

**NIGERIA'S SOCIAL JUSTICE SYSTEM:
A MAJOR IMPEDIMENT TO NATIONAL DEVELOPMENT**

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Abstract

Nigeria is a state founded on the principles of democracy and social justice. Even the Nigerian Constitution, as amended, reinforces the legal basis for social justice in Nigeria. Social justice has been defined as the mechanism which assigns rights and duties in the institutions of society, which enables people to receive the basic benefits and burdens of cooperation. The paper aimed to show that social justice makes possible the enjoyment of greater wellbeing for all, than would have been possible, if everyone were to depend on their individual efforts. The problem, however, remains that Nigeria, as a nation-state has remained a struggle; a scenario that has made every effort at achieving national development a futility while the citizens wallow in abject poverty and hardship. Adopting the method of content analysis and drawing from textual sources, the paper concludes that today, Nigeria is still bugged down by several problems including economic mismanagement, human rights abuse and violations, corruption, insecurity, poor infrastructural development, poverty and above all general underdevelopment. The paper recommends among other things that it is high time the government considered a radical restructuring of the Nigerian political space re-examining the power structure, control and allocation of resources.

Introduction

The nation-state has emerged to become the dominant socio-political system of national and international organization and relations. The political society that is described as the nation-state is defined by, among other things, a consensual agreement by its members to establish it for their better protection in their lives, properties and wellbeing. The nation-state is also marked out by a properly delineated and respected territory, population, legitimate government, military might, economy and above all, a constitution. Hobsbawn and Ranger (1992) write that the legitimate states that govern effective and dynamic industrial economies are widely regarded today as the defining characteristics of a modern nation-state. Both within and outside the state, most activities of individuals and that of the state are geared towards achieving greater protection and wellbeing

for its members. Rawls (2001) in his conception of justice as fairness describes a just arrangement of the major political and social institutions of a liberal society: the political constitution, the legal system, the economy, the family, and so on. The arrangement of these institutions is a society's *basic structure*. The basic structure is the location of justice because these institutions distribute the main benefits and burdens of social life, for example who will receive social recognition, who will have which basic rights, who will have opportunities to get what kind of work, what the distribution of income and wealth will be, and so on.

The form of a society's basic structure has profound effects on the lives of citizens, influencing not only their prospects but more deeply their goals, their attitudes, their relationships, and their characters. Institutions that have such pervasive influence on people's lives require justification. Since leaving one's society is not a realistic option for most people, one cannot say that citizens have consented to the arrangement of their institutions by staying in the country. And since the rules of any basic structure will be coercively enforced, often with serious penalties, the demand to justify the imposition of any particular set of rules is further intensified. Rawls (2001) assumes that the liberal society in question is marked by reasonable pluralism, and also that it is under reasonably favourable conditions: that there are enough resources for it to be possible for everyone's basic needs to be met.

Nigeria, with a fairly long history, as a conglomeration of several independent ethnic groups, welded together by the colonialists, has had a turbulent political history. The survival of any nation, it has been argued, depends to a large extent on the leadership and how well they manage the social structure to the satisfaction of the people; that is, the good they bring to bear on the people of the nation. No nation can survive if her citizens wallow in abject poverty, especially, if such a nation is identified as having the potential human, material and natural resources that could guarantee greatness. To overcome poverty is to achieve national development. This paper is an attempt to examine Nigeria's social justice system with a view to seeing how it has impacted on the nation's developmental aspirations.

The Society and the Citizen

A society could be defined as a group of people sharing the same geographical or social territory and typically under the same political authority and a dominant cultural behaviour. Societies have been structured politically with the structure

having varying degrees of political power depending on the cultural, geographical and historical environments that they society contends with. The society that is meant here is the nation-state as has been shown in the introduction. Rawls (2001) conceives the society as defined by fairness.

The ideal society is one in which social institutions are to be fair to all cooperating members of society, regardless of their race, gender, religion, class of origin, reasonable conception of the good life, and so on. Rawls (1971) emphasizes *publicity* as an aspect of fairness. In what he calls a *well-ordered society* the principles that order the basic structure are publicly known to do so, and the justifications for these principles are knowable by and acceptable to all reasonable citizens. The idea behind publicity is that since the principles for the basic structure will be coercively enforced, they should stand up to public scrutiny. The publicity condition requires that a society's operative principles of justice be neither esoteric nor ideological screens for deeper power relations: that in public political life, nothing need be hidden.

The citizen on the other hand is one who is legally recognized as a member of a political society with rights, privileges and duties. For Rawls (1971), citizens are free in that each sees himself as being entitled to make claims on social institutions in his own right – citizens are not slaves or serfs, dependent for their social status on others. Citizens are also free in that they see their public identities as uncoupled from any particular comprehensive doctrine: a citizen who converts to Islam, or recants his faith, will expect, for example, to retain his political rights and liberties throughout the transition. Finally citizens are free in being able to take responsibility for planning their own lives, given the opportunities and resources that they can reasonably expect.

Citizens are equal in virtue of having the capacities to participate in social cooperation over a complete life. Citizens may have greater or lesser skills, talents, and powers “above the line” required to cooperate, but differences above this line have no bearing on citizens' underlying equal status. Citizens are also reasonable and rational. The idea that citizens are reasonable is familiar from political liberalism. Reasonable citizens have the capacity to abide by fair terms of cooperation, even at the expense of their own interests, provided that others are also willing to do so. Citizens are also conceived as rational: they have the capacity to pursue and revise their own view of what is valuable in human life.

Under most social justice systems, there is the requirement of an account of citizens' fundamental interests, that is, what citizens need qua citizens – primary goods. Primary goods are essential for developing and exercising the two moral powers, and useful in pursuing a wide range of specific conceptions of the good life. Primary goods are:

- The basic rights and liberties;
- Freedom of movement, and free choice among a wide range of occupations;
- The powers of offices and positions of responsibility;
- Income and wealth (Rawls, 2003).

The social bases of self-respect: the recognition by social institutions that gives citizens a sense of self-worth and the confidence to carry out their plans. All citizens are assumed to have fundamental interests in getting more of these primary goods, and political institutions are to evaluate how well citizens are doing according to what primary goods they have. It is equality and inequality of primary goods that are of the greatest political importance.

What is Social Justice?

Rawls (1971) maintains that social justice assigns rights and duties in the institutions of society, which enables people to receive the basic benefits and burdens of cooperation. *Anku-Tsede (2015) states that social justice standards guide adjustments in social institutions that affect the distribution of socially available goods and the cost of supplying those goods across members of a society. Social justice encompass contribution as well as access to goods and they focus on accountability of institutions.* Zajda and Majhanovich (2006) observe that while the concept of social justice can be traced through Ancient and Renaissance philosophy, such as Socrates, Thomas Aquinas, Spinoza and Thomas Paine, the term "social justice" only became used explicitly from the 1840s. A Jesuit priest named Luigi Taparelli is typically credited with coining the term, and it spread during the revolutions of 1848 with the work of Antonio Rosmini-Serbati. In the late industrial revolution, progressive American legal scholars began to use the term more, particularly Louis Brandeis and Roscoe Pound. From the early 20th century it was also embedded in international law and institutions, starting with the Treaty of Versailles 1919. The preamble to establish the International Labour Organization recalled that "universal and lasting peace can be established only if it is based upon social justice." In the later 20th century, social justice was made central to the philosophy of the social contract, primarily by John Rawls in *A Theory of Justice* published in 1971. In 1993, the Vienna Declaration and

Programme of Action treats social justice as a purpose of the human rights education.

The different concepts of justice, as discussed in ancient Western philosophy, were typically centered upon the community. Allen (2006) in *Plato's Republic* notes that it would be an ideal state that "every member of the community must be assigned to the class for which he finds himself best fitted." The relevant institutions can include education, health care, social security, labour rights, as well as a broader system of public services, progressive taxation and regulation of markets, to ensure fair distribution of wealth, equal opportunity, equality of outcome, and no gross social injustice.

As has been stated earlier social-cooperation makes possible the enjoyment of greater wellbeing for all than would have been if everyone were to depend on their individual efforts. In Nigeria, it is clear that neither oil deposits nor agricultural products result from a joint labour of the people. The oil is jointly owned by all because it is a free gift of nature while agricultural products belonging to the farmer. The labour that is jointly owned is the tax that government may collect from the oil companies and the farmers. One of the arguments advanced for resource control is the environmental Degradation of the Niger Delta Area. This is a failure of social justice. The failure of social welfare in Nigeria is not limited to environmental neglect alone, it affects various other spheres of national life - inadequate attention to agricultural development, education and employment.

The Nigerian Social Justice System

Before the advent of colonialism, all of modern Nigeria was divided into nations identified with contemporary ethnic groups. Nwokedi (1969) writes that "marked differences exist between north and south not only in physical landscape, climate, and vegetation, but also with respect to social organization, literary and agricultural practices." These early states included the Yoruba kingdoms, the Igbo communities, the Edo kingdom of Benin, the Efik kingdom, the Ibibio kingdom, the Annang kingdom, the Hausa cities and the Nupe. Numerous small nations to the west and south of Lake Chad were absorbed or displaced in the course of the expansion of Kanem, which was centered to the northeast of Lake Chad. Bornu, initially the western province of Kanem, became independent in the late 14th century. Other states probably existed but the absence of archaeological information does not permit accurate dating.

Following the amalgamation of the Northern and Southern Protectorates in 1914, Nigeria became an amalgam of many and varied peoples and cultures.

The British ruled Nigeria until her independence in 1960. Independence came with a lot of expectations as Ogunna (1999) captures it succinctly:

Immediately after the independence, the aspirations and expectations of the citizens from the new independent government were quite high and the politicians were enthusiastic to satisfy the citizens' high hopes and expectations. But this requires among others, a virile, strong and effective, administration which was not in existence.

Nigeria is a state founded on the principles of democracy and social justice. The Constitution, even as amended, provides all citizens with rights to justice including social, economic, political, legal, equality of status and access to opportunities. The 1999 Constitution, as amended, reinforces the legal basis for social justice in Nigeria. Section 16, sub-section 1 of the 1999 Constitution titled: Fundamental Objectives and Directive Principles of State Policy, states that the State shall:

- (a) Harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy;
- (b) Control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;
- (c) Without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy; and
- (d) Without prejudice to the right to any person to participate in areas of the economy within the major sectors of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.

The 1999 Constitution continues that, to achieve the above effectively, the State shall direct its policy towards:

- (a) The promotion of a planned and balanced economic development;
- (b) That the material resources of the nation are harnessed and distributed as best as possible to serve the common good;

- (c) That the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and
- (d) That suitable and adequate shelter, suitable and adequate food, reasonable national minimum wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.

Furthermore, Section 17 of the 1999 Constitution as amended, sub-section 1 and 2 emphasize that “a state social order is founded on ideals of Freedom, Equality and Justice” in which the following obtains:

- i. Every citizen shall have equality of rights, obligations and opportunities before the law;
- ii. The sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;
- iii. Governmental actions shall be humane;
- iv. exploitation of human or natural resources in any form whatsoever for reasons, others than the good of the community, shall be prevented; and
- v. The independence, impartiality and integrity of courts of laws, and easy accessibility thereto shall be secure and maintained.

This is the Nigerian system and the Nigerian promise. If this system has worked well and if these constitutional provisions have been met, Nigeria would no doubt have achieved a lot of national development. However, the situation in practice is nowhere near the ideal.

The Nigerian Situation

Nigeria as a country is by no means a homogenous society. Politically, the colonial masters brought together the many ethnic groups and instituted federation for the country in an attempt to solve the political, social and constitutional problems arising from the heterogeneous nature of the society. Bearing in mind that the heterogeneous nature of any society is no supposed to be an impediment to its success as a united country; considering that this was the most important reason for transiting from the state of nature the civic state in the first place. The search for the ultimate basis for social consensus and societal integration has dominated many branches of social theory since the publication of Talcott Parson’s *The Structure of Social Action*. It has also provided enough problems for political philosophy. At the root of the current crisis of social justice in Nigeria is the problem of state legitimacy. Banu az-Zubair, (2000) observes that the generality of the masses and their local leaders do not accept the

legitimacy of the Nigerian state and economic and political self-interests of various groups fundamentally drive their agitations.

Politics could be said to be the bane of Nigerian nation. The political terrain of Nigeria is neither from the nature of the people nor from the environment or what is popularly regarded as the Nigerian factor. The Nigerian political terrain is a western contraption. The amalgamation of 1914 changed the political climate of Nigeria. The three major tribes, The Igbo, the Yoruba and Hausa dominate the political scene leaving the greater number of the minor tribes like the Efiks, Urhobo, Tiv, Anang etc, at the periphery of nations' political circle.

The amalgamation introduced classism along tribal lines and not along social status. The result is that the poor in Nigeria do not see the billionaire politician from his tribe as part of his poor condition but looks at the other tribes as part of their problem. The colonialists failed to introduce strong political institutions with clear-cut political ideologies in Nigeria. Instead, Nigerian intellectuals turned themselves into nationalist movements. This nationalist's movement mounted political pressure on the colonialists for independence. After independence in 1960, with several coups, the military remained in politics in Nigeria from 1967 up to 1999 when democracy was said to have been installed in Nigeria, a retired military ruler emerged, with the same military ideology of conquest and vanquish. Within the period of military rule, there was gross abuse of human rights - freedom of association, freedom of speech. Many were incarcerated, and members of the oppositions were killed. The leadership of the military is really by power and force. This is no morality. The winner takes it all. The looting, embezzlement, bribery and corruption came to be entrenched as part of national character. With the soldiers and police always on the road with long guns, it gives the impression that Nigeria is either at war or is being occupied by a special army. Military and police brutality violated human rights.

There was even a civil war in Nigerian from 1967 to 1970. The ideological battle between socialism and capitalism, the rivalry between European nations concerning African colonies and the immaturity of the ruling class led to that war; a war which further tore the already torn cloth and rendered political agreements and negotiations more difficult. In that war, European machineries fought on both sides; an indication that the west is the basic political problem of Nigeria. The military-in-politics reinforced violence and aggression learnt from colonialists. And it produced psycho-pathological effects among the citizens that violence, aggression, conflict are deeply seated in the consciousness of Nigerians.

The military in Nigerian politics stifled every effort towards a democratic experience until 1999, when the current dispensation began.

Nigeria's economy is struggling to leverage the country's vast wealth in fossil fuels in order to displace the crushing poverty that affects about 57% of its population. Economists refer to the coexistence of vast wealth in natural resources and extreme personal poverty in developing countries like Nigeria as the "resource curse". Although "resource curse" is more widely understood to mean an abundance of natural resources, this fuels official corruption resulting in a violent competition for the resource by the citizens of the nation. The economic growth has not cut poverty nor created necessary jobs. And Nigeria remains underdeveloped and if not, fast plunging into a failed state.

Conclusion

The history of any given society is complex, and it is marked by an unstable struggle between the various groups to dominate and consolidate the various dimensions of power relations, it is incumbent on the government, for the sake of social justice, to ensure that no one group, or segment, has full control over these means of power. Those calling for rotational presidency amongst the various so-called geo-political zones miss the point; power does not rest on the presidency in a properly functioning democracy, it rests with the legislators, who are the representatives of the people from all the regions. It is undemocratic and counter-productive to require that every region must produce a president; otherwise, we might as well leave the election for president to the zone to produce it. The presidency must be left to the choice of the people; however, the cabinet posts must be equitably shared amongst the various regions. The crucial problem in Nigerian politics is the political immaturity of the national leadership, that is, the inability of the national leadership to judge what is in the lasting political and economic interest of the nation. Social justice is to equitably allocate resources to what is in the overall interest of the generality of the citizens of this great country.

However, today Nigeria is still bugged down by economic mismanagement, human rights abuse and violations, corruption, insecurity, poor infrastructural development and others. Under the prevailing atmosphere, poverty is widespread. The situation now seems as such to be the pursuit of survival rather than the pursuit of development.

Recommendations

In the light of the above, the following recommendations are made:

- i. It is high time the government considered a radical restructuring of the Nigerian political space. This restructuring will consider among other things: the allocation of political power, the control of resources, the distribution of income, the structure of the overall political and economic system. This will make for a more effective and efficient achievement of the national objectives.
- ii. There is also the need to restart a national reorientation programme to begin to change the mindset of the people to think positively of the nation.
- iii. There is need to reorganize all law enforcement agents for the effective and efficient protection and maintenance of laws of the land, in particular, as they could improve the social justice system.
- iv. Wastages in governance must be serious curtailed so that available resources can go round.
- v. Corruption must be rooted out so that available resources can be adequately managed for the overall wellbeing of Nigerians.

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