

## **The Relevance of Jean Jacque Rousseau's Outlook on Social Political Organization to the Nigerian System of Governance**

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**Abstract:** Nigeria is the biggest democracy in Africa but unfortunately remains one of the most backward and uncertain political arena ridiculed in recent times. The simple reason is that since independence till date, the state of Nigerian nation has been dotted with unrest, anarchy, coup and counter coup, rigging, bribery and corruption, selfish godfatherism and all sorts of ills. The continuous search for the most effective and appropriate political system from post-independence presidential to the recent democratic system has proven an endless probe in Nigerian politics. This essay peeps into the Jean Jacque Rousseau's political philosophy to suggest a better alternative political system for the recent Nigerian state of nation. It is a fact that the representative democratic system practiced by Nigeria is not yielding fruitful development and progress. Rousseau's Direct democracy offers an admirable alternative. Nigeria is a country of many nations and languages, therefore, direct participation in governance will represent interests of both minority and majority groups scattered throughout the country. Nigeria has a hydra-headed political challenges but a better system of governance will go a long way to resolve certain boiling issues in politics such as mutual suspicion, agitation, lack of sense of belonging and so on. Therefore, Rousseau's political philosophy proffers an alternate system of governance which may hold a better option for Nigeria.

**Key words:** Godfatherism • Social • Political and Jean Jacque Rousseau's

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### **INTRODUCTION**

Jean Jacque Rousseau was born during French Enlightenment period in Geneva in 1712. His mother died few days after his birth and the father a watchmaker left him at the age of ten in the care of the aunt who raised him. At the age of twelve he was enrolled into school for his education [1-3]. Few days after enrolling into a boarding school, he was recalled to his aunt's household thus bringing his formal education to an end at that tender age. He succeeded for a short while in becoming an apprenticeship as an engraver of watchcase [4]. Later, Rousseau left Geneva and wandered from place to place making a meager living. He was a precocious child who learned to read at an early age. Hence, the burning desire for learning made him read books and developed a skill for music [5]. In his sojourn to France came under the care of a Noble woman, Mme de Warens who sought to help him further his education and to arrange for his employment [6]. This attempt by the noblewoman failed. Rousseau later gained the opportunity to tutor the children of M. de Mably, who was grand provost of

Lyons and later secretary to the French ambassador to Venice. More so, he engaged in copying music and in his twenties read portions of the classic works of Plato, Vigil, Horace, Montaigne, Pascal and Voltaire which in their variety strongly influenced his imagination and reasoning. At a point, he went to Paris with a letters of introduction from Mablys to meet some most influential personalities in his capital. Here he met many notable people like Diderot. The people he met exposed him to the contrast between noble wealth and sweaty artisans, the gaiety of the salons and the tragic themes of Racine's plays. Further his childhood shyness could only allow him to retain a lifelong relationship with an uneducated young servant girl, Therese Le Vasseur whom he married in 1768 [8].

Rousseau's literally profession began with the essay entitled, 'Discourse on the Arts and Science' [1750] that won him a prize. He argued strongly in the essay that moral had been distorted by the replacement of religion with science, art by sensuality, literature by licentiousness and by emphasis on logic at the expense of feeling [9, 10, 11]. Instantly, the essay made Rousseau

famous which drew this statement from Diderot, 'never was there an instance of a like success'. The essay led the chain of other works from him such as; in 1752 'Le Devin du village and his court at Fontainebleau' an operetta performed before the king, 'Narcisse' a comedy played by Comedie Francaise, in 1755, 'What is the origin of inequality among Men and is it authorized by Natural law' a discourse and Discourse on Political Economy which appeared on the Encyclopedia, in 1761, he published a love story Julie, Ou La Nouvelle Heloise which became the most celebrated novel in the 18<sup>th</sup> century. Other works include, [12], confession of faith of a Savoyard Vicar and the Social Contract [13-15].

The later part of his life was unhappy since it was filled with ill-health, severe criticism and threat to his life which chased him into fugitive. At the age of 67 year, Rousseau died. The autobiography was published in the 'Confessions' after his death [16-18].

**Political Philosophy of Jean Jacques Rousseau:** Jean Jacques Rousseau (1712-1778) though known as a champion of 'Popular Sovereignty' has his political philosophy constituted as the concepts of 'Popular Democracy' and the General Will. The central aim of his political philosophy is to reconstruct state and society in which it would liberate man and restore to him all his natural liberty. Rousseau's social contract is considered to be the very nucleus and keystone to the whole structure of his political fabric [20].

**Social Contract:** Rousseau began his argument by saying that he cannot give account of how the transition from state of nature to civil society occurred. His principles in the social contract began with the presupposition that 'Man is free and every where he is in chains'. In the state of nature people were happy because they lived entirely for themselves and possessed absolute independence. According to Rousseau, evil originated in the later stage of human development in the society [11]. People are led in the state of nature by natural sentiments which inclined every man to watch over his preservation which was directed in man by reason and pity and produces humanity and virtue. He argued that people develop social contact, they develop vices and they also develop artificial sentiments in the society and leads every man to make more of himself than every other. This inspire in men all sorts of evil they perpetrate on each other; intense corruption for the few places of honour, envy, malice, vanity, pride and contempt. It was the steady growth in number that first brought people together in the society

[12]. He asked the question how then people can reconcile the independence into which they were born with the inevitability of living together. The solution is total alienation of each association together with all his rights to the whole community. Rousseau was convinced that this was the road to freedom. He opined that social contract is a reality which will be found to be present wherever there is a legitimate government and it's the fundamental principle underlying a political association.

The principle helps to overcome the lawlessness of absolute license and assures liberty. The reasons are that people willingly adjust their conduct to harmonize with the legitimate freedom of others. The people lose by social contract two things and gain two things. They lose [a] natural liberty [b] an unlimited right to everything. They gain [a] civil liberty [b] a property right in what they possess.

The absence of social contract is that each of us put his person and all his power in common under the supreme direction of the general will and in our corporate capacity. Each member is an indivisible part of the whole whoever refuses to obey the general will shall be compelled to do so by the whole body. Rousseau says that the law is a product of the general will while the general will is the will of the sovereign is therefore the single will which reflect the sum of the wills of all the individual citizen. In simple understanding the many will of the citizen can be considered one general will. This is based on the fact that all people who are parties to the social contract have agreed to direct their action to achieving the common good. The people understand that their own good and freedom is connected with the common good. Ideally, each individuals will is identical with every other individual's will since they are all directed to the same purpose which is the common good. Therefore, there is only one will which is general will. One can argue strongly that since laws are the product of the sovereign general will each individual is the author of those laws and in this way one obeys oneself. Force is applied when someone refuses to obey a law.

Putting an end to the state of nature, the contract creates the state, the civil society. This new society replaces mere instincts by justice and reason. It gives moral meaning to man's action. And it transforms man from the status of a stupid animal into an intelligent being. According to Rousseau, the contract is continuous and constant to the acts of the state. This continual participation makes the individual a citizen and sovereign. It keeps the regards for community over and above the regard for self-interest. Social duty as an obligation gets

the priority over the rights of the individual. Perhaps Rousseau is one of the western thinkers, like Kant, who talked about the obligations of the individuals. By the contract man became moral and rational. In other words, man became man in the true sense of the term. Through this contract men have secured better way of living instead of leading precarious way of life. The people's soul is uplifted. And their feelings are ennobled. Now, the possession of their property is guaranteed. Earlier it was based on force or on the right of first occupier, etc. By such a contract a political society is created, its criteria are based on the consent of all members. By this contract the state of nature came to an end, the political society ushered in. Now the character of man is changed. Contract substituted justice instead of injustice. Another main factor of Rousseau's contract is that no government is created by this contract, only political society or the state comes into being, with the power and sovereign 'General Will' as the central theme of the society. He tried to explain the principles and their consequences. On the violation of social contract everyone regains his original rights and natural liberty and loses the conventional liberty.

**General Will:** Rousseau introduced the concept of the 'General Will' to elucidate the necessary and inevitable tension between the sovereign, which "by the very fact that it is, is always what it should be," and the individual subject, whose "private interest could speak to him completely in a different way than the common interest." Rousseau opined that men having grown sick of the anarchy, which the serpent of private property brought into the society, thought of creating a sovereign. The contract was concluded by a pact between the individuals and the community consisting of the individuals who formed the society. The individuals surrendered all their powers and rights to the community as a whole and bowed before the General Will, which in the ultimate analysis is the sovereign. The greatest contribution made by Rousseau to political thought is his concept of General Will, which deserves closer attention. Many philosophers claim that the notion of General Will is not only the most central to Rousseau's social contract theory, but also the most original, interesting and historically important contribution made to political philosophy. The General Will is not determined on the basis of number of voters, but is determined on the basis of common interest uniting all. If we want to define General Will by way of a simple explanation, we can define it in the following way. Every individual has a will of his

own. It is called the individual will; whereas the society consists of a group of individual wills. If the wills of all individuals are brought together, we get the will of the community, which Rousseau called General Will. It is 'voice of all' for the 'good of all'. In the modern terminology the General Will can be equated with social consensus as advocated by critical theorists like *Habermas*. In order to understand his theory of general will, we must understand the Rousseau's distinction of individual will into the actual will and the General Will. The former encompasses within it the selfishness, irrationality, personal motivation and individualistic self-oriented nature. It conceives of the individual welfare alone and has no concern with the welfare of the society. Thus it is directed towards egoistic tendencies. And the latter wishes the good of all. In other words, it aims at common good. It is altruistic in nature. According to Rousseau, General Will is the sum total of all the 'real wills' of the individuals which were based on reason and farsightedness of the individuals. More so, it is the will of all the individuals for collective welfare. It was common consciousness. Rousseau himself defined General Will in the following manner: The public person thus formed by the union of all other persons was once called the city and is now known as the republic or the body politic. In its passive role it is called the state, when it plays an active role it is the sovereign; and when it is compared to others of its own kind, it is a power. In addition, his real will was channel for promoting the well being of the individuals and society because when it thought of the society it ipsofacto thought about the welfare of the individuals. This will was permanent. General Will is the synthesis of real wills. When they are willing not their own private interests, but the general good, it is the will of all the citizens. Further, Rousseau held that General Will is not the sum total of good and bad wills of the individuals by a method of plus and minus but is something nobler which was the product of deliberations, discussions and consciousness. General Will thought of general good but might not be willed by the majority of the members of the society. Rousseau believed that in General Will none is slave or under subordination to anyone else but everybody is free. Rousseau's conception is that the General Will is 'always right and always tends to the public utility'. But it does not follow that the deliberations of the people always have this rectitude. One always wants one's own welfare, but one does not always see it. There is often a great difference between the will of all and the General Will: the latter only has regard for the common interest; the former regards private interest and is only the

sum of particular wills. If actual wills are removed, which more or less destroy each other, the General Will remains, which is the embodiment of altruism. To quote Rousseau here:

Each one of us puts into the community his person and all his power in common under the supreme direction of the General Will and, as a body, we incorporate capacity every member as an indivisible part of the whole.

Rousseau felt that each and every one in the state of nature surrendered their person and all power under the supreme ordering of the General Will. The General Will receives the power of each one of us in which they are as a party indivisible from the whole. In the act of association is created a moral body that has a number of aspects. It exists as a 'common me', which was once called, says Rousseau, a city, but now a republic or a public person. Considered collectively, it is a state or sovereignty at the local level, but a power at the international level. From the point of view of each individual, who makes it up, it is people, a citizen and a subject. All these notions designate the same entity. All of them are forms of the existence of the 'moi common' -common me. Rousseau held that each thinks only of him in voting for all. Rousseau's first consciousness is that political legitimacy cannot be derived either from the analogy of family, or from force or opinion or desire. He had made a similar point in his article on 'political economy'. He argued that legitimacy must rest on the possession and exercise of one's own free will. For Rousseau, a free will makes society possible. Humans have free will so that they may have society. Here Rousseau differs from other social contract theorists. For writers such as Locke and Pufendorf, society exists in order to ensure as much as natural, pre-social liberty. Rousseau believed that a free society is characterized by a free will common to all. The General Will has the 'common' as its objects spring from a will that is common to all. It requires freedom for its expression and it is an expression of freedom. Rousseau distinguished between a will, whose object is particular and a will, whose object is general. The former is individualistic and the latter is collective. The latter will is always, for Rousseau, the energy of freedom and morality. He argued that the General Will must be general in its object *as well as* in its essence. Obviously, one can raise the question that: is there a distinction between collective General Will and individual General Will? Rousseau used the phrase

General Will both in the collective and the individualistic senses. The first one is the General Will of the collection of individuals and second one is the General Will of the individual. In one aspect, difference is there and in another aspect there is no difference. Rousseau felt that if there is no opposition between two particular interests and if people behave on the basis of common interests, then there is no need for authority. In other words, if people are good and behave perfectly, then law and order is not needed. In such a state, authority and sovereign would become meaningless. Because of the tension among private interests, on the one hand and again, the tension between private interests and the General Will, there needs to be the art of politics to direct the citizens towards the common good. Furthermore, if every individual realizes his obligations towards others, then the question of authority vanishes. Rousseau further stated that those individuals who have different opinion other than the collective General Will, then their General Will is not included in the General Will of all. From this, it is very clear that even though, in some cases, there is a difference between the General Will of individual and the General Will of the collective body; it is the latter that has preference over the former in the case of Rousseau. Rousseau started with the nature and function of the individual will. The individual will always aims at the good of body politics because the General Will is nothing but the collection of individual wills. So, the General Will would always aim at the good of body politic like the individual will which always aims at the good of individual. Being 'general' in its essence means for Rousseau that if we were to judge of that 'which is foreign to us we would have no true principle of equity'. That which is foreign to us is that which is not common to us and which not all have in the same manner. Being 'general in its object', means that the only proper subject matter for the General Will is the particular form of the commonality. Rousseau insisted that as long as several men consider themselves to be a single body, they only have one will, which relates to the common conservation and to the general well being of all the individuals in a society. It is certainly important to understand that the General Will is something that each individual has, as an individual. It is as 'collective' as 'I am and collective in the way 'I am. It is a will of an individual. In the political economy, he asserted that the common self is a 'reciprocal sensibility and the internal correspondence of all the parts'. The common self is the ability to participate in a certain kind of interaction. In fact, the distinction between particular and general is a relative one

and depends on the respective perspective from which a particular entity is being viewed. The General Will is the expression of my common self, that is, of the self that I find in myself and in others. Indeed in an early version of the *Emile*, Rousseau wrote that: 'we are not precisely double, but composite'. He believed that a community of citizens is unique. They neither make it nor have any rights against it. It is an association, not an aggregation and a moral collective personality. Further he argued that: "The social order is a sacred right which is the basis of all other rights." Rousseau maintained that the General Will of the corporate self sets the moral standards valid for its members and government is merely an agent of the General Will. Mere likeness of a kind does not make men into a society, but only a psychological or spiritual bond the reciprocal sensibility and internal correspondence of all the parts.

The body politic, therefore, is also a moral being possessed of a will; and this General Will, which tends always to the preservation and welfare of the whole and of every part and is the source of the laws, constitutes for all the members of the state, in their relations to one another and to it, the rule of what is just or unjust.

The General Will as act of sovereignty or any law must fulfill two formal conditions or requirements. First of all, it must be willed by all members of the society. Secondly, it must apply to all members of the society. The very purpose for which the sovereignty created is for the benefit of the subject. It is only for the development and mobilization of the society, the General Will is created. So, the General Will must be willed by and accepted by all members of the society, for otherwise it would become a meaningless exercise. The social contract claimed Rousseau, is the law that serves as the foundation and logical explanation of all other laws. It is in itself, the 'nature of law'. Rousseau defined the term 'law' in the following manner:

But when all the people ordain concerning all the people, it only considers itself and if it forms a relationship, it is of the whole object from one point of view to the whole object from another point of view, without any division at all. Then the matter on which one ordains is general, like the will that ordains. It is this act that I call a law.

Such laws, which are properly speaking only the conditions of the civil association, must apply equally to all citizens or as a body. Rousseau called them 'political' or 'fundamental' laws. These laws have to be distinguished from other acts, which are also known as laws. Political or fundamental laws are the laws of the social contract. In other words, the fundamental laws are created for the purpose of the creation of the society. For instance, the first part of our constitution deals with the fundamental structure of our constitution. And the government creates other laws like civil laws and criminal laws. Even though it has the name 'law' it is not equal to the fundamental law. Similarly, Rousseau clearly stated that even though other acts also known as the laws, it does not mean that they are similar to fundamental laws. The tendency to form a society is a general trait. Whenever and wherever individuals have a common interest they form into a society whether permanent or transient. And every society has a General Will, which regulates the conduct of its members. Larger societies are composed not directly of individuals, but of smaller societies. And each inclusive society sets the duties of the smaller societies that compose it. Human beings must make citizens before they can be made men, but in order that they may be citizens. Governments must give liberty under the law and must provide for material welfare and remove gross inequality in the distribution of wealth. Law is the activity of the General Will. When acting on the General Will, I encounter myself in others, that is, I encounter myself as what I share with others as a human being. This is what is meant by political society. It is only in a political society that I can encounter my humanity, what I have in common with others, because in the state of nature I was never actually in the acknowledged presence of another. The General Will can never rule on individual cases or issues, but imposes the same sacrifices and confers the same advantages upon all citizens. If one individual is wronged, all are thereby wronged. The equality established among all citizens by the General Will is their protection against any abuse of power by the sovereign. Since the sovereign authority cannot exceed the limits of the general covenants, it follows that sovereignty, although absolute in principle, is always limited in practice. In a way the General Will treats rights and obligations of the individuals alike.

#### **Significant Features of General Will:**

- Unity: General will is rational and not self-contradictory. It thus give us unity in the sense that

it is indivisible because once divided it will not be called General Will rather it would be only called sectional will.

- General Will is Permanent: Since General Will is based on reason, wisdom and experience and thought about the good of all. It is not to sway with the time but is permanent. It cannot be alterable and is pure. Even though it may be dominated by other wills for a while yet in the ultimate analysis this will dominate.
- Right will: It is the will that takes into consideration not only the political and social, but also moral conditions.
- General Will is non-representative. It cannot be represented by anybody. In other words, Rousseau insisted on direct non-representative democracy. Similarly, General Will also cannot be represented. Rousseau's General Will is only applicable when there is direct democracy.
- It is indivisible. The General Will cannot be divided, because it is an act of the whole people for the whole people. If you still divide the General Will, it simply means that it is dead and it will be called 'sectional will'.
- It is inalienable. General Will cannot be separated because it cannot be represented or delegated. It is inseparable from the common interest. It is a single whole and must remain as such. Rousseau's sovereign is General Will and not any human being. His sovereign, in fact, cannot give up the sovereignty and also cannot pass that on to any other individual because sovereignty is vested in the community as a whole, community could not pass on the sovereign authority to any other individual or organization but to the General Will. Thus sovereignty and General Will are inseparable and hence inalienable.
- It is infallible. It is always right and tends to the public good. The people cannot be corrupted but can be deceived.

### **Social Political Organization Of Rousseau**

**Sovereignty:** The General Will is Rousseau's formulation of the recognition of what it means to live as a human being, that is, to capable of living with other human beings as human beings and as a human being not as a beast or God. The object of a law is therefore always general, in the sense that the General Will is general. It considers, 'the citizens in a body' and sees all action in

a general or common manner. To act in such a manner is for Rousseau what is meant by sovereignty. The sovereign came into existence from the sanctity of the social contract. Rousseau explained the nature of such a sovereign in terms of not one individual or a group of individuals, but the society as a whole. The sovereignty of the society as a whole is expressed through the track of the General Will. It is the Will of as many people as possible for the common good. So, if we want to simply state Rousseau's sovereign, it is nothing but the General Will. Sovereignty is the General Will in action. Thus it cannot be altered from the people. Only the power transmitted to or through another, but not the General Will. The sovereign is that which does not make a mistake. The sovereign exists then only in the present as it can in no way bind itself for the future. In other words, every individual has to contribute to the furtherance of General Will to be present in the society in which they live. The most important things to do are about this relationship of self-seeing the self is that there is no other way to realize the self excepting through self. Thus the sovereign, by the mere fact of being, is always what it ought to be. It is what Rousseau calls the 'sanctity' of the contract should not be violated by any act that would be contrary to its being. If the 'sanctity' of the contract is violated, then there would not be any contract. As a consequence of this act it carries no obligation. Thus, for Rousseau, the sovereignty constitutes the totality of the citizens. Indeed, he held each individual as a human being has a particular will that is contrary or dissimilar to the General Will which she / he has as a citizen. The social contract substitutes a legal and conventional equality for physical inequality and it is precisely this conventional equality that constitutes the established citizenship. Unlike Locke, Rousseau asserted no fundamental law, nor did he place constitutional limitations on sovereignty. It is the essence of sovereign power to be illimitable. It is omnipotent or it is nothing. Rousseau's people can at any time change its rulers and its laws or modify the form of its governmental administration and the constitution of the state. In principle there is nothing it cannot do. Rousseau narrated some of the working procedures of the sovereign. The sovereign has only force, that is, legislative power. It acts according to the principles of laws, which are the authentic acts of the general will. It functions at the time when people pass laws. He himself had imposed some limits over the sovereign power. Rousseau had that life and liberty of private persons is independent of the sovereign, but when the sovereign is

absolute, life and liberty of private persons cannot be independent of the sovereign. He, in fact, distinguished the concepts of the rights of the citizens from that of the sovereign. The citizens enjoy their natural rights and discharge their duties as subjects. When men entered into political society, Rousseau did not say consistently that his citizens can enjoy natural rights as men and discharge their duties as subjects. Thus, he tried to reconcile the sovereignty with the liberal doctrine in the form of popular sovereignty.

**The State and the Individual Rights:** On entering into the contract, every associate makes a total alienation of his rights and powers to the community. The sovereignty of this body is complete and subject to no conditions or restrictions. It suggests, therefore, that the individual possesses rights, which may not be violated by the State, is to misapprehend the relationship of State and individual, being an integral part of the State, cannot logically be said to possess a right against the whole body of which he is a member. As held by Rousseau: If the State or City is but a moral person whose life consists in the union of its members and if the most important of its needs is that of its own preservation, it requires a universal and compulsive force to move and dispose of every part in the manner most agreeable to the whole. As nature gives to every man an absolute power over all his members, the Social Pact gives the body politic an absolute power over its own. And it is this same power that directed by the General Will, bears, as I have said the name of sovereignty. This is not to say that the individual possesses no rights. He does possess them, but he possesses them as a member of the State and as that alone. In order to speak, therefore, of an individual's right against the State is to speak of an absurdity: it is equivalent to speaking of a man's right against himself. The individual, in a word, possesses such rights as are compatible with his membership of the State. The power of the Sovereign over the individual is limited to the promotion of the good of the whole. It cannot on its own do anything injurious to the body politic even in the person of the least of its members, since such an act would be one of self-mutilation. In other words, all the services that an individual can render the State, he owes to it as soon as the Sovereign demands them but the Sovereign on its part cannot impose useless restrictions on the community. It cannot even will such a thing, since by the law of reason nothing is done without cause, any more than under the law of nature. The key to Rousseau's

mental process as he wrote these passages is provided by his attribution of moral self-sufficiency to human agency. His natural man was morally self-sufficient: he obeyed instinct alone and his instinct being infallible, he always acted rightly. This quality of moral self-sufficiency Rousseau transfers from natural man to his ideal State. Both are infallible, both can be trusted absolutely and neither can lawfully be restricted, since both are wholly good. The transfer bridges the gap between Rousseau the rebel and Rousseau the *etatiste*. The relation of subject to Sovereign, conversely, is one of complete subjection. As obedience to the General Will is the true moral liberty, everyone should be compelled to comply with it and the whole force of the community should be directed towards ensuring this obedience. This compulsion is in the highest interest of both community and individual, since it is essential to the former that the general interest is safeguarded and to the latter that he be delivered from bondage to his own selfish appetite, which is slavery and from dependence upon any other individual, which is also the negation of freedom. Every man has a natural right to all that is necessary to him, but the positive act which makes him proprietor of some wealth excludes from the use of that portion all the others. His share having been marked out, he ought to confine himself to it and has no further claim on the community. See thus why the right of first occupant, so feeble in the state of nature, is respectable in every man in civil society. By virtue of that right, it is less what belongs to others that demand respect than that which belongs not to oneself. The proprietary rights of the individual exist only vis-a-vis other individuals and in this respect are sacrosanct and guaranteed by all the force of the community. The State is the source, donor and guarantor of all right. It is precisely this exclusion of others from all that is requisite to the individual that secures his proprietary right. The Sovereign guarantees this exclusion. The possessions of the individual are thus secured by the State against the only two dangers that can be set them: seizure or usurpation by foes from without and from within. For the State, as possessor of the right of first occupant, becomes charged with the duty of warding off external encroachment and is armed with the authority and power of the whole community to keep all individual citizens.

**State and Government:** Rousseau's theory of social contract establishes a civil society, which is a moral and a collective body. He tried to distinguish and differentiate

betweenstate and government. According to him, a statedenotes the 'community as a whole', created by the social contract and manifests itself in the supreme General Will. Whereas, the government denotes an individual or a group of individuals that is designated by the community to any into effect the sovereign will. For him, state is sovereign and supreme whereas government is only an intermediate body between the subjects and the state. He believed that legislation is not the duty of the government because legislation powers belong to the community as a whole. Since sovereignty is inalienable, the representatives of the people have no right to legislate for the community. In this regard he approved the idea of direct legislation, as was the case with the Greek City State.

**State:** Sovereign authority is lying, according to Rousseau, in 'all the people', legislating for 'all the people'. The Social Contract sets up the whole body of the people as the sole legislative power. This sovereignty is unlimited, inalienable and indivisible. Any subsequent instrument or development purporting to give government a measure of autonomy is invalid. In the first place, the supreme authority can no more modify than alienate itself so as to bind itself to obey a master as is to return all to the State of complete liberty. The social contract creates the state. The state is also a moral being, it possesses general will which promotes the welfare of the whole and which is the source of laws. Generally, a particular state is to be determined as good or bad based on the general morality of mankind. Based on Rousseau's thinking, the effectiveness of the state depends upon the size of population and size or territory of the state. So, stability of the state is measured by two methods, one is by the extent of its territory and another is by the number of people. Both the size of population and the territory have a close relationship with each other. The territory should be sufficient enough for the maintenance of the people. If it is too big, it possesses some drawbacks, such as difficulty in guarding or protecting the territory. If this is too small, it cannot be adequately activated thereby the state will depend upon its neighbours for its food. So, territory of the state and population should be neither being too large or too small; but should be moderate in size. The State is a moral being, essentially one and indivisible, composed of all the associates of the original pact. Now, the body cannot contract with a member or organ of itself. To set up a number of individuals (henceforth to be called a government) for the purpose of

arranging a contract between themselves and the remainder is clearly a violation of social unity because it is not representing the decision of the whole people legislating for the whole people, but an agreement between two morally and physically distinct bodies. The whole quality of generality is thus absent from the transaction, for the will is general neither in its source nor in its application. To understand the nature of government, we must bear in mind, the organic conception of the State. This body, like the individual human being, possesses the two faculties that render it capable of engaging in free activity: the will and the physical power. The will dictates the act and the power carries out the decision. The will of the body politic or State is called the legislative power and its physical strength the executive or governmental power. The functioning in perfect unison and harmony of these two faculties is essential to the health of the State. Thus, a State without executive power may be likened to a paralytic, while a State in which the executive power is exerted without the guidance or consent of the legislative power (the will of the body) resembles an imbecile. Of the two powers, the legislative power is infinitely the more important because it is the very will and life of the State. The executive power is necessary to the functioning of the body politic: its extinction leaves it immobile and helpless, but not dead. Now, the legislative power belongs to the whole people alone and can neither be transferred in whole nor in part, to any other body. The decisions of the General Will cannot be applied in particular cases by the Sovereign, for this purpose the sovereign enlists the services of a body called government. In principle then government is a distinct body within the State and its raison d'être is the fulfillment in administrative details of the mandates of the Sovereign. What then is government? An intermediary body, established between the subjects and the Sovereign for their mutual connection, charged with the execution of the laws and with the maintenance of liberty, civil as well as political.<sup>24</sup> It will readily be seen that government occupies a position of complete subordination to the sovereign. The Sovereign People is always master; government is merely its agent or minister. From the highest to the lowliest of its officials, its duty lies in carrying out the decisions of the General Will. Government is at perfect liberty to terminate whenever it deems such a source advisable.

What steps are necessary to the setting up of a legitimate government? The first is the legislative step whereby the Sovereign enacts that a government of a



certain form shall be established. The second consists in the nomination by the people of the individuals who are to be entrusted with the task of governing. This second decision of the people is not a law. Rather, it is simply an implementation of the law or an administrative decree. For the purpose of executing the law, the sovereign constitutes itself a democracy and thus places the whole people in a position to carry out the executive act of nominating the officers of the government whose establishment had already been enacted.

**Government:** Rousseau's theory of government preferred 'Direct Democracy' He clearly differentiates the state and the government and assigns a subordinate place to the latter. He said that government is an agent or servant of the people, it is only a trust and its business is to execute the laws passed by the people. It is not created based on the contract. It possesses only a limited authority derived from the sovereign power of the people. His conception on 'Government' is from the executive side of a modern democracy whose powers may be withdrawn or modified by the sovereign (popular sovereign) legislature, or we can say as, the sovereignty belongs to the people in a corporate body which can be withdrawn or modified at the will of the people or dictates of the people. Rousseau classified government into several categories like Monarchy, Aristocracy, Democracy and mixed forms of governments. He said, in a democracy the sovereign body makes laws and executes them for the welfare of the people. His conception of general will is that, it represents the best among the Wills of all. So, Rousseau preferred direct democracy as the best form of government. Rousseau made a clear distinction between the state and government. There is no governmental contract as supported by John Locke. According to Rousseau, government is only an agent to implement the will of the state. Rousseau did not advocate for governmental contract because it will ultimately lead supremacy of the government. For Rousseau, government is only an agent to fulfill the necessities of the people. And an agent should not be supreme over the master. Rousseau strongly believes that man's development is possible only in the freedom. The contract with the state or political society is in such a way that each individual when united to his fellows, renders obedience to his own will and remains as free as he was before. Abuses of power and risks of oppression can come only from the intermediate body, which is responsible for the enforcement of the laws or the administration of the state. According to the

terminology created by Rousseau, this intermediate body is government. Sovereignty being nothing else than the exercise of the General Will, the sovereign can act only by means of laws and consequently must entrust the executive power to a subordinate body. But this body, like all collective bodies, tends to place its own corporate interest before the common interest and to substitute itself for the sovereign.

**Critique of Rousseau:** Rousseau invokes frequent metaphors and similes evoking visions to represent amour proper and the obstacles of seems ourselves properly and the new vision itself, [2]. This is portrayed in the Emile where Rousseau adopts the system of the natural goodness of man and touches the subjects of human psychology, morality, religion, sexuality, gender, politics and education that harnesses this natural goodness and his amour proper to make him a functioning citizen.

Kant acknowledged that it was Rousseau who first revealed to him the surpassing value of the moral will over the scientific inquiry. This led to a new division between science on the one hand and religion and morals on the other.

Rousseau's vision of education was based on his defining of that of nature. His construct of republican democracy is also instructive in modern time in reflecting on the right basis for constructing a new form of rule of law, adding or subtracting the duties of government and institution. Rousseau's conception of the state of nature was distinct from that of his contemporaries. He pointed out that in the state of nature, men are free and equal. Men are 'noble Hobbes savages'. However, civilization is what corrupted man. Hobbesean state of nature is a state of war induced fear in man and morality does not exist. There was no freedom but men were equal and man's primary motivation to live in society is to surrender his natural rights to gain the protection of a society. Locke then diverges when he argued that in state of nature, men exist in perfect freedom to do what they want. The state nature was not necessarily good or bad but was chaotic. Hence, men give it up to secure the advantages of civilized society. Hume does not put his faith in the consent of the people but espouses war as the basis of civilized society. Yet his concept of the democracy as idealized in Geneva that was in itself ruled by a council of wealthy families of the city, as he fervently portrayed a role for the legislator that represented the general will of the people to be yet a social notch above the people. Though Rousseau in his interventionist approach

frequently uses a critical argument to separate free man from social man and citizen bound by his duties in the general will, [3]. Contrary to this view, [4] highlighted the fact that Rousseau's theory was misconstrued in the sense that other were to be forced into acquiescence if they differed from the general will.

#### **System of Government Operational in Nigeria:**

At independence, Nigeria adopted the parliamentary system of government favoured by her colonial master, the United Kingdom. Later after series of coups and counter coups, the presidential system was opted for [5]. The current democratic form of government was established in 1999 after the end of years of military rule. Nigeria is a federal country with a three tier sub-national government system made of 36 states and capital which have absolute discretion over their creation and their operational economy. The relative role of the three tiers of government- the federal government, the state government and local government authorities, each state is further divided into Local Government Areas (LGAs). There are 774 LGAs in Nigeria [6].

The federal government is composed of three distinct branches: legislative, executive and judicial, whose powers are vested by the Constitution of Nigeria in the National Assembly, the President and the federal courts, including the Supreme Court, respectively. The president is the head of state, the head of government and the head of a multi-party system. Nigerian politics takes place within a framework of a federal, presidential, representative democratic republic, in which executive power is exercised by the government. The president is elected through universal suffrage. He or she is both the chief of state and head of government, heading the Federal Executive Council, or cabinet. The executive branch is divided into Federal Ministries, each headed by a minister appointed by the president. The president must include at least one member from each of the 36 states in his cabinet. The President's appointments are confirmed by the Senate of Nigeria. In some cases, a federal minister is responsible for more than one ministry (for example, Environment and Housing may be combined), or a minister may be assisted by one or more ministers of State. Each ministry also has a Permanent Secretary, who is a senior civil servant.

Legislative power is held by the real government and the two chambers of the legislature: the House of Representatives and the Senate. Together, the two

chambers make up the law-making body in Nigeria, called the National Assembly, which serves as a check on the executive arm of government. The House of Representatives is presided over by the Speaker of the House of Representatives. It has 360 members, who are elected for four-year terms in single-seat constituencies. The Senate, which has 109 members, is presided over by the President of the Senate. 108 members are elected for four-year terms in 36 three-seat constituencies, which correspond to the country's 36 states. One member is selected in the single seat constituency of the federal capital [7].

The highest judiciary arm of government in Nigeria is the Supreme Court of Nigeria which was created after independence and also practices Baron de Montesquieu's theory of the separation of powers based on the United States system and also practises checks and balances. Judicial branch courts such as the Magistrates', Customary, Sharia and other *specialized* courts. The National Judicial Council serves as an independent executive body, insulating the judiciary from the executive arm of government. The Supreme Court is presided over by the Chief Justice of Nigeria and thirteen associate justices, who are appointed by the President of Nigeria on the recommendation of the National Judicial Council. These justices are subject to confirmation by the Senate [8].

The government and president of Nigeria are vulnerable to corruption. Just like members of any government. In all, Nigeria has relatively stable government that works to govern the country according to its constitution. In the constitution of Nigeria explicit clauses were built into it to root out corruption. It is unfortunate that this does not always get enforced. The Nigerian system of government holds election to decide who occupies offices in government. It is unfortunately evident that in the past two decades, elections have been the cause of violence that cast suspicion on the extent of free and fair the democratic system present itself. In the end, it is safe to assume that Nigeria is still functioning mostly along the lines of its constitutional model. [9] The different bodies of government are still carrying out their basic function even with threat of violence and corruption; the members of government are still part of a functioning of governmental body. The question remains whether the democratic process is true and how well it represents the will of the Nigeria people.

### **System of Government That Will Obtain in Nigeria:**

Rousseau's idea of government is from executive side of a modern democracy whose powers may be withdrawn or modified by the popular sovereign legislature. He clearly stated;

What then is government? An intermediary body, established between the subjects and the Sovereign for their mutual connection, charged with the execution of the laws and with the maintenance of liberty, civil as well as political.

In order to set up a legitimate government, the first step is that the legislative power enacts that a government of a certain form shall be established [10]. The second step consists in nomination by the people of individuals who are to be entrusted with the task of governing. Rousseau classified government into several categories like Monarchy, Aristocracy, Democracy and mixed forms of governments. He said, in a democracy the sovereign body makes laws and executes them for the welfare of the people. His conception of general will is that, it represents the best among the Wills of all. However, he suggests democracy because it renders the most just or fair government available even if its results are not the best or most effective form of government. There are two general forms of democracy; direct and representative democracy. So, Rousseau preferred Direct Democracy as the best form of government against representative democracy which Nigeria practices. In the *Emile* he said, common people compose the human race and 'man is the same in all ranks, that being so, the ranks which are not most numerous deserve most respect' [11]. It means that man is the most essential part of any establishment. People are at the centre and nucleus of any government or state. And power belongs to them. This is because on entering into the social contract, every associate makes a total alienation of his rights and powers to the community. So, the sovereignty of this body is complete and subject to no conditions or restrictions. Rousseau said;

As nature gives to every man an absolute power over all his members, the social pact gives the body politics an absolute power over its own. And it is the same power that directed by the General will, bears as I have said the name of sovereignty.

Individuals possess rights as members of the state and as that alone. As obedience to the General will is the true moral liberty, everyone should be compelled to

comply with it and the whole force of the community should be directed towards ensuring this obedience [12]. Above all, Rousseau's social contract theory establishes a civil society which is the moral and collective body. In his distinction of state and government, the former is the community as a whole, created by the social contract and manifest itself in the supreme General will and the later denotes an individual or group of individual that is designated by the community to carry into effect the sovereign will. Simply put, state is sovereign and supreme while government is immediate body between the subjects and state. Legislation duty in the other hand does not belong to the government rather to the community as a whole. Unlike the representative legislation in Nigeria, he opted for Direct Legislation. The social contract sets up the whole body of the people as the sole legislative power. Hence, the sovereign authority lay in the people legislating for 'all people'. This sovereignty is unlimited, inalienable and indivisible [13-15]. It is important to note that the social contract creates the state which is the moral being that possesses General will promoting the welfare of the whole and it is the source of laws. By extension the two determinants of a stable state is the extent of the territory and the number of people. Each government must possess two faculties that ought to make it have the capacity to render free activity. [a] the will which dictates the act [b] the physical power that carries out the decision. Therefore, the will is the legislative power and the physical power is the executive or governmental power. The perfect union and harmony in the function of these faculties will ensure the stability of the state. Any state without these faculties will be incapacitated. Amidst the two, legislative power is infinitely more important because it is the very will and life of the state [16-18]. The executive is important in the functioning of the body politics and without it leaves the state immobile and helpless but not dead. Rousseau maintains that the legislative power belongs to the whole people alone and can neither be transferred in whole nor in part to anybody. He argued that government occupies a position of complete subordination to the sovereign. The sovereign people is always master and government merely its agent. The duty of the government is to carry out the decision of the General will. So, government is an agent to fulfill the will or necessity of the people. And an agent cannot be supreme over the master [19, 20]. The abuse of power and risk of oppression can only come from the intermediate body called government by Rousseau which is responsible for the enforcement of the laws or administration of the state.

### Recommendations:

- Rousseau in his political theory has suggested a direct representation system of governance as against the indirect system of democracy practiced in Nigeria. This system will give the confederating units the sense of belonging and desired active healthy competition.
- The Political philosophy of Rousseau sold the strong sense of common good to the Nigerian political system. The idea of General Will which is the sovereign is a recommendation quite ad rem at this critical nascent time than ever before. The General will is the common good of the people. People understand that their own good and freedom is connected to common good. This expresses the sum of the will of all individual citizens. In the actual sense, it does not depend on the number of voters. General will is the product of deliberation, discussion and consciousness.
- The Nigerian politicians must learn from Rousseau who insists that sovereign authority lies in all the people as the sole legislating power. The government is only a body within the state that executes the law enacted by the sovereign. The citizens of Nigeria ought to be conscious of the enormous power in their possession as a sovereign to dethrone tyrant and nepotistic government leaders and elect good leaders especially as the year for general election approaches.
- A government is established by first setting up the legislative body which is the sovereign saddled with the responsibility of enacting the law. Second step is nomination of individuals with the task of governing and implementing the law. The sovereign constitutes itself as democracy together with the whole people in position to carry out the executive act. Rousseau's understanding here is that the people are at the centre of governance and the most important in processes of a government. In other words, the government serves the people and not the other way round like the case in Nigeria. The service for the good of the people should be upper most in the agenda of any government.

### CONCLUSION

Leadership is one of the major problems of countries in Africa. There is never an absolute system of governance but there are better political options which will guarantee justice, common good and freedom of the

people. Nigeria has a long history of political uncertainty that seem infinite. The truth is that Nigeria has not adopted a working system that considers a lot of its problems and their solutions. The elements of Rousseau's political theory are a gray light for Nigeria system of governance taking into consideration of the diverse ethnic groups. Therefore, Nigerian political system must take bold steps to make landmark decision and turn its search light towards adapting the Rousseau's political theories.

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