

**HOW DEMOCRATIC IS NIGERIA'S DEMOCRACY?
A REVALUATION OF NIGERIA'S DEMOCRACY VIS-À-VIS
FRIEDRICH HAYEK'S DEMOCRATIC LIBERALISM**

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Abstract

Freedom is an important element of democracy to the extent that some scholars have described democracy as the institutionalization of freedom. To most scholars, Hayek inclusive, what makes the state and whatever system of governance she invokes valid, is the level of freedom such permits for the people. Unfortunately, in some democracies like Nigeria, this principle of freedom is a subject of state abuse. Why are the machineries of the state prone to abuse citizen's freedom even in a democracy? Is the democratic system in Nigeria anyway coterminous with Hayek's ideals? How democratic is Nigeria democracy? This article exposed Hayek's principle of democratic liberalism drawing from the generally accepted notion of democracy. It uses same to reevaluate Nigeria democracy. The article finds out that critical issues undermining the practice of democracy in Nigeria include "un-peopled" lawmaking, misconstrued application of the principle of equality before the law, and application of the federal character principle. It argues that democracy in Nigeria is basically a government of the political elites for their own egocentric ends. Hence, the people feel cut off from decision making. This in turn is the reason for the increase in unpatriotism seen among Nigerians. The article concludes by stating that Hayek's idea of liberty for all which emphasizes essential equality over material equality is the recipe needed to undo the tide of nepotism and sectionalism rife in Nigeria.

Keywords: Democracy, Freedom, Government, Governance, Institution, Law, Liberty, State.

Introduction

The term "democracy" derives from the Greek word *demos*(people). It is thus commonly described as a system of government in which supreme power is vested in the people.¹ In some forms, democracy can be exercised directly by the people; in large societies, it is by the people through their elected agents. Or, in the memorable phrase of Abraham Lincoln, democracy is government of the people, by the people, and for the people. Freedom and democracy are often used interchangeably, but the two are not synonymous. Democracy is a set of ideas and principles about freedom. Clack describes it as the institutionalization of freedom.²

Nigeria is one of the fledgling democracies in the world compared to established democracies like the United States, Switzerland, France, etc. The country adopted the democratic system after decades of successive military regimes. History has shown that transitioning to democracy from military dictatorship is never an easy task. It becomes

even more cumbersome when those who grab the democratic power from the retiring military dictators were ones military dictators themselves. Such is the Nigerian democratic experience. Even while in the democratic dispensations, leaders are yet to learn to govern institutionally by allowing the forces of checks and balances guide their choices and decisions. There is still rampant abuse of the fundamental rights and freedom of citizens. The Nigerian state is therefore not reaping enough dividends from the acclaimed democracy she practices.

How democratic is Nigeria democracy? What are the human and bureaucratic elements undermining the effective application of the tenets of democracy in Nigeria? This article seeks answers to these and other pertinent questions via the study of Nigeria's democratic experience in the light of Hayek's submission on democracy. Effort is made at first to establish the basic principles of democracy as a universal concept.

Basic Principles of Democracy

It is obvious that even though democracy is not synonymous with freedom, freedom is at the core of all forms of democratic practices. Freedom of the masses is the foundation of every authentic democracy. This is why scholars like Hayek view liberalism as coterminous with democracy. There are a number of fundamental principles that enables democracy to uphold freedom in the polis. We shall reflect briefly on a few.

1. Fundamental Rights

The State cannot function democratically if it fails to recognize and respect the fundamental rights of the citizens. The United States Declaration of Independence, written by Thomas Jefferson in 1776 states thus:

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.*³

More specifically, in democracies, these fundamental or inalienable rights include freedom of speech and expression, freedom of religion and conscience, freedom of assembly, and the right to equal protection before the law. This is by no means an exhaustive list of the rights that citizens enjoy in a democracy, but it does constitute a set of the irreducible core rights that any democratic government worthy of the name must uphold.⁴ Hence, the essence of having a state and government is to protect and preserve these fundamental rights from abuse. Put simply, it is to protect and preserve the freedom of the citizens.

2. Citizen Responsibilities

Responsible citizenship is indispensable to the proper functioning of the state especially in a democracy. Democratic citizenship therefore requires participation, civility, patience - rights as well as responsibilities. Benjamin Barber notes that:

Democracy is often understood as the rule of the majority, and rights are understood more and more as the private

possessions of individuals. ...But this is to misunderstand both rights and democracy. For democracy to succeed, citizens must be active, not passive, because they know that the success or failure of the government is their responsibility, and no one else's.⁵

It is certainly true that individuals exercise basic rights - such as freedom of speech, assembly, religion -but in another sense, rights, like individuals, do not function in isolation. Rights are exercised within the framework of a society, which is why rights and responsibilities are so closely connected. Democratic government, which is elected by and accountable to its citizens, protects individual rights so that citizens in a democracy can undertake their civic obligations and responsibilities, thereby strengthening the society as a whole.

3. Free and Fair Elections

Free and fair elections are essential in assuring the consent of the governed, which is the bedrock of democratic politics. because election concerns the will and wish of the people for the leadership of the state, it is the only instrument that gives legitimacy to governance in a democratic state. Elections serve as the principal mechanism for translating consent into governmental authority. Jeane Kirkpatrick notes, "Democratic elections are not merely symbolic. ...They are competitive, periodic, inclusive, definitive elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticisms, and to present alternatives."⁶

Democratic elections are competitive. Opposition parties and candidates must enjoy the freedom of speech, assembly, and movement necessary to voice their criticisms of the government openly and to bring alternative policies and candidates to the voters. Simply permitting the opposition access to the ballot is not enough. Kirkpatrick avers that in addition the party in power may enjoy the advantages of incumbency, but the rules and conduct of the election contest must be fair. On the other hand, freedom of assembly for opposition parties does not imply mob rule or violence. It means debate.⁷

4. Equal Adherence to Law

For much of human history, law was simply the will of the ruler. Thrasymachus and a large chunk of the Sophist school of the Later Greek Philosophy embodied this viewpoint. Democracies, by contrast, have established the principle of the rule of law for rulers and citizens alike. Schofield rightly affirms that the rule of law protects fundamental political, social, and economic rights and defends citizens from the threats of both tyranny and lawlessness.⁸ Ceka et al further explains that rule of law means that no individual, whether president or private citizen, stands above the law. Democratic governments exercise authority by way of the law and are themselves subject to the law's constraints.⁹ Justice is best achieved when the laws are established by the very people who must obey them. Citizens living in democracies are willing to obey the laws of their society because they are submitting to their own rules and regulations. So in proper democratic settings, the law should proceed directly from the people. The people must participate and influence hugely the processes of law-making.

6. Due Process

In every society throughout history, those who have administered the criminal justice system have held power with the potential for abuse and tyranny. In the name of the state, individuals have been imprisoned, had their property seized, have been tortured, exiled, and executed without legal justification and often without formal charges ever being brought against them. No democratic society can tolerate such abuses. Every state must have the power to maintain order and punish criminal acts, but the rules and procedures by which the state enforces its laws must be public and explicit - not secret, arbitrary, or subject to political manipulation - and they must be the same for all. This is what is meant by due process.¹⁰

Democratic Liberalism: Hayek's Standard for an Ideal Democratic State

Hayek agrees that freedom is the soul of democracy already demonstrated in the previous section. In fact, when we speak of democracy, he speaks of freedom of citizens in the state. This is why for him democracy is what it should be in essence and practice only when it is understood as democratic liberalism. Hayek states emphatically that he is concerned in his books with that living condition of men in the society in which coercion of some by others is reduced as much as possible. This state he describes throughout as a state of liberty or freedom.¹¹ Hayek observes that these two words (liberty and freedom) have been also used to describe many other good things of life. He therefore made specific clarifications on his use and understanding of both terms. He notes, "The state in which a man is not subject to coercion by the arbitrary will of another or others is often also distinguished as "individual" or "personal" freedom, and whenever we want to remind the reader that it is in this sense that we are using the word "freedom," we shall employ that expression [liberty or freedom]."¹² Hence, Hayek uses the term liberty or freedom not only in the civil or political sense but also in the ordinary sense that indicates the absolute or even radical freedom of the individual from the arbitrary will or control of another in the state or from the will or control of the state itself. Hayek agrees that the attainment of this level of freedom in the society is very difficult or almost impossible but the function of the state should be that of creating the environment that would enhance this possibility, not that which would further negate it. He notes: "... The task of a policy of freedom must therefore be to minimize coercion or its harmful effects, even if it cannot eliminate it completely."¹³

Democratic Liberalism He speaks Responsible Freedom

Hayek's notion of liberty or freedom does not exclude choice. He understands clearly that responsibility both on the sides of the leaders and the led is an invariable trait of democracy. He avers, "Liberty not only means that the individual has both the opportunity and the burden of choice; it also means that he must bear the consequences of his actions and will receive praise or blame for them."¹⁴ Accordingly, "Liberty and responsibility are inseparable. A free society will not function or maintain itself unless its members regard it as right that each individual occupy the position that results from his action and accept it as due to his own action."¹⁵ Hence, individual freedom or liberty cannot be separated from individual responsibility.

Democratic Liberalism Suggests Equality before the Law; Not Material Equality

Hayek emphasizes that the great aim of the struggle for individual liberty within the State is to achieve equality before the law.¹⁶ This equality under the rules which the state enforces may be supplemented by a similar equality of the rules that men voluntarily obey in their relations with one another. Hayek argues that “This extension of the principle of equality to the rules of moral and social conduct is the chief expression of what is commonly called the democratic spirit-and probably that aspect of it that does most to make inoffensive the inequalities that liberty necessarily produces.”¹⁷ He insists that equality of the general rules of law and conduct is the only kind of equality conducive to liberty and the only equality which we can secure within the society without destroying individual liberty.

This suggests that Hayek is aware that the function of law in the state is not to force all men to be equal in productivity, skill and otherwise, but to create a balance and equal condition that would allow all men thrive to their maximum potential within the state. This underlines Hayek's unique contribution to the understanding of the principle of rule of law and its implication to the practice of democracy. He notes:

It has been the fashion in modern times to minimize the importance of congenital differences between men and to ascribe all the important differences to the influence of environment. However important the latter may be, we must not overlook the fact that individuals are very different from the outset. The importance of individual differences would hardly be less if all people were brought up in very similar environments. As a statement of fact, it just is not true that “all men are born equal.” We may continue to use this hallowed phrase to express the ideal that legally and morally all men ought to be treated alike. But if we want to understand what this ideal of equality can or should mean, the first requirement is that we free ourselves from the belief in factual equality.¹⁸

Hayek tries to point out from the above that equality before the law and material equality are two different things; one cannot be used to achieve the other. As a matter of fact, equality before the law can even lead to greater material inequality. Hayek explains thus:

From the fact that people are very different it follows that, if we treat them equally, the result must be inequality in their actual position[s] and that the only way to place them in an equal position would be to treat them differently. Equality before the law and material equality are therefore not only different but are in conflict with each other; and we can achieve either the one or the other, but not both at the same time. The equality before the law which freedom requires leads to material inequality. Our argument will be that, though where the state must use coercion for other reasons, it should treat all people alike, the desire of making people more alike in their condition cannot be accepted in a free society as a justification for further and discriminatory coercion.¹⁹

Consequently, for Hayek, the state is supposed to be a free society. A free society is one

that permits individual liberty informed by a constitution that insures equality of all before the law. The target of such equality before the law should not be to encourage factual or material equality that would ensure that all citizens attain similar heights in economic and social productivity. This manner of application of or understanding of the concept of equality before the law can only lead to further restriction of individual liberty. What Hayek preaches is a manner of equality before the law that creates favourable conditions for all citizens within the state to flourish efficiently according to their naturally given potentialities.

Democratic Liberalism Denounces State's use of Coercion

Hayek explains that coercion occurs when one man's actions are made to serve another man's will, not for his own but for the other's purpose. He notes that coercion does not negate the choice or rationality of the one being coerced: "It is not that the coerced does not choose at all; if that were the case, we should not speak of his 'acting'."²⁰ For Hayek, coercion implies both the threat of inflicting harm and the intention hereby to bring about certain conduct. Though the coerced still chooses, the alternatives are determined for him by the coercer so that he will choose what the coercer wants. He is not altogether deprived of the use of his capacities; but he is deprived of the possibility of using his knowledge for his own aims.⁴¹ Hayek argues therefore that "Coercion thus is bad because it prevents a person from using his mental powers to the full and consequently from making the greatest contribution that he is capable of to the community. Though the coerced will still do the best he can do for himself at any given moment, the only comprehensive design that his actions fit into is that of another mind."¹⁹

Hayek points out that the worst expression of coercion occurs when armed bands of conquerors make the subject (masses) toil for them, when organized gangsters extort a levy for "protection," when the knower of an evil secret blackmails his victim, and, of course, when the State threatens to inflict punishment and to employ physical force to make us obey its commands.²⁰ He observes that there are many degrees of coercion, from the extreme case of the dominance of the master over the slave or the tyrant over the subject, where the unlimited power of punishment exacts complete submission to the will of the master, to the instance of the single threat of inflicting an evil to which, the threatened would prefer almost anything else. Hayek rejects all of these forms of coercion in the state.

What is being said here is that Hayek views coercion as an illegal and amoral means government uses to enforce the law on citizens in the state. His position seems to be that if the law is a product of the people's liberty; and since the people understand that liberty entails responsibility; there should not be any necessity for the state to use coercion to make the citizens abide by the law. The citizens should be able to do that of their own accord since the law represents their will.

How Democratic is Nigeria's Democracy?

Democracy, as pointed out earlier, is described as the institutionalization of freedom. Freedom thus becomes the essence; the primary reason for the existence of democracy as a system of governance. This suggests that freedom is the yardstick for determining the quality and worth of any democratic system. In this section, effort is made to demonstrate how the State in Nigeria fails in diverse ways to meet with the demands of

a true liberal democratic system even though Nigeria is a “democratic” state. Hayek's democratic liberalism which agrees (to a large extent) with the ideal notion of democracy is used to evaluate the system of democracy applied in Nigeria.

Laws Undermine Freedom in Nigeria

Hayek's viewpoint is that laws or rules are meant to promote freedom, not undermine it is commendable. As he puts it, “...general laws are not designed to assist or harm any particular individuals or groups, but to all people, to be free to follow their own preferences. The rules or general principles are therefore not there to undermine freedom but to energize or even synergize freedom.”²¹ Hayek's submission applies directly to the situation in some nation-states like Nigeria and other politically unstable polities across the globe where the government does whatever is necessary to hinder the freedom of the people. They enact laws that infringes on the rights of the people to free speeches, movement, etc. They even go as far as establishing guidelines that hinder the media from doing its work convincingly. In climes like this, laws do not synergize or energize freedom, they undermine it.

It must be noted however that corruption and bad governance thrive within the state when the freedom of the masses is undermined. This is why laws that undermine the freedom of the citizens are rife in corrupt countries like Nigeria than is experienced in countries where corruption is insignificant. In such corrupt countries, Nigeria as a case in question, the State becomes a machinery that undermines freedom, not one that promotes it. Hayek however notes that “... the function of the State should be that of creating the environment that would enhance this possibility (freedom for all), not that which would further negate it... The task of a policy of freedom must therefore be to minimize coercion or its harmful effects, even if it cannot eliminate it completely.”²² When the freedom of the masses is willfully hindered by the state, the obvious result becomes anarchy and political disorder or instability within the state. It will not take long before the masses begin to take the laws into their hands and force things to happen the way they believe is best for them. This again explains why there is higher prevalence of violence and crimes in corrupt polities like Nigeria where the freedom and interests of the masses are perennially abused unapologetically than transparent polities like the United States where the freedom of the masses is sacrosanct.

Wrong Application of the Principle of Liberty in Nigeria

Hayek emphasizes that the great aim of the struggle for individual liberty within the state is to achieve equality before the law. For him, therefore liberty means equality of all before the law. This viewpoint of Hayek is commendable. He insists that equality of the general rules of law and conduct is the only kind of equality conducive to liberty and the only equality which we can secure within the society without destroying individual liberty. Note that when Hayek talks about liberty as being synonymous to equality before the law he is referring to the necessity that the state provides the requisite condition that would permit all her citizens to function at their maximum level and hence maximize their potential. Liberty as equality of all before the law points to the need that the state provides all her citizens the basic necessities (morally, physically and otherwise) in spite of the differences in religion or ethnicity that may be evident among the people. Note that by this

position, Hayek is not insinuating that the state must ensure that all her citizens must function at the same level or must enjoy the same level of productivity in spite of the differences in their capacity and capability. His emphasis is rather on the need that the state provides equal favorable condition for all to thrive. Therefore, liberty as equality of all before the law also permits that the more skillful, learned, capable members of the population would thrive more than others given the equitable condition both sets of citizens enjoy.

From the above, it is obvious that Hayek makes a difference between equality before the law and material equality. Liberty in the state is valid when it ensures equality before the law not material equality. Material equality suggests that the state must do everything possible to ensure that all her citizens are equally productive, both the skilled and unskilled. Hayek rejects this manner of understanding of equality and rightly considers it a further abuse of the liberty of the section of the citizens that are naturally more gifted.

This idea of Hayek is apt and very useful in understanding the favouritism common in multiethnic and multi-religious polities like Nigeria. In climes like Nigeria, in recent times, it is common to hear a section of the populace rightly allege that the state is favouring a tribe or section of the country more than the other. A good example can be seen in the unnecessary leeway the government gives to Fulani herdsmen to the detriment of other businesses, tribes, and peoples in the country. This unnecessary privilege is seen in the lack of political will on the side of the state to deal decisively with the destructive excesses of the herdsmen. **Oghuvbu & Oghuvbu observe thus:**

Finally, the herdsmen's attacks in Nigeria in some way can be explained by the lack of political will of the government to properly arrest and prosecute criminals, as in the case of attacks in Nimbo in Uzo-Uwani Local Government Area and in Enugu city in 2016 [Okoro 2018]. The Fulani herdsmen attacked farmers in Nimbo because of the misunderstanding of the borders of the pasture fields, more than 50 people were killed and the property worth thousands of naira destroyed. There have been no serious arrests from that moment to the present, and the Fulani return at intervals to attack famers and villagers on their farms.²³

Anyarogbu also affirms this standpoint when he averred that:

... the political elites, those occupying public offices lack the political will to deal decisively with the situation. No arrest of any kind has been made in spite of the very destructive actions of some herders. The general view among farmers and other observers is that the herders enjoy some level of protection from the government in spite of the fact that they have been declared one of the most dangerous terrorist organizations internationally.²⁴

It can be said that the Nigerian state seems to have committed the fallacy Hayek condemns; that is, misinterpreting liberty to mean material equality instead of equality

before the law. This tendency has led to political and social disorder within the state. The government gives too much attention, freedom and privileges to the Fulani herdsmen because perhaps she believes that their trade makes them more disadvantaged than the other populations in the state. The government's target here could be interpreted as wanting the Fulani herders to thrive equally materially like other tribes in the state. The result of this attempt to achieve material equality of all the tribes within Nigeria is the social instability due to the excesses of the Fulani herders being experienced across boards in the country. Liberty as equality before the law is supposed to bring about political order and prosperity within the state. The wrong interpretation of this which is what we experience in Nigeria brings the reverse- chaos, political disorder, economic recess, marginalization, secessionist clamours, etc. Hayek is therefore very correct in this regard.

Federal Character Principle: Obstacle to Liberty

The Nigerian state seems to be a chronic victim of Hayek's interpretation of "liberty as equality before the law," not material equality. The state seems to be targeting material equality much more than equality before the law, and it somehow explains the mediocrity that is observed in many aspects of the nation's life. Take for instance the age-long policy called "Federal Character" in Nigeria. The policy's target is to ensure that the resources of the country, including governmental positions and rewards are equitably shared amongst the different ethnicities that make up the nation. Many scholars apparently consider the policy vital to national integration. For Cornelius & Greg, the federal character principle is a nation-building policy aimed at uniting existing autonomous regions and ensuring equal opportunities that will invariably translate to peaceful co-existence among the citizenry.²⁵ Okorie & Onwe likewise consider the introduction of the Federal Character Policy as a measure targeted at solving the prevailing issues of disunity and diversity in the country through the public sector, especially the employment process into the Nigerian civil service.²⁶ Ugoh and Ukpere view the Federal Character Policy as an integrative mechanism of the government aimed at bringing together different groups in Nigeria irrespective of their ethnicity, language, geographic and religious diversity.²⁷ They equally see the Federal Character Policy from the integrative perspectives like other scholars who see the policy as fostering unity, equality, peace, accessibility and the promotion of integration of the disadvantaged states for greater improvement and better living conditions in the states and the country in general.²⁸ Majekodunmi²⁹ & Onimisi et al³⁰ posit that the notion of federal character recognizes the plurality of Nigeria in employment processes, distribution of political and administrative positions as well as in the sharing of the country's resources across the board. The policy is strived at fostering equality in the composition and the conduct of the government's institutional practices which reflect the diversity of the country and recognizes the pluralist nature of Nigeria during employment exercises. Majekodunmi further claims that the Federal Character Policy can reawaken a sense of belonging among the citizenry.³¹ Ojo supports the integrative perspective of Majekodunmi in his study of the policy and practice of federal character. He sees the federal character as an integrative mechanism that ensures fair and effective representation of all Nigerians (including those from minority ethnic groups) in all institutions of government.³²

The above scholarly positions on the federal character policy notwithstanding, this article views the policy as almost diametrically opposed to Hayek's idea of "Liberty as Equality before the Law." This is because the primary target of the policy apparently falls under what has been described by Hayek as the attainment of material equality. But no state can lawfully attain material equality of all since all men are not borne with the same natural capacities. In fact, any attempt to ensure the material equality of all in the state already infringes on the liberty of those with more material capability because it would mean forcing them to reduce their level of productivity in order to function at the level of those they are better than in terms of skills and productivity. The Nigerian state is a victim of this misunderstanding and misapplication of the principle of equality before the law through her federal character principle. The principle ensures that the educationally disadvantaged North enjoys the same volume of enrollments (sometimes even more) into unity schools in Nigeria with the South even though the South has more qualified persons to be enrolled. To accommodate the incapacity of the North in this regard, the cut off mark for the admission of persons from the North is lowered. This is grave injustice to some citizens of the state done in the name of achieving material equality. The same is experienced in the recruitment of applicants into federal government establishments. Efforts are made to ensure that the North is given equal slots with the South even when the South has more qualified persons. The result of these defects is the mediocrity and poverty of ideas Nigeria suffers across all her leadership positions today.

Undemocratic Law-Making in Nigerian

One of the consequences of Hayek's viewpoint on liberty and equality before the law is his insistence that if the state is libertarian it insures that all men are treated equally before the law; more importantly therefore, it necessarily demands that all men must have equal share in the making of the law. This position of Hayek is stupendous. It automatically insures that the constitution and all the laws that bind the people of a state are the direct consequences of their own choices. Hence, no law is promulgated and enshrined into the constitution of the state without the people's consent. By so doing, the constitution of the state becomes the people's constitution. Hayek thinks and rightly insists that when the laws of the state are a function or product of the people's reasoned choices and decision, compliance to such laws will become a necessity, a religion to the people. The people will take the law personal and do everything possible within their might to obey it and protect it from being contravened. This is therefore a sure way of maintaining political order in the state. It is also a sure way of increasing citizen's participation in politics and governance and hence eradicating the age-long problem of political apathy.

The failure of democracy in climes like Nigeria to insure (to a large extent) that the law is a direct product of the reasoned choices of the people, not those of their selfish representatives, is one of the primary reasons Hayek abhors democracy (representative democracy) and insists that liberalism is not democracy and democracy is not liberalism. Hayek may have misjudged the democratic process in this regard because of the failure of democracy to represent the interests of the masses in many climes, but we cannot blame him too much for this because most times democracy makes it convenient for the people's

representatives in government to make decisions that do not represent the interests and choices of the people. This is clearly evident in Nigeria. What then is democracy if the process of making decisions is undemocratic? Take for instance the situation in Nigeria. Most times, the masses are not carried along when a new legislation is being made by both bicameral legislative houses. The representatives of the people just sit down and make laws without seeking the consent of the people; most times too they make these laws with full knowledge that the laws do not represent the interests of the people they represent. And most times, when the masses raise alarm at the promulgation of such unpopular law, the legislatures simply pay deaf ears to their cries. Isn't this totalitarianism in democracy? Of course such legislation or "un-peopled" law-making eventually proves catastrophic because it ignites the spirit of dislike for the nation. This explains why a good number of Nigerians are unpatriotic. The people predictably act contrary to such laws since it is not a product of their interests. The result is anarchy and disorderliness within the state. No citizen in his right senses will respect a law that does not represent his interests no matter how civil and loyal he is to his country. Hayek is therefore very much in order when he noted unequivocally that liberty as a function of equality necessarily demands that all men should have the same share in the making of the laws that bind them as citizens of the same state. This declaration is an inevitable necessity for political order in the state.

Abuse of Political Power in Nigeria

Hayek is totally against the use of all forms of coercion in the state. More specifically, he is against the use of coercion by state actors to enforce the laws of the state on her citizens. Hayek draws this conclusion apparently because he is aware that most times the laws promulgated by these selfish state actors may not represent the interests of the ordinary citizens. The selfish politicians may therefore resort to coercion as the last means of making the citizens adhere to such unpopular laws. This Hayek's position, even though it sounds too radical, has some elements of fact in it.

Consider the situation in many unstable polities like Nigeria where the state enacts unpopular laws and then use whatever illegitimate means within their capacity to ensure mass obedience of such laws. Doesn't such represent the wrong use of coercion? Isn't coercion unnecessarily applied in such instance? Naturally, no one would like to adhere to a law that is against his interests. The common option is to disobey such laws. The State cannot promulgate laws that she knows is unpopular and expect citizens that are patriotic to obey such laws. This is because, as a matter of fact, obedience to such laws is an act of "unpatriotism" in itself because such laws do not represent the true interests of the state, but those of some greedy lot occupying political offices. In this regard therefore, state coercion becomes an abuse of political power; the result is not farfetched- violence and political instability in the state. The masses would be forced to seek whatever means that is available to protect themselves from the unnecessary coercion state actors are inflicting on them through the police, military and other agencies of government. The climax of such would be civil unrest and ultimately, the collapse of the state. The ENDSARS protests of October 20, 2020 in Nigeria are concrete examples of wrong application of coercion within the state and the consequences that may arise from such.

Conclusion

The submissions of this article demonstrate that Nigeria's application of the principles of democracy is a far cry from the ideal. This is because mass freedom which is the spine of all forms of democracies is still being almost roundly abused by the machineries of the state in Nigeria. What sets democracy apart from all other systems of government is the pride of place freedom of the masses occupies within the system; but same freedom cannot be comfortably said to be reasonably honoured by the state in Nigeria. Rather, it can even be argued that the supposed democratic system in Nigeria does whatever it takes to stifle the freedom of the masses.

Given our brief exposition of the basic principles of democracy and what was said by Hayek about democratic liberalism on one side and our observance of the Nigerian experience on the other side, one can conclude that Nigeria is at best a pseudo-democratic state. Nigeria is arguably still very much a unitary totalitarian system similar to the situation that she was in were during the dark era of "militocracy". The difference between then and now lies perhaps on the fact that the present crop of leaders is not drawn from the military as it were in the past. Otherwise, almost every other thing is still the same. The citizens cannot yet freely express themselves and show publicly their dissent toward unacceptable state decisions. The media too is haunted, hunted and punished whenever she openly criticizes government policies. Prominent individuals are also molested by state machineries when they criticize government policies publicly. All these cannot take place in a Hayekian ideal state where the liberty of the people is sacrosanct.

It must be observed however that while this article agrees that Hayek's viewpoint sounds radical and extreme at times (example his abhorrence for the use of coercion by the state); his ideas are nevertheless very much coterminous to what democracy represent both in essence and praxis than what is being practiced in contemporary Nigeria. Nigeria should therefore look toward Hayek's ideals if she hopes to improve on the quality of the form of democracy she practices.

To improve on her application of the principles of democracy, Nigeria can begin by eschewing entirely or tweaking radically the injustice that has been practiced for decades under the guise of federal character principle. This principle has denied a great many better qualified and more capable citizens their legitimate democratic rights simply because they are not from a particular divide in the country. This is a breach of the freedom and of the fundamental rights of such citizens. It should therefore not be tolerated in a contemporary democratic country like Nigeria. The world has long gone beyond such nationally nepotistic sentiments as that represented by the federal character principle. The Nigerian state must do the needful if she hopes to benefit supremely from the huge human resources deposited in the country.

Endnotes

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