

Nigeria and Robert Nozick's theory of justice and poor governance: An appraisal

George Udoh

Department of Philosophy
University of Uyo
Nigeria

Richman, Igbagara Buwokuromo

Institute of Foundation Studies
Federal University, Otuoke
Bayelsa State
Nigeria

Abstract

Robert Nozick (1938 – 2002) is an American contemporary thinker widely known for his defense of human right and autonomy. In his "Anarchy, State and Utopia", he expounds what he believed to be justice and described how this justice can be achieved in the state. According to him, justice is attained when every rational individual in the state is allowed the freedom and the right to do as he pleases in so far as it does not infringe on others' freedom and right. To him, this can be achieved if the state is minimal. That is, if the state is limited to the function of providing security and regulating relationship among its citizens. The paper argued that its principles would be of great relevance to the improvement of governance and leadership in Nigeria. Nigeria seems to be faced with the challenge of leadership and this is probably because there is no clear identification of the responsibilities of the government or the leaders lack the will to carry out their responsibilities. The paper through philosophical analysis and reflection examines the possible factors that are responsible for this leadership challenge and proposed a way out. Thus, Robert Nozick's theory of justice serves as a suitable philosophical framework in solving this poor leadership quagmire in the Nigerian state.

Key words: Justice, Minimal State, Extensive State, Anarchism, Individual's freedom, Individual's right, and Governance.

Introduction

The justification for the existence of the state seems to consist in the ability of the state to provide enabling environment and atmosphere for the realization of justice both in the individual and the state. This is often a common aim in the minds of political thinkers while they are proposing different political doctrines. One of such political thinkers is Robert Nozick, an American scholar who attempts to create a state (in theory) that will not just protect its citizens from foreign interference but will also allow the citizens the much needed freedom, as rational beings, to develop to the fullest. To him, the state is justified if and only if it limits its functions to protecting its citizens from foreign invasion and



regulating relationship among members. Justice is therefore attained when an individual in the state freely pursues his aspirations and fulfils destiny without any hindrance in as much as he does not infringe on others' rights and liberty.

There are different conceptions of justice, as we will see. However, every government is established to ensure justice in the society. Hence, each government strives to identify what justice means and how to achieve it. It is in this light that we wonder how Nigerian government sees justice and what they have put in place to ensure that justice is realized in Nigerian state. As we shall see, Nigerian government seems to have a different agenda, far from ensuring justice or perhaps they tend to have a very different conception of justice far from the conventional conception or they are ignorant of their primary duties of ensuring justice. We shall propose the adoption of Nozick's concept of justice, this we believe will place Nigeria on a smooth lane to success and greatness.

The concept of justice

The concept of justice has been the concern of thinkers right from antiquity. It does not enjoys the uniformity of definition or understanding as it differs from every culture, clime and period (epoch). In the ancient period, Heraclitus of Ephesus, identified justice with strife. He is quoted in Russell¹ as maintaining that "we know that war is common to all and strife is justice". However, John² sees this understanding of justice by Heraclitus as obnoxious and absurd. He contends that "strife is itself unjust and can lead to more injustice such as armed hostilities and bloodletting if not terminated". In our observation, John misplaced Heraclitus' "strife". He misunderstood "strife" as used by Heraclitus. Heraclitus was neither a moral philosopher nor a political thinker but a metaphysician who studied the nature of ultimate reality of things and the process of how things came to be. It follows that Heraclitus was not referring to street brawl or interpersonal conflict as it is found in the society but something far removed from the physical.

Plato on his part conceived justice as something derived from harmonious functioning of the tripartite (rational, spirited and appetitive) elements in man and the independent and coordinative functioning of the three classes in the society namely: philosopher kings, auxiliaries and artisans. It may be fair to note that Plato tried to describe the nature of man and draw a seemingly ideal way to achieving a perfect state. But in the course of it, he made some blunders which poses as a challenge to the realization of this perfect state and justice. Some of these challenges is noted by Etuk³ as follows:

If the republic had been anything other than Utopia, it would have collapsed in no time. For either the soldiers would have rebelled and snatched at the opportunity to rule and saviour the trapping of power; or the vast armies

¹Russell, Bertrand. (1921). *Problems of Philosophy*. New York: Holt and Company, p. 60.

²John, Elijah. (2014) "A Critique of John Rawl's Social Justice Theory and the Fate of Nigeria's Politics in the 21st Century and Beyond" *Journal of Law, Policy and Globalisation*. Vol. 28, pp. 12 – 20.

³Etuk, Udo (2000). *The Riches of Philosophy*. Uyo: The Scholars press, p. 19.

of workmen or producers would have kicked against their assigned lot in life; or the “golden” ruler would have grabbed at real gold and silver and so broken the myth”.

To add to the above, Plato failed to acknowledge individual autonomy and dynamics by denying individual’s right and freedom.

In another instance, some scholars especially from the medieval period are of the view that justice is purely divine from God. This theory of justice is known as the *Divine Theory*. The adherents of this theory commonly believed that justice, and indeed the whole of morality is the authoritative command of a deity or deities. However, a common response to this theory is “is what is just right because it is commanded by God, or does God command what is in fact morally right?

If the former then justice is arbitrary; if the latter then morality exist on a higher order than God, and God’s commands and will are subject to a higher authority and may be wrong or even evil.”⁴ Another issue is that we do not have means of accessing the veracity of this divinely inspired justice. Here, faith, which is not a tool in philosophy, is preferred to reason as the condition for acceptance of what is right.

More so, there are other conceptions of justice. Each conceived justice differently according to background and world views. An instance is the conceptions of the contractarians, utilitarians and egalitarians. According to thinkers in the social contract tradition, like John Locke, justice is derived from what they would agree to under hypothetical conditions including equality and absence of bias. Utilitarian thinkers, like John Stuart Mill, assume that justice is derived from the more basic standard of rightness, consequentialism: what is right is that which has the best consequences. Also, the egalitarians maintains that justice exist within the coordinate of equality. The aforementioned views of justice have their strengths as well as weaknesses which we will not be able to treat here. Nonetheless, it is important to state that a single understanding of justice do not suffice.

Nozick’s Theory of Justice

Nozick was a renowned political thinker with special interest in the actualization of individual’s right and freedom as well as the justification of the state. In his celebrated book, *Anarchy, State and Utopia* published in 1974, Nozick partly attempted an explanation and postulation of the origin of the state and the ideal state respectively. As we shall see, he was very keen and conscious of individual’s right that the ideas in his book can rightly be summarized as a defense for individuals’ right and autonomy. In it (the book), Nozick identified the justification of the state as “narrow functions of protection against force, theft, enforcement of contract and so on” (xi). He calls this a **minimal state**. When a state takes more responsibilities than this, he maintains, individual’s rights are violated. Nozick therefore asserts that justice

⁴www.newworldencyclopedia.org/entry/justice.

prevail when an individual is allowed the right and freedom to follow his will in as much as it does not deprive others' right and freedom.

Nozick's work is also partly a response to John Rawls distribution justice – an egalitarian conception of justice. Rawls⁵ in his work *Theory of Justice* submitted that:

Each person is to have equal right to the extensive total system with a similar system of liberty for all...social and economic inequalities are to be arranged so that they are: (a) to the greatest benefit of the least advantage, consistent with the just saving principle, and (b) attached to offices and positions open to all under condition of fair equality of opportunity.

Rawls' argument is a character of an extensive state. An extensive state is a one that moves further from protecting and regulating relationship among citizens to determining individual's standard and way of life in the society. However, Nozick disagrees with Rawls on the basis that man is born free, autonomous and unlimited. Hence to draw a guide to direct his exploitations and endeavors is to contend him and this amount to injustice.

Nozick started by explaining the origin of the state. He seems to subscribe to Lockean state of Nature as the best illustration to the emergence of the state. "Locke's state of nature was marked by co-operation. Locke's state of nature was guided by recognition of natural law to which all men have access through reason"⁶. The implication of the Lockean State of nature is that given reason and morality, man is better off even without a state. In other words, if not for the fact that men exhibit irrationality and immorality, they would have been better off without any form of regulation and guide. It is on this note that Nozick, laying credence to other contractarians, justifies the existence of the state but this state can only be justified if it is minimal. That is, limited to protection and regulation of activities among the citizens and non-interference with individual's affairs.

It is important to note that Nozick does not subscribe to anarchism (entirely) as some thinkers would want us to believe. Anarchism is the belief that all forms of involuntary rule or government are undesirable or unnecessary, and that society could function without a ruler, or involuntary government (a state). Defenders of anarchism generally hold that no state, not even the minimal or night watchman state is justified. More so, as stated by Nozick⁷ "some anarchists have claimed not merely that man would be better off without a state, but that any state is necessarily immoral", this is extreme. Some of the defenders of anarchism include, but not limited to, William Godwin, Wilhelm Weitling and Pierre-Joseph Proudhon. Nozick only agrees with anarchists to the limit that an extensive state infringes on the right of individual which Nozick so

⁵Rawls, John. (1971). *A Theory of Justice*. Cambridge: Belknap press. p. 215.

⁶John, Elijah (2016). *Man and the State: Issues in Socio-Political Philosophy*. Lagos: Omega Books, p. 363.

⁷Nozick, Robert (1974). *Anarchy, State and Utopia*. New York: Basic books, p. 5.

passionately defended. It seems for Nozick that there is individual right which must not be sacrificed on the pretext of public interest or social goal. He⁸ is against using an individual as a means to an end. It follows that in a minimal state, as recommended by Nozick, individual is allowed the freedom to explore to the fullest provided he does not infringe on another's freedom.

It is based on this freedom to explore as elucidated above that justice will be achieved. In Nozick's⁹ view, defending and preserving individuals' right and freedom, justice is the justification of minimal state. Put differently, justice is achieved when the state does not interfere with an individual's affairs. In minimal state, individual is free to engage in economic and other social activities to the fullest in as much as it does not cross or offend other's right. The state therefore is to provide protection and regulating policies to contend foreign invasion and relationship among citizenry respectively. Unlike Rawls¹⁰ who maintains that:

The primary object of justice 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 and social cooperation.

Nozick¹¹ declares "from each as they choose, to each as they are chosen". By this he means that it is for individual, not the society or state, to distribute goods. Nozick ties the concept of justice closely with acquisition of property which he refers to as Holding. He¹² states three principles to explain the realization of justice. The first principle which he calls a Principle of Justice in Acquisition, deals with initial acquisition of holdings. It is an account of how people first come to own common property. The second principle tagged A Principle of Justice in Transfer, explains how one person can acquire holdings from another. The last one, a principle of Ratification of Injustice deals with holdings that are unjustly acquired or transferred. These three principles are sum up and refers to as Entitlement Theory. Everyone is therefore entitled to all that they have acquired, provided they gained their possessions justly.

Implications and Relevance of Nozick's Theory of Justice to Nigerian State

The root causes of poor governance in Nigeria is not unconnected to inexperience and sheer ignorance on the part of the public servants about the purpose of the state. Other visible factors are: weak sense of morality, blur vision, lack of focus and indiscipline of politicians just to mention a few. Politicians in Nigeria seem to lack sense of responsibility and feel that the essence of government is for prestige, unwarranted popularity and affluence. This may explain why they (without genuine intention for the well-being of the

⁸*Op. Cit...* p. 33

⁹*Op. Cit...* p. 149.

¹⁰Rawls, John. (1971). *A Theory of Justice*. Cambridge:Belknap press, p. 7.

¹¹Nozick, Robert (1974). *Anarchy, State and Utopia*. New York: Basic books, p. 273.

¹²*Op. Cit...* p. 151

masses) go all out of their ways to win elections and remain in power and relevant. More often too, dubious and men of questionable characters are smuggled into offices through electoral malpractices with the evil intention to make illicit wealth for themselves, relatives and friends. The general masses on their part are hardly together on sensitive issues bothering on governance. The disunity and unnecessary competition or rivalry among the masses is a factor responsible for the public inability to hold the leaders accountable for their incompetence and maladministration.

Consequently, public servants neglect their duties which include maintenance of laws and order, protection of lives and property, adherence to international laws and good relationship among the comity of nations. Other neglected duties of national leaders are: providing enabling environment for democracy, social justice, promoting economic development of the nation and promoting fundamental human rights etc. The prioritized interest or concern of political leaders in the country is to attend social functions without national gains. The Judiciary is not left out in the blame; it seems to be more interested in rhetoric instead of interpreting the laws of the land and administration of social justice. People now study to become lawyers because of the supposed prestige attached to the practice and not to preserve the law. Justice in Nigeria is basically for the might particularly those with economic and political powers. The legislative arm of the government is part of the problems. Legislators that are supposed to be making good laws and acting as watch-dogs over the executive in ensuring proper implementation of policies and programs have become accomplices. Executive bills are rashly passed without proper scrutiny and deliberations. They hardly reject bills or argue budget proposed by the executive (no matter how ridiculous they are) and most of their bills do not seem to reflect the interest of a common Nigerian on the street.

The security agencies and the gentlemen of the press are not left out of the misplaced priorities. Security officials that were supposed to defend and protect citizens turned to intimidate and rob vulnerable citizens of their money. Motorists, for instance, are extorted daily on the road by members of the Nigeria Police Force and even soldiers. It has become an obvious fact that the poor cannot use the police because it requires huge amount of money to engage them. One cannot even visit a relative or friend in the police station without being extorted by the police. The military that is relied on in other climes allot different kinds of punishment to harmless citizens at slightest provocation. The press men and journalists, on their part, seem to lose grip of the core tenets of their practice which is stating things as they are and being watch dogs in the society. It seems the case that they now resort to presenting one sided and or concocted information to suit the interest of their pay masters. The consequence from all of these is a total loss of confidence in government and its organizations by Nigerians.

At this juncture, it can be observed that the true essence of governance is defeated and misplaced in the country probably because either government officials are not aware of their responsibilities or there are no vibrant strong independent institutions or organizations to check their excesses. The citizens on their part seem to be indifferent about how they are governed, hence government officials see government and the common wealth as their personal

estate to be used as they want. Nonetheless, the way out of this problem would be to reinvent governance and overhaul policies and programmes of the government. In addition, both the leaders and the led should be educated on the real essence of governance and citizens should be encouraged to be actively involved in the process of governance. These should be done with Nozick's principles of justice in mind.

Nozick emphasized upholding of human autonomy and freedom as conditions for deriving justice. For Nozick, justice prevails when an individual is allowed the right and freedom to follow his will in as much as it does not contend others' freedom. Put differently, man is born free, autonomous and unlimited hence to draw a guide to direct his exploitations and endeavours is to contend him and this amount to injustice. This means justice only prevails if boundaries are respected and human beings can freely engage in things they desire so far as it does not infringe on the fundamental rights of others.

In view of the above, it follows therefore that the Nigerian government need not to restrain her citizens by any means what so ever. The Crypto and Twitter ban, for instance, by Nigerian government is an act of injustice by Nozick's standard. There seems to be no justification for the ban. At best, Nigerian government would have advise caution on such transactions or organizes informative programs to expose the risk and danger associated with trading of crypto currencies and unguarded expressions on social media. More so, stipulation of unnecessary conditions (most of which cannot be met by common and average Nigerians) before given license to do business or practice a certain trade and restriction of movement amount to injustice. In Nozick's view, conditions that ought to be stipulated by government are the ones that reflect assurance of good relationship among citizens; anything further than this would be unnecessary and no single rational individual should be restricted not even on the pretext of safety.

This brings us to the next justification of the state by Nozick. According to him, aside from assurance of human freedom and autonomy, government must provide security and regulate relationship among individuals. Indeed, if a government cannot guarantee the safety of her citizens or lack the will to bring perpetrators of evil in the society to book, then such government ought not to be in existence. Nigerians seems to live in fear and anxiety given the security challenges in the country and no single zone is left out of this insecurity. The scourge of insecurity prevalent in the country today is alarming. The widespread of banditry civil unrest, the activities of the dreaded Boko Haram, agitation of the Independent People of Biafra in the South East and South South respectively are great threats to national unity and integration. Activities of the Niger Delta militants, sea piracy on Nigerian water ways, religious intolerance and youth restiveness, kidnapping, selling of human body parts, and inter-tribal clashes especially among people sharing boundaries leaves one in doubt about the justification and duties of Nigerian government. The basic fact is that the government is not doing their best in curbing the menace of insecurity and other challenges in the country. Even if the government is making some efforts, such efforts are selective in terms of administration of justice. The unarmed activities of the Independent People of Biafra are seen as treasonable felony which necessitated the arrest of Nnamdi Kanu while those of the fully armed

activities of the Boko Haram and the Fulani herds' men enjoy the protection of the federal government. The best that can describe the situation of Nigeria is that of Thrasymachus definition of justice as nothing but the advantage of the stronger and that of Jean-Jacques Rousseau's famous phrase: man is born free, but everywhere in chains.

Conclusion

It should be noted that Nozick's understanding of justice has some limitations. For instance, it is possible for the poor to starve in the midst of plenty given the case that individualism and independency is given high premium. It seems like a crime to even rely on or depend on anybody in the minimal state. It follows that Nozick did not consider the poor or aware of the infant orphans, aged, physically challenged, feeble and the rest who cannot fend for themselves. And since there is no attempt to institutionalized poverty relief, the government will not be living up to their responsibility of providing security and regulating relationship among its citizens. Security in this case include social and psychological in which the citizens will have sense of belonging.

On the other hand, it seems an extensive state contends and limits individual's rights given the fact that it goes further from protection against aggression and regulation of relationship among individuals to determining the fortune and destiny of citizens. This, to our minds, is injustice and a bruise on the ego and person of every sensible individual as free thinking and moral beings. Nigerian government must understand this fact and review their policies and programmes to guarantee the freedom and autonomy of Nigerians. They should revolutionize and strengthen both the legal and security institutions to reflect the interest of an average Nigerians. Lastly, there is need to consider the feeble and physically challenge in the course of proposing and implementing policies and laws.