

## **Fostering Democratic Governance in Nigeria through John Rawl's Political Theory**

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**Abstract:** *This research aims at critically articulating, examining the Nigerian democracy vis-sa-vis global democracy in the light of John Rawls theory of justice. The work navigated through the landscape of the Nigerian democratic journey from 1<sup>st</sup> October 1960 when Nigeria became politically independent up to 2015, when the bell rang "Transition" It evinced that Nigeria is not fully a democratic nation; since the dividend of democracy not adequately attained; especially in the areas of political stability, free and fair election, the majority rule, minority principles and equitable distribution of social and economic goods. The paper further argued that the solution to these social and political problems can be realized if the Nigerian leader and the led entrust the administration of governance in the hands of well-educated individuals who have acquired philosophic acumen and adopt the practice of John Rawls political thought "Principles of Justice as fairness".*

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### **1. PREAMBLE**

It is a common belief by many nations, individuals that Nigeria has had a long excruciated account of dancing around democracy, but never quite getting it right. For it seems that among the leaders who govern, ignorance and selfishness are in control, Chuba Okadigbo pinpointed that: *"Most leaders of National governments of Nigeria do not have the benefit of university education or formal intellectual training they also lack political experience and are on-the-job learners"*.<sup>1</sup> The conception of selfless service and pursuit of good of every citizen's is not present. Even with the existence of multiple party systems in practice.

Based on this, it becomes paramount to critically examine the Nigerian political system "Democracy". In spite of the numerous efforts being made by some philosophers, scholars, and politicians' e.t.c to improve the standard of political structure of the modern Nigeria, the concept of democracy still pose a big problem to the citizens. Odimegwu: in an introduction to a work titled Nigerian Democracy & Global Democracy noted that *"In its concepts, it runs counter to excellence. In its practice it bespeaks anarchy, so, why the clamour for democracy? Is it the most we can afford"*.<sup>2</sup>

With these and many more unstated challenges, the goal of this work is to address the proceeding puzzles. Is Nigeria Democratic in nature? How can the dividends of democracy be felt or distributed? Does Nigeria democracy preserve the basics of social justice? And to what extent can John Rawls theory of social justice assist in scrubbing out injustices in Nigerian democracy if there is any?

### **2. DEMOCRACY BY WAY OF SCHOLARS DESCRIPTIONS**

The concept "DEMOCRACY" is said to have originated from the ancient Greece "ATHENS" as early as 600 BC. It is a derivative of Greek word "DEMOCRAKIA" meaning "The rule of the people" or "The rule by the people."<sup>3</sup> Ifechukwu in his article: Fostering Democracy in Nigeria: Perspectives from Popper's Critical Philosophy observes that great Athenian states man "Pericles" speaking in 431 BC defined it in the following clear terms ;

*Our constitution is named a democracy because; it is in the hands not of the few, but of the many. But our laws secure equal justice for all in their private disputes and our public opinion welcomes and honors talent in every branch of achievement... on grounds of excellence alone... our citizens attend both to public and private duties and do not allow absorption in their various affairs to interfere with their knowledge of the city's ... we decide or debates, carefully, and in person all matters of police, holding ... that acts are foredoomed to failure when undertaken undiscussed.*<sup>4</sup>

According to Aristotle, Democracy is the rule of many for the good of poor<sup>5</sup> as opposed to oligarchy which is the rule of the few for the good of wealthy. This distinction was made by him "Aristotle" in

order to indicate the intrinsic characteristics of the two politics (Democracy and oligarchy). According to him in Oligarchy Government the rulers are few because there are only few people who are wealthy; whereas in Democratic government the rulers are many because liberty is enjoyed by all.

In the work titled “*The State man*” Plato maintained that the end of democracy is liberty, equality and variety. But he criticized democracy precisely on the ground of “LIBERTY” in the sense that liberty entails doing whatever one desires to be attractive, which he further explained that its more or less desirable than doing the right, even though most people, who are ignorant enough to know and choose for themselves what is right Plato observes as quoted by Adugo Michael:

*Democracy, I suppose comes into being when the poor, wins the victory, put to death some of the other party, drives out others and grant the rest of the citizens equal share in both the citizenship and office, and for the most part, these offices are assigned by lot.*<sup>6</sup>

Going by his tripartite doctrine, Plato opines that equality of every man is wrong because it goes against nature. Men are unequal in their capacities and should be given different functions in accordance with their different capacities. He concluded that democracy is the worst form of government, because it is the government by the mob that is “Mob rule”.

John Stuart Mill (1806-1873) an advocate of utilitarian principle of “the greatest good is the happiness of the greatest number of the people” opines that: *Democracy is the government of the whole people, by the whole people in which the majority... will, out-vote and prevail.*<sup>7</sup>

Also in his work “Representative Government.” Mill argued that democracy as the best form of government in his Ideal state theory. This means a state in which the sovereignty or supreme controlling power is in the last resort, rested on the aggregate of the community, every citizens not only having a voice in the exercise of the ultimate sovereignty, but being at least occasionally called upon to take an actual part in the government.

As a result of the fluid nature of any social concept, democracy is now mostly defined by modern scholars in two forms, namely “Direct Democracy” in the case of the ancient Greece which is a direct active participation of all adult citizens (Men) excluding the (Women, Children’s and the Slaves) in the decision making and “Indirect Democracy” (Representative form) a democratic system where the active participation of all Adult citizens (Men and Women) in decision making is done, on behalf of them through the electorates, whom they have duly elected by a means of voting to be their mouth piece in decision making.

The principal feature that differentiates Ancient democracy from modern one is that, while the modern form is based on representation, the Ancient was on direct form. The reason being that the modern representatives is styled for large cities, states, provinces or countries, communities e.t.c and it is impossible for all members of such country or states to meet as a group in certain necessities, as a result of that, they elect certain members of their people to represent them in decision making, promulgation of laws and other matters that affect the masses.

Going by the second definition of democracy characterized by liberty and equality. The former U.S president Abraham Lincoln in 19 Nov, 1863 at the union commentary in Gettysburg, Philadelphia conceptualizes it: “as the government of the people by the people and for the people”.<sup>8</sup> In “The second Treatise of civil Government” Locke stated that the best form of government is democracy. He elucidated that men are endowed with certain inalienable rights by nature, and that on men uniting into society, the whole power to make and execute laws is naturally in their hands; with this, he elucidated that when they willingly come together to appoint officers whom they will entrust the political power to make and execute laws for them, the form of government is perfect democracy

In the same light, Jean-Jacques Rousseau observed that democracy is that form of government; where the sovereign commit the charge of government to the whole people or the majority of the people, so that more citizens are magistrates than are mere private individuals.

The democratic progression of life concedes the equality and dignity of all persons regardless of the race, religion, sex or social standing. It holds that everybody is equal before the law.

But Rousseau in his critics of representation argued in the social contract that representation is incompatible with real political liberty, for one had to participate in governance in order that, in obeying government one would remain free. Robert Michel in support of this insisted in his great study “Political Parties” pointed that:

Under representative government “liberty disappeared with the ballot in to the ballot box.” The architect of the so called iron law of oligarchy assumed that, from the moment democratic electorates choose a delegate; the delegate would become increasingly distanced from his constituent. The gap grows and grows until in the course of a representatives tenure, he is perceived as (and to some degree becomes) one more oligarchy from where the constituents feels alienated. And so elections becomes a matter of frustrated public ready to throw a gang of representatives out and vote another gang to power, in an ongoing cycle of futility that turns citizens into spectators and spectators into septic about democracy.<sup>9</sup>

From the Revolutionary point of view Karl Marx argued that democracy can be conceived in social and economic terms as well as political. He stated that the battle for democracy will not be won. For the first step taken forwards, until the working class raises the proletariat to the position of the ruling. He also insists that what is called democracy will permit and may even try to condone social inequalities and economic injustices which initiate political liberty.

Another Revolutionary thinker Engels pinpointed in one of his article Titled “*The New Moral World*”, that French Revolution was as a result of rise of democracy in Europe. He contends however that, democracy is as he took all forms of government to be a contradiction. In itself, an untruth, nothing but hypocrisy at bottoms. This unseals the extents of dislike Engel’s had of all forms of government, in exclusive of what he regards as democracy. For him democracy like all other forms of government must fall apart. Since hypocrisy could not survive contradictions hidden in democracy would of necessity erupt.

Engel argues thus:

*From the moment the power of the middle classes is constituted, from that moment begins the separate and distinct democratic movement. In the struggle against despotism and Aristocracy, the people, the democrats cannot but play a secondary part; the first place belongs to the middle classes. From the moment the middle class establish their own despotism and aristocracy takes a stand as the only exclusive movement party.*<sup>10</sup>

It is unmistakable for one to conclude with all these theoretical matrix, that democracy is the best or better form of politics (government) if not for anything else, but on the claim of its touch-stone; equality and respect for dignity of mankind. But the devastating issues here becomes how can this dividend be realized in any democratic setting most especially in Nigeria. This is because the yarning of a true democratic nation in Nigeria since early Sixty’s up-to-date seems to be fruit-less effort or journey. The evidence of this claim can be said to be feasible in her economic, social, religious and political instabilities and bankruptness of peace in the country.

### 3. THE EVOLUTION OF NIGERIA’S SELF GOVERNANCE

Okadigbo made it clear that “*Nothing succeeds more than itself and not how long but how well; also nothing fails more than failure*”.<sup>11</sup> It is customary for Nigerians to critics any failed system or leadership, but unusual to find Nigerians suggesting proper ways and means of ensuring that a future system or leadership does not fail. Many Nigerians talk of “Good Government” as the only guarantee of peace, progress and political stability.

*To make Nigeria great, let there be good government, for Nigeria to be able to lead Africa, there must be good government, for Nigeria to evolve into one nation, good government is a pre-condition. To the end of maximizing the general welfare of the Nigerian people and even development in geopolitical terms as well as between town and country, Nigeria needs good government etcetera.*<sup>12</sup>

When asked to define “good government” and what makes government to be good, most Nigeria will waffle and babble. This theme of good governance, which its clamour arose from the founding fathers of the modern Nigeria, continues up to date as if it is news. This gives one impetus to think that there are some veritable problems with Nigerian’s democracy and civil society. Udebunu once said that “Universally when issues are examined and passed over, but continues to attract attention, one expects that they contain genuine problem, unsatisfactory solution”<sup>13</sup>.

Moreover in Nigerian’s politics, it is either her ideological problems have not fully been identified and analyzed with appropriate solutions or there have not been sufficient good will to travel the inescapable routes towards curbing the ill discovered. Our study of the evolution of democracy in

Nigeria entails critical examination of the power and leadership of national government in Nigeria starting from 1<sup>st</sup> October 1960, the day that Nigeria became politically independent. In the words of Okadigbo. “The very day that Nigeria became actually accountable for the issues and abuses of power and leadership in their father land ...”.<sup>8</sup> up to 2015 when the gospel is transition. Nigeria has been described by many people as not a nation but a mere geographical expression. This is as a result of the fact that what we call Nigeria was formerly a conglomeration of many scattered ethnic groups; each occupying a geographical area with different historical back-grounds, cultures, religion e.t.c. It is a known fact that the making of Nigeria started with the annexation of Lagos by the British in 1861. And in 1<sup>st</sup> October 1960 the first Republic began. Now, we are going to look at the republics that emerged in Nigeria.

#### **4. THE FIRST REPUBLIC 1960-1966**

Nigeria was granted full independence on October 1960, as a federation of three regions (Northern, Western and Eastern) under a constitution that provided for a parliament form of government. Under this constitution that attempt the self- government produced a representative prime-minister Alhaji Abubakar Tafawa Balewa as the head of government; Dr Nnamdi Azikiwe became a ceremonial president; while the British governor-general was appointed as the head of state. The federal government was given exclusive powers in defence and security, foreign relations, commercial and fiscal policies. The Privy Council in London still remained the highest court in Nigeria.

In October 1963, Nigeria altered its relationship with the United Kingdom by proclaiming itself a Federal Republic and promulgated a new constitution. “**Republican Constitution**”. This new constitution was not totally different from the independent constitution. However it ushered in a fourth Region (The Midwest that is South-South) and a number of features which include the rule of law, fundamental human rights, as well as the principle of derivation. From outset, Nigeria’s ethnic, regional and religious tensions were magnified by the significant disparities in economic and educational development between the north and the south.

#### **5. THE SHORTCOMINGS OF THE FIRST REPUBLIC**

It was noted that the major factors responsible for the failure of the first republic ranged from the imperfections of the parliamentary system of government. The 1962 Sack-Me-I-Sack –You Crisis between Chief Awolowo, the prime-minister, his deputy Chief Akintola and the governor Sir Adesoji Adeyemi which led to the declaration of state of emergency in the west by the federal government. The utter rejection of 1963 census and its attendant on the NPC/NCNC coalition, the introduction of thuggery, arson and murder on a vast scale as instruments for electoral malpractices in 1964, the shifts in alliances involving Chief Akintola and NNDP which led to the formation of NNA and UPGA for the purpose of 1964 federal and 1965 western regional elections

And finally the January 15<sup>th</sup> 1966 and July 29<sup>th</sup> 1966 *coups, d’état*, plotted by some Southern east army officers (which is mostly the Igbo people).

These *coups d’état* which is understood by many to be ethnically motivated engendered and sowed the seed of acrimony, discord, rancor e.t.c. among the Nationalists and led to more military coups and counter coups which later accelerated into the famous Nigeria civil war of 30<sup>th</sup> may 1967 to January 12, 1970 that brought the first republic to an end.

#### **6. THE SECOND REPUBLIC 1979-1983**

By the legacy of Brigadier Murtala Ramat Mohammed, attempts to create new political institutions and the attendant programme to hand power to civilians through the democratic process; constitutions Drafting committee (CDC) was formed which made General Olusegun Obasanjo to formally dissolve the military Administration on September 20<sup>th</sup> 1978 after receiving the report of the constituent assembly on August 29<sup>th</sup>, 1978. This ushered in Second Republic on October 1<sup>st</sup> 1979, in a solemn ceremony at the Tafawa Balewa Square Lagos; LT. General Olusegun Obasanjo personally handed over the reins of office to Alhaji Shehu Usman Aliyu Shagari the civilian elected president of Nigeria. And for the first time, Nigeria produced an executive president, who was both the head of state and head of government as well as commander-in-chief of the Armed forces. By the 1979 constitution, National Assembly comprising the house of Senate constituting five members from each of the 19 states were elected on the basis of equality of all states and a House of Representatives with 450 members was established. Provisions were also made for fundamental human rights, duties and right of citizens as well as independence of the Federal, State and Local tiers of government.

## **7. THE SHORTCOMINGS OF THE SECOND REPUBLIC**

The shortcomings of the second Republic of Nigeria was the interpretation of the meaning of two-third of 19 by the Supreme Court in its ruling, in an action brought to it by Chief Obafemi Awolowo of the Unity Party of Nigeria (UPN). Awolowo disputed the declaration of Alhaji Shehu Shagari of the National party of Nigeria (NPN) as a winner. The issues of 1983 general election crisis which was alleged to have been heavily rigged in favour of the NPN, the ruling party. Corruption among the government officials was the bane of this democratic government and this led to another military incursion in governance in 1983 by major General Muhammadu Buhari.

## **8. THE ABORTIVE THIRD REPUBLIC 1989-1993**

The third republic was ill fated or could not be realized fully because of the diabolic nature of the sponsor Ibrahim Badamos Babangida. The Republic which produced officials in the two of the three tiers of government could not produce the president of the nation. Thus general Babangida presided the affairs of the Nigerian nation as a military dictator while he was surrounded by duly elected local government chairmen and governors. The military president as he (IBB) wished to be addressed annulled the final election that was supposed to produce the executive president. Nevertheless, he yielded to the pressure of the people and stepped out of (ASO ROCK VILLA) Nigeria's seat of power and appointed Chief Ernest Shonekan to run a caretaker administration. This caretaker ship of chief Shonekan, a former UAC boss was terminated in a palace coup on 17<sup>th</sup> Nov 1993.

## **9. THE SHORT COMINGS OF THE THIRD REPUBLIC**

Historically, in June 12, 1993, the presidential election won by a wealthy Yoruba business man M.K.O Abiola and the annulment of the election with the use of several pending law suit as a pretense by General Ibrahim Babangida threw Nigeria into political crisis, with a mass killing of people leading to an "interim government" on 27<sup>th</sup> August 1993 headed by chief Ernest Shonekan. The use of the ground work laid by NADECO to declare Abiola president and his imprisonment raised the Tempers which led to petroleum workers and the Nigeria Labor congress (NLC) strike. With the country sliding into chaos, defense minister Sani Abacha quickly assumed power.

## **10. THE FOURTH REPUBLIC 1999-2015**

The Nigeria main decision making Organ known as the Military Provisional Ruling council (PRC) elected General Abudulsalam Abubakar Head of State after the sudden death of General Sani Abacha, on 8<sup>th</sup> June 1998. The PRC promulgated a new constitution based largely on the suspended 1979 constitution of Abudulsalam Abubakar regime. The constitution include provisions for a bicameral legislature at the centre and unicameral of state.

The National Assembly consisting of 360 members of House of Representatives and 109 member's of senate. The emergence of a democratic Nigeria in May 1999 brought in the new president Olusegun Obasanjo, the former general became the steward of a country suffering from economic stagnation, vanquish and the deterioration of most of its democratic institution. Most civil society leaders and most Nigerians see a remarked improvements in human rights and democratic practices under Obasanjo, Alhaji Musa Yaradua and Dr. Good Luck Ebele Jonathan. The press enjoys greater freedom of expression than other previous governments. But as Nigeria embraces representational democracy, there have been conflicts between the executive and the legislative branches over major appropriations and other proposed legislations. A mark of federalism has been the growing apparent of state governors and the indwelling abrasion between Abuja and the various state capitals over resources allocation.

All these are self evident as Nigeria becomes a nation of winning the political war and losing the peace. In the April 2011 National election, the following states Kaduna, Kano, Niger, Bauchi, Borno Nasarawa, Jigawa, Sokoto and Yobe, witnessed cataclysmic eruption with many people killed and many more people were either injured or lost their properties. Since then, the cases of Boko Haram mass destruction of citizens and properties, kidnapping of chibok girls e.t.c. even in the just concluded 2015 national elections faced the same previous election ringing in the façade of voter's card authentication machines.

## 11. JOHN RAWLS THEORY OF JUSTICE

Primarily justice according to Rawls is the basic structure of society or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social co-operation. He goes on to say that by major institutions, he meant the political institutions and the principal economic and social arrangement. This means that the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production. And the monogamous families are examples of major social institution of which the subject of justice is concerned with.

## 12. THE MAIN IDEA OF THE THEORY OF JUSTICE

The purpose of John Rawls theory of justice is to present a concept of justice which universalizes and carries to a higher level of abstraction, the familiar theory of the social contract as found in political philosophy of Immanuel Kant, J.J. Rousseau, John Locke e.t.c. which is in contrary to the thought of the original contract, as one to enter a particular society or to set up a particular form of government. Rather the guiding idea is that the principles of justice for the basic structure of the society are the object of the original agreement. These principles hold 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.

John Rawls concludes thus:

*These principles are to regulate all further agreements; they specify the kinds of social co-operation that can be entered into and forms of government that can be established. This way of regarding the principles of justices; is Justice as fairness.<sup>15</sup>*

In the concept of justice as fairness, the original position of equality corresponds to the state of nature in the traditional theory of the social contract of Thomas Hobbes. The original position of course, is contrary to the thought of an actual historical state of affairs, much less as a primitive condition of culture. This is understood as a purely hypothetical situation characterized by certain conception of justice, Rawls buttressed thus:

*I shall even assume that the parties do not know their conception of the good or their special psychological properties. Among the essential features of this situation, is that no one knows his place in society, his class Position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like.<sup>16</sup>*

These principles of justice are chosen behind a veil of ignorance that ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Justice as fairness begins with one of the most general principle of choices which persons might make together. Its feature is to think of the parties in the initial situation as rational and mutually disinterested, which does not mean that the parties are egoists, that is, individuals with only certain kinds of interests, say in wealth prestige and domination. But they are conceived as not taking any interest in one another's interests

## 13. JOHN RAWL'S ORIGINAL POSITION

Rawls develops what he claims as principles of justice through the use of an entirely and deliberately artificial device he called the original position in which everyone decides principles of justice from behind a "veil of ignorance" this "Veil" is one that essentially blind people to all facts about themselves that might becloud what notion of justice is. The agreement in the original position is both hypothetical and a historical.

*It is hypothetical in the sense that the principles to be derived are what the parties would; under certain legitimate conditions agree to, not what they have agreed to. It is a historical in the sense that it is not supposed that the agreement has even or indeed could actually be entered into as a matter of fact.<sup>17</sup>*

Rawls claims that the parties in the original position would adopt two principles, which would then govern the assignment of rights and duties that regulate the distribution of social and economic advantages across society.

#### **14. THE FIRST PRINCIPLES OF JUSTICE**

The first statement of the two principles is illustrated thus: “Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar Scheme of liberties for others”.<sup>18</sup> The basic liberties of citizens are roughly speaking, political liberty (i.e. to vote and run for office) freedom of speech and assembly, liberty of conscience, freedom of personal property; and freedom from arbitrary arrest. He however says that:

*Liberties not on the list, for example, the right to own certain kind of property (e.g. means of production) and freedom of contract as understood by the doctrine of laissez fair are not basic; and so they are not protected by the priority of the first principle.*<sup>19</sup>

This first principle is more or less absolute and may not be violated, even for the sake of the second principle above an unspecified but low level of economic development (i.e. the first principle is, under most conditions, lexically prior to the second principle).

#### **15. THE SECOND PRINCIPLE OF JUSTICE**

The social and economic inequalities are to be arranged, so that they are both

(1) Reasonably expected to be, to every one's advantage. (2) Attached to position and offices open to all. The second principle applies in the first approximation to the distribution of income and wealth and to be design of organizations that makes use of differences in authority and responsibility of claims to command.

But on the other hand the distribution of wealth and income need not to be equal, it must be to every individual's advantage and at the same time, positions of authority, offices and command must be accessible to all. These principles according to Rawls are to be principle in a serial order with the first principle prior to the second.

This ordering means that a departure from the institutions of equal liberty required by the first principle cannot be justified by or compensated for, by greater social and economic advantages. The distribution of wealth, income and the hierarchies of authority must be consistent with both the liberties of equal citizenship and equality of opportunity.

#### **16. THE VEIL OF IGNORANCE**

As stated above the idea of the original position, which is to set up a fair procedure so that any principle agreed to will be just. The aim is to use the notion of pure procedural justice as a basis of the theory. For Rawls somehow, we must nullify the effects of specific contingencies which put men odds and tempt them to exploit social and natural circumstances to their own advantage. The parties in a veil of ignorance do not know the various alternatives which will affect their own particular cases and they are obliged to evaluate principles solely on the basis of general consideration.

#### **17. THE RATIONALITY OF THE PARTIES**

John Rawls assumed throughout that the persons in the original position are rational. For in choosing between principles each tries as best as he can to advance his interest. He also assumed that the parties do not know their conception of good. This means that while they know that to have some rational plan of life, they do not know the details of this plan, the particular ends and interest which it is calculated to promote. He also maintained that a rational individual does not suffer from envy; he is not ready to accept also for himself, if only others have less as well. He is not downcast by the knowledge or perception that others have a larger index of primary social goods, or at least this is true as long as the differences between himself and others do not exceed certain limits, and he does not believe that the existing inequalities are founded on injustice or are the result of letting chance work itself out for no compensating social purpose.

#### **18. DISTRIBUTION OF SOCIAL AND ECONOMIC GOODS IN NIGERIA DEMOCRATIC SYSTEM THROUGH JOHN RAWLS FIRST PRINCIPLE**

It will be reminiscence that the general conception of justice as fairness requires that the social and economic goods be prorated equally as propounded in the first principle of a theory of justice or unless an unequal distribution would be to every one's advantage as averred in the second principle. The statement of the first principle which reads that each person is to have an equal right to the most

extensive basic liberty compatible with a homogeneous liberty of others; distinguishing what is known as the basic liberties of citizens or put in a democratic sense, the basic democratic principles; which include political equality, (political liberty, that is the right to vote and be eligible for public office) together with freedom of speech and assembly; liberty of conscience and thought; freedom of person along with the right to hold personal property; and freedom from arbitrary arrest and seizure.

All these are defined by the concept of the rule of law, which is enshrined in the constitution of any democratic state; that Nigeria is not exempted from. As a result of this, the disquisition of the distribution of the social and economic goods in Nigeria Democracy in the light of John Rawls first principle led to the investigation, justification and x-raying of the status of the application of the principle in Nigeria. The 1999 constitution of the federal republic of Nigeria chapter iv section 33-46 stipulate the basic liberty or democratic principles; which is the torch-stone of Rawls first principle under the following section (33) Right to life which means that every person has a right to life and no one shall be deprived intentionally of his/her life except in the case of pronouncement execution or the sentence of a court in respect of a criminal offence of which he/she has been found guilty in Nigeria. (34) right to dignity of human person: every individual is entitled to respect for the dignity of his person for on no account shall any be subjected to torture, inhuman or degrading treatment; held in slavery or servitude or be required to perform forced or compulsory labour. (35) Right to personal liberty which every person is entitled to and no person shall deprive him or her. (36) Fair hearing, in the determination of his civil rights and obligations, including any question or determinations by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality. (37) Right to private and family life, such as the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications. (38) Freedom of thought, conscience and religion; this includes freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance. (39) Right to freedom of expression and the press including freedom to hold opinions and to receive and impart ideas and information without interference (40) Peaceful assembly and association with other persons and he may form or belong to any political party, trade union or any other association for the protection of his interests. (41) Freedom of movement; every citizens of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry there to or exit there from. (42) Freedom from discrimination: A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or politically opinion shall not, by reason only that he is such a person be subjected either expressly by or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject. (43) Right to acquire and own immovable property anywhere in Nigeria e.t.c <sup>20</sup>

Rawls asserts that persons are at liberty to do something when they are free from certain constraints either to do it or not to do it, and when their doing it or not doing it is protected from interference by other person as defined by law. But in Nigeria the proper and qualitative application of the above stated basic liberty and its equality is questionable as a result of political, religious, ethnic and social vices in Nigeria; without the penetrators being brought to book and given appropriate sanctions. The massive abuse of all these is rampant, with self evidences, such as deprivation of one's life by Religious extremist (Muslims) in the name of protection of the religious doctrine; with their so called holy war; the massive destruction of citizens lives by selfish and over ambitious politicians either with the use of thugs by implanting bombs, assassination of their political rivals or innocent individuals. Dehumanization or lack of respect of dignity of human person by subjection to torture, slavery, inhuman or degrading treatment of an unreasonable suspect by any of an enforcement agency with their Jargons of reasonable suspect but are politically motivated, without fair hearing or court Judgment, the rampant human trafficking e.t.c.

However, the little or no existence of freedom of thought, conscience and change of religion or belief, not to talk of manifestation and propagation of one's religion, belief in worship, teaching, practice and observance, other than theirs in some parts of the northern part of the country that are also believed to be governed by the same constitution of the federation, without facing the wrath of the Muslim leaders. In Nigeria rightful and truthful expressions end with individual person affair and not of



political or governmental issues as fear of being killed by the politicians that are not unconnected with bad leadership. The press which is the micro-phone through which the spotlight get across to the masses about the evil acts of their leaders becomes silenced either through the use of force or by brown envelope gifts and those who rejected such offer for the sake of truth and professionalism are dealt with by burning or closing down of their stations. The religious angle is nothing to write home about as the religious leaders silence the opinions, wishes, interests e.t.c of their followers, and becomes the sycophant and machinery of the bad leaders, as they showers them with all sort of Gold, silver, and bronze. In today's Nigeria, freedom of movement have no place in some part of our country, as the movement of the person of different religion, ethnic or tribe, into such part is like one's asking for his / her life to be brought to an end, which must be granted to him or her. While on the political and economic distribution of goods, most leaders of Nigeria took to it as their birth right that need not to be shared equally. To use the words of Ukachukwu Okorie; Nigeria leadership is a recycling business of group who called themselves born to rule.

In any case, the National Assembly and the Judiciary that ought to serve as watch dogs on such executive vandalism are posited in the robotic institution lacking in critical thinking but efficient in its struggle for salary increase and contract seeking as opposed to law making, adjudication and ensuring that the well being of ordinary Nigeria is guaranteed.

### **19. DISTRIBUTION OF SOCIAL AND ECONOMIC GOODS IN NIGERIA DEMOCRATIC SYSTEM THROUGH JOHN RAWLS SECOND PRINCIPLE**

We have examined the application of John Rawls first principle of justice in the Nigerian democracy, and it is evident that the principle has little room in practice than in theory. And since this work is on fostering democratic culture, the need for assessments of Nigerian democracy with the second principle arises. Going by the regiment of the second principle of justice

- Social and economic equalities are to be arranged, so that they are both reasonably expected to be to every one's advantage
- Attached to position and offices open to all.

This second principle applies, in the first approximation to the distribution of income and wealth and to the design of organizations that makes use of differences in authority and responsibility, or chains of command according to Rawls, while the distribution of wealth must be to every one's advantage, and at the same time, position of authority and offices of command must be assessable to all. In Nigeria constitution there exists a concept known as federal character, which is a doctrine or principle which ensures equitable allocation of the nation's resources and equitable representation of citizens of the country in a political, economic or social positions within the country that no section or segment of the country's population is marginalized or oppressed. Practically in Nigeria, this federal character ordinarily protects minorities, but under the constitution it is operated to protect the majority. As a result of ethnic group's lack of will of competitiveness and open-mindedness, the leading ethnic groups in Nigeria have exploited this constitutional provision to their benefits in the areas of contract award, infrastructural development and appointment into strategic government institutions. Such actions in Nigerian democracy makes a few rich and powerful individuals' increase poverty, and ensures uneven regional development and high incidence of graft among civil servants. Inequitable operation of the John Rawls second principle (federal character in the case of Nigeria) could be deciphered from the declaration of president Musa Yaradua proposed Lagos mega city, whereas the goal should be to empower each of the geographical regions of the nation in the provision of social amenities. The establishment of the new gas plant at the boundary between Ondo and Ogun state by Obasanjo instead of Delta, Bayelsa and Rivers states, where people are deprived of economic development, taxation and job opportunities inspite of the environmental impact that gas exploration wreak on these communities. The diversion of natural resources, such as petroleum, gas, kerosene e.t.c to the northern part of the country instead of even distribution to all parts of the country, to mention but a few.

The question now is, where lies the federal character application for individual in private businesses that have no godfather in high places or do not have political affiliation? They would continue to wallow in poverty, misery and even death whether or not they result to the devils alternatives of economic survival, which includes robbery, kidnapping, hard drug pushing, human -trafficking e.t.c.

## 20. APPLICATION OF JOHN RAWLS THEORY OF JUSTICE TO NIGERIA DEMOCRACY

Just as we noted the corner-stone of John Rawls theory of justice to be a concept of justice which universalizes and carries to a higher level of abstraction, 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. To enthrone a stable, viable and enviable democracy in Nigeria, John Rawls first and second principles of a theory of Justice should be given immediate attention, for its proper application would eschew ethnicity, tribalism, illiteracy and poverty e.t.c. The lack of good economy that prompted stealing of public funds and allied corruption in high and low places, which resulted to Sectionalism, Tribalism and Ethnicity, lack of mass education that heightened bad leadership and mind-manipulations of the led by the ruler's e.t.c Also Nigerian constitution should be predicated upon John Rawls principles of Justice and values of liberal democracy.

## 21. CONCLUDING REFLECTION

The difficulty in defining the concept of democracy and justice is obvious. That the current meaning given to these concepts by scholars seems to be characteristically difficult to reconcile. The fluidity of meanings and belief resulted to different war-in-camp among scholars in the issues of democracy and its claimed principles, while on the side of justice criticism of the idea that there is an objective standard of social justice emerges from several circles.

Primarily democracy is the polity which is preeminently based upon equality. To the law of democracy equality implies that the poor should not be in any sense rulers rather than the rich. That neither one party nor the other should be supreme, but that both stand under the same footings. For Greeks the concept includes human and society, justice, peace, happiness, freedom and equality-excluding the slave; this slave issues brings little lacuna.

Mbaegbu pinpointed that:

For Greeks democracy was the government of the rest of society by the men in the privileged citizen class. The much touted Athenian democracy was not predicated upon universal suffrage. It had no room for women, off-set a slave class, which was not even accorded the minimal benefit of being called "Human".<sup>21</sup>

This questions the principle of dignity of human person. Moreover the system was based on the oppression of the many for the benefit of the few and the enjoyment of a few among the very few. The point being made here is that the Greek democracy excluded the slave population which was indeed more than the population of the citizens. It also excluded all women; and what is more, the Greeks who touted democracy were citizens who were content to vote and to take their turn as representatives, periodically at the assembly. This citizenry were glad that the slaves rather than themselves bore the brunt of the oppression and the real power brokers were the Oligarchy which controlled the government at the highest level, but were careful to mask manipulations. This is why Kwame Nkrumah rightly observed that:

*The Greek democracy as a whole, but especially the Athenian, never embraced all resident adults, nor did it aim even as an ideal, at the redistribution of wealth. Women were not included under the provisions of the democratic constitution. And the Aristocrats and merchant class continued to depend for their wealth on slave and other exploited labour. It was indeed due to the availability of slave labour that the free citizenry were not as oppressed as they might have been. The citizenry were expected to remain content with the fact that certain officers of State were filled by lot, and average citizens were able to become Judges and executives.*<sup>22</sup>

A critical look into what is known as Nigeria's democracy, would tempt one to ascertain that what is practicable in Nigeria is not different from that of the Greek's, but of extreme form of it. As the leaders made themselves the citizens, the majority of people they lead become the slaves in their fathers land.

Plato also in his critics of democracy pointed out the evil of democracy which is majority rule and political equality. This according to him resulted to the mob rule in democracy, leading to disorder in the society, for an ideal state cannot be governed by the mob. According to him:

*Competence should be the qualification for authority, the ruler of the states should be the one who has the peculiar abilities to fulfill that function. Disorder in the state is caused by the same circumstances that produce disorder in the individual, namely: the attempt on the part of the lower elements to usurp the role of the higher faculties.*<sup>23</sup>

On the direction of Christians, the concept is based on the equality of all men before God. Its objective application must be to every human being, including the slaves.

Saint Augustine wrote:

*That by the law of nature, man has no right over man, seeing that his power stops short at things and animals... men have themselves logically only the right to command themselves and no human being can of himself impose any authority on others.*<sup>24</sup>

Apart from Augustine, Saint Thomas Aquinas says that although each individual cannot make laws, the authority of all good governance rests in the people. To order anything to the common good belongs to the people or to someone who is vice-regent of the whole people. For him the best form of government is in a state or kingdom where-in-one is given the power to preside over all. The political authority is the authority of the whole community. So the law of the community and its administrative organ derive their authority from the consent of the community.

Ballarmino noted that man as a social animal requires social life, requires a responsible ruler and authority which comes from the natural law. (The power of God to rule over the people, that is in the multitude) The multitude delegates the power to one man or several individuals to exercise it over them. The mode of delegation is from the law of nations, whether the people desire a monarchy, an aristocracy, or a democracy. He stated thus:

*In order not to be subjected wholly to the whims and caprices of a ruler, the people need a civil law. This is a participation in the divine law and it imposes an obligation which is an essential characteristic of every law. It is the right and responsibility of every ruler to judge and penalize for wrong doings and offences in order to protect the common good, maintain order and good moral, for security, justice and peace even to the extent of waging a just war. Christian rulers must also concern themselves with religion, for error in religion is harmful to the state. The temporal power of the ruler ought to protect and defend the spiritual power from its enemies. These are all prerequisites for good democracy.*<sup>25</sup>

John Locke and other pro-democracy philosophers on discovering the predominant flaws of democracy as being ignorant, negligent of the sound philosophical foundation on which democracy was founded and which is indispensable in the operation of true democracy, have based the ideals of democracy on the solid philosophical principles of discipline, selflessness, restraint, nobility, tolerance and truth. On the concept of justice, philosophers age-long interest in the concept of justice and the attendant formulations of the concept does not mean that we human beings do not have our individual intuitive *a priori* knowledge of what justice is all about. However, philosopher's interest could be accounted for, on the basis of their desire to explore and search for a universally consistent criterion or standard of justice.

In Plato's Republic different conception of justice by different individuals were revealed in their dialogue with Socrates. Cephalous conceived justice "as honesty in need and deed". He seems to imply that justice is identical with telling the truth and paying back what one has received from any one. Socrates however argued that telling the truth and returning another man's property are not always just. This is because many a times what belongs to one might be harmful to him. Thrasymarchus also conceive justice "as the interest of the stronger". In this sense the justice is synonymous with the lawful or the legal, that is, what the customs or laws of the city prescribe. This thought is what is now known as legal positivism. This view can hardly be upheld because, according to Socrates, the rulers, just like the subjects can make mistake. Socrates concluded thus: "A just city will be an association where everyone is just. The city will be construed in such a way that every man will have one job".<sup>26</sup>

A conventionalist approach to justice is the view that what is just is what is conventional, in other words justice is a relative concept. According to Cicero a political writer and Roman lawyer of the middle ages; 'The theory of natural law is in the form of justice in society and it is also the ground work upon which the whole structure of human society rest'.<sup>27</sup>

The conventionalist generally believes that justice is rooted in emotion and varies from one person to another and from one context to another. In the words of Alf-Ross:

*‘To use the word just or general order, rather than of a particular decision in accordance with rules merely to express emotion, like banging on the table’.*<sup>28</sup>

For Alf-Ross legal justice is non-existent. If ethical justice exists it is relative. For the equalitarian justice places equality highest in matters of justice and derives from the ultimate the standard of justice. e. g. “Communism”. While the libertarian maintained that justice measures everything by the yardstick of liberty, it opposes as unjust steps intruding on liberty which the equalitarian would welcome e.g. the liberals.

Also for the Revelationist justice is the revelation of God’s will. This is irrespective of whether the divine will be individualistic, national or universal in its purpose. Some ethicists have argued that justice is logically independent of and may conflict with other moral demands. Others have denied that it is independent of such moral imperatives as obligation to be kind and never to take a human life. A demand for justice is a demand that rules them; it must meet with certain standards of justice. While some philosophers see this as natural principle of fairness. Daniel Sullivan says:

*I suggest then, that rule create moral. Obligation, that we characterize violence of rule as unjust, because rules establish co-operative schemes, which render an act of non-conformance to the rule unfair. Thus the sense of justice in which justice may be said to be the rule of rules that is, that which gives moral values to respect for regulation of every kind even when these are not in themselves specifically moral is, infact accurately reflected in the principle of fairness at it is in conjunction with a principle of fairness that many rules become reasons for action and can be used in the moral justification of condemnation of action.*<sup>29</sup>

In the same lens, John Rawls in his theory of justice made a prodigious attempt to construct the liberal theory of justice and make it acceptable to the world where the gap between the rich and the poor is increasingly assuming an alarming dimension. Rawls has given us the principle that should apply to our social, economic and political institutions: the principle of equal liberty, the difference principle and of fair equality of opportunity. If we adopt Rawls theory, what changes would be made in our current society? Will these changes make Nigerian democracy better or worse?

Since most societies are faced with a dilemma of striving for complete economic equality by distributing wealth equally, they will stifle the incentive of the high achievers and productivity will suffer. On the other hand, a person’s abilities are sometimes a gift of fortune, neglecting the disadvantaged would be unfair and the result could be vast social and economic inequalities that would make the society unstable. It is indubitable that a just society (government) is one that treats every one fairly, this is absolutely lacking in Nigeria’s democracy. Consequently it becomes pertinent to ask if Rawls original position, veil of ignorance and the rationality of the Parties scenarios are effective ways of getting us to think in an objective fashion without corruption, favoritism towards ethnic groups, race, and religions e.t.c.

So far in this paper, our philosophical engagement has been on appraising the Nigeria’s democracy in the light of John Rawls theory of justice. We have looked at democracy and social justice, their origins and ideal forms vis-à-vis the contemporary experience in the Nigerian context. And its obvious from the foregoing discourse that what is obtainable in Nigeria is far from the ideal. We therefore, submit that Nigeria should imbibe Rawls principles in her theory of Justice for if democracy in Nigeria must strive, Nigerian politicians must embrace the cherished values of true democratic culture. They must learn, admit and practice the intrinsic operational principles of an ideal democracy that seek to promote justice, equity, freedom and other values for the good of the human society which is the touch-stone of Rawls A theory of justice.

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