

## JOHN RAWLS' THEORY OF JUSTICE AND ITS RELEVANCE TO CONTEMPORARY NIGERIAN DEMOCRACY: A PHILOSOPHICAL APPRAISAL

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### Abstract

*Two major cardinal principles of democracy are liberty and equality and every genuine and authentic democracy promotes these two eternal norms or ideals. John Rawls, the 20<sup>th</sup> century American philosopher espoused these cardinal principles in his unique conception of justice, a conception he uniquely coined "justice as fairness" which greatly conveys the indubitable truth that the principles of justice as the basic structure and pivot of society are determined in an original setting or situation of liberty and equality. Through his theory of justice, Rawls made concerted efforts to resolve the arduous challenges of distributive and social justice which craved and clamored for the fair and equitable distribution of goods and services in the society. This paper philosophically appraises John Rawls theory of justice and tries to show its relevance to contemporary Nigerian democracy, a democracy that has been bedeviled by numerous challenges of various proportions and magnitudes. The paper posits that Rawls theory of justice can copiously be incorporated and mainstreamed into contemporary Nigerian democracy to give it a humane and humanistic face for the overall benefit of the citizenry.*

**Keywords:** John Rawls, Theory of justice, relevance, Nigeria, democracy, philosophical appraisal.

### Introduction

Justice is one of the cardinal principles of human existence. It is a virtue that tends to bind humanity in near perfect unity. Without it, the world will be a theatre of war and the absurd. In the absence of justice, the life of man on earth will be solitary, poor, nasty, brutish and short using the words of Thomas Hobbes, the remarkable British philosopher in his description of the status of man in the state of nature prior to the advent of the political society or the famed social contract that tamed the wildness of man.

The Oxford Concise Dictionary of Politics (2003:287) defines justice as the essence of a proper balance. The Cambridge Dictionary of philosophy (2009:456) sees justice as each getting what he or she is due. It goes further to classify justice into

formal justice which is the impartial and consistent application of principles, whether or not the principles themselves are justice, substantive justice which is closely associated with rights i.e. with what individuals can legitimately demand of their government and retributive justice which concerns when and why punishment is justified.

Plato's Republic depicted a just society as one in which various social functions were properly fulfilled and balanced thus tending to assimilate the virtue of justice with the pursuit of the common good. This assimilation makes justice the cardinal virtue of political order, but is resisted by those for example who might wish to consider how just a society is, as only one of a number of guides to the desirability of a life within it.

Justice remains a very indispensable virtue and its importance in the society for the proper functioning of such a society cannot be overstressed. John Rawls theory of justice is therefore a bold attempt in asserting the primacy and supremacy of justice in the society hence he stated even clearly and lucidly that "justice is the first virtue of social institutions as truth is to systems of thought" (1971:3) justice as a universal and theoretical concept has severally been subjected to various philosophical as well as legal interpretations towards establishing its real essence and role in human society which largely aims at peaceful coexistence of people.

In the course of human history and existence, various theories of justice have been propounded by various scholars within the philosophical realm. Plato's theory of justice as entrenched in his Republic clearly defines justice as a virtue establishing a rational order, with each part performing its appropriate role in a harmonious and clearly defined way. For St. Augustine, the great scholastic philosopher, the cardinal virtue of justice entails people being treated fairly or being given their due in the society. For David Hume, the British empiricist philosopher, justice reverently serves public utility by protecting property. For J.S Mill, justice is a collective name for the most important social utilities which are conducive to fostering and protecting human liberty.

John Rawls employed the popular social contract argument to show that justice in general and social justice in particular is a particular aspect or form of fairness. Our particular concern in this paper is justice in the context of social justice in John Rawls theory of justice which is geared towards ensuring that individuals in the society get their due in terms of the fair and equitable distribution of wealth, opportunities and privileges in the society. The overall aim of Rawls theory of justice is to provide a solid platform for a proper and positive

conception of justice for the basic structure and functioning of the human society to avoid frequent squabbles among the human species. This paper therefore appraises John Rawls theory of justice from a philosophical perspective and tries to find out its worth, value, essence and significance and also tries to establish its relevance in being applied to contemporary Nigerian democracy, a democracy that has left on its trail regrets and sorrows among the country's citizens whose fortunes as citizens of Nigeria have not improved despite many years the country has practiced this acclaimed best form of government.

### **John Rawls: A Biographical sketch**

John Rawls was an eminent American philosopher who made remarkable contributions to the fields of moral and political philosophy. Rawls is best known for his highly praised and widely discussed book 'A Theory of Justice' which is globally regarded as the most significant work in political philosophy. His work and theories in political philosophy have given birth to the school of thought named Rawlsianism.

John Rawls was born on February 21, 1921, in Baltimore, Maryland to Parents William Lee Rawls and Anna Abell Stump Rawls. He belonged to an affluent family, his father worked as a solicitor. Rawls attended a local school in Baltimore for his early education and later he attended the Kent school in Connecticut. In 1939, he was accepted at Princeton University. In 1943, he received his degree of Bachelor's in Arts and enrolled in the United States Army to fight against the German forces during the World War II, he left the army upon beholding the horrific events of the Hiroshima bombing.

After leaving the army in 1946 Rawls resumed his studies at the Princeton University and received his PhD in moral philosophy. In 1950, he published his doctoral thesis titled "A study in the Grounds of Ethical knowledge, considered with reference to judgments on the moral worth of character". The same year, he began teaching at the Princeton University. In 1951, he published an article in the Cornell University Journal Philosophical Review titled "Outline of a Decision Procedure for Ethics". Later he published "Justice as Fairness" and "the sense of Justice" in the same magazine.

In 1952, John Rawls received the Fulbright fellowship to Oxford University. He returned to America a year later and accepted the position of associate Professor at the Cornell University. Over the course of the next ten years, Rawls became a full-time Professor at Cornell University, in addition to a tenured position at the Massachusetts Institute of Technology. However, he chose to accept a teaching

position at Harvard University. In 1963, he was commissioned by the American society for Political and Legal Philosophy to write a chapter for their Year book, 'Nomos, VI: Justice' John Rawls authored 'constitutional Liberty and the Concept of Justice'. In 1967, he contributed a chapter titled 'Distributive Justice', for Laslett and Runciman's book titled 'philosophy, Politics and society'. The next year, he published his widely read and applauded article, titled 'Distributive Justice: some Addenda'. In 1971, he published his magnum opus, his most significant contribution to the field of ethics and political philosophy, titled 'A Theory of Justice'.

In 1974, Rawls published his highly acclaimed article in the Quarterly Journal of Economics, titled 'reply to Alexander and Musgrave'. The same year he authored another praise-worthy article in the American Economic Review titled 'Some Reasons for the Maximum Criterion'. In 1993, he published a revised version of his earlier work, 'A Theory of Justice' as 'Political Liberalism'. Later that year, he also published an inspiring article in Critical Inquiry, titled 'The Law of the Peoples'. In 2001, John Rawls decided to address the criticisms garnered by his work in 'A Theory of Justice' as a response to the critics of his work, he published 'Justice as Fairness: A Re-statement'.

John Rawls has been applauded and celebrated for his contributions to ethical and political philosophy. In 1999, he was the recipient of the Rolf Shock Prize for his contributions to the field of 'logic and Philosophy' and the same year he was also awarded the National Humanities Medal. In 1995, John suffered a series of severe strokes which rendered him unable to walk. He passed away on November, 24, 2002 in Lexington, Massachusetts at the age of 81 (most of the information on Rawls biography was taken from John Rawls: Biography, philosophy and facts available at <http://www.famousphilosophers.org/john-rawls>, assessed on 3<sup>rd</sup> February 2020)

### **The Concept of Social Justice as the subject matter of Justice**

Justice is a cardinal principle of humanity. It is a principle that guides and guards the society. Without it, humanity will steadily drift towards pure and unbridled anarchy. Justice is a unique term which however has broad meanings and these broad meanings can be applied to different situations. On our everyday lives, we encounter various life situations which can be described as just or unjust, fair or unfair. These include but not limited to laws, institutions, social systems, judgments. Justice has various kinds hence we can talk of economic justice, social justice, and legal justice and so on. However specifically speaking, the type of

justice implied in Rawls theory of justice specifically refers to social justice. According to Rawls (1971:6)

For us, the primary subject of justice is the basic structure or more exactly the way in which the major social institutions distribute fundamental rights and duties and determine the divisions of advantages from social cooperation. By major institutions understand the political constitution and the principal economics and social arrangements.

The basic structure of society strongly refers to the way or the structure consciously erected through which the political constitution and the principal constitution and the principal economic and social frameworks which constitute the major social institutions, distribute the fundamental rights and duties that determine how advantages generated from social cooperation can be efficiently and evenly distributed in the society to ensure harmonious coexistence to a very large extent. Rawls canvasses the importance of this basic structure by stressing that *"the major institutions define men's rights and how well they can hope to do"*. (1971:7) Rawls was deeply concerned with formulating a rational and reasonable conception of justice for the basic structure and functioning of the human society. It is in the light of this that his theory of justice revolves around the theme of social justice. Rawls is of the opinion that to fully and wholly comprehend the full import of justice, one must necessarily understand the conception of social cooperation from which it derives. Employing the traditional notion of justice which is an account of what properly belongs to a person is very often derived from social institutions and the legitimate expectation to which they give rise" (1971:10)

Man does not live in isolation but necessarily lives with others in a communal setting. It is this social institution that creates the need for justice in the society for peaceful coexistence. Perhaps it is necessary to recall that should man not have been in the society, all the stakes on justice as a cardinal principle would not have been very necessary. The nature and aims of a just society form the basic principles of the theory of justice. Rawls defines his own conception of justice by the role of its principles in assigning rights and duties to citizens and also in defining the appropriate divisions of social advantages that should accrue to the citizens in the wider spectrum of the society.

In the light of the foregoing, it is apt and perhaps very critical to stress that Rawls' definition of justice radically shifts from the traditional notion of justice as it is designed to apply directly to the justice of the basic structure which he

strongly believes is the most important aspect of the theory of justice. He argues though that his definition or conception of justice does not necessarily deviate from the established notion or tradition but rather insists that since the earlier approaches or traditions like the Aristotelian definition of justice which conceives justice as an account of what rightly belongs to a person and what is due to him refers to entitlements and these entitlements are basically derived from social institutions, therefore this is also a conception of social justice. "A conception of social justice according to Rawls is to be regarded as providing in the first instance a standard whereby the distributive aspects of the basic structure of society are to be assessed" (1971:8)

### **Justice as Fairness: The Cornerstone of Rawls Theory of Justice**

Justice as fairness is Rawls's name for the set of principles he defends in his Theory of Justice. He refers to the two principles of Justice as fairness but the second has two parts. These principles address two different aspects of the basic structure of society: the first principle "addresses the essentials of the constitutional structure. It holds that society must assure each citizen of "an equal claim to a fully adequate scheme for all". The second principle addresses instead those aspects of the basic structure that shape the distribution of opportunities, offices, income, and wealth and in general social advantages. The first part of the second principle holds that the social structures that shape this distribution must satisfy the requirements of fair equality of opportunity. The second part of the second principle is the famous "Difference Principle". It holds that "social and economic inequalities ..... are to be to the greatest benefits of the least advantaged members of society". (Rawls, John: Internet Encyclopedia of philosophy @ <http://jep.utm.edu/Rawls> assessed on 3<sup>rd</sup> February, 2020.

Justice as Fairness is the main theme of John Rawls' theory of justice. This idea does not literally mean that justice itself is fairness neither does it mean fairness. However, it strongly conveys the idea that the lofty principle upon which justice is conceived is based on an original situation of liberty and equality. Justice as fairness is Rawls theory of justice for a liberal and humane society. This in effect means that his idea of justice is only applicable in a liberal society. Rawls conceives justice as fairness on the specific explanation of the defining liberal ideas that citizens are free and equal and that society should be fair to one and to all. It defines a way of regarding the principles of justice as the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality, as defining the fundamental terms of their association.

Rawls employs the services of the famed social contract theory as a platform for the enunciation of his theory of justice as fairness. However, in this regard, he agrees that “we are not to think of the original contract as one to enter a particular society or to set up a particular form of government, but rather the guiding idea is that the principles of justice for the basic structure of the society are the object of the original agreement (1971:10). Rawls opines that in a liberal society, there exists a system of social cooperation whereby everyone contributes his/her own quota to the upliftment of the society. It is therefore very necessary that there are stipulated principles clearly outlined which unambiguously assigns or allocates basic rights and duties, determines the division or sharing of social benefits and distribution of mutual advantages. These principles are the principles of justice which are to be agreed upon in an original position of equality and for the purpose of order in the society. Men are to decide in advance or beforehand how they are to regulate their claims against one another for the purpose of peaceful coexistence and to minimize frictions in the society. Men are therefore to decide in advance how they are to regulate their claims against one another also to reduce friction. In the words of Rawls (1971:11)

Just as each person must decide by rational reflection what constitutes his good, i.e. the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust.

John Rawls sets out a version of the social contract theory with justice as fairness and he believes that it provides a better and superior understanding of justice to the dominant tradition of utilitarianism in political philosophy. The major aims of Rawls theory of justice as fairness are basically: to provide a just arrangement of these institutions in what he refers to as the basic structure of society. Due to the fact that this basic structure of society is composed of institutions that distribute the main benefits and burdens of social life, it is therefore the location of justice in the society. Some examples of burdens or benefits distributed by the basic structure include: who receives social recognition, who is entitled to certain right, who will have opportunities to get what kind of work, what the distribution of wealth and income will be and so on. Therefore, a society’s basic structure according to Rawls has the capacity to affect to a very large extent the lives of the citizens thereby influencing their prospects, goals, attitudes, relationships and characters. The summary of Rawls ‘theory of justice as fairness is that in every human society, there are bound to be frequent clashes of interests as well as conflicting claims. It is therefore not surprising that the principles of justice are relevant and contingent in deciding how advantages of social

cooperation are to be distributed to a very large extent on a near equal basis. Rawls have clearly demonstrated that the theory of justice can be acceptable when it is conceived in an original situation and equality hence justice in this sense can be regarded as fairness.

### **The Original position and the veil of ignorance**

Rawls in his theory of justice outlines two important positions namely the original position and the veil of ignorance. Omoregbe (2007:138) clearly describes the two positions. According to him:

The situation of having to choose the principles that will govern a proposed society without knowing one's role, profession or status in the society is what Rawls calls the "original position". Thus the basic principles of justice in society would be best formulated in the "original position", prior to the division of labour in the society. There are two constraints in the choice of these principles, which all those involved in it should be aware of. First, the principles to be chosen must be agreed upon by all the future members of the proposed society. Second, once the principles have been chosen and the people have come to know their status, professions or careers in the society, they cannot be changed. It is these principles that will determine how the basic goods of the society are to be distributed, and the aim is justice and fairness in the distribution.

The veil of ignorance refers to a situation where future members of a society who will adjudicate on the principles and policies that will govern the proposed society do not know their future role in the society being formulated. Omoregbe (2007:138) clearly explains this situation. He states:

Rawls proposes his own version of the social contract theory. He imagines a situation where future members of a society have come together to decide the principles that will govern the society. In order to ensure that there will be justice in the proposed society, none of its future members is allowed to know what he is going to become in the society. Nobody knows yet whether he is going to be a labourer, a farmer, a mechanic, a civil servant, a lawyer, a medical doctor, an employer or employee and so on. This is what Rawls called "the veil of ignorance" which lies from the future members of the proposed society their roles, status, professions or functions until

after the principles that will govern life in the society shall have been chosen and agreed upon by all.

Speaking further on the concept of the veil of ignorance, Omoregbe (2007:137) says:

The “veil of ignorance” is meant to ensure justice. Since, for example, I don’t know yet whether or not I am going to be a labourer (and I could become a labourer). I will make sure that the principles to be chosen are fair to labourers since that could turn out to be my role in the proposed society. On the contrary, if those choosing the principles that will govern the society were to know in advance their roles, professions or status in the proposed society, they would choose the principles that would favour their professions or status at the expense of others and that would be injustice. Hence the “veil of ignorance” compels them to try to be as objective, impartial and fair as possible in choosing the principles.

The veil of ignorance is intended to situate the representatives of the people of free and equal citizens fairly with respect to one another. No party can press for agreement on principles that will arbitrarily favour particular citizens they represent. The situation of the parties which embodies reasonable conditions within which the parties can make a rational agreement, since the parties are fairly situated, the agreement they reach will very likely be fair to all citizens in the actual society. It is in the light of this that Rawls (1971:15) conclude that “the purpose of these conditions is to represent equality between human beings as moral persons, as creatures having a conception of their good and capable of a sense of justice”

### **The concept of democracy**

Democracy has often been described by scholars as a nebulous concept. It has been defined in very many ways by various scholars. Abraham Lincoln, one of the past presidents of the United States of America gave a very classical definition of democracy, defining it as “the government of the people, by the people and for the people”. Till date, Lincoln’s definition of democracy seems to be a near-perfect and holistic definition of the subject matter of democracy. According to the Academic’s Dictionary of Political Science (2006:82), democracy is a term derived from two Greek words, ‘demos and cratia’. ‘Demos’ means the people and ‘cratia’ means power or rule. In short it means the power of the people to choose their leaders freely and unhindered in free and fair elections.

Adeyemo (2002:86) gives a detailed explanation of what democracy is. According to him, the idea of democracy was first developed and practiced in ancient Greece especially in Athens in the later part of the 5<sup>th</sup> Century B.C. All the citizens of the City-State played their part in government. They met together frequently in an Assembly which had law making and policy making powers and they were all equally eligible for election to the high offices of the state. All citizens, except slaves and foreigners had equal political power and rights. Unlike communism, democracy can be defined as a political system in which the people are the source of authority and in which the institutions enable the majority to dictate major policy outcomes or decisions.

As a result of the pluralistic nature of democracy, defining it in such a way that the definition will have a universal acceptability has become a herculean and almost a near unrealizable task. This view seems to seriously align itself with the view of Heater (1971:116) that “of all political words in common use today, democracy is perhaps the most difficult to define”. Orwell (1975:58) seems to substantiate this claim when he clearly stated that “in the case of democracy, not only is there no agreed definition but the attempt to make one is resisted from all sides. The defenders of any kind of regime claim it is a democracy”.

Democracy as a system of government has a lot of characteristics. These include but not limited to the following:

- i. Democracy is a system of government in which power and civic responsibilities are exercised by all adult citizens either directly or indirectly through their elected representatives.
- ii. Democracy rests upon the principle of majority rule, meaning that decisions are taken by the majority and have to be accepted by all but minority view points are respected and protected.
- iii. Democratic system of government guard against all powerful centralization of government and ensure that governance reach the local levels thus making government available and accessible to people in the hinterlands.
- iv. One of the prime functions of democracy is to protect such basic human rights as freedom of speech, religious beliefs, and the right to equal protection under the law, and the unfettered opportunity to organize and participate fully in the political, economic and social life of the political society.
- v. The conduct of periodic free, fair and credible elections which is open to all qualified citizens of the state who are of voting age is

another important feature of democracy. It thus prevents the entrenchment of tyrannical rule in any democratic state.

- vi. In a democracy, the citizens have both rights and responsibility to participate in the political processes that in turn protect their own rights and freedoms.
- vii. Democratic societies are committed to the age long and invaluable values of tolerance, cooperation and compromise.

### **Democracy: A brief philosophical background**

Every system of government has a deep philosophical origin and background and democracy is surely included. While some philosophers of note discarded the efficacy of democracy as a system of government, others acknowledged its high importance. Plato for instance saw democracy purely from a very negative perspective and therefore never approved of it as a fit and proper system of government that will engender societal development. He actually described it as a mob-rule. Plato surely had his reason or reasons for not having much faith in the majority who play the role of policy deciders in a democratic system of government. He was highly skeptical of the intellectual level of such majority which will equip them with the right knowledge to take rational decisions for the state. For Plato therefore, democracy required a high degree of literacy to enable it work and work well for that matter. It is in the light of this that Plato advocated for a social cum Political arrangement that will enable citizens participate in the running of the state according to their God-given abilities which is referred to in modern times as division of labour.

Jean Jacques Rousseau, Thomas Hobbes, John Locke and other social contract theorists saw the envisaged advantages in building a socio-political community, where the people in their own very interest are the basis or essence of political power hence the strong contention of these social contract theorists that the state exists for the interest and welfare of the citizens and that a government fails when it fails to cater for the wellbeing of the citizens of the state. For such social contract theorists, the state must ensure peoples growth and welfare for it to remain perpetually relevant, thus alluding to the definition of Abraham Lincoln that democracy is government of the people, by the people and for the people. The view of the social contract theorists remain highly relevant even till today in every workable democracy as the wellbeing of the citizens are the central charge and concern of most democratic governments. The freedom and welfare of the citizens are not negotiable in any true democracies today though there may be some aberrations. The very essence of the state providing for the welfare of the

citizens is to prevent the state from drifting back to the state of nature where according to Hobbes, it was “war of all against all”. In this state according to Hobbes, the life of man was brutish, nasty and short. The very essence of government therefore is to prevent this bitterness in the lives of the masses by using government apparatuses to provide them with the basic necessities of life to ensure peaceful and harmonious coexistence among the citizenry in the state.

### **Nigerian democracy: An Appraisal**

It is arguable to canvass the idea that the Nigerian state did not come into existence until the year 1914 with the forceful amalgamation of the northern and southern protectorates by the British colonial masters who administered the territory. It is however apt to observe that before the amalgamation in 1914, the present country called Nigeria did not exist in reality as a sovereign nation. What was actually in place was a hugely diverse conglomeration of various tribes and communities that made up the two protectorates that were eventually amalgamated.

Appraising Nigerian democracy can be a knotty task. This stems from the obvious fact that democracy in Nigeria has undergone so many metamorphosis and gruesome challenges over the years that the country has existed. Olusoji Ajao (2011:606) gives an in-depth analysis of Nigeria’s democracy. According to him:

Democracy in Nigeria has been blended and practiced with multifarious political structures institutions, systems, approaches and ideologies. This blending has been directed by maverick political personalities imbued with altruistic or egoistic tendencies. In any case, the assessment of democratic balance sheet of Nigeria has two sides pessimistic and optimistic.

Democracy in Nigeria has had a chequered history since the nation got her independence 58 years ago. The greatest undoing of democracy in Nigeria is the frequent military interventions that truncated many democratic journeys the country embarked upon in the past. At independence, the country practiced a parliamentary system of democracy which was on until it was terminated by the first military coup in the country on January 15, 1966. It was this coup that brought General J.T.U Aguiyi-Ironsi to power. This very government lasted barely six months and was toppled by another military coup that installed General Yakubu Gowon to power in July of the same year. He ruled till 1975

when he was toppled in yet another military coup this time a bloodless palace coup which brought General Murtala Muhammed to power on July 30, 1975.

General Muhammed was in turn ousted in a bloody coup of 13<sup>th</sup> February 1976 by Col. B.S Dimka during which the general himself was assassinated, though the coup itself was foiled and Gen. Olusegun Obasanjo took over power following the foiling of the coup. He successfully midwived the second republic by successfully handing over power to Alhaji Shehu Shagari the first elected executive president of Nigeria in 1979. It was the second republic that led to the advent of the nation into the presidential system of government.

However, the second republic lasted barely four years and was toppled by another military coup of December 31<sup>st</sup>, 1983 which brought Gen. Muhammadu Buhari to power. He was equally toppled in another military coup of August 1985 which brought Gen. Ibrahim Babangida to power. Babangida's regime was filled with a lot of intrigues and despite many promises of handing over power to civilians by his administration, none was fulfilled. Following general discontent by the masses, Babangida stepped aside and subsequently installed an Interim National Government led by Chief Ernest Shonekan in August 1993. He was in office for just few months before he was eased out of office by Gen. Sani Abacha in September 1994. Abacha gave to the nation the highest autocratic rule it has ever witnessed in her history as he became an epitome of terror and high-handedness forcing millions of Nigerians to live in perpetual fear while his regime lasted. The draconian nature of his leadership style was exemplified when people took to the major streets in the country in jubilation when his death was officially announced on June 8<sup>th</sup>, 1998.

Following Abacha's death, Gen. Abdulsalam Abubakar took over power and successfully returned the country to civil rule on May 29, 1999 with the installation of Gen. Olusegun Obasanjo as the president. The country has since then witnessed 21 years of uninterrupted democratic rule with elections being held every four years to choose a new set of leaders for both the Federal government and the state governments. The return of the country to democratic rule in 1999 was indeed a welcome development to many lovers of democracy and democratic rule in the country. Omotosho (2013:1) summarized this belief thus:

The year 1999 marked a watershed in the history of modern Nigeria in that it ushered in what was meant to be enduring democracy, since 1999, Nigeria has been enjoying uninterrupted democratic governance

It must be stated that the orchestrated enthusiasm and unprecedented joy that greeted the nation's return to democracy was due to the clamour by millions of Nigerians for the nation to be returned to the part of rule of law and respect for the fundamental human rights of citizens which can only be guaranteed in a democracy or democratic rule. Indeed Nigerians had become very sick and tired of military rule with its attendant highhandedness and high level impunity. The truth was that the nation did not fare better under the various military leaderships in the country despite all the promises and lofty expectations. The masses had lost faith in the ability of the military to lead the nation to greater heights.

### **Challenges of Nigerian Democracy**

Nigeria's democracy has been beclouded by various challenges since her independence till now. Sadly some of these challenges are highly avoidable. Adekola (2010:1) captures this fact succinctly:

Nigeria has not been so lucky with it. She has had a long tortured history of dancing around democracy but has never gotten it right. This is largely due to some challenges amongst which are: lack of large scale free, and credible elections, lack of freedom of speech and publication, refusal to accept defeat in elections by political gladiators, godfatherism, non-observance of rule of law, corruption and attitude of political office holders to corner the wealth of the nation.

Since the attainment of political independence in 1960 up till the present moment, democracy in Nigeria has been laden with many challenges which have made it extremely difficult to entrench an enduring democratic culture in the Nigerian state. All efforts aimed at full democratization have yielded little or no better results till now hence the country seem to be in a vicious circle. A lot of scholars both in the country and outside have written so much about the main issues confronting democracy in the country. Indeed, literatures about the challenges of democracy in the Nigerian state are not in short supply at all. They are indeed unlimited. Many factors are responsible for the very unprogressive nature of the country's democracy. The very first problem is the structural nature of the country. To be very fair to Nigerians, this problem was not created by Nigerians but by our British colonial masters who were not actually interested in formulating a workable nation for the Nigerian state but were merely interested in aggregating ethnic nationalities together purely for selfish economic interests.

The amalgamation of the northern and southern protectorates by Lord Lugard in 1914 was never done with the actual consent of the people that made up the two protectorates. Though the history of the famed amalgamation is sketchy, we have never been told that there was a consent that was willingly given by the regions that were forcefully amalgamated. The regions that were forcefully joined together were regions that had different language, religious, educational and cultural backgrounds. The obvious result is the confused entity we have today as a country. Nearly 60 years after the country's independence, we are still searching for direction and nation building seem to have become a huge and near unrealizable dream. There is indeed a deep uncertainty surrounding the future of the Nigerian state.

The structural imbalance seems to be at the very center of the nation's democratic challenges. Okechukwu and Odinchezo Ikejiani (1986:80-81) eloquently argued that the entity which is known as Nigeria today came about by accident. They opined that fundamentally, "the country is an arbitrary and artificial creation comprising people of diverse cultures, languages and historical experiences". By implication, this shows that since independence, the country has remained simply an alliance of culture. These cultures have never been a unifying factor in the country. Ofiaja (1979:66) share this view albeit strongly. According to his own view, "Nigeria is not a nation and that the word Nigeria is only a distinctive appellation to distinguish those who live within Nigeria from those who do not and that Nigeria constitutes separate political units which correspond to major regional groups". The structural imbalance foisted on the nation by her colonial masters unconsciously divided the country along ethnic lines making Nigerians to owe more allegiance to their ethnic nationalities rather than the country itself and this hugely accounts for the apathy and lack of patriotism in the country as many Nigerians will first of all identify themselves with their ethnic nationality before identifying themselves as Nigerians which is a far cry from what is obtainable in other climes.

The problem of ethnicity is a national one and has to be resolved if the nation is to make any headway in its efforts towards genuine democratization. Perhaps ethnicism and its negative role in the country's democracy is amply demonstrated during national elections where people from all the ethnic groups will vote for candidates from their own ethnic nationality during Presidential election irrespective of whether the candidate from their area is qualified and suitable or not. This has led us to have mediocre presidents in the past. Again when it comes to the issue of appointments to national positions, ethnicism assumes a cult status. The nation has never had it so bad than in the present

government of the All Progressives Congress headed by Muhammadu Buhari. Buhari's government has thrown federal character, modesty and merit to the wind by giving every major political appointment to the northerners thus negating greatly the huge aspiration for national unity. The fear is that this negative trend may outlive this present administration and endanger the clamour for oneness and peaceful coexistence in the country. It is indeed a very unfortunate development.

Another major problem of democracy in Nigeria is that of poverty on the part of the citizenry especially those of voting age. This has resulted in politicians bribing voters during elections with all manner of gifts including rice, salt, clothes and even cash. In most cases in the country, elections are won and lost not based on political manifestos of the parties involved in election contestation or the suitability of their candidates but rather on who offered the highest inducements to the electorate. It is perhaps as a result of the biting poverty in the country that so many people now jump into politics seeking to make ends meet erroneously believing that politics is all about sharing the commonwealth of the country. Many uninformed Nigerians now see politics as a sure means of making quick and cheap money and this has given vent to the politics of materialism otherwise called bread and butter politics now popularly referred to in Nigerian political circle as politics of stomach infrastructure.

Political parties are the driving force of any country's democracy. Such parties are easily identified by their ideologies and the masses identify with them through their ideologies. The ideologies of parties are made manifest through their manifestos. However, political parties in Nigeria are easily known by a lack of clear-cut political ideologies among the various political parties in the country. This scenario clearly plays out during electioneering campaigns when these parties recycle campaign speeches that have no bearing with contemporary existential reality. It is the lack of clear-cut ideological orientation among the political parties that has even led to the incessant and unbridled carpet crossing among politicians in the country. A politician in Nigeria can join three different political parties in less than one week all in the name of seeking political relevance and favour. For such politicians, politics is business and a lucrative one for that matter.

Election rigging is another major obstacle confronting democracy in Nigeria. Nwabueze (1993:72) stated clearly the effect of this malaise on the nation's democracy. According to him:

Among the greatest challenges of democracy in Africa and some other developing countries of the world today is a whole-sale electoral malpractice, in particular; rigging by which government in these countries keep themselves in power against the wishes of a majority of the people as expressed in their votes. The challenge is indeed a grave one because of the forms electoral malpractices take their extent and ever recurrent incidence of blatant manifestation.

Kurfi (1983:235) equates election rigging with unfree and unfair elections. He further identifies three ways or methods of making elections unfair namely: bribery, corruption and illegal practices, intimidation or fraud. Election rigging in Nigeria is as old as the country itself. However, it must be acknowledged that some of the elections conducted in recent years in the country have gotten some level of credibility when compared with past electoral experiences.

Another major challenge of democracy in Nigeria is that of godfatherism. A godfather in Nigerian political parlance is a wealthy and well-connected person who sponsors candidates for elections under specified and agreed conditions. More often than not, these godfathers indirectly dictate the pace of governance in places where their candidates hold positions of power. They dictate how funds are to be shared and appropriated, who and who should be appointed into various political offices as well as those to be awarded contracts and so on. Political godfatherism seriously impedes the nation's democracy. Initially, the country had ideological godfathers who were not interested in interfering in the day to day activities of government at all levels. They were contented with offering leadership ideas and expertise which they shared with their political sons and daughters who were at the helm of affairs. Their vision was narrow and was strictly based on enthroning and enforcing a philosophy of governance geared towards critical development. The present godfathers in our political climate are politically clueless and have sheer greed as their major driving force.

Another major challenge of Nigeria's democracy is the problem of corruption. As a result of corruption that has surrounded democracy in the country especially since the return of democracy in 1999; Nigeria's democracy has in most cases been described as 'cash and carry' democracy. Our democracy is really infested with monumental corruption. Right from the activities of the political parties, corruption is actively at work. Candidates seeking nomination from the parties to vie for elective positions are made to part with large sums of money which are given to party officials to grease their palms and get their support. Even government houses both at the states and federal levels are more or less scam

houses where corruption related actions like contract inflation and racketeering and other related corruption issues thrive. The resultant effect of these political corruption issues is that the citizens of the country are wholly shortchanged as few politicians corner the nation's wealth to themselves feeding themselves fat on the wealth of the nation and leaving the majority of the citizenry pauperized and hopelessly impoverished. Corruption in the polity has indeed done a colossal damage to the country's economy as well as the image of the country abroad especially in the international community.

Another major challenge of Nigeria's democracy is poor leadership. The leadership challenge in the Nigerian polity is a major contributory factor to the nation's underdevelopment. Achebe (1983:1) had argued many years ago that leadership is Nigeria's major political challenge. One of the major problems of Nigeria's democracy is the lack of focus of the political gladiators in the Nigerian state. Most politicians in the country whether they belong to the ruling party or the opposition are majorly concerned with their narrow and selfish interests. The average Nigerian politician sees politics as an avenue for personal enrichment and he is less concerned with what constitutes the interest of the state or the interest of the masses otherwise called the common good. When he gets power, he uses it as a medium to feather his own nest. Political leadership in the country is self-serving, manifestly corrupt, greedy and evil minded. They are obviously accountable to no one and earn so much while the public workers earn mere peanuts despite the quantum of work they do.

### **Relevance of Rawls theory of justice to Nigeria's democracy**

Our next task in this paper which is a very crucial one is to discuss the relevance of John Rawls theory of justice to Nigeria's democracy. The aim is to bring to the fore how justice as fairness which is the hallmark of Rawls' theory of justice can be of help in revolutionizing and revitalizing Nigerian democracy, a democracy that has left millions of Nigerian citizens in a very poor and despicable state thus dashing their hopes of ever experiencing the good life which democracy through the medium and instrumentality of good governance is supposed to bring to them. Perhaps it is this good life which Aristotle talked about that the state is supposed to provide for the citizens that have been christened dividends of democracy by some Nigerian politicians.

Man is naturally intended to live in a society and no one can live outside the society for Aristotle believes and perhaps rightly too that anyone who is unable to live in a society or who has no need for the society because he is sufficient for himself must be either a beast or a god. This particular statement clearly

emphasizes the all-important role of justice in contemporary human society. This is so because the benefits and advantages that will arise from the social cooperation arising from human coexistence are bound to be distributed amongst the members and cooperators of that same society. It has been emphasized time and again that the essence of the state is the welfare and wellbeing of the citizens. Put in another way, the state exists for the welfare and benefit of the citizens.

Democracy is a political system instituted or put in place in the society to drive the political processes which will ultimately affect the social and economic conditions of the entire citizenry in the state. It is in the light of this that Okolo (1985:4) opines that politics is an activity governed by rules and standards of propriety and success. The overall principles, ethos, characteristics and concepts of democracy are holistically geared towards the improvements of the human conditions in the society for according to Mbaegbu (2008:59) “philosophers and scholars like John Locke, J.J Rousseau, Montesquieu, and R.A Dahl regard democracy as an ideal form of governance that is predicated upon certain principles and values”. However, if the structures and relevant institutions through which the benefits of democracy which is commonly referred to in Nigeria as the dividends of democracy are to be distributed amongst the citizenry are not well placed and specified, it adversely affects and even limits the effects of democracy in the state as well as the overall society.

John Rawls’ theory of justice can be beneficial to the Nigerian democratic experiment. His theory waters down and even removes the idea of strong men in any democratic system, employing the principles of liberty and equality as his strongest tools of engagement. His theory emphasizes the superiority of the basic structure of society over any individual. This majorly ensures the existence of strong major institutions in the state as opposed to the emergence of strong individuals as exemplified by political godfathers as seen in the Nigerian democratic polity. Ominyi (2014:61) writes:

Specifically, Rawls conceives justice as fairness. In the principle of distributive justice, Rawls justifies specific distribution requirements for the basic institutions of a society as a whole on the assumption that they are generally complied with. Rawls argues that everyone has the same inalienable rights to a satisfying set of equal basic rights, which is consistent with everyone else’s corresponding set of rights. Rawls call this the principle of liberty.

Above all, Rawls concept of the original position ensures that citizens as individuals in the larger society are symmetrically and strategically placed in the society in such a systematic way that prevents the involuntary or voluntary emergence of lords and peasants or the haves and have-nots. This will help to reduce to the barest minimum the continuous emergence and sustenance of the very rich and very poor in the society. A situation whereby we have very few affluent members of the society cornering the wealth of the nation while millions of citizens go to bed on empty stomach as a result of debilitating poverty as we have it today in Nigeria can be very disturbing as it could lead to social uprising with far reaching unpleasant consequences for the society and the nation at large.

The principles of justice as fairness can be used to effectively monitor the major societal institutions through which the ideals and fundamental principles of democracy and their basic applications are channeled towards the full realizations of the benefits or dividends of democracy as it is commonly called in Nigeria. For sure, certain benefits or advantages accrue from the basic practice of democracy in the state but if the basic structure of the society does not have a firm foundation on the basic democratic principles, the benefits of democracy will hardly get to the grassroots and the masses will hardly have a positive feel of democracy and its acclaimed dividends. This sadly is the exact situation with today's democracy in Nigeria where democracy is actually in place but its positive effects in terms of individual and societal developments are yet to be fully felt.

Rawls' theory of justice emphasizes the primacy and undiluted importance of the concept or theory of social justice in societal cohesion and human development. Social justice has been neglected over the years in Nigerian democracy. It appears more often than not that Nigerian politicians do not understand the far-reaching importance and implications of social justice. As a result of this anomaly, previous and even present government have failed albeit, woefully in delivering social justice which is a common good to Nigerian citizens. The commonwealth of the nation is distributed more often than not to the utter disadvantage of the masses. This is exemplified in the unfortunate scenario that play out in the Nigerian state whereby citizens become governments to themselves by providing basic amenities for themselves either as individuals, communities and other organized groups and yet they still pay taxes to the government which is highly ironical but real.

The heterogeneous and pluralistic nature of the Nigerian state with its diversities and complexities which has enthroned all manner of negative ethos in the state

makes John Rawls theory of justice and its applicability highly relevant in the Nigerian state aimed at fashioning a new mode of operation in the nation's democracy. This will obviously bring about good governance in the Nigerian state since it will help to mitigate the negative effects of such famed drawbacks in the nation's democracy as godfatherism, ethnicism, election rigging, voter inducement as well as political corruption thus paving the way for development in the Nigerian state.

## **Conclusion**

The overall essence of this paper is to highlight the importance of John Rawls' theory of justice and try to relate and situate it to contemporary Nigerian democracy trying to make a case for its viability, suitability and applicability in the Nigerian state. That democracy in Nigeria is plagued and hunted by various challenges is no longer a subject for arguments and refutations as that has been firmly established overtime. Good governance which is arguably a by product of democracy is achievable in the Nigerian state but this can only come about when the principle of justice and equal distribution of the nation's commonwealth which is the basic thesis of Rawls' theory of justice is dispassionately applied to the Nigerian state. It is only and only when that is done that an egalitarian society will be enthroned here and this will reduce to the barest minimum the frequent agitations for various needs in the Nigerian state.

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