

Philosophy of the State and Power Shift in Nigeria: A Historical Discourse

Arinze C. AGBANUSI

Department of Philosophy, Nnamdi Azikiwe University, Awka, NIGERIA

Abstract

This work does a hermeneutics of the operational philosophy of the state of Nigeria since her independence in 1960, and consequently does a historical discourse of power shifts in the country. This is done with a view to suggesting that the nation is better off with the rule of law philosophy of state which is in tandem with the nation's acclaimed democracy. It traces the origin of Nigeria and narrates how the mantle of the nation's leadership was changed from one leader to another, often military men or ex-military men. The paper observed that the operational philosophy of the state of Nigeria over the years, has been the Thrasymachian principle that might is right. The paper notes that even when the nation changed to civil rule, there was no departure from this Thrasymachian or Machiavelian ideology. The paper expresses the view that this ideology can only lead the nation to retrogression and devastation. The paper concludes that only the 'rule of law' philosophy of the state can help the nation achieve progress and development. The paper is convinced that the institution of the rule of law philosophy is a function of leadership and can only be done through the practice of the ideals of true democracy.

KEY WORDS: Philosophy, Power-shift and State.

Introduction

The Berlin West African conference held in November 1884 through January 1885 at the instance of the German Chancellor, Otto Von Bismark. At that conference, the official sanction for the colonization of African countries was given. Thus European countries including Britain, France, Spain, Portugal and Belgium began to scramble for African nations. The territory which is today known as Nigeria was occupied and dominated by Great Britain. The entity called Nigeria actually came into official existence on the 1st of January, 1914, following the British amalgamation of the Northern and Southern protectorates. Nigeria became a sovereign nation when, on the 1st of October 1960 she got her independence.

The election which ushered in the First Republic was held in December 1959. The Northern Peoples' Congress (NPC) won the highest number of seats, 148 in all, in the

House of Representatives. The National Council for Nigeria and the Cameroons (NCNC), which was in an alliance with the Northern Elements Progress Union (NEPU) won 89 seats, and the Action Group (AG) which had also allied with the United Middle Belt Congress (UMBC), won 75 seats. The NPC eventually formed a coalition with the NCNC and under the arrangement, the Deputy leader of the NPC, Abubakar Tafawa Balewa became Prime Minister and Head of Government. Dr. Nnamdi Azikiwe, who had given up his premiership of the Eastern Region in 1959 to lead his party at the federal level, became the Governor-General which made him the representative of the British monarch as head of state. He replaced Sir James Robertson, the last British Governor-General.

On 1st October, 1963, Nigeria became a Republic. This brought to an end the arrangement whereby the British monarch functioned as the Head of state. Dr. Nnamdi Azikiwe became the President which made him the Head of state. By 1964, most Nigerians had become disenchanted with the political leadership of the first republic. Many began to express doubts about the possibility of the survival of the system. Others simply waited for the proposed election of late 1964 where they hoped to be able to change the structure of the system. Unfortunately, the 1964 election turned out to be a farce. All forms of malpractices were perpetrated. The election was between two coalition parties: United Progressive Grand Alliance (UPGA) which was a coalition of NCNC and AG among others, and the Nigerian National Alliance (NNA) which was a coalition of NPC and some others.

The result of the rigged elections which declared Balewa winner was rejected by UPGA but accepted by NNA, which was favoured. Since the results were disputed, Nigeria's president Dr. Nnamdi Azikiwe declined to call Sir Tafawa Balewa on 2nd January 1965. However, seeing that Nigeria was on the brink of collapse, Parliament having been dissolved before the elections, Dr. Azikiwe reluctantly called Sir Balewa to form a compromise government on 4th January, 1965. The major criticism against Sir Balewa's government was his failure to declare a state of emergency in western Nigeria in 1965 as was widely expected in order to restore law and order in the region owing to rampant cases of day-light lootings, arsons and assassinations, amongst other vices.

In the early hours of January 15, 1966, a group of young army officers, led by Kaduna Nzeogwu, struck via a violent coup, killing Sir Ahmadu Bello, who was the Premier of the Northern Region. Also killed was Chief Akintola. Tafawa Balewa, the Prime Minister and Chief Okotie Eboh, the Federal Finance Minister, were abducted and their bodies were discovered a few days later. Apart from Nzeogwu who led the coup, some other members of the group were Major Emmanuel Ifeajuna, Major Donatus Okafor, Major Humphrey Chukwu, Major Adewale Ademoyega, Captain Christian Anuforo and Captain Timothy Onwuatuegwu. By the time the coup took place, the country was really on the brink of collapse. According to the coup leaders, "we seized power to stamp out tribalism, nepotism and regionalism. (Ojiako, 1980:2).

In the prevailing confusion, the rump of the Federal cabinet called in Army commander, Major-General Johnson Thomas Aguiyi Ironsi, to take over the reins of government and restore order. Ironsi was successful in this for some time, but soon after, tension began to rise once more. Ironsi's decision to twist the federal structure to the unitary form of government, which northern elders resented, triggered off plans to topple his government. In fact, northern military officers believed that Ironsi was out to destroy the federal character of the nation and to impose the domination of the eastern Region over the rest regions. Part of his undoing was that he retained some of his aides whose loyalty had become in doubt. On July 29 1966, there was a counter-coup against Ironsi's regime, and Ironsi and Adekunle Fajuyi were killed.

The counter-coup had been accompanied by general lawlessness and insecurity as there was no central government in Nigeria for three days. On August 1, 1966, Lieutenant-colonel (now General) Yakubu Gowon, a northern Christian, became Nigeria's second military head of state. From May 1966, when Ironsi announced the abolition of the regions and the establishment of a unitary government up to when Gowon became head of state and through to October, 1966, the Hausa persistently attacked the Igbo in the North, killing an estimated fifty thousand of them (Ostheimer, 1973:64). As a result, lieutenant-colonel Ojukwu called for the return of all the Igbo from all over the country. The political climate continued to degenerate day by day. The two things which Ojukwu found difficult to accept were the killing of the Igbo and the emergence of Gowon as Head of state. The bad situation was made worse when in September and October, 1966, the killing of the Igbo continued in the north. With this development, Ojukwu and his fellow Easterners became skeptical about the possibility of resolving the Nigerian crisis. Not even the intervention of the Ghanaian leader, General J.A. Ankrah and the subsequent meeting which he arranged with Ojukwu and Gowon and other Nigerian leaders at Aburi, Ghana, made the desired difference.

On May 27, 1967 the Gowon government moved to break the existing four regions into twelve states. This also meant a dismemberment of Ojukwu's Eastern region to three states and the removal of the oil-rich part of the old region which now fell under Rivers state. Moreover, the East Central State, which was the core Igbo state that Ojukwu was left with, was landlocked. Of course, Ojukwu rejected this new arrangement, and on May 30, 1967, he declared the Republic of Biafra. War had become inevitable. Both sides used the month of June to prepare, and on July 6, 1967, the guns began to sound. The Nigerian civil war had begun. Thus, the imbroglio which trailed the July, 1966 coup d' etat culminated in the Nigerian civil war which lasted from July 6, 1967 to January 15, 1970. Within and after the Biafra/Nigeria cataclysm, Gowon remained in power. One of Gowon's weaknesses was his continual shifting of the date of transition to a civilian government. On July 29, 1975, his government was overthrown through a military coup led by Brigadiers Murtala Muhammed and

Olusegun Obasanjo, while he was attending a Commonwealth conference in Kampala, Uganda. Murtala became Nigeria's third military head of state.

Murtala spent only 201 days in office as he was murdered in a haste via an abortive coup led by Bukar Suka Dimka on February 13, 1976. In his short stay in office, one of Murtala's achievements was the setting up of a panel headed by Justice Akinola Aguda to examine issues relating to the building of a new Federal Capital territory. This was the panel that recommended Abuja as a suitable site. Following Murtala's assassination, his deputy, Olusegun Obasanjo assumed office the same day, February 13, 1976, as Nigeria's fourth military Head of state. Probably, due to the high political tension in the country, Obasanjo willingly relinquished power on October 1, 1979, to Shehu Shagari, a civilian, as the first executive president of Nigeria.

By the second republic, Nigeria had abandoned the parliamentary Democracy which was a British colonial legacy and adopted the presidential system from America. However, the second republic was sent to an early grave as what was to be Shagari's second tenure was quashed on December 31, 1983, courtesy of a military coup d' etat which ushered in Muhammadu Buhari and Idiagbon into power. This regime made many decrees including decrees 2, 3, and 4. Some people considered the regime too harsh while some others felt it was suitable for the high level of corruption in the country. On August 27, 1985, less than two years after, Ibrahim Babangida usurped power from Buhari and Idiagbon. Soon after assuming office, he repealed some of the decrees of the Buhari /Idagbon regime but later made his own decrees.

While Ibrahim Babangida was in power, the journey into the so-called third republic started in 1990 with the conduct of local government elections. It continued with gubernatorial elections in 1991. But the result of its Presidential election held on June 12, 1993, which Moshood Abiola appeared to have won, was annulled by Babangida on June 23, 1993, to the condemnation of most Nigerians and the international community. The election was between Chief Abiola of the Social Democratic Party (SDP) and Alhaji Bashir Tofa who was the flag-bearer of the National Republican Convention (NRC). Thereafter, Babangida clung unto power until when the condemnations and the riots which accompanied the annulment of the June 12 election forced him to step aside on August 26, 1993 (exactly eight years after assumption of power). Babangida was compelled to hand over to an Interim National Government (ING) headed by Chief Ernest Shonekan. In less than three months (precisely 82 days) after assumption of office, Shonekan was pushed aside by Sani Abacha on November 17, 1993. Abacha clinched power and taught Nigerians bitter lessons. Repression and political killing became the order of the day. A local adage has it that the man who kills people by cutting off their heads never feels comfortable having behind him a man with a machete in hand. Owing to the great terror and tension in the country then, Abacha expended huge sums of money on his personal security. For instance, Akpan (1998) reports that when he made Hamza Al-Mustapha, a major, his Chief security officer, he (Mustapha) introduced a new security arrangement which cost the nation a lot of money.

The new security arrangement constituted of a 3000-member strong strike force commandos, trained by Israeli and Korean experts in martial arts, sharp-shooting and the use of sophisticated weapons. Abacha bought for them 100 GMC cars, each of which was manned by a team of, at least, three commandos and a commander. Each of the cars was fitted with enough arms and ammunition to withstand an assault from an army unit for at least 30 minutes before calling for reinforcement. In fact, it can be said that the absolute power which Abacha wielded intoxicated him absolutely. He died mysteriously on June 8, 1998.

With Abacha's death on June 8, in what some people referred to as a *coup from heaven*, he was replaced by General Abdulsalami Abubakar as head of state on June 9, 1998. Nigerians, having been sick and tired of military regimes and failed transition programmes, the primary assignment of the government of Abdulsalami Abubakar was to quickly organize a transition programme that would lead to the installation of a civilian government in the shortest possible time. Abdulsalami released political detainees of the Abacha tyranny, including Olusegun Obasanjo, former Sultan Ibrahim Dasuki, Beko Ransome Kuti, Olisa Agbakoba, Olu Falae, Dr. Fredrick Faseun, Alhaji Sule Lamido, Mrs Chris Anyanwu and Alhaji Abubakar Rimi. Curiously, General Abdulsalami Abubakar did not release the most prominent of the political prisoners - Chief M.K.O. Abiola. The mysterious death of Abiola in detention on July 7, 1998 put a big question mark on the Abdulsalami Abubakar regime.

However, Abdulsalami announced the cancellation of the Abacha regime and put in place a new transition programme which produced retired former head of state, Olusegun Obasanjo as the President-elect. Obasanjo, who was the flag bearer of the Peoples' Democratic Party (PDP), won Olu Falae who was the candidate for both Alliance for Democracy (AD) and All Peoples Party (APP). Earlier, in the PDP primaries, the high hopes of Dr. Alex Ekwueme, who was favoured to snatch the party ticket from Obasanjo, was dashed by one Jim Nwobodo whose emergence in the primaries cut Dr. Ekwueme's votes, as both men were from the same South East. This act, considered by many easterners as unfavourable, weakened Ekwueme's chances. By and large, on May 29, 1999, Olusegun Obasanjo was sworn in as Nigeria's president. In the fourth Republic, Obasanjo served two terms of four years each before handing over to President Umaru Musa Yar'Adua on May 29, 2007.

The Philosophy Of The Nigerian State From Independence To May 28, 1999

One of the definitions of the word, 'state' is that it is a country considered as an organized political community, controlled by one government. Consequently, the term, 'Nigerian state' as used here, refers to Nigeria considered as an organized political community, controlled by one government. Similarly, the definition of the word, philosophy, which applies to its usage here, is the definition that it is an attitude to life which guides behaviour. In other words, it is the guiding principle which manifests in behaviour or actions. The implication here is that when we talk about the

philosophy of the Nigerian state, we are talking about the guiding principle of the Nigerian state as made manifest in the behaviour or actions of Nigerian leaders. Since the guiding principle depends on behaviour or actions, it means that it is an implicit phenomenon and not an explicit one. In other words, it is not necessarily what is said to be the case by the leaders or actors in question, but what is observed to be the case, based on the actions of the leaders or actors. That is what constitutes the philosophy of the Nigerian state at any point in time.

Considering the history of Nigeria's top leadership from 1960, when she had her independence, to May 28, 1999; it can be said that the philosophy of the Nigerian state within the period was the same as the philosophy of Thrasymachus as reported in Plato's Republic (Entreves, 1970). According to this Philosophy, Justice is the interest of the stronger for 'might is right' (Entreves, 1970). This is a case of the survival of the fittest, otherwise called the jungle justice philosophy or principle. There was a high degree of power greed and rampant cases of all sorts of indiscipline, including betrayal, among the national leaders of the time. Even in the first republic, which could be said to be the sanest part of the period in question, there was gross ineptitude and the absence of a genuine politico-philosophical ideology among the leaders. This was because most pioneers of our national political leadership were business minded. Of course, they must have been operating under the influence of the individualistic and exploitative tendencies of capitalism which had accompanied colonialism. These men saw politics as the easiest way of acquiring affluence and fame. They were not true to the song of nationalism which they sang. For instance, Tafawa Balewa's partisanship in favour of his friend, Chief Akintola, was one of his greatest undoing (Ukwuoma, 2007). Nnamdi Azikiwe was one outstanding exception in this regard. He was the only true nationalist because he was the only one who, wholeheartedly, believed in the oneness of the entity called Nigeria. All through his lifetime, Zik pursued one indivisible and indissoluble Nigeria.

After the first Republic, Nigerian political leaders seemed to come under the influence of the spell of unquenching quest for power after power. The civil war made the already bad situation worse. After the war, the value for human life had depreciated drastically as many people had learnt to use the gun, including those who had become used to killing fellow human beings. Gradually, armed robbery, hired assassination, ethnicity, nepotism, religious intolerance, official misconduct and many other forms of corruption, became more rampant, some of them taking advanced dimensions. For instance, before the war, thieves preferred to operate in hiding and in the absence of their victims. Even when they were armed, they were mostly armed with weapons that would enable them break into homes or shops. But after the war, ironically, armed robbers preferred to operate right in the presence of their victims. To face the challenge, they now began to be armed with guns and other weapons of attack and defence. Meanwhile, our military leaders at the time were too blinded by political ambition to give these issues the urge attention they deserved. With time,

these vices escalated and became the order of the day. Consequently, the Second Republic witnessed such a high level of corruption - both among the leaders and the led - that when, on December 31, 1983, Buhari and Idiagbon usurped power from Shagari, many Nigerians momentarily heaved a sigh of relief before they suddenly remembered the ugly implications of military rule.

The later part of the period under review was also a show-case of the jungle justice philosophy. In fact, this period actually betrayed the fact that military rule is an aberration of leadership. The evil of military rule was very manifest during Abacha's junta described as the reign of terror. He taught Nigerians such bitter lessons that his death on June 8, 1998 was openly celebrated by many people.

The Philosophy of the Nigerian State from May 29, 1999 to May 28, 2007.

Olusegun Obasanjo was sworn in as Nigeria's president in a civil government on May 29, 1999. Hopes were high once again that there was going to be a departure from the existing Thrasymachian philosophy. These high hopes were hinged on two factors: One, it was felt that since Obasanjo had been a military head of state, that he had what was required to transform the nation and set new goals for her. Two, it was felt that since Obasanjo had just been released from prison, that he was in the best position to appreciate the plight of the common man. Even the international community displayed tremendous confidence in Nigeria's ability to break with the 'might is right' philosophy, and adopt a new philosophy which would ensure rapid development.

Expressing hope about Nigeria's experience on May 29, 1999, Maier (2000:2) comments: "Nigeria was basking in the glow of international attention, and this time for all the right reasons...this was arguably the second most important day in African's recent history, after Nelson Mandela's installation as president of South Africa in 1994" In its early days in office, Obasanjo's government announced its resolve to tackle the corruption menace and that there would be no sacred cows. Hence, when on October 4, 1999, the government established the Human Right Violations and Investigations Commission (HRVIC), headed by retired Justice Chukwudifu Oputa, it was seen as a step in this direction. But time exposed the 'Oputa panel' to be a 'toothless bulldog; as it lacked the capacity to bring those found culpable to justice. In fact, at the end of 2000, it was clear that certain individuals remained untouchable and that it was still 'business as usual' in the conduct of government affairs. After about two years into the tenure, Obasanjo's government was generally adjudged to have performed below expectation. The consensus was that Nigeria's greatest problems remained that of lack of effective leadership.

With just about two years spent in the four-year tenure, Obasanjo and other elected officers, down to the chairman of local councils, had become engrossed in the struggle for re-election in 2003 for a second term. The political setting reflected these words of Claude Ake some years back:

We have essentially relations of power in which right tends to be coextensive with power, and security depends on the control of power. The struggle for power, then, is everything and is pursued by every means (in Maier, 2000: xv)

The uncomplimentary conduct of the 2003 election, which ushered Obasanjo in for a second tenure, was a re-affirmation of the truth in the above words of Claude Ake. In fact, some political analysts simply described the 2003 presidential election as a 'civil coup'. This view was actually shared by many Nigerians. John Odey described it as 'madness called election'. In fact, the so-called 2003 elections made Nigerians recall, with nostalgia, the electioneering processes of the 1960s, 1970s and 1980s.

It was actually in the second tenure of Obasanjo's civilian government that the philosophy of the Nigerian state under him was most manifest. In fact, the philosophy of Obasanjo's government was, at a time, openly expressed by him as that of 'Do or Die'. The "Do or Die" Philosophy is just a difference in nomenclature from the Machiavellian philosophy which actually took its origin from the Thrasymachian philosophy. Machiavelli was a political philosopher who saw power as an end in itself, and not a means to an end. In other words, whatever means that is used to possess and retain power is invariably justified by the possession of power. This implies that power should not have any moral justification. For him, power is distinct from, and should be pursued without considering morality, ethics or religion.

However, the Thrasymachian philosophy and the Machiavellian philosophy are actually the same, except that the latter is more advance and elaborate. They hold the same basic ideals which include that might is right and that justice is the interest of the stronger. In line with this philosophy, Obasanjo's government became very repressive. His repressive tendencies got to a point when Nigerians began to compare him with Sani Abacha, who was hitherto considered Nigeria's most dastardly leader. In one of such comparisons, Bamidele (2006) writes under the caption, "The making of a Tyrant": "While Obasanjo has ..., there are bold hints that he has almost digested the deceased infantry general's manual of repressive tactics". This ideology is also manifest in the former president's use of the EFCC to carry out his discriminate anti-corruption crusade. Expressing this view, Osa (2007) writes: "President Olusegun Obasanjo is no longer hiding the fact that his regime's anti-corruption crusade is selective. More so, that the Economic and Financial Crimes Commission, EFCC, is a political tool in his hand".

After his second term, Obasanjo sought to have the Constitution amended, in order to accommodate his third term bid. The failure of this desperate bid to serve a third term sparked off serious acrimony between him and all those he felt were responsible for the failure, especially his Vice - Atiku Abubakar. Once again, the 'Do or Die' philosophy came into operation. The idea was to frustrate all individuals opposed to the third term bid. Obasanjo's Vice, Atiku Abubakar, who was seen as the major stumbling block to the third term ambition, had more than his fair share in this

frustration exercise. In the same manner, all activities, including meetings, which were opposed to the third term ambition were disrupted. One of such meetings was the one scheduled by some political leaders at the Ladi Kwali hall of the Abuja Sheraton Hotels sometime in April, 2006. In attendance were Atiku Abubakr, Muhammadu Buhari, some serving governors, some past governors, 45 senators and 150 members of the House of Representatives, among others (Bamidele, 2006:23). However, the meeting did not hold as it was disrupted by a contingent of policemen and officials of the State Security Service (SSS) led by Colonel Kayode Are (SSS Director-General) and Lawrence Alobi, Federal Capital Territory Police Commissioner. As the political leaders, who were operating under the umbrella of Movement 2007 arrived the venue, they made to enter the hall, they were halted by the security men, citing instructions from above (Bamidele, 2006:23). According to Bamidele (2006:23):

Buhari appealed to them, but to no avail. Francis Amadiogwu, a member of the House of Representatives and Movement 2007, attempted to force his way into the hall. The security men moved in on him and beat him silly. He is currently receiving treatment for spinal cord injuries at the national Hospital Abuja.

Ironically, by the end of Obasanjo's government, while some Nigerians were busy comparing him with Abacha, some others felt that such a comparison was injurious to the person of Abacha. One of such Nigerians was David West, a former Minister of Petroleum Resources. Writing under the caption, 'Obasanjo Million times Worse than Abacha', Alarape (2008) quotes David West as saying: "... comparing him (Abacha) with Obasanjo is not fair. Obasanjo who poses as a moral preacher, is worse than Abacha. Abacha is better, he is an angle compared with Obasanjo".

The Philosophy of the Nigerian State under President Musa Yar'Adua

On May 29, 2007 Umaru Musa Yar' Adua became Nigeria's civilian president. In the view of many political analysts, he was actually not the fourth but the third *civilian* President of Nigeria (after Azikiwe and Shagari). As soon as he came into office, he unequivocally declared his philosophy of the rule of law. *Ab initio*, Nigerians were skeptical about the sincerity of the President's rule of law stance. However, till half-way into his tenure, he had been consistent with this posture of the 'law must rule'. Gradually, Nigerians were settling with the euphoria that the much expected transformation in the philosophy of the Nigerian state had come.

The first case of note in which Musa Yar' Adua exhibited his genuine respect for the rule of law was that of Mr. Peter Obi, Governor of Anambra State. Soon after the President's assumption of office, the Enugu high court gave a verdict on the election case between Peter Obi of APGA and Andy Uba of PDP, declaring Peter Obi the authentic governor of Anambra state. Despite being a member of the PDP, the President

accepted the verdict and ordered all those concerned to comply immediately. Even after that, many other governors and other officers (predominantly members of the PDP), had their elections upturned in favour of the rightful winners. President Umaru Yar'Adua was not known to have interfered with any of these cases, contrary to what was obtainable during the reign of "Do or Die" philosophy. The rule of law posture of President Yar' Adua had repositioned the Nigerian state and placed it on the proper track for the realization of the ideals of true democracy.

The Implication of the Might is Right Philosophy of the State of Nigeria.

The might is right ideology was not only reflected in the series of coups and counter-coups experienced in Nigeria, it was also reflected in the way Nigerian leaders, over the years, piloted their affairs in the nation. Throughout the military era, it was authoritarian leadership all through. The military leaders, not only used excessive authority to retain power, they also used excessive authority or high-handedness to rule the populace. They carried on like demi-gods: put in political positions and offices those they liked - whether they were qualified or not; removed those they did not like from political positions and offices; recruited those they wanted into the different forces of the nation; squandered money however they wanted; recklessly incurred debts from global and international financial institutions; neglected the financing of vital organs of society - like health and education; imprisoned whoever dared to challenge them; et c.

With time, the 'might is right' ideology penetrated the Nigerian society, and many people seemed to throw caution into the wind. This attitude generated in many public officers the thinking that they had to help themselves in any possible way. Hence, there became a tremendous increase in corruption at all levels. The ever increasing population of the country, coupled with the lack of employment made a bad situation worse. Crime and hunger continued to play complementary roles to each other.

During the nation's civil rule, the so-called democratic rule, the situation did not change for the better, especially as most of the nation's civil leaders were ex-military men who did not seem to see any difference between the military rule and civil rule. Thus, in the recent times, there are all sorts of crimes in Nigeria: armed robbery, kidnapping, killings, banditry, terrorism, etc. in fact, the nation is currently experiencing the highest level of insecurity in her history.

Conclusion

The principle of the rule of law demands that the law of the land is supreme and that there must be equality before the law. In other words, it demands that everybody must obey the law, for no man is above the law of the land. The rule of law also demands that no man is punishable, or can be made to suffer in any manner, except for a distinct breach of the law, established in the ordinary legal manner before the ordinary courts of the land. It means the supremacy or predominance of the ordinary law as opposed to the whims and caprices of individuals, and the use of arbitrary power. The rule of law

also includes the protection of fundamental rights as contained in the Constitution (Dicey, 1939:2). Unfortunately, since Nigeria's independence in 1960, up till the current dispensation, the country's leadership has predominantly been in the hands of the military. Even the so-called civilian governments were sometimes more military than the outright military regimes (a military leader is a military leader - whether retired or not. Can a lion be tamed?). As a result, the rapaciousness and, especially, the excessive hunger for power on the part of the leaders imply that the philosophy of the Nigerian state in those eras was the philosophy of the survival of the fittest, the philosophy of might is right where justice is nothing but the interest of the stronger, the philosophy of 'Do or Die'.

There can certainly not be any genuine democracy without an electoral system which makes room for the leaders to be chosen through the freely given consent of the adult majority of the people. Therefore, the emergence of the Nigerian state as a democratic nation depends on the sustenance or longevity of the philosophy of the rule of law. It is the rule of law philosophy of the state that is in tandem with the ideals of democracy which Nigeria claims to be practicing. The nation must adopt and practice the ideals of true democracy. The change that is required in Nigeria, that is a change of the philosophy of the state, is a function of leadership, and it cannot see the light of day unless the right people assume leadership in the nation. It is through standard, free and fair elections that the right people can be chosen. Perhaps, the recent adoption, by the Nigerian Senate, of the electoral bill, with its content of the hitherto controversial clause of electronic transmission of votes, is the beginning of true democracy in Nigeria.

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Biographical Note

Arinze AGBANUSI *Ph.D* is a Lecturer in the Department of Philosophy, Nnamdi Azikiwe University, Awka, NIGERIA Tel: 08030842070 Email arinzeagbanusi1@gmail.com and ac.agbanusi@unizik.edu.ng.