rousseau, unless a new political association is found, men will completely destroy each other. This leads him to be concerned with the question of how to form an association in which men will be subject to the control of the community and at the same time be as free as they are naturally (in the state of nature). According to Rousseau, this situation occasioned the coming together of men to form the civil society by entering into social contract. In entering the social contract, Rousseau thinks that freedom is so great a good that it would not be reasonable for anyone to give up his freedom to any other person or group. On this, he writes:

> By giving up freedom, a man debases his being: by giving up life, he annihilates it in so far as he can, and since no worldly goods could compensate for the loss of either life or freedom, renouncing them at any price at all would be an offence against both nature and reason (Rousseau, 1994:75).

What he considers to be reasonable is that one should give up one's independence in favour of the 'general will', since the 'general will' is not something imposed on one by others, but is by definition part of what one wants oneself. Therefore, if the Social Contract is to be something that a reasonable man can, and indeed must, engage in, the sovereign set up by it must be a person or body of people whose will is the 'general will' and nothing but the 'general will' (Hall, 1973:93). Since the 'general will' comes from all, only the whole community could reasonably be set up as sovereign by the social

contract. Even then, it is not the whole community as such that is made sovereign, but only the whole community in so far as it is exercising the 'general will' (Hall, 1973:93).

Rousseau's whole argument depends upon the fact that a community of citizens is unique and coeval with its members; they neither make it nor have rights against it. It is an 'association' not an 'aggregation', a moral and collective personality. The 'general will' therefore, represents a unique fact about a community, namely, that it has a collective good which is not the same thing as the private interests of its members. The 'General Will' is therefore, simply the will of the sovereign. By sovereign, Rousseau means the people legislating jointly in a given society. The 'general will' is embodied in the basic laws which they make. The fact that an enforced rule is chosen by the 'General Will' is what makes it a law (stipulated rule in a society), and what makes it morally obligatory for people to obey. But sometimes the 'general will' seems to mean not what people do collectively agree to, but what it would be rational for them to agree to.

In formulating his General Will Theory, Rousseau studies human nature, in which he discovers that man is naturally good but that it is the society that has corrupted him (Rousseau, 1913:vii). On this, he writes:

> Our natural passions are few in number; they are the means to freedom, they tend to self-preservation. All these passions which enslave and destroy us have another source; the society. Nature does not bestow them on us; we seize on them in her despite (Rousseau, 1913:173).

According to Rousseau, by virtue of man's good nature, he will obey

the collective will, which is the authentic, general decision of the society. This will make democracy possible. But as a result of the corrupting influence of the society on him, man is likely to be solely motivated by self-love, and this will make him to engage in acts that can be detrimental to the well-being of the polity, the continuance of which will make society impossible. On this, let us hear from Rousseau himself:

> In fact, each individual, as a man, may have a particular will contrary or dissimilar to the general will which he has as a citizen. His particular interest may speak to him quite differently from the common interest: his absolute and naturally independent existence may make him look upon what he owes to the common cause as a gratuitous contribution, the loss of which will do less harm to others than the payment of it is burdensome to himself; and regarding the moral person which constitutes the state as a *persona ficta*, because not a man, he may wish to enjoy the right of citizenship without being ready to fulfill the duties of a subject. The continuance of such an injustice could not but prove the undoing of the body politic (Rousseau, 1913:15).

This condition makes rigorous enforcement of law inevitable. Consequently, Rousseau holds that there is the need for the civil society to compel its erring members to obey its laws; otherwise the society will not endure, except by a combination of accidents that may cease to exist at any moment. He writes:

> In order then that the social compact may not be an empty formula, it tacitly includes the undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be compelled to

> do so by the whole body. This means nothing less than that he will be forced to be free; for this is the condition which by giving each citizen to his country, secures him against all personal dependence. In this lies the key to the working of the political machine; this alone legitimizes civil undertakings, which without it, would be absurd, tyrannical and liable to the most frightful abuses (Rousseau, 1913:15).

In his General Will, Rousseau, in a way, agrees with Thomas Hobbes' estimates of man's nature: that man is bad. Unlike Hobbes however, he holds that man is also naturally good. He thus urges that, "above all, let us not conclude with Hobbes that man is naturally wicked" (Rousseau, 1994:44). In this respect, he is in agreement with John Locke. While Hobbes emphasizes the negative aspect and so holds a pessimistic view of man's nature, Locke believes only in the positive aspect of man's nature, and so his view of man is optimistic.

As a result of this, it is not always the case that individuals' wills will correspond with the General Will. This may make an individual in the society to act contrary to the General Will. The individual may then trample upon the rights of others, the continuance of which will make society impossible. To guide against this, Rousseau thus postulates his 'forced to be free' doctrine (Ethical Theory of Freedom, contained in his General Will), that any member of the civil society who refuses to obey the General Will, should be forced to do so by the body politic which consists of all the members of the community (Rousseau, 1913:15). By this, Rousseau hopes to make an individual in the society to obey the law always and consider the welfare of others in his actions and inactions by involving everybody

in the society in the act of law enforcement. For him, this is the only way the well-being of the individual and that of the society can be ensured. For it is in obeying the General Will, that the individual becomes authentically free.

For Rousseau, even if the laws are adequate in dealing with societal ills, unless they are scrupulously enforced, they may aggravate the situation. And if this is allowed to go unchecked, it will mar the societal order and harmony. According to Rousseau therefore, the need for the State to strictly enforce its laws becomes a categorical imperative. This is because it is only this way the resulting order will lack the invariability and necessity characteristic of what obtained in the state of nature. Also, once made by the sovereign exercising the 'general will', the laws will be rationally justifiable, and so their enforcement will ensure that their superiority over the whims and caprices of individuals is not fictitious, but efficacious; otherwise, the laws will be precarious and so will their effects.

Writing on the need of the society to force its erring members to obey its law, Campbell S. Momoh said:

> A doctrine in African ethics says that man is free to be good, but that man can also be forced to be good. As regards the issue of man being free to be good, experience has shown that man has not lived up to expectation. So, the remedy has been to fall back on the alternative proposition, which is that man can be forced to be good (Momoh, 1993:71).

As can be seen therefore, man's capacity for justice (by virtue of his natural goodness) makes democracy possible, but man's inclination to injustice (through his selfish nature) makes rigorous enforcement

of law necessary. The question is why should law be rigorously enforced? Evidently because a stable society in which order is preserved, property protected, goods exchanged without hindrance is not possible without it. Rousseau's study of human nature therefore makes him to found democracy on rigorous enforcement of law in order to make it effective. In Rousseau's view, enforcement of law goes beyond law enforcement agents, it involves everybody in the society, and it also entails the employment of reasonable force (where necessary) in enforcing societal laws. Reasonableness in this context is dictated by the whole body (the sovereign - acting as the General Will in action). The theory is therefore formulated within the bounds of liberalism; and this is what makes it attractive.

A Reflection on the Applicability of the Rule of Law in Contemporary Nigeria

What has been the lot of the concept of the rule of law in Nigeria? Has it been upheld as supreme or has it suffered bashing from the various governments irrespective of their political toga, be it military or civilian? In order to appreciate how well or how bad the rule of law has feared in Nigeria, the concept would be treated under two periods; namely, military and civil rules.

At independence, Nigeria adopted the parliamentary system of government inherited from her colonial master, the United Kingdom. Later after series of coups and counter coups, the presidential system was opted for (Umezurike, 2018:707). The Constitutions in Nigeria, starting from 1960 to the present 1999 Constitution (as amended) have always provided for democratically elected governments (Mohammed & Ajepe, 2012:4). However, Nigeria has experienced a long period of military rule from 1966 to

1998, with only intermittent civil governance. Military administration is necessarily a regime of force. Its manner of coming to power is usually a forceful entry into governance, usurpation of the existing political and constitutional orders in a manner not contemplated by the constitution. What is striking is the fact that on attaining power through the barrel of the gun as against the ballot box, the military junta usually proclaimed the rule of law as the cornerstone of their administration (Agbaje, 1995:21). For example, the late Major General Idiagbon of the Buhari/Idiabgon Military era (1984–1985) alluded to the rule of law when he stated that, "…stable government is absolutely impossible anywhere in the world if the governed are denied their rights and they have nowhere else to seek redress. Events have, however, shown that military leaders only paid lip service to the rule of law ((Mohammed & Ajepe, 2012:4-5). Military administration is necessarily a regime of force. Its manner of coming to power is usually a forceful entry into governance, usurpation of the existing political and constitutional orders in a manner not contemplated by the constitution.

In Nigeria, starting from the First Republic, all democratic processes were brought to a complete halt following the military *coup d'état* of January 1, 1966. Although Decree No. 1 of 1966 left large part of the 1963 Constitution intact, including Chapter 3 which dealt with Fundamental Human Rights, thus safeguarding (at least in theory), the rule of law. However, Section 6 of Decree No. 1 of 1966 provides inter alia: "No court of law shall question the validity of any decree or edict" (See *the Nigerian Decree No. 1 of 1966).* This, in effect, means that no action of the executive can be challenged in court under a military dictatorship.

Subsequently, the Nigerian military ruled by decrees which are patently unconstitutional and are often flagrant violation of the principles of the rule of law guaranteed to the people under the constitution. So, it is clear that gross violation of the principles of the rule of law came into sharper focus under military regimes in Nigeria. Unfortunately, however, it happens under democratic rules in the country. In the Nigerian Constitutions, for example, the fundamental rights are explicitly *provided for*. Under the 1979 Constitution of the Federal Republic of Nigeria, the situation in which arbitrary use of power by those in government was most evident was in the application of the doctrine of *Nolle Prosequi*. "The common law doctrine of *nolle prosequi* simply means unwilling to prosecute. It is a motion by the plaintiff in a civil suit or by the prosecution in a criminal action, by which the prosecutor declares that he will not further prosecute the case, either as to some of the defendants or altogether (Adekoya, 1990:41).

By this doctrine, in a criminal case, the prosecution may stay or discontinue the proceeding at any stage before the delivery of judgement, in respect of the accused person or persons, or in respect of only one or some of them. This is what obtains under the Constitutional Convention of Great Britain, along which the Nigerian Legal System was fashioned. Under the Convention, the Director of Public Prosecution (DPP) exercises *nolle prosequi*. The reason for this is based on the fact that the DPP is supposed to be an independent umpire, whose duty is that of protecting the state and the public, by ensuring that only people who actually commit crimes are prosecuted.

Thus, the DPP has unencumbered discretion to determine cases

which shall be prosecuted, and those that should not, and in respect of cases where criminal prosecution has commenced, either by himself or any other persons or bodies, whether they shall be discontinued (Adekoya, 1990:42). There are several justifications for the delegation of power to the DPP. However, the prominent explanation that has been adduced is that the Attorney-General being a member of a political party is less likely to be faithful in protecting and preserving public interests (See *The Guardian, October 18, 1988)*.

Under the Nigerian Independence Constitution of 1960, this practice was incorporated in Section 97(5), which provided that the DPP of the Federation shall have power in any case to discontinue at any stage before judgement is delivered in any such criminal proceedings instituted or undertaken by himself or any other person or authority (S.97 (5), 1960 Constitution of the Federal Republic of Nigeria).

In the Republican Constitution of 1963, by Section 104, the office of the DPP was retained, but the office of the Attorney-General was superimposed over it. Thus, the power to discontinue criminal prosecutions hitherto exercised solely by the office of the DPP was now exercised by the Attorney-General. In the same vein, under the 1979 Constitution (as amended), the position of the 1963 Constitution was provided for unambiguously in Sections 160 and 191 respectively. This power is also provided for in the Criminal Procedure Act, 1958.

Under the 1979 Constitution, the Attorney-General still exercised *Nolle Prosequi*. However, the continued vesting of this enormous power in the Attorney-General, who plays a dual role of a politician

and a Chief Law Officer, has raised serious questions, criticisms and fear. The fear emanates from the partisan exercise of the power and its abuse. There was a report about an Attorney-General in one of the states in 1982 who filed a *nolle* on behalf a client whom he had been representing in the Magistrate Court before he was appointed into office (see*The New Nigerian, June 5, 1982)*.

Also, during the Second Republic in Ondo State, *nolle* was entered in respect of some accused persons because they belonged to the party in power. Another instance was in the then Bendel State (Now Edo and Delta States) in 1982. The then Commissioner of Police for that state, irked by the rate at which the state Attorney-General entered *nolle* on filmsy excuses, called a Press Conference to disclose this to the public (see *The National Concord, July 15, 1982:1).* The only defence to that allegation in a counter Press Conference called by the Attorney General of the state was that the test to be adopted under Section 191 of the 1979 Constitution is according to his (the A-G's) own judgement.

In the Fourth Republic, under the 1999 Constitution (as amended), a *nolle* was also entered by the then Oyo State Attorney-General in the murder case of the former Minister of Justice and Attorney-General of the Federation, Chief Bola Ige in a controversial circumstance. Lead prosecution counsel in the trial of suspects charged for the murder, Chief Debo Akande (SAN) had to withdraw from the case citing his displeasure with the decision of the Attorney-General to enter a *nolle* in favour of the accused persons without consulting him. The A-G, however, said he needed not seek the opinion of anybody before entering a *nolle prosequi*. There are other numerous examples.

It needs to be pointed out that Nigeria operates three levels of government; which are the federal, state, and local, as recognized by the constitution of the Federal Republic of Nigeria. Among the holders of elected positions, there exist some inequalities concerning functions. The president is the first citizen of Nigeria, as such, is greater than every other citizen in the country. The vice-president is the number two citizen in the country. The governor is also the first citizen in his/her state while his/her deputy is regarded as the number two citizen in that state. Many other public holders (either elected or appointed) also have enormous influence in the day-to-day administration of the society. It needs to be pointed out that the Nigerian Constitution gives immunity power to these categories of public office holders from civil or criminal proceedings while in office. This is not in the best interest of the society because in Nigeria, public office holders consider being in government a privilege, and not a responsibility. So, giving them this enormous power is a way of encouraging mass corruption and embezzlement of public funds by politicians. Unfortunately, Nigerian courts have extended this privilege to these public office holders after leaving office, thereby making it impossible to bring actions against their unlawful activities while in office.

Hence, the rule of law in Nigeria is a mask for the rule of a class - its stronghold in the control of power under any given regime (democracy or authoritarian rule). The application of the rule of law in Nigeria has established an unwholesome social and political order in which the rich prey on the poor, the politicians on the electorate, the governments on the citizens, the capitalists on the workers, the police on the hapless and defenceless citizenry, etc. (Kwaghga, 2011:6).

Going by numerous such instances, one can say that what we have in Nigeria today is pseudo democracy. This is so because as long as there is no just order standing on negotiated consensus, our democracy cannot be a precursor of the rule of law, and our continuous claim to it would be mere pretensions. The application of the rule of law in Nigerian democracy is clearly bound up with class relations. Law in Nigeria is part of the superstructure adapting itself to the necessities of an infrastructure of productive forces and productive relations. As such, it is clearly an instrument of ruling class. It defines and defends the ruling class' claim upon power and authority, resources and property relations. It determines who controls what, when and how, and mediates class relations and the struggle for power with a set of appropriate rules and sanctions, all of which ultimately confirm and consolidate existing class hegemony.

Reflecting on Rousseau's ideas, this study recommends that contemporary societies must be ready to hold people's views in high esteem and allow the law to rule. The people's interest in the law should be upheld. Our leaders' actions should be governed by law rather than by their selfish interests. The said law of the land must therefore be made to reflect human face and its adjudication must not be selective nor delayed.

Conclusion

This study has concerned itself with the concept of the rule of law. It commenced by showing the origin, meaning and scope of the rule of law as propounded by A.V. Dicey and several other scholars. After deep reflection, it is the submission of this study that in order to ensure good governance anchored on the rule of law, the rulers and the ruled must submit to the ethos of civil society. The study notes

that the experience of Western Europe shows that civil society emerged as a counter weight to monarchical and semi-feudal institutions that continued to treat the political arena as the private domain of kings (Kukah, 1998:79).

As could be seen from the above experiences, therefore, the claim that the supremacy of the law is an important element of the rule of law is a falsity in the Nigerian democratic practices. This is so because the political class in the country considers being in government a privilege, and not a responsibility. Unfortunately, the Nigerian Constitution gives the public office holders this type of privilege, which is not in the best interest of the society. As Jean-Jacques Rousseau rightly states, men made these rules. (Orji, 2023:45) alluded to Rousseau's view when he opined that, "Our constitution was prepared by men, not gods." It is ultimately, the view of this study, therefore, that the society should make laws that would adequately put public office holders in check.

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