

**ROBERT NOZICK'S NOTION OF 'MINIMAL STATE' AND THE
CONTROVERSIAL WATER RESOURCES BILL IN NIGERIA**

Charles Nweke, PhD

&

Odu Ozoemena Paul

Department of Philosophy

Nnamdi Azikiwe Universty, Awka-Nigerian

kesun2002@yahoo.com

DOI:10.13140/RG.2.2.30881.58724

Abstract

Justice is commonly defined as given each one his due. The state is supposed to be the purveyor of justice for the citizens; she is supposed to be a mechanism that enables the reign of justice for all within the polis. By this descriptive, the state is apparently a powerful mechanism because she has the capacity to make and execute the law; to determine and punish crime. But, what becomes the fate of the masses when the state becomes abusive of power and begins to neglect the liberties of the masses? It is to overcome the possibilities of occurrences like this that Nozick postulates that the idea of the minimal state. For him, state authority and powers are to be so minimal that it should concern only the defense of the rights and liberties of the masses from abuses. Hence, the core function of the state is to make laws that promote the freedom of the masses; not those that negate such freedoms. How well does the Nigerian state fit this Nozickian postulation? This article studies Nozick's idea of the minimal state. It uses this viewpoint to critically assess the controversial water resources bill in Nigeria. The article finds out that contrary to Nozick's viewpoint the Nigerian state is a 'maximal state'. It concludes that, among other excesses, the water resources bill represents a core maximalist tendency of the contemporary Nigerian state.

Keywords: Authority, Bill, Entitlement, Justice, Law, Power, State, Resources

Introduction

The purpose or end of the state has been a subject of endless debate among political philosophers. The question of what purposes does the state exist to serve or what is the function of the state has been asked many times in every age since human existence. It has

been a perennial challenge among political thinkers. As Anifowose rightly suggests, “it is indeed the fundamental question of political thinkers which seeks to examine whether the State should do certain things or refrain from them.”ⁱ

Different answers have been proposed by various political philosophers according to their interests. For Plato “a good state, like a good individual, should exemplify moderation in character, thereby possessing the qualities of wisdom, courage, temperance and justice.”ⁱⁱ According to Aristotle, the purpose of the state is “to ensure good life, and an instrument for individual’s self-protection.”ⁱⁱⁱ While Locke postulates that “the great and chief end of men uniting into a commonwealth and putting themselves under government is the preservation of their property which is expressed as lives, liberties and estates.”^{iv} Therefore, he identifies three purposes for which the state exists to include the duty to protect society from the violence and invasion of other independent societies; the duty to protect subjects from injustice, by establishing a system of justice; and the duty of erecting and maintaining certain public works and institutions that will care for the wellbeing of the subjects. Appadorai equally pointed out that the essence of the state is connotative of the centrality of the State in improving the lives of the generality of the masses in a society under its control.^v Furthermore, Herbert Spencer asserts that the State is nothing but a natural institution for preventing one man from infringing the rights of another.^{vi} According to Jeremy Bentham, the best known exponents of the Utilitarian school of thought, the purpose of the State is a legal entity, with individualism as its ethical basis; and to provide the greatest happiness to the greatest number of individuals under its jurisdiction.^{vii} Similarly, Anifowose avers that the State is not an end itself but merely the means to an end. The State, thus, exists to enable the mass of men to realize social good on the largest possible scale. It exists to enable men to, at least, realize the best in themselves.^{viii} According to Laski, therefore, men can be enabled to realize the best in themselves only if the State provides rights, such as the right to work, right to education, right to basic freedoms of speech, press, association and religion; the right to vote and be voted for, etc.^{ix}

For the seventeenth and eighteenth century’s liberal democratic theorists, the sole function of the state is “to settle and prevent conflict or to put it in another way, the keeping of order and the maintenance of security.”^x This position has been labeled a negative function for “. . . it is the prevention of harm to existing rights or existing well-being, as contrasted with a positive function of adding to well-being or of adding new rights or redistributing old ones.”^{xi} More modern theorists see the function of the state to consist in the promotion of welfare and justice. This is dubbed the positive function. It is now regarded as a responsibility of the national community as a whole, in its organized

capacity, to increase in some degree the well-being of its members and to make fairer the distribution of rights which they enjoy.^{xii}

There is difference of opinion on how far the State should go in ensuring welfare and social justice. Even these two terms are themselves controversial. Totalitarianism is the theory that the state should undertake all possible social functions. Other versions of the positive function of the state may include communism and socialism. Now the idea of the minimal state can be viewed as a version of the negative function of the state. The doctrine of the minimal state requires that state's interventions "be minimal, limited to the negative function of preventing one individual or group from encroaching on the liberty of another."^{xiii} Outside of this, the promotion or pursuit of further positive good should be left to the business of the individual. The State should only try to leave to each individual as large an area of liberty as possible for him or her to pursue these ends. This article exposes Nozick's idea of the minimal state. It evaluates the function of the state in Nigeria vis-à-vis Nozick's postulations. Specifically, the article uses the controversial Water Resources Bill in Nigeria to demonstrate the shortcomings of the Nigerian State with respect to the idea that the ideal state is supposed to exercise the barest interference with the rights and liberty of the citizens.

Nozick's Concept of Minimal State

Minimal State refers to a state with the best possible amount of powers. It is a term used in political philosophy to describe a situation where the State's duties are so minimal that they cannot be increased much further without becoming a form of anarchy. This was introduced by Robert Nozick's work, *Anarchy, State and Utopia*, which was his most influential work supporting libertarianism. Nozick's starting point, is a society in which no government exists. In this situation, he maintains that people largely, although not entirely, respect the rights and liberties of others. Among these rights are self-ownership and the right to acquire property; otherwise economic liberty.

Nozick emphasizes economic liberty in his 'minimal state'. This economic liberty is identified with capitalism. He regards economic liberty as central to other types of liberty like political and individual liberties. He argues, ". . . economic liberty is the most important kind of freedom, both in itself and as the supposed foundation of all the other kinds of liberty... that communism lacks freedom of speech and freedom of religion and so on, is because it restricts economic liberty." Nozickian (libertarian) minimal state discourages taxation calling it a "legalized plunder."^{xiv} The argument here is that it limits the liberty of the individual to act as he wishes regarding that portion of his income. He opposes vehemently the Rawlsian idea of 'redistribution of property' in order to rectify

the injustices which were committed in acquiring some of them and balance up, a sort of, the inequalities among individuals. He condemns it since this position boils down to taxing the rich in order to help the poorer ones.

Nozick believes that a state should be 'minimal' concerning itself only with narrow functions of protection of citizens against force, theft, fraud, enforcement of contracts, and so on; that any more extensive functions given to the State would violate persons' rights not to be forced into doing certain things, and this is unjustified; and that the minimal state is inspiring as well as right.^{xv} Regarding the maintenance of law and order, Nozick is reluctant in accepting it as included in the State's job. He suggests: "even police protection ought ideally to be paid for directly by those who wish to buy such protection and can afford it."^{xvi}

More so, Nozick argues that the minimal state is the only morally justifiable form of government. This contention rests upon his understanding of the separateness of each person, the existence of inviolable rights, and the side constraint that these rights impose on the behaviour of others. He claims that persons are rational and they are moral agents, for they have free will. In addition, they have the ability to regulate and guide their lives in accordance with some overall conception of their choice. Nozick asserts, thus: "A person is a being able to formulate long term plans for its life, able to consider and decide on the basis of abstract principles or considerations it formulates to itself and hence not merely the plaything of immediate stimuli, a being able to limit its own behavior in accordance with some principles or picture it has of what an appropriate life is for itself and others and so on."^{xvii}

When a person shapes his or her life in accordance with some overall plan, that person gives meaning to his or her life.^{xviii} Persons, as such, are separate entities capable of determining the meaning and direction of their lives. Put slightly different, we are all separate existences capable of leading separate lives.^{xix} For Nozick, the significance of each person's possession of self-ownership is that people should not be used as resources or as means of achieving some end. It is wrong, he states, to treat people as if they are merely of instrumental worth, or to sacrifice one person for another.^{xx}

The separateness of each person means that each person's body and liberty are separate and distinct from those of others. They belong to each person and not to someone else. As such, Nozick argues that only each person has the right to decide what happens to her or his life, body, liberty or property. Being inviolable and exhaustive, these rights are absolute. Nozick claims that the rights of others determine the constraints on our actions.^{xxi} That is, a person's rights are not merely superficial claims that can be overridden. Rather, they are boundaries not to be crossed without the free consent of the

person whose rights they are. Elaborating on this, Nozick avers that “there are different individuals with separate lives and so no one may be sacrificed for others, and this underlies the existence of moral side constraints, but it also leads to a libertarian side constraint that prohibits aggression against another.”^{xxii} Therefore, a person cannot violate the rights of others through either interference or aggression. Nor can a person infringe upon other people’s rights in pursuit of some object or goal, even if that goal is to achieve an overall minimization of the violation of rights.^{xxiii} It is on this basis, therefore, that Nozick rejects utilitarianism.

Nozick asserts that a person’s rights are so strong and far-reaching that “they raise the question of what, if anything, the state and its officials may do?” In *Anarchy, State and Utopia*, Nozick considers these issues. Is it possible, he asks, to justify the existence of a state? If so, what are the limits on the state’s exercise of its coercive power? Alternatively, is anarchy the only option? Nozick commences his treatment of these questions by stating that if having government is superior to the most favourable state of anarchy, then the existence of the state is justified. The best possible state of anarchy that could reasonably be hoped for is one in which people had the freedom to do as they chose, but nevertheless restrained their actions in such a way that they respected the rights of others. In the Lockean ‘state of nature,’ for example, anyone can do what she or he wants to do so long as it is within the bounds of the laws of nature.^{xxiv} The laws of nature hold that no one may harm another in health, life, liberty, or possessions. They also hold that a person has a right of self-defense against those who would transgress those rights. When such transgressions do occur, Nozick notes, individuals have a right of rectification.

Generally, it is obvious that the idea of the minimal state is calling for a radical limitation of the influence of a state power to the barest necessary minimum possible. The idea of the minimal state is actually saying that the concern for the individual’s liberty is the supreme and, perhaps, the only value in the society and that the State’s power should be curtailed so extensively as to give the liberty of the individual the highest possible expression. It follows that the State may not impose taxation or use its coercive apparatus for the purpose of getting some citizens to aid others against their will, nor prohibit activities of people for their own good or protection. Otherwise, the State shall be seen as perpetuator of injustice instead of justice.

It is evident from the above that Robert Nozick is a headstrong libertarian. He stated categorically that the minimal state is the most extensive state that can be justified and that any state more extensive violates people’s rights and is therefore unjust. His minimal state is the embodiment of the doctrine of rights and his theory of justice can be regarded as a treatise on rights with particular reference to ownership of property. He posits that the

State has no right to seize the resources of individuals in order to distribute them according to any principle whatsoever. It follows that Nozick is interested in what distributive justice would consist of in a minimal state. Thus, his theory of justice can be viewed as a description of the operations of the minimal state insofar as distribution of resources is concerned. Stemming from Nozick's concept of minimal state is his entitlement theory which defines how individuals may justly come to possess things. The entitlement theory defines his conception of justice.

The Entitlement Theory

Robert Nozick introduced novelty in the concept of justice by affirming that justice is not about who get what but rather who is entitled to what. The rationale or the significance of Robert Nozick's entitlement theory is that it not only describes what justice requires in a social relation of distribution but also, and more importantly, it persuasively demonstrates why other theories of justice are defective. One important pitfall of the other theories, according to him, is that endorsing a view of the good that may guide decisions of distributive justice, they tend to discriminate against certain groups by limiting their rights and liberties to act in certain ways they would have preferred to. Hence, his theory promises to be value - neutral.

Before he articulated his theory of justice, he first (in the first part of his book- *Anarchy, State and Utopia*) sketched a minimal state, which, as it were would provide a framework for the theory. Most critics of the libertarian minimal state complain that it allows for far too little government and thus conclude that a more-than-minimal state is necessary in order to fulfill the requirements of distributive justice. So their theories of distributive justice or what I may simply like to call distributive models include: capitalism (to each according to their work); socialism (to each according to their need); egalitarianism (to each equally); aristocracy (to each according to their "inherited station") and kraterism (to each according to their power to grasp what they want).^{xxv} John Rawls, for example, insists that the State must engage in redistributive taxation in order to ensure that a fair distribution of wealth and income obtains in the society.^{xxvi} Nozick's answer to this objection constitutes his "Entitlement Theory of Justice".

Nozick started by emphasizing that it is only the individuals' efforts and transactions in a free market that give them moral claim over what they obtain provided that certain principles of justice in holdings are observed. Thus he criticized the idea of conceiving 'distributive justice' as if there is a distributor, different from the distribution itself, which doles out shares to people according to some earlier specified criteria. This is what he finds wrong with Rawls' theory of justice, first and foremost. He states that distribution does not imply a system whereby "something or mechanism uses some principles or

criteria to give out a supply of things. There is no central distribution; no person or group entitled to control all the resources, jointly deciding how they are to be doled out. What each person gets, he gets from others who give to him in exchange for something, or as a gift.^{xxvii} A true understanding of distribution according to Nozick is akin to the sort of distribution that occurs (or happens) in people choosing their mates in marriage. When fresh students of a particular university, for example, gather in the campus, choosing of new friends in the new environment represents the sort of distribution Nozick is referring to here. He stressed that “there is no more a distributing or distribution of shares than there is a distributing of mates in a society in which persons choose who they shall marry.”^{xxviii} So Nozick's entitlement theory is simply suggesting that anybody is entitled to whatever he gets in the above described sort of distribution insofar as the three principles of justice in holding are fulfilled.

The Controversial Water Resources Bill and Nozick's Minimal State

The Nigeria pre-colonial era witnessed water policies aimed at the development of water for domestic and agricultural usage. The establishment of the Nigerian Geological Survey (NGS) in 1917 was to search for groundwater in semi-arid areas of former Northern Nigeria. The systematic investigations conducted in towns and villages for hand dug wells commenced in 1928. However, from 1950s the political configuration of the country was such that water policy evolved on regional rather than national basis.^{xxix} Such policies through Water Acts mainly concern water and electricity supplies and for navigation within each of the regions. The 1972–74 droughts in the Sahelian region including Nigeria were instrumental in considering water policy development on national level. It became obvious that policy for water resources development for effective coordination must evolve and formal legislation at national level became paramount. Thus, in the mid-1970s the Federal Ministry of Water Resources and the River Basin Development Authorities (RBDAs) were established. In 1981, the National Committee on Water Resources was established to guide the two bodies. Its mandate was to ensure rational and systematic management of the nation's water resources.

In 1979, the River Basins Development Authority Decree was promulgated. It repealed the 1976 River Basins Development Decree with its 1977 Amendment, created eleven River Basins Development Authorities with their functions and provided for the establishment of committees.^{xxx} This decree was also repealed in the River Basins Development Authorities Act of 1986 and re-established eleven river basins, set out functions and empowered them to establish, operate and regulate advisory committees. The 1990 RBDAs Act maintained the 1986 Act but increased the river basins to twelve. The mandates given to the RBDAs in 1976 was enormous (i.e. planning and developing

water resources, irrigation work and the collection of hydrological, hydro-geological and meteorological data) but was narrowed down to large scale single purpose irrigation projects. Then emerged Decree No. 101 cited as Water Resources decree effective on August 23, 1993 and updated as Water Resources Act (WRA) 2004. The Act vests rights and control of all water including all water-course affecting more than one state on the federal government through the Federal Ministry of Water Resources.

Sequel to the Water Resources Act 2004, National Water Resources master plan was completed in 1995. The objective was to ensure optimum use of the nation's water resources. It provided for developmental scenario through well formulated strategies in the short and long term by the year 2000 and 2020 respectively. Today, WRA 2004, Minerals Act of 1990, National Inland Waterways Authority (NIWA) Decree 13 of 1997; RBDA Act of 1990 and State Water Edicts are relevant in the development and management of the nation's water resources. The 1999 constitution of the Federal Republic of Nigeria empowers both the states and the local governments to make laws relating to water. In essence, the states and the local governments have the constitutional power to legislate on all waters within their jurisdiction not covered by the Exclusive Legislative List (ELL) for development and management. This appears to be the trend regarding the management of water resources in Nigeria until the emergence of the Buhari Administration which tried to give more impetus to Federal control over water resources in Nigeria through the infamous National Water Resources Bill.

The National Water Resources Bill was first introduced in the 8th Assembly in April 2017 during President Muhammadu Buhari's first term. The bill passed in the House of Representatives but failed in the Senate. It was therefore jettisoned after the Senate Committee on Water Resources to which the bill was referred could not report back on it before the 8th Assembly came to an end in June 2019 as a result of the controversy surrounding the bill.^{xxx} On July 7, 2020, the National Water Resources Bill was reorganized and reintroduced in the 9th House of Representative by its sponsor, Honourable Soda Soli from Katsina State and of the APC (All Progressive Party). The bill was eventually passed and forwarded to the Senate for concurrence. The bill sought to transfer the control of water resources from the state to the federal government. The faulty manner by which the bill was reintroduced puts to question the motifs of its sponsors. Ogunmupe, like many other concerned Nigerians, suggests that "At present, the bill is being used to polarize the country along ethnic lines."^{xxxii}

Several prominent Nigerians have expressed their reservations on the bill. Benue State Governor, Samuel Ortom states clearly that his state is not a party to the bill. According to him, "The Federal Government's insistence to take over control of water resources across

the country is tantamount to the suppression and enslavement of indigenous people of this country.”^{xxxiii} The National Water Resources Bill seeks to ensure that the nation’s water resources are adequately protected from degradation and pollution, and hence enhance citizens’ rights to clean water, sanitation and hygiene. It also seeks to create the following establishments: a National Council on Water Resources; a Nigerian Water Resources Regulatory Commission; River Basin Development Authorities; a Nigeria Hydrological Services Agency; and a National Water Resources Institute. The bill will empower the Nigeria Water Resources Regulatory Commission it seeks to create with the authority to issue licenses.

There are several concerns about the bill. It seeks to create in one full swing, four new agencies of government. For a country crying over excessive numbers of regulatory agencies, several of which are redundant, underfunded or unfunded, and mostly inefficient, this seems to be another ill-fated government legislation. The bill seems set to create an added layer of licensing simply aimed at generating money rather than any added value. With government agencies having the reputation of collecting funds and fees from the masses without applying same to the welfare of the public, there is the question whether this does not add to those concerns. With boreholes being dug across the country, most because of government infrastructural failures, the licensing regime will naturally add to the burden of citizens rather than address any important public concern. More concerning is the fact that the bill bears striking similarities with the Late Sani Abacha Lands Decree No. 52 of 1993. This anarchical degree controversially declared all lands within 100metres of the shoreline of Nigeria and any other land reclaimed from any lagoon, sea or ocean in or bordering Nigeria as belonging to the Federal Government.^{xxxiv} Under the dictatorship of Abacha, this decree was invoked to appropriate prime lands in some coastal states. Of particular note was the acquisition of lands in Ikoyi Foreshore, Banana Island and the Atlantic coasts of Lagos State. These were appropriated by the Abacha regime and shared to family members, friends and business associates without any national interests or value considered. The fear regarding the Water Resources Bill is that it also has provisions similar to General Abacha’s Decree No. 52 of 1993. It has provisions that give the federal government powers over water affecting more than one state, including water beds and banks of such water bodies. This is why the bill is generating so much debate and controversy.

What is the implication of passing such a bill vis-à-vis Nozick’s theory of justice? Would a justice system that follows the blueprint set by Nozick permit ‘a federal control over all the water resources scattered across all the states and regions of Nigeria’? Obviously, as Ogunmupe observed earlier on, the Water Resources Bill (like many others in Nigeria) is not exempt from the influence of ethnic politics. Little wonder then that the fellows

fronting the passage of the bill are from the same region of the country- the north, whose interests are expected to be promoted by the bill. The bill therefore further substantiates the claim that ethnic chauvinism is a primary factor determining the direction of government policies in Nigeria. This fact has been more clearly demonstrated in the Buhari presidency. Moreover, the bill when fully implemented will make it even more difficult for the masses to have access to quality and portable drinking water. So, instead of collaborating with the federating units (the states) and local governments to address the increasing lack of quality and portable water supply in the country, the central government forwarded to the 9th Assembly a bill rejected by the 8th designed to further commercialize access to water by the masses. Hence, “Through the bill, the Federal Government will take over water resources from the states, license the supply and commercialize the use of water. What is more, government that has failed to supply water to the people will turn around to give approval and charge people for digging boreholes.”^{xxxv} This is grave injustice done to the people by the State which is supposed to protect the rights and interests of her citizens. If the citizens cannot find justice from the institutions of the State, specifically from those who they vote into power, what becomes the fate of the citizens outside of their country?

Of course, as noted earlier, the bill does not affect all the citizens in the same way: to some it is an advantage; to others, it is a grave disadvantage. Ogunmupe notes, “Since the bill contravenes parts of the Constitution and relevant judicial authorities, some states and cultural groups have accused the Federal Government of seeking to take over the water resources of some sections of the country in order to implement the obnoxious rural grazing policy through the back door.”^{xxxvi} The Water Resources Bill is therefore one of the many ways power struggle and competition for resources in the Nigerian State is manifested between the two major divides – North and South regions- that make of the country. Apparently, due to the growing effects of climate change and the continuous desertification of Northern Nigeria regions closer to the Sahel, the political elites from that region are looking for subtle ways to re-channel the vegetation and water resources in the South of Nigeria to their favour. This also explains the recurrent attempts by the Buhari administration to implement the policy on nationwide grazing reserves.

Recall that Nozick’s proposes a ‘Minimal State.’ The Water Resources Bill goes completely against Nozick’s idea of the minimal state. In fact, in the ideal Nozickian state, the State is just inasmuch as it does little to determine, control or undermine the economic, social, and even political freedom and rights of the masses. That is, the lesser the State attributes authority and power to determine the outcome of the lives of the citizen, the more just the State becomes. Nozick believes that a state should be ‘minimal’ concerning itself only with narrow functions of protection of citizens against force, theft,

fraud, enforcement of contracts, and so on; that any more extensive functions given to the State would violate persons' rights not to be forced into doing certain things, and this is unjustified; and that the minimal state is inspiring as well as right. Nozick argues that the minimal state is the only morally justifiable form of government. This contention rests upon his understanding of the separateness of each person, the existence of inviolable rights, and the side constraint that these rights impose on the behavior of others. Therefore, for Nozick, the State exists only because it is an institution that protects and ensures the freedom and rights of the citizens. The state is not supposed to be unnecessarily involved with the economic wellbeing of particular citizens to the extent of making policies that give citizens undue advantages over the others (as is the case with Nigeria). The State is supposed to be a harbinger of justice; and this it does by ensuring the freedom of all citizens equally as far-reaching as possible. The Water Resources Bill of the Buhari administration does not represent this Nozickian sentiment in anyway; it is therefore criminal and unjust.

In fact, Nozick even raises questions on the need for the existence of a state. He agrees that there is need for people to exist as a collective under one body called a state, nation. He however, completely cancels out the existence of an anarchical state. He actually forbade anarchism in the state to the extent of forbidding the state from the use of coercive power or abuse of political authority. Nozick asks, is anarchy the only option? He replies, thus: "The best possible state of anarchy that could reasonably be hoped for is one in which people had the freedom to do as they chose, but nevertheless restrained their actions in such a way that they respected the rights of others."^{xxxvii} What Nozick points out here is that the State must be organized in such wise that it permits the freedom of the masses to the extent that such freedom does not cause harm to others. By implication, never should the State at any time impose her will on the masses. Never should the State make legislation or laws that do not completely represent the will and consent of the people.

The Water Resources Bill is definitely an anomaly in the light of Nozick's tenentson justice. It is an imposition of the will of the State over a section of the masses in order to score cheap ethnic chauvinistic goals. Contrary to Nozick's teaching, even though the Nigerian State is convinced that the majority of those in the Southern region are against the passage of such a ridiculous bill, the Federal Government went ahead to present same to the bicameral legislative houses. Ordinarily, in the light of Nozick's liberal justice theory, the bill is supposed to have proceeded from the grassroots to the top, not vice versa. The government is supposed to propose only bills that completely represent the will of the masses. The masses should actually be deciding the direction of government

policies, not those in government making decisions without cognizance given to the will of the masses or even ignoring the masses when they eventually raise objections.

This article is therefore convinced that the Water Resources Bill is one of many legislations in Nigeria influenced by ethnic politicking. The policy is completely anti-people and is hence contrary to Nozick's theory of justice captured in his idea of 'Minimal State'. The government of Nigeria has no business, according to Nozick's principle, with determining the management and control of water resources scattered all over the federating units making up the country. The water resources belong to the indigenous people; they are therefore supposed to be given total control over same. The State's function is to make laws to ensure the maximum protection of the rights of this people to ownership of these water resources; not making laws that would deprive them of the resources and even cede same to others who have no rights of ownership to same resources.

Conclusion

This article has exposed a core aspect of Nozick's theory of justice- his idea of the minimal state. In fact, Nozick notion of the minimal state is the logical foundation upon which his principles of justice by acquisition, transfer, rectification are built. As radical libertarian, Nozick is of the opinion that the function of the state should not be the interference of the freedom of the masses. In fact such functions must have at the top of the priority list the enhancement or creating of the required environment for the furtherance of the freedom of the people. In other words, the function of the state is to enact laws that would enable the masses have greater liberty; and to eschew every tendency or possibilities that would negate or hinder the liberty of the citizens. This can only imply that the function of the state in relation to the welfare of the citizens, for Nozick, must be as infinitesimal as possible if the state is to be considered an ideal.

As usual, Nozick sounded too radical here. He bequeaths an almost extreme liberty to the masses to the extent that the state may not be able to exercise control over her own citizens. Such can also lead to anarchy in the state. However, Nozick makes such lofty claims on the minimal state because he is aware of the existence of power drunken elements in the state (like in Nigeria) who would wantonly employ the machineries of the state to perpetrate injustice to all or a section of the citizenry. Nozick's postulation is therefore targeted at protecting the masses from the tyranny of the state; from abuse of political power and blatant disregard for political legitimacy. The water resources bill, still being debated, in contemporary Nigeria is act that constitutes an abuse of both political power and political legitimacy. It is an abuse of political legitimacy because it fails to rely

or seek the consent of the masses; and it is an abuse of political power because the Nigerian state sought to legitimize the bill even though she knows it is against the will of the majority of the citizenry. This is a major interference and a massive breach of the liberties and rights of the Nigerian citizenry. This article is therefore of the viewpoint that the Nigerian State is a direct opposite of Nozick's postulations on the minimal state. The state in Nigeria is thus a 'Maximal State' because it interferes regularly with the liberties of the masses and enact laws that hinders such liberties.

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