Ethnicity and Politics of Exclusion in Nigeria: Employing Rawls’ Theory of Justice in Plural Societies

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With an estimated 250 ethnic groups, Nigeria, no doubt, has been grappling with the problem of pluralism of ethnic nationalities. It is not news in Nigeria that extreme ethnic consciousness of its citizens has led to the victimization of one ethnic group by another. This victimization has come in the form of exclusions in the distribution of both wealth and power in the country.

Amidst all the exclusions, the unity of the country has been ironically regarded as sacrosanct, and should not be negotiated. It is often said that fate brought all the ethnic nationalities in order to form one great country. I subscribe to this belief that fate brought us together for the above purpose, especially now that several countries around the world are merging in one way or the other to form a formidable force to reckon with both politically and economically. Hence, "(ethnic integration) is the integration of capabilities. It develops the capabilities of the workforce... it offers opportunities for better synergy of skills". However, it would be ethically unhealthy for the unity of the country not to be compromised under the present dispensation, which has been compromising in turn the basic moral principle of social justice. There cannot be any moral basis for the continued existence of a country like Nigeria, which as it were, has thrown equality of all citizens to the dogs.

Should the country remain united, it must do so by imbibing the culture of regarding all citizens, as well as, all ethnic nationalities as equal, and none should have more privileges than the others. Therefore, how can a plural society like Nigeria remain united as one indivisible country?

Rawls has offered some solutions to the problem of stability engendered by the pluralism of ethnic groups in Nigeria. His idea of ‘overlapping consensus of reasonable comprehensive doctrines’ in his Political Liberalism is capable of bringing back the country to the state of stability. There will be stability, if all forms of exclusion seize to exist in the Nigerian polity.
DEDICATION

To

My Beloved Parents

Chief Clement Nwajideobi Ozoeze

And

Mrs. Monica Nwabuihe Ozoeze
ACKNOWLEDGEMENTS

I wish to express my heartfelt gratitude to Almighty God for miraculously sustaining me all through this programme. My thanks also go to my Parents, Chief and Mrs Clement Nwajideobi Ozoeze, and my other siblings; Obiageli, Ikechukwu, Chimezie and Chinwoke for their enormous support. I thank also my dear friend, Miss Obianuju Igboke for her love, encouragement and prayers for the success of this work. In a special way, I appreciate the thoughtfulness and wonderful contributions of my supervisor, Prof. Göran Collste that facilitated the writing and the success of this master’s thesis. His style of supervision is in fact, inimitable. I duff my cap for all of you!

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May 2005.
ABSTRACT

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CHAPTER ONE

1.1. INTRODUCTION

Ethnicity has been a long standing serious problem in Nigeria political history since Independence in 1960. Given the complexities which the amalgam of more than 250 ethnic nationalities has presented, the political stakeholders have been armed with little or no political philosophical ethical measures towards arresting the situation. So, ethnicity has remained an issue to be grappled with in Nigeria till today.

Exclusions in the political participation in Nigeria are, in fact, the aftermath of this problem. There appears to be a conscious domination of one ethnic group over and above the other. Hence, the issue of marginalization and the question of the realization of social justice have been topical issues in Nigeria at the moment. Also, there had been an attempt by one ethnic group (Igbo) to secede sometime in the past on the grounds of the inherent inequality in Nigerian polity. The same ethnic group and other minority ethnic groups are still agitating for self determination because they feel their interests are by no means given any consideration by the federal government. To this effect, certain secessionist organizations have been formed, for instance, Movement for the Actualization of the Sovereign State of Biafra whose objective is “the actualization of Biafra, the sovereign independent Igbo nation, using peaceful means.” In the hind sight, the Igbo ethnic group as well as other minority ethnic groups are seemingly excluded and discriminated against in some capacities, leaving the issue of the realization of justice and equality as enshrined in the Constitution of the Federal Republic of Nigeria as an illusion. As a matter of fact, Nigeria’s constitution does not give room for any form of discrimination and exclusion, as it emphasises the federal character principle in appointments and employment to civil service to mention a few. So, the unity of the country has continued to be threatened as a result of the exclusions which are readily observable in Nigeria.

Meanwhile, the issue of the unity of Nigeria has been considered sacrosanct, and therefore, should not be negotiated following the statement in the preamble of the constitution thus; “we the people of the Federal Republic of Nigeria, having firmly and solemnly resolved, to live in

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2 www.biafraland.com
unity and harmony as one indivisible and indissoluble sovereign nation under God,….”\(^3\) Since, the unity of Nigeria ought to be protected, the political stakeholders should be ready to adopt and implement some integrative ideology that could help foster the cooperate existence of Nigeria, rather than feeding the tension with their unruly ways of piloting the country’s affairs.

However, Rawls has a major contribution to the world by propounding his theory of justice in plural societies. He brought out explicitly this theory in his work, *Political Liberalism*. In this work, he set out to see how far he can go in enthroning stability in modern liberal democracies, which are characterized by the pluralism of reasonable comprehensive doctrines. He believes, in fact, that his core idea, which he refers to as ‘overlapping consensus of reasonable comprehensive doctrines’ would help achieve this stability in plural societies.

Now, we aim in this work to see how Rawls’ core idea could be applied in the Nigerian context, which is actually bedevilled by instability which is brought about by the pluralism of reasonable comprehensive doctrines. As a matter of fact, the pluralism of different reasonable comprehensive doctrines corresponds to the different ethnic groups that exist in Nigeria. Again, efforts would be made to investigate whether there can be certain political values which are common to this various groups, as this would go a long way in ensuring the realization of the overlapping consensus. Overlapping consensus, when achieved, would engender a long standing stability in the country. As it were, Rawls’ theory of justice seems to be a virile political philosophical strategy for keeping such a plural society like Nigeria harmoniously united.

This work is divided into five chapters. The first chapter discusses the introductory aspect of the work, like the explanation of some concept like; ethnicity. Understanding this concept would help us understand also the role it plays in a pluralistic country like Nigeria. The second chapter x-rays the nature of ethnicity and politics of exclusion in Nigeria. In the same chapter, issues like; marginalisation, ethnic unrests and conflicts, and ethnic oriented organizations in Nigeria would be discussed. The third chapter deals with the core concepts behind Rawls theory of justice in plural societies. Within this chapter, we shall discuss some core ideas like; political conception of justice, the problem of stability, overlapping consensus and of course, some critiques against Rawls’

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Political Liberalism. After, we shall try to see how we can juxtapose Rawls’ theory to Nigerian context. This will lead us to the concluding chapter.

1.2. ANALYTIC QUESTIONS

In attempt to carry out the onerous task of writing this thesis, therefore, the following analytic questions shall be answered:
- What is the nature of ethnicity and politics of exclusion in Nigeria?
- Is Rawls’ theory of justice in plural societies capable of solving the problem of stability in modern democratic societies?
- How can politics of exclusion be morally justified in Nigeria?
- Can Rawls’ theory of justice in plural societies solve the problem of ethnicity and politics of exclusion in Nigeria?

1.3. CLARIFICATION OF CONCEPT

1.3.1. ETHNICITY

The word ‘ethnic’ is derived from the Greek, *ethnikos*, which means, heathen or pagan. It was used in this sense in English from the mid-14th century, when it gradually began to refer to “racial” characteristics. The word ‘ethnic’ became a polite term used when references were made to the Jews, Italians, Irish and other minority groups which were regarded as inferior to the dominant groups that came from Britain in the United States of America around the Second World War.4

Ethnicity as a word seems to be a new development, as its earliest dictionary appearance is in the Oxford English Dictionary in 1972, and first usage is attributable to the American Sociologist, David Riesman in 1953.5 Meanwhile, prior to the introduction of the word ‘ethnicity’, the word ‘ethnic’ was always in use.

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4 http://folk.uio.no/geirthe/Ethnicity.html
5 Ibid.
Basically, ethnicity as a concept deals with how people are classified and then the group relationships. That is why Nnoli defines the concept as “a social phenomenon associated with some forms of interaction between the largest possible cultural-linguistic communal groups”.\textsuperscript{6} Ethnicity is manifested when social harmony is sacrificed at the alter of cultural prejudice, socio-economic and political discrimination. In fact, the relationships of one ethnic group with the others become more competitive rather than cooperative. Meanwhile, ethnicity is meaningful within a political society consisting of diverse ethnic groups. For instance, the expressions of ethnicity in such country like Nigeria are quite commonplace as a result of the multiplicity of ethnic groups within the Nigerian political system numbering more than 250 ethnic groups. The interactions that go on among these groups within the country give rise to ethnicity. This ethnic sentiment goes with a “feeling of pride in the in-group (ethnocentricism), a common consciousness and identity of the group, and the exclusiveness of its members”.\textsuperscript{7} Moreover, differences in language and culture help feed this sentiment. Sometimes, this same sentiment takes hostile dimension, resulting in destruction of lives and property, as witnessed in the pogrom which preceded the Nigeria/Biafra civil war that started in 1966 and lasted till early 1970.

Nevertheless, “…ethnicity has a democratic side to it which is positive. Consistent democracy is opposed to any form of privilege. Ethnicity promotes the desire to eliminate all privileges… Social struggles usually concern injustice in the distribution of resources, as well as the issue of domination, exploitation and oppression.”\textsuperscript{8}

\begin{footnotesize}
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\item[\textsuperscript{6}]Okwudiba N., Ethnicity and Development in Nigeria, Hants, 1995, p.1.
\item[\textsuperscript{7}]Ibid.
\item[\textsuperscript{8}]Op. Cit., p.4.
\end{itemize}
\end{footnotesize}
CHAPTER TWO

2.0. ETHNICITY, EXCLUSIONS AND THE NIGERIAN EXPERIENCE

2.1. HISTORICAL BACKGROUND OF NIGERIAN FEDERATION.

What we refer to as Nigeria today is merely a product of colonialism, and in the words of Ozekhome, agreeing with this fact states that “Nigeria is an artificial creation of British mercantilism…”9 The name ‘Nigeria’ was never in existence until the early 20th century when the British wanted to unify the territories which were forcefully captured and brought under their rule. In fact, the word itself is simply, according to Awolowo “a geographical expression. There are no Nigerians in the same sense as there are English, Welsh, or French. The word Nigeria is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not.”10 Initially, the British established protectorates to aid their colonial administration. They include: Lagos protectorate which was later merged with the rest of the southern Protectorate and then the Northern Protectorate. The southern Protectorate was made up of the ethnic groups like, the Igbo, Yoruba, Itsekiri, Ijaw, and a whole lot of other minority ethnic groups. The Northern Protectorate included majorly the ethnic groups like the Hausa and Fulani. Formally before the invasion of the British, these were kingdoms, nations, empires and autonomous communities that were entirely different in culture, language, religion, and attitude. In 1914, both the Southern Protectorate and the Northern Protectorate were amalgamated, and that became the Nigeria that we have today. This amalgamation was carried out by Lord Lugard, who immediately became the first Governor-General of Nigeria.

The amalgamation was followed by series of constitutions to strengthen the unification and then to aid up the administration of the country. The Lugard’s Constitution of 1914 was followed by the Clifford’s Constitution of 1922. There were also other constitutions like the Richards Constitution of 1946 and the Macpherson’s Constitution of 1951. All these were regarded as the pre-independence constitutions.

Worthy of note was the fact that a need arose to determine the most suitable system of government for Nigeria, so in 1950 a national conference was organised to that effect. It was at this conference that Federalism was unanimously accepted as the most suitable system of government for Nigeria. After that the Constitution of 1951 which came shortly consolidated it. This system of government was chosen owing to the fact of multi ethnic nature of the country. Making a case for federalism, Chief Awolowo O., in his book *Thoughts on Nigerian Constitution* states that:

> from our study of the constitutional evolution of all the countries of the world, two things stand out quite clearly and prominently. First, in any country where there are divergences of language and of nationality… a unitary constitution is always a source of bitterness and hostility…. On the other hand, as soon as a federal constitution is introduced in which each linguistic or national group is recognised and accorded regional autonomy, any bitterness and hostility against the constitutional arrangements as such disappear\textsuperscript{11}.

This conference became the basis for enthroning federalism in Nigeria, having noted the fact of ethnic diversity in the country, and the only remedy to a potential ethnic motivated unrest was to adopt the system of government.

After the British had left in 1960, the succeeding regimes insisted on the fact that federalism was the most suitable system in Nigeria, which was why it is stated in the ‘Country Studies’ thus:

> given the territorially delineated cleavages abounding in Nigeria and the historical legacy of divisions among ethnic groups, regions and sections, the federal imperative was so fundamental that even military governments- characteristically Unitarian, hierarchical, and centralist-attached importance to the continuation of a federal system of government\textsuperscript{12}.

Hence, the federation started as a unitary colonial state and later was divided into three regions, but an imbalance was alleged in the structural composition of the country, with the North, mainly the Hausa/Fulani, allegedly dominating the other two regions. By 1967, the

\textsuperscript{11} Ibid.
\textsuperscript{12} Country Studies, Federalism, at www.country-studies.com/nigeria/federalism.
regions were dissolved and twelve states were created. The creation of more states became necessary to reflect the very nature of federalism which has been widely accepted to reduce the northern domination and create a balance among the component units. That was why in 1976, the number of states were increased to nineteen. Soon after, state creation became a means of domination, which was why agitations for more states for any ethnic group that felt cheated in the in already created states were witnessed. For example, the Igbo ethnic group which is one the major ethnic groups was given only two states while Hausa and Yoruba were given five states each. Even though, the states creation was not intended to reflect ethnicity, consciously the leaders that initiated the states creation made it to appear as if states creation was an avenue of lording it over other ethnic groups who had virtually no say in the government, as the states became apparent way of distribution of the country’s resources. In agreement with this view, Nnoli, O. concludes that,

…there is no willingness on the part of the ethnic politicians to demand democratic solutions capable of providing equal benefits to all social strata of all ethnic groups….13

As a result of these agitations for equity in states creation, in 1987 the number of states was raised to twenty one. The states creation continued until the current thirty six states and the Federal Capital Territory that we have today in Nigeria.

Furthermore, the problem in Nigeria intensified, and this time it was the problem of revenue allocation. There was a disagreement over the formula of allocating revenue to the federating units. To that effect, some revenue allocation commissions were established, for instance, the National Revenue Mobilization, Allocation, and Fiscal Commission was set up in 1980 to look into the best criteria of allocating revenues. “Similarly, a socio-economic gap was discovered between the North and the South which the North demanded should be bridged by granting it socio-economic privileges. It was not until 1979 that a formula was agreed upon for doing this, the principle of federal character.”14 “It involves the demand by each ethnic group no matter how big, small, materially poor or educationally backward, for a fair share of the national cake.”15 This principle was formalized when it became properly documented in

13 Nnoli, O., Ethnicity and Development in Nigeria, Hants, 1995, p. 149
the 1979 Constitution and the 1989 Constitution. It is still enshrined in the 1999 Constitution as a balancing formula in the country. Trying to explain this principle, Williams opines that;

the federal character of Nigeria refers to the distinctive desire of the people of Nigeria to promote national unity, foster national loyalty, and give every citizen of Nigeria a sense of belonging to the nation notwithstanding the diversities of ethnic origin, culture, language or religion which may exist….

The aim of this principle is certainly to forestall a potential domination of the country’s affairs by persons from a few ethnic groups and other sectional groups. Afigbo expressing a slightly different view on this principle argues that, “federal character cannot be a desire. Instead, it should refer to the feature or features which characterize the Nigerian federation. This character has been historically determined.” For him, the fact that the multiplicity of all the ethnic groups in the country were brought together as one by the same colonial master justifies this historical determination.

2.2. ETHNIC ORIENTED ORGANIZATIONS

According to Prof. Akinyemi, “the history of man world-wide has proved to us that groups known or unknown, taken seriously or otherwise, often challenge the authority of the state, seeking ethnic interests….” This kind of ethnic related struggle is quite commonplace in a plural society. In such society, some kinds of pressure groups that would help the search for the ethnic interests are formed. This scenario quite suits the Nigerian circumstance, where a lot of ethnic oriented organisations have sprung up in the recent times. Meanwhile, the emergence of these ethnic organizations does not only indicate that Nigerian society is a pluralistic one, rather it also indicates in a major way, the kind of serious hostile and antagonistic ethnic relations that have existed in the country right from the amalgamation in 1914. Today, there are several ethnic organisations fighting for their respective ethnic interests in Nigeria. “Mention could be made of the ‘Afenifere’ and ‘Oodua’ Peoples

16 Williams, G.,(1976), Class Relations in Neocolony: The Case of Nigeria, in Nnoli, O., Ethnicity and Development in Nigeria, p.151.
Congress (OPC), for the Yoruba; the ‘Arewa’ and the ‘Turaki’ groups for the Hausa/Fulani; the Ohaneze Indigbo- the Pan Igbo Cultural Association, the Movement for the Actualization of the Sovereign State of Biafra, all for the Igbo ethnic group; the Ijaw Youth Movement; the Movement for the Survival of Ogoni People, etc.”

The emergence of these groups is purely to safeguard the respective ethnic interests against the intense competition for who controls what that characterise Nigeria at the moment. Oftentimes, these groups quickly transform into militia groups when there is a perceived indifference from the government, or when there is a calculated attempt by the government to suppress these groups using the state apparatuses like the police or the military. On several occasions there have been reported of some incidents of exchange of fire between the Nigeria Police and the Movement for the Actualization of Sovereign State of Biafra, which is struggling to liberate its people from the inherent injustices that pervades the Nigerian polity. There was also a similar report of exchange of fire between the Nigerian police and the Egbesu Boys of Africa (E.B.A.), who are fighting for the same cause.

The growth of these ethnic militia groups from strength to strength is unprecedented in the history of Nigeria. And this suggests a failure of the country to coexist as one nation. It is in this light that Prof Akinyemi opines that,

> the rise of militias is a feature of plural societies…which have fractured structurally and where the laid down mechanism for dealing with such pluralism has failed or is in the process of failing.

This view, therefore, gives some insights into the possible causes of the rise of the ethnic oriented organisations and the allied militia groups in the country. Some panels that were established over time, like the famous ‘Oputa Panel’ had recommended the restructuring of the country. This points to the fact of this structural fracture which has continued to wreak a national havoc.

If it is agreed that pluralistic society is characterized by such divisions, therefore the emergence of ethnic associations in Nigeria should not be a source of worry, rather efforts should be made to interpret and understand the reasons for their existence. Each of these

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groups has always maintained that its existence is justifiable on the grounds that it is representing the political interests of its group as well as to ensure that security of lives and property of the ethnic groups are well taken care of.

Interestingly, “the history of ethnic militias in Nigeria is not radically different from other countries. Essentially, the way ethnic militias exist in Nigeria parallel their existence in other nations, such as Rwanda, Uganda, South Africa, Somalia, France, Ireland, Bosnia…and United States of America. What strikes the eye from this list is that four great and historic nations- Britain, France, Spain and United States of America- have had to face similar problems.”\(^{21}\) The reason for the continued proliferation of these groups could be blamed on the style of state’s reaction towards these groups. During the days of military rule, extreme force was used to suppress these groups into oblivion. To this effect, some decrees were enacted, making it entirely illegal and even treasonable to be involved in such ethnic activities. It was as a result of this decree that Ken Saro Wiwa, leader of the Movement for the survival of Ogoni People (MOSOP) was framed up, tried by a special military tribunal and executed on November 8, 1995.\(^{22}\)

It is surprising then that until now the government has not been able to deal effectively with these groups even with the apparent resort to extreme cruelty in their attempt to suppress them. Consequently, on August 26, 2004 the Movement for the Actualization of Sovereign State of Biafra recorded a huge success when it effectively mobilized the Igbo traders located in every corner of Nigeria to boycott market activities nation-wide.

Basically, it is necessary to state at this juncture that the existence of these ethnic organizations and their activities in the country tend to reveal the state of political and economic mess the country has found itself in. As such, it is suggestive of quests for the survival of the respective ethnic nationalities, which feel cheated and marginalised in the whole process of preserving a one and united Nigeria.

\(^{22}\) Op.cit., p.6
2.3. MARGINALIZATION IN NIGERIA.

Marginalization is a singular word that seems to have been overused in Nigeria. There have been claims and counter claims of marginalization; to the extent that there is an apparent misuse of the word on account of seeming misunderstanding of what the word stands for in itself. Sometimes, it appears as if it is a calculated attempt to trivialize the agitations of those who by all indications are truly victims of this marginalisation. For the benefit of doubt, it behoves on anyone who wants to understand fully the whole marginalisation question in Nigeria to really try to understand what the word is in the first place. According to Akujieze;

it entails the apparent deliberate exclusion of any particular group(s) by another similar group or groups from either having access to and or taking due possession of common key positions and common resources, as manifested in the political, economic, military, educational, media and bureaucratic realms.23

Meanwhile, as it is the case today in Nigeria, every ethnic group claims to experience a kind of marginalization or the other. Even those who are the master minders of this social ill claim they are equally marginalized. For instance, in the northern part of Nigeria, which is mostly Hausa speaking, some groups also claim they are marginalised. It is also interesting to note that out of the forty five years of Nigeria’s existence as an independent nation, the North had been in Leadership for more than half of the years. So, when any section claim they are not adequately represented in any section, rather than depicting a marginalized groups, it shows the fact of lack of professionals in the ethnic group. In agreement to this fact, Akujieze states thus;

admittedly, some other zones from the north are also disadvantaged in terms of number of staff, but the reason, …, is that the zones have a paucity of the requisite manpower.24

This type of situation can not in any way suggest marginalization, for no external forces can actually be held responsible for the apparent lack of manpower in the area. This, however, could be blamed on their evident aversion for western education, and their choices to remain

24 Ibid.
nomads and cattle rearsers. It is on this note that Adedeji tends to make a distinction between marginalisation and marginality. For him, marginality is “a relative or absolute lack of power to influence a defined social entity while being a recipient of the exercise of power, by other parts of that entity.”


And Hon. Justice Chukwudifu Oputa in his recommendation as the chairman of the Human Rights Violations Investigation Commission makes a further distinction thus;

I only wish to observe here that we need to distinguish between
marginality which is a Self-imposed constraint to full citizenship
participation, and marginalization, which is imposed from the outside
by wielders of political and economic power and is therefore
historically deep-rooted and structurally determined


Therefore, the case of the above mentioned situation in some part of northern Nigeria is a veritable case of marginality, and should not be mistaken to mean marginalization.

However, marginalization is given expression when a closer look is taken on the plights of some minority ethnic groups that are clustered within the South-South geopolitical zone of Nigeria. It is interesting to note at this juncture that oil wealth obtained from this area amounts to more than 90 percent of the revenue that the government realizes from the exportation of oil, and yet ironically, the people of this area cannot boast of good drinking water, good roads, good hospitals with modern facilities, to mention but a few. So, this is a clear case of poverty in the midst of plenty, and there is no other word to qualify it than crass injustice. That’s why Niger Delta Development Commission agrees thus;

severe economic deprivation and social exclusion stood in sharp
contrast to the enormous oil wealth of the area, creating a paradox of
poverty in the midst of plenty. As a result of the persistently low
volume and abysmal quality of development investments by public and
private entities, the area has remained grossly underdeveloped relative
to the rest of the country.


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More importantly, there is another situation of a certain ethnic group that seems to capture the whole definition of marginalization that we gave above in its ramifications. The situation is qualified as a conspiracy than just an unconscious victimization. Since after the civil war in Nigeria, the Igbo ethnic group, located in the South-East region of Nigeria, has been systematically sidelined in no small way in the country. As a matter of fact, the Igbo ethnic group is one of the three major ethnic nationalities that exist in the country. In fact, the “Pre-independence non-politicized census figures show that ‘Ndi Igbo’ with a population of about 5.5 million constituting 16.6% of the country’s population were the second largest ethnic group in Nigeria.”

This ethnic group is one of those in the country that is not lacking in professionals and manpower, yet it has been excluded in the political sphere, economic, infrastructural and otherwise.

Politically, apart from Major-General Aguiyi Ironsi, no person from the South-East (Igbo) has emerged as the Chief executive of the Federal Republic of Nigeria, whereas other major ethnic groups like the Hausa/Fulani, which had had its fair share, and Yoruba, which is now having its turn. From the records available, it shows that Hausa/ Fulani have produced eight executive heads of State that ruled for 34 years out of the 44 years of the country’s independence. The Yoruba has produced two executive heads of state that has ruled for more than 5 years, and still in power till now. The Igbo has only produced one executive head of state that lasted in the sit of power for only 6 months. Meanwhile, there had been conscious attempts to under count the population of the Igbo ethnic group in the past national census in order to put the ethnic group in a minority status so that this apparent marginalization could somehow appear excusable under the guise that it is a minority. Of course, this plot could not go down well with the ethnic group in question, and followed the court action which was instituted to contest the outcome of the national census that led to the cancellation of the 1973 census report. The carving out of some Igbo speaking communities and subsequently merging them with other ethnic groups to form a state was considered as another attempt to make the Igbo ethnic group a minority. Not only that, these Igbo communities that were carved into non Igbo states were very rich in crude oil, and this was a clear case of an attempt to disempower the Igbo economically.

28 Akujieze, A., op. Cit.
As the state and local governments became a way of implementing the national character principle and the distribution of resources, the ethnic group in question has not been fairly treated as it has fewer states and local government councils than the others. That is why Akujieze insists that;

the process of marginalization of ‘Ndí Igbo’ was ab initio built into a gross injustice perpetrated through the creation of states and local governments, as they are the basic units of sharing of federal amenities.\textsuperscript{29}

In his words, Akujieze continues thus;

‘Ndí Igbo’ have 5 States and 9 Local government areas, out of 36 States and 766 Local government areas. Clearly, ‘Ndí Igbo’ of South East zone have the lowest number of States and Local governments areas, yet the zone is by no means least populated. From being one of the three main (ethnic) groups in Nigeria ‘Ndí Igbo’ are being progressively reduced through geopolitical manoeuvres and demographic manipulations to a minority status.\textsuperscript{30}

However, while the South-East (Igbo) has only 5 States and 94 Local government areas, the North-West, which comprises of Hausa/Fulani, has 7 States and 181 Local governments, the South-West, which is Yoruba, has 6 States and 138 Local governments. Meanwhile, there are other zones like, North-Central which has 6 States and 116 Local governments, North-East which has 6 States and 110 Local governments, and South-South which has 6 States and 127 Local governments. Therefore, this illustration has shown how the South-East is cheated in the States and Local government creations.

Furthermore, it is stated succinctly in the 1999 Constitution of the Federal Republic of Nigeria Section 14 (3) that;

\begin{quote}
the composition of the Government of the Federal or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command loyalty, thereby ensuring that there shall be
\end{quote}

\textsuperscript{29} Ibid.
\textsuperscript{30} Ibid.
It is surprising that such a national principle has suffered a selective application in some areas in the Country. The Federal Government of the day, has therefore sacrificed social justice at the alter of premeditated attempts to marginalize or exclude some group of people in the country. In the composition of the National Security Council, the non-inclusion of any representation from the South-East is conspicuously suggestive of the plot to systematically exclude the Igbo nation in national affairs. Meanwhile, the composition of the National Security Council could be seen as follows; South-West has 4 representatives, including the President, North-Central has 3 representatives, North-East has 2 including the Vice-President, North-West has 2, South-South has 1, while the South-East has got no representation at all. This fact, ‘Ipso-facto’ contravenes the provisions of the section 14 (3) of the Constitution that we have seen above. Similar cases of such contravention of the Constitution could also be seen in the composition of the Police Force, Military and other areas of national life.

The detailed illustration of the cases of Igbo experience in term of how marginalization has been deep-rooted in the country does not, of course, preclude the fact that some ethnic groups have not equally been experiencing this ugly situation that is inherent in the Nigerian political life. However, it is an attempt to expose this social evil as epitomized in the exclusions experienced by Igbo ethnic group.

2.4. ETHNIC UNRESTS AND CONFLICTS.

The spate of ethnic unrests and conflicts in Nigeria today cannot be divorced from the feelings of relative deprivation and the apparent injustice in the polity. These feelings nevertheless result in frustration and anger. Hence, the fierce competition for the control of State, the clamour for resource control, the clamour for the convocation of a sovereign national conference and agitations for secession, can be seen as “protests against perceived inequality and injustice and the failure of the State to generate inclusive growth and development.” These protests could be so intense in the country that many a time they lead to loss of lives.

32 Abdulrahaman, D., Colonialism, Development Path, Globalization and Social Inequality: The Sources of Social (Ethnic) Conflict in Nigeria at www.open.ac.uk/Arts/gipsc/nigeria03/abdulrahaman.html
and property. The case of Biafra/Nigeria civil war is a testimony to this fact. In the case of the then Eastern Region, seceding from Nigeria became the next attractive option to liberate themselves from the stranglehold of marginalization and injustices that are replete in the country. This singular attempt at secession culminated in a genocidal war which lasted for almost three years. The prosecutors of the war eventually succeeded in keeping the country one, but have failed to keep the country united as a result of the practice of ‘winner takes all’ that is wide spread in the country at the expense of those who cannot smell the sit of power.

Granted, the leaders of Nigeria want the continued existence of the country as one indissoluble entity, but the way deprivations and exclusions are practiced in the country tend to betray this aspiration. One gets anything in the country depending on the ethnic group he/she comes from. And any group that has not got adequate representation at the helm of affairs is often left to its fate to die of poverty and deprivation. Such affected groups often resort to violence in order to attract attentions to their miserable condition in a country they call theirs. Many a time, the affected groups are those whose lands lay the golden egg for the country. They are the people that have the crude oil which is the main stay of the country’s economy, yet they are not given even a trickle from what is taken from their land. They are also left to suffer perpetually the environmental degradation or pollution which has come with the exploration of oil on their soil. This evokes the feeling of bitterness on the part of the affected group. The experience of the South-South zone of Nigeria is a testimony to this. Over the past few years the youths of this zone have become so restive on account of this glaring injustice. So many cases of vandalism of the oil pipelines are reported almost on a daily basis in this zone, and many a time they have been traced to the activities of their irate youths who want to vent their anger in order that the injustice is redressed. Meanwhile, this type of ethnic unrest is just an indirect consequence of using ethnicity in the distribution of wealth of the country.

Moreover, sequel to the multi ethnic composition of the country, “the competition for political power has largely taken place within the frameworks of ethnic and regional divisions”\(^{33}\). Agreeing to this, Anugwom states that; “the heightening of ethnic conflicts in Nigeria in the immediate past seems more a product of the realignment of ethnic forces in the jostle for

\(^{33}\) Gambari, I., Religion, Class and Ethnic Politics in Nigeria at [www.crvp.org/book/series01/1-5/chapter_x.htm](http://www.crvp.org/book/series01/1-5/chapter_x.htm)
political space.”\textsuperscript{34} The resultant effects of this have been mutual distrust and hatred among the ethnic groups that there are in the country, which has been captured thus;

from Modakeke-Ife crisis in the South-West to the Ijaw-Itsekiri conflicts in South-South to the religious cum ethnic riots in Kaduna and Kano and now the inter-ethnic crisis in Jos and Tiv-Jukun conflicts in Benue State, it is un-abating gory tales of needless loss of lives and material possessions all the way\textsuperscript{35}

However, it is interesting to note at this point that during the long period of military rule in Nigeria, apart from the civil war; there had not been so many ethnic motivated conflicts in Nigeria. The military was able to curtail the ethnic conflicts as a result of their style of using coercive measures. It is not surprising then that at the return of democracy, the country has recorded so many ethnic motivated conflicts. Some of these conflicts include: the Shagamu riot of 1999, which was a conflict between the Hausa and the Yoruba ethnic group. The immediate cause of the conflict was disagreement over the observance of the rituals of the Yoruba traditional Oro festival. No doubt, the long standing political rivalry between the two ethnic groups locally and nationally must have been one of the remote causes of this conflict; there was also the Ketu Mile 12 riot between the Hause and Yoruba in 1999; Bodija riot of 1999, and a lot of other conflicts. Looking at these conflicts, it may seem as if they were internally generated conflicts, but a closer study would show that they are just a manifestation of ethnic hatred which has been building up from the ethnic politics that has been the practice over the years in the larger Nigerian society. Furthermore, it is relevant to state at this point that oftentimes conflicts in Nigeria are ethno-religious, making it very difficult to really say categorically whether a conflict is purely an ethnic or religious one. This is attributable to the composition of the country. As it were, religious differences often correspond to ethnic differences. The Northern part of Nigeria is predominantly Muslim, while the Southern part of the country is also predominantly Christians. So any conflict between say Igbo and Hausa, tend to have a religious undertone, because Igbo are predominantly Christians, while the Hausa are Muslims. This makes it difficult to distinguish between an ethnic conflict and a religious one.

\textsuperscript{34} Anugwom, Edlyne, Is Democracy Really the Answer: State of Ethnic Conflict in Nigeria, at www.ethnonet-africa.org/pubs/ictanug.htm
2.5. SUMMARY

I have tried in this chapter to discuss some historical development of ethnicity in Nigeria, pointing out how the various ethnic groups, which were quite independent in their respective localities, were forced to come together through the instrumentality of colonial rulers. These ethnic groups are still within the same country, but their relations have been that of cat and mouse relationship. Ethnicity has continued to be a very disturbing national issue; it is just like a disease, which apparently has defiled every medical treatment. This monster has manifested itself through the spate of ethnic conflicts and unrests, and even the civil war that once devastated the country. The continued marginalization of some part of the country points to this cankerworm. Meanwhile, the proliferation of ethnic oriented organizations in Nigeria also testifies to the fact that ethnicity has eaten deep into the fabrics of the country.
CHAPTER THREE

3.0. RAWLS’S IDEA OF JUSTICE IN PLURAL SOCIETIES.

3.1. POLITICAL CONCEPTION OF JUSTICE.

Political conception of justice is a core idea in the Rawls’ *Political Liberalism*, which he wrote as a reaction to the debate that followed his ideas in the *A Theory of Justice*. The proper understanding of this novel concept lies not in its definition, but in its exhaustive description. According to him, a political conception of justice has three basic features, and each of them is given expression in ‘justice as fairness’.

The first feature is that which concerns the subject of a political conception, which should qualify as a moral conception. In his words,

> it is a moral conception worked out for a specific kind of subject, namely, for political, social, and economic institutions. In particular, it applies to what I shall call the basic structure of society…\(^{36}\)

As such for the fact that it is a political conception is the same thing as saying that it is not meant to cover every aspect of life that is why its principles apply to the basic structure of society. And it is assumed that within that framework, different conceptions of the good will lead people to pursue widely diverse objectives, either alone or in association with others. For Rawls, this basic structure, in other words, is the first subject of justice, that is why he says thus,

> an essential feature of the contractarian conception of justice is that the basic structure of society is the first subject of justice.\(^{37}\)

Meanwhile, Rawls assumes that the basic structure should be that of an imagined closed society, which means that such a society is regarded as self-contained and as having no

relation with other societies. It is a society that its members enter by birth and leaves only by
death. For him, this fact qualifies such members to lead a complete life in that society they
were born into. He further observes that a political conception of justice must address the just
relations between people in a particular society.

The second feature of political conception of justice is that which concerns the mode of
presentation. According to Rawls,

a political conception of justice is presented
as a freestanding view…. It is neither presented
as a comprehensive doctrine nor as derived from
such a doctrine applied to the basic structure of
society as if this structure were simply another
subject to which that doctrine applied.\(^{38}\)

However, political conception of justice is justified from within a comprehensive doctrine. In
other words, it is related to the pluralism of doctrines. As a matter of fact, it cannot succeed
unless it is supported by a number of comprehensive doctrines. What this means is that there
exists a network of concepts in the public political culture from which the political conception
can be explained and justified. Meanwhile, political conception is expounded apart from, or
without reference to, any such wider background. It is at this juncture that political conception
differs from any other moral doctrine, in that these doctrines are to be regarded as general and
comprehensive views. Rawls gave example with utilitarianism and made a distinction
between it and political conception thus,

the principle of utility, however understood,
is usually said to hold for all kinds of subjects
ranging from the conduct of individuals and
personal relations to the organisation of society
as a whole as well as to the laws of peoples. By
contrast, a political conception tries to elaborate
a reasonable conception for the basic structure
alone and involves, so far as possible, no wider
commitment to any other doctrine.\(^{39}\)

The third feature of Rawls political conception of justice is that its content is derived from certain fundamental ideas seen as implicit in the political culture of a democratic society. On the basis of these fundamental ideas, Rawls intends to build an acceptable political conception of justice for a constitutional regime. Among these fundamental ideas, society as a fair scheme of cooperation for mutual advantage, and that of citizens as free and equal persons are central to this construction. According to Rawls, this public political culture is made up of the political institutions of a democratic society and the public traditions of their interpretation, as well as historic texts and documents that are common knowledge.\(^{40}\)

By implication, Rawls regards his own theory of justice as fairness, which involves his ideas of original position, veil of ignorance, and the principles of justice as a political conception. As he rightly points out, such a conception does not in any way commit the holder to a certain moral stands in relation to fellow citizens in a particular political society.

Moreover, political conception refers to the notion of reasonable citizens. For Rawls,

\[
\text{citizens are reasonable when, viewing one another as free and equal in a system of social cooperation over generations, they are prepared to offer one another fair terms of social cooperation…and they agree to act on those terms, even at the cost of their own interests in particular situations, provided that others also accept those terms.}^{41}\]

Meanwhile, the point Rawls is trying to make is that for this cooperation to be effective, the parties involved must be seen as free and equal, and without any undue domination or manipulation coming from any angle. This is what Rawls refers to as the ‘criterion of reciprocity’. On the other hand, there is another aspect of being reasonable, and that is being able to recognize the consequences of the burden of judgement and the willingness to bear the consequences of such burdens. Reasonable persons can disagree without being prejudiced or biased. Rawls goes further to state that reasonable persons affirm only reasonable

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\(^{41}\) Op.cit., p.xliv
comprehensive doctrines, and he brought out three features of such a comprehensive doctrine. The three features in the words of Garrett are;

- it covers the major religious, philosophical and moral aspects of human life in a more or less consistent and coherent manner. In this sense it is an exercise of theoretical reason. In another sense it is an exercise of practical reason, since it determines what values to regard as highly significant and how to weigh them against each other when they conflict. It tends to evolve over time in the light of what it sees as good and sufficient reason.\(^{42}\)

The political conception of justice is therefore, seen as an essential constituent part that can fit into and be supported by different reasonable comprehensive doctrines that endure in the society that it regulates. He further stated that reasonable persons see it as unreasonable to use political power to repress comprehensive views that are not unreasonable, though different from their own. This amounts to saying that any person considered reasonable should not repress or outlaw any religion, culture or philosophy that he considers different from his own, which he does not agree with. He added that,

reasonable persons see that the burdens of judgement set limits on what can be reasonably justified to others, and so they endorse some form of liberty of conscience and freedom of thought.\(^{43}\)

This in effect, suggests that any person who is reasonable would grant others the freedom to explore other people’s religion and philosophy even when they differ from his own religion or philosophy of life as the case may be. It is the same thing as saying that a reasonable Christian would not consider it a taboo exploring the faith of a Muslim or a Buddhist and vice versa. By implication, Rawls is of the view that reasonableness is diametrically opposed to dogmatism.

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\(^{42}\)Garrett, J., Rawls Mature Theory of Justice: an Introduction for Students at www.wku.edu/~jan.garrett/ethics/matrawls.htm#pcj

3.2. THE PROBLEM OF POLITICAL STABILITY

The starting point of his *Political liberalism* is the realization that modern democratic society doesn’t have to be homogeneous, and sharing in one comprehensive doctrine. In other words, his ideas in theory of Justice failed to solve the problem of stability as a result of pluralism of religion and culture and ideology that are the features of democratic society nowadays. This pluralism seems to be permanent feature of a modern society. He noted that,

a modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines. No one of these doctrines is affirmed by citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all citizens.\(^44\)

*Political Liberalism* is clearly intended to provide a basis for transgenerational stability. He actually restated this intention several times. For him the problem of stability is fundamental to political philosophy, and therefore, political philosophy should be about how to overcome this problem. He starts by asking,

how is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines?\(^45\)

In other words, Rawls is concerned about the character of a modern democratic society, and sets out to ascertain how the citizens of such liberal democratic society, which hold reasonable irreconcilable and incompatible conceptions of the good that regulates all aspects


of morality can agree on a moral matter, such as the principles of justice that regulates the fundamental aspects of their life in the society.

How can a plurality of reasonable comprehensive doctrine exist along side with other reasonable comprehensive doctrines? Since doctrines are said to be comprehensive and reasonable, why the idea of political conception of justice? These questions are in a nutshell what Rawls is concerned about and tries to expound, and this is basically the question of stability in a liberal democracy. For Rawls, if the different comprehensive doctrines should co-exist, they must coincide in a political conception. It implies that political conception should be part of the comprehensive doctrines. Obviously, for society to be well ordered, given the plurality of comprehensive doctrines, there must be just one political conception of justice. This suggests that it would not be proper to impose a single comprehensive doctrine on the citizens, for that would amount to oppression, and would only culminate in nothing but a state of injustice and instability.

Meanwhile, according to Rawls, stability has to do with two questions,

the first is whether people who grow up under just institutions…acquire a normally sufficient sense of justice so that they generally comply with these institutions. The second question is whether in view of the general facts that characterize a democracy’s public political culture, and in particular the fact of reasonable pluralism, the political conception can be the focus of an overlapping consensus.\footnote{Op.cit. p.141.}

The answer to the first question has to do with setting out what he refers to as the moral psychology that enables the citizens in a well-ordered society to acquire a sufficient sense of justice that would make them comply with its just arrangements. The answer to the second question is seen in the concept of overlapping consensus and in tackling the difficulties that go with such idea. Furthermore, generally stability refers to the ability or motivations for citizens to abide by the dictates of the conception of justice that regulates the basic structure
of society. In other words, the problem of stability concerns how citizens of a society can develop and maintain a sense of justice that would make them comply with the concept of justice that is regulating the basic structure of the society. Thus,

to see how a well-ordered society can be unified and stable, we introduce another basic idea of political liberalism to go with the idea of a political conception of justice, namely the idea of an overlapping consensus.\(^{47}\)

Hence, the solution to the problem of stability is found in the coming together of the various moral and religious views, each of which accepts the political conception of justice from within their own comprehensive views.\(^{48}\) Overlapping consensus, therefore, is seen as an instrument of dealing decisively with the problem of stability in a democratic society.

### 3.3. OVERLAPPING CONSENSUS

From the discussion so far, Rawls has been particularly concerned about the evident pluralism of reasonable comprehensive doctrines that characterize the modern society, where people tend to hold firm to their respective beliefs which according to them are reasonable and comprehensive. A society with the pluralism of religion, philosophical orientation, culture is prone to instability. Rawls introduced the doctrine or idea of overlapping consensus to instil order and ensure stability in such a society. In arriving at this idea, Rawls inquires,

in this situation, what political conception of justice can provide the common basis of principles and ideals to guide public political discussion on which citizens affirming conflicting religious and nonreligious yet reasonable comprehensive doctrines can agree?\(^{49}\)

The answer to the above question is provided by his introduction of the idea of overlapping consensus. This consensus will definitely appeal to different groups in society.

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To buttress his idea of overlapping consensus, Rawls takes a special notice of the freedom of conscience, and distinguished between two arguments for freedom of conscience. Religious beliefs are seen as subject to revision in accordance with deliberative reason, in the first argument. According to him, freedom of conscience is needed because there seems to be no guarantee that our present way of life are the most rational and needs no revision either a minor or major revision. In the words of Kymlicka,

this is the familiar liberal argument for basic liberties, rooted in the idea of rational revisibility, which says that religious liberty is needed for us to rationally evaluate and potentially revise our conceptions of faith.\(^\text{50}\)

The second argument sees religious beliefs as given and firmly rooted. As a result of this fact that religious belief is given and firmly rooted, we need freedom of conscience because society is replete with the pluralism of such beliefs, which each of those beliefs is seen, in fact, as non-negotiable. Kymlicka sees this second argument as accepting,

the communitarian view of the person, but…

since we are all embedded in a variety of different and competing religious groups, we need to accept a principle of religious liberty in the form of freedom of conscience.\(^\text{51}\)

Hence, Rawls is concerned about how to achieve public reason and common principles of justice in plural societies. According to him, all citizens should be in agreement with certain political principles and ideas.\(^\text{52}\) Therefore, the possibility of achieving this agreement lies in overlapping consensus of reasonable comprehensive doctrines. It implies that, “albeit pluralism, it is possible to reach an agreement on principles of justice, core values and rights”.\(^\text{53}\)

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\(^{53}\) Ibid.
Giving an example of overlapping consensus, Rawls mentions the support of the so called ‘difference principle’\textsuperscript{54} according to him, the difference principle can be supported by different comprehensive doctrines. For instance, the Christian gospel account of the Good Samaritan, Kant’s example of the duty of beneficence, and the Muslim’s zakat (giving alms), support the difference principle. Not only that, Rawls gives another example of overlapping, which is all about the issue of democracy and non-discrimination.\textsuperscript{55} He observes that even the Islamic faith recognizes equality and constitutionalism. Quoting An-Naim, Rawls states,

\begin{quote}
    an Islamic justification and support for constitutionalism is important and relevant for Muslims. Non-Muslims have their own secular or other justification. As long as all agreed on the principle and specific rules of constitutionalism, including complete equality and non-discrimination on grounds of gender or religion, each may have his or her own reasons to that agreement.\textsuperscript{56}
\end{quote}

Meanwhile, Rawls regard this as a perfect example of overlapping consensus.

Rawls observes that there is the possibility of objections which are likely to emerge against the idea of social unity founded on an overlapping consensus. He anticipates a possible misunderstanding of the concept as a mere modus vivendi. On the contrary, according to Rawls, overlapping consensus should not be seen as a,

\begin{quote}
    modus vivendi that both sides accept because they lack the power to impose what they truly desire or believe in. Rather both sides view it as legitimate, the agreement is stable, and does not depend on maintaining any particular balance of power between the groups.\textsuperscript{57}
\end{quote}

Importantly, Rawls means by \textit{modus vivendi} as “a social order supported only by a necessary contingent equilibrium of power between comprehensive doctrines…”\textsuperscript{58} Therefore, “the sense of justice that should cause the citizens to honour the political conception of justice...”\textsuperscript{58}

\begin{flushleft}54 \ldots social and economic inequalities are to be arranged so that they are…to the greatest benefit of the least advantaged. (Rawls, 1971, p.302).
57 Ibid.
58 Rossi, E., Political Liberalism and Reasonable Pluralism, at http://cfs.unipv.it/seminari/rossi.pdf\end{flushleft}
is not to be understood as stemming from prudential considerations, but rather from moral ones." 59 This is because the sense of justice that is based on modus vivendi would go contrary to the requirement that a liberal conception of justice must comply with. Rawls refers to this requirement as the ‘liberal principle of legitimacy’. 60

In effect, Rawls is trying to point out the fact that a better understanding of the idea of overlapping consensus could be had by contrasting it with a modus vivendi. The following analogy would help in making this contrast. Let us imagine a society where two groups with opposing comprehensive doctrines are fighting as a result of their profoundly different comprehensive moral doctrines, and one group is trying to impose its own doctrine on another group. Once it occurs to them that none can really overpower the other, they finally tend to accept to coexist irrespective of their differences in the interest of peace. But immediately one of the groups grows stronger than the other group, it will definitely try to impose its own doctrine on the other weaker group. This analogy explains what Rawls means by modus vivendi. In other words, a social consensus that is a result of modus vivendi occurs when the various parties find it to be in their own interest to abide by the conditions of a contract or treaty. But the people in such an agreement lack any principled basis. The parties to the agreement are ready to abandon the agreement and to pursue their own interests the minute that any one of them thinks that they can better their position at the expense of the others. 61

This is actually not the type of consensus Rawls is talking about. The consensus arrived at through modus vivendi remains so long as one group did not become more powerful than the other group. The consensus he is concerned about is the one that endures for a very long time. In other words, it is a consensus that can bring a trans-generational stability. Under this arrangement, should a group become more powerful than the other, it would not seek to impose its values on the weaker one, owing to moral reasons made possible by the political conception of justice. In fact, "reasonable people do not coerce others to adopt their value-system when they recognize others can reasonably disagree". 62 Overlapping consensus, therefore differs in two ways from modus vivendi; firstly, the object of the consensus is a

59 Ibid.
60 Ibid.
moral conception, and secondly, an overlapping consensus is affirmed on moral grounds, not on those self-interests.  

Another objection to the idea of an overlapping consensus on a political conception of justice is that,  

the avoidance of general and comprehensive doctrines implies indifference or scepticism as to whether a political conception can be true…. This avoidance may appear to suggest that such a conception might be the most reasonable one for us even when it is known not to be true….  

In reaction to this foreseen objection, Rawls dismissed it by saying that it would be unwholesome for political conception to see overlapping consensus as sceptical or indifferent to truth not to talk of being in conflict with it. For him, such scepticism or indifference would put political philosophy in opposition to various comprehensive doctrines, thereby defeating, from the outset its aim of realising an overlapping consensus. He argues that for the fact that political conception is the synthesis of the various comprehensive doctrines, it would be unreasonable to regard it not to be true. The recognition of this singular fact would make the citizens, from their respective comprehensive doctrines to view the political conception of justice as true and reasonable.  

The third objection is that since we take overlapping consensus not to mean a mere *modus vivendi*, a workable political conception of justice must be general and comprehensive. Otherwise, it will be difficult to order so many conflicts of justice that arise in public life. The deeper the conceptual and philosophical bases of these conflicts, the more general and comprehensive the level of philosophical reflection must be if their roots are to be laid bare and an appropriate ordering found. So, it is useless to try to work out a political conception of justice expressly for the basic structure apart from any comprehensive doctrine.  

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65 Ibid.  
Put differently, Rawls foresees an objection that would question his claim that political conception of justice does not need to be comprehensive. Hence, if the political conception does not need to be comprehensive, how can we possibly order the various conflicts of justice that occur in public life? As a matter of fact, we need a comprehensive political conception of justice in order to order the conflicts. As such, there seem not to be any possibility of working out political conception for the basic structure if such a political conception is not comprehensive, so to say.

For Rawls, this objection is quite natural. He says that political conception of justice is part of comprehensive doctrine. In fact, each comprehensive doctrine contains political values and non-political values, and the political conception of justice is drawn from the political values, and not from the non-political values. According to him,

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\text{…the political conception can be seen as part of a comprehensive doctrine but it is not a consequence of that doctrine’s non-political values. Nevertheless, its political values normally outweigh whatever other values oppose them, at least under the reasonably favourable constitutional democracy possible.} \]

It is evidently clear that establishing an overlapping consensus as required by the political conception of justice is the main condition for enthroning the type of political stability Rawls is looking for in a liberal democracy. This overlapping consensus makes it possible for there to exist an agreement among the different comprehensive doctrines held by free and equal citizens involved in a system of fair cooperation. In summary, a just and stable society is possible despite the inherent pluralism of comprehensive doctrines if the political conception of justice is the focus of an overlapping consensus.

3.4. CRITIQUE OF RAWLS’ POLITICAL LIBERALISM

No doubt, John Rawls bequeathed to the world of Political Philosophy a treasure trove which ought to be appreciated, however, swallowing every bit of his ideas hook line and sinker uncritically does not make a good philosopher. Owing to this, so many critical analyses of

Rawls’ *Political Liberalism* has been made, and so many shortfalls have therefore been discovered.

### 3.4.1. RAWLS ON RAWLS ARGUMENT

Obviously, Rawls’ *Political Liberalism* is an attempt to put right what he discovered as errors in his earlier work, *A Theory of Justice*. Some philosophers believe Rawls toiled in futility, because he is attributing to his earlier work, *A Theory of Justice*, errors it did not commit. A philosopher in the person of Brian Barry is one of the foremost philosophers that levelled some criticisms on Rawls. He believes that Rawls’ *Political Liberalism* has at least accepted that *A Theory of Justice* does contain some shortfalls which need to be addressed. In his words,

> the subsequent reaction to Political Liberalism has confirmed my suspicion that Rawls is widely assumed to have got one thing right at least: that there was something wrong with A Theory of Justice that needed fixing.\(^{68}\)

He argues further that Rawls’ accounts of the imperfections contained in the *Theory of Justice* will not stand scrutiny. In fact, he maintains that “the later Rawls (*Political Liberalism*) attributed to the Rawls of *A Theory of Justice* errors that he did not in fact commit”.\(^{69}\)

Rawls believes that *A Theory of Justice* contains comprehensive philosophical doctrines, and cannot be the basis of stability in a modern democratic society, which is characterized by pluralism of comprehensive philosophical doctrines. This is in fact the error he saw in his earlier work. And for him such modern society is

> characterized… by a pluralism of incompatible yet reasonable comprehensive doctrines. No one of these doctrines is affirmed by the citizens generally. Nor should one expect that in the foreseeable future one of them, or some other reasonable doctrine, will ever be affirmed by all, or nearly all citizens.\(^{70}\)

\(^{68}\) Barry B., John Rawls and the Search for Stability, www.jstor.org/cgi-bin/jstor/

\(^{69}\) Ibid.

\(^{70}\)
However, Brian Barry argues that there is no difference between Rawls’ idea of well-ordered society in the *A Theory of Justice* and in the *Political Liberalism*. In the theory of Justice, Rawls puts it succinctly thus:

in a well-ordered society citizens hold the same principles of right and they try to reach the same judgement in particular cases… on the other hand, individuals find their good in different ways, and many things may be good for one person that would not be good for another. Moreover, there is no urgency to reach a publicly accepted judgement as to what is the good of particular individuals.… In a well-ordered society, then, the plans of life of individuals are different in the sense that these plans give prominence to different aims, and persons are left free to determine their good.71

For the fact that each conception of the good gives rise to at least one comprehensive view, this surely makes it clear that the theory of justice is compatible with a variety of comprehensive views.72 Therefore, if we compare what Rawls says about the specification of a well-ordered society in *Political Liberalism* with what he said in *A Theory of Justice*, we discover that they are identical.73 For instance, in the *Political Liberalism*, Rawls gives three criteria for a well-ordered society. Firstly, it is a society in which everyone accepts, and knows that everyone else accepts, the very same principles of justice. Secondly, its basic structure is publicly known, or with good reason believed to satisfy these principles. Thirdly, its citizens have a normally effective sense of justice and so they generally comply with society’s basic institutions, which they regard as just.74 Whereas, in the theory of justice, a well-ordered society is defined as one “in which everyone accepts and knows that the others accept the same principles of justice, and the basic social institutions satisfy and are known to satisfy these principles. It is also regulated by its public conception of justice which implies that its members have a strong and normally effective desire to act as the principle of justice

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70 Rawls J., Political Liberalism, op.cit. p. xvi
73 Ibid.
According to Barry, “verbal details aside, these are manifestly the same three criteria.”

Furthermore, Barry points out that even though Rawls emphasises the importance of distinguishing the two stages in the argument for justice as fairness, he found himself still trapped by the same misunderstanding he denounces. In the first stage, he says that justice as fairness “is worked out as a freestanding political (but of course moral) conceptions for the basic structure of society.” The second stage has to do with the stability of the principles of justice arrived at in the first stage. Rawls, therefore, failed to provide in the *Political Liberalism* a coherent and self-contained statement of what he takes the case for justice as fairness as a freestanding view to be. Emphasizing this inconsistency, Barry observes,

in the domain of Political and overlapping consensus,
a quite comprehensive statement of the themes of Political Liberalism, Rawls did set out the two stages sequentially. It is rather sad to see how, in Political Liberalism, this article is dismembered, with paragraphs from the exposition of the first stage scattered around the book and almost invariably mixed up with material relevant to the second stage.

### 3.4.2. SCHEFFLER’S CRITIQUE

Furthermore, Rawls has been criticized based on the model case of his overlapping consensus. The flaws discovered in the model case presented by Rawls put us in doubt whether his political conception of justice is a realistic possibility. Meanwhile, it would be necessary to illustrate this model case thus:

- it contains three views: one affirms the political conception because its religious doctrine and account of free faith lead to a principle of toleration and underwrite the fundamental liberties of a constitutional

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79 Ibid.
regime; while the second view affirms the political conception on the basis of a comprehensive liberal moral doctrine such as those of Kant or Mill. The third, however is not systematically unified: beside the political values formulated by a freestanding political conception of justice, it includes a large family of non-political values. It is a pluralist view, let us say, since each subpart of this family has its own account based on ideas drawn from within it, leaving all values to be balanced against one another, either in groups or singly, in particular kinds of cases.  

This model case does not give us the impetus to believe that Rawls’ overlapping consensus can be realizable based on the Rawlsian principles. This is as a result of the fact that “the three views it contains are not fully representative of the diverse schemes of value one finds in modern societies….” According to Scheffler,

although it seems plausible enough that these three views might converge on a liberal conception of justice, that tells us little about the prospects for a more inclusive consensus.

Meanwhile, Rawls’ later modification of the model case included classical utilitarianism. This inclusion is otherwise regarded as a puzzling addition. According to Rawls, what makes an overlapping consensus on a political conception of justice possible is actually the fact that the political conception proceeds from shared values. In fact, the original position is now to be construed as modelling certain of those shared ideas, and Rawls’ arguments to the effect that these principles would be chosen in the original position are to be interpreted as beginning from those ideas. These arguments are clearly directed against utilitarianism, and if utilitarianism is said to be included in the overlapping consensus on Rawls’ two principles, then are we to imagine that utilitarians endorse Rawls’ argument for the rejection of utilitarianism? On another note, the fundamental ideas that give rise to the arguments for the

82 Ibid.  
83 Op.cit., p.8  
84 Ibid.
two principles, and which the original position helps to model, like the fundamental organizing idea that views society as a fair system of cooperation between free and equal citizens, are ideas that Rawls says that the utilitarians refuse to accept. If this is true, “then it is really unclear how utilitarians can be included in an overlapping consensus on Rawls’ principles of justice, since it rejects the fundamental ideas that serve as premises in the arguments for those principles, as well as the arguments themselves.”

Among other criticisms, Scheffler is therefore, concerned about the relevance of Rawls’ Political Liberalism in entrenching liberal democracy in some places where there seem not to be now. It is clear that Rawls makes it categorical that his political liberalism applies to only liberal democratic societies. So, “it is not clear that political liberalism provides any reason for establishing liberal institutions in societies that do not already have liberal traditions.” If this is the case, Rawls’ Political Liberalism has nothing to do with so many countries that are aspiring to become democratic in the future. In the words of Scheffler,

it simply has nothing to offer to those societies that may be attempting, in the face of considerable opposition and without the benefit of any significant democratic tradition to develop liberal institutions for the first time.

3.4.3. ABSTRACT AND NARROW CONCEPT ARGUMENT

Iris Marion Young moreover, punctures Rawls’ use of the concept of comprehensive doctrines. Rawls points out Kantianism and Utilitarianism as examples of such comprehensive doctrines. Young is worried that none of these doctrines have influenced people’s actions in the society, for the fact that those moral theories are rather too abstract to give meaning to everyday life. Expressing her worry, Young states that,

I find it hard to imagine… that any but a few oddball philosophers consistently use utilitarian doctrines to decide which television shows to permit their children to watch, or which people to admire or which of many

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85 Ibid.
86 Op.cit., p.18
requests for charitable contributions to honor. Is Kantian moral theory really a doctrine that people on the street use as a guide to action, and are its concepts of freedom, reason, and the kingdom of ends the stuff of popular discussion among certain people?\textsuperscript{88}

Nevertheless, she agrees that religions appear more reasonable, because it has some roles to play in defining social groups and ways of life. Even at that, however, she has got some reservations on the grounds that Rawls use of religion as an example of comprehensive doctrine is evidently vague and abstract. She asks the questions:

\begin{quote}
for just what sort of religions systems count as comprehensive doctrines? Is Christianity a comprehensive doctrine, or the particular beliefs and practices of Islam common to the people of South Yemen?\textsuperscript{89}
\end{quote}

Again, she is of the opinion that Rawls’ idea of comprehensive doctrine is a narrow concept, because it does not cover the facts of pluralism of ways of life in modern societies. Ways of life for her are too diverse that they do not “usually form one body of systematically related doctrine”.\textsuperscript{90} For her, no set of ideas, however comprehensive or systematic, usually defines or engenders a way of life. According to Young;

\begin{quote}
a way of life concerns whom you live with, the practices that order your days and weeks, the language you speak and the music you hear, what skills, stories, habits and rituals you teach your children- in short, your culture or subculture.\textsuperscript{91}
\end{quote}

Young discovers an evident totalistic stature of comprehensive doctrines in the way it is used in the \textit{Political Liberalism}. For Rawls, a single comprehensive doctrine has the capacity to regulate almost the entire life of a group. Young observes, however, that apart from religious fundamentalist sects, people are not regulated by one cultural formation or set of beliefs in

\textsuperscript{88} Young, I., Rawls’s Political Liberalism, in Kukathas, C., Op.cit., p.22
\textsuperscript{89} Op.cit., p.23
\textsuperscript{90} Ibid.
\textsuperscript{91} Ibid.
pluralist societies. Importantly, it is worthy of note that religious fundamentalism, because it appears intolerant of other different beliefs, is regarded by Rawls as unreasonable. Young continues thus;

in modern liberal societies we see more typically
a pluralism within individual lives that often
implies that groups are divided within themselves
and cut across one another.92

The point she is trying to make is that in a liberal democracy, people are somewhat free to choose a way of life that they consider suitable to them, and there is no comprehensive doctrine that has got the capacity to cage individuals to its provisions alone, so to say, to the exclusion of others.

3.4.4. POLITICAL LIBERALISM AS UTOPIA

Again, Rawls’ theory has been dismissed on the grounds that the specifications of his ideas in the Political Liberalism are unrealizable, and therefore utopic. Rawls has been criticized for not taking seriously enough the differences in values. For example, James Bohman argues that there are deep conflicts concerning epistemology and ethics between different religious communities which precludes the possibility of one common public reason.93 He gave an example with the followers of Christian Science, who refuse treatment owing to a different perception of medicine and cure and the Rushdie affair, illustrating vast disagreements concerning tolerance and legal matters, and the discussion about the legal status of Native Americans in Canada and US, to demonstrate these deep conflicts.94 Bohman, therefore, proffered dialogue and public compromise between different public reasons as an alternative to Rawls ideas of one common public reason.

However, for Collste, Bohman’s argument against the possibility of consensus based on one common public reason does not hold water, as he gives some arguments to support the fact that there can be a possibility of consensus based on common human reason. According to Collste, “first, it is doubtful whether there really are such deeper conflicts between different civilizations, cultures or religion….95 To buttress this point, an example was given with the

94 Bohman, J., in Collste, G., Ibid.
95 Ibid.
idea of freedom, which should not be considered as exclusively belonging to western culture. Freedom as a value could be found, however, in other cultures around the world, for instance; Hindu, Confucian, and Muslim cultures.\textsuperscript{96} Meanwhile, the quest for global ethics would be frustrated if the idea of human freedom were to be alien to those other traditions apart from western tradition. Therefore, it is quite evident “…that persons throughout the world affirm a certain set of moral values”\textsuperscript{97}

Secondly, “when members of different religious groups interact in a society we can… expect a convergence of moral standards”\textsuperscript{98}, Collste argues. In this context of interaction, between people professing different religions in a society, in most cases, people tend to act bearing in mind the wishes of others. In his words, “we choose to act in conformity with what we expect to be other people’s wishes”.\textsuperscript{99} This interaction would not only engender social cooperation, it would lead to a convergence of norms that would in turn culminate in the establishment of a moral consensus. To summarize, Collste opines that “Rawls’ idea of overlapping consensus and a common public reason in plural societies do not seem to be utopian”\textsuperscript{100} as claimed by some people.

3.4.5. ROBERTO’S OBJECTIONS

Roberto observes that there are several objections that can be established against Rawls’ answer to the fundamental question of Political liberalism. We are aware that political stability does not require its citizens to perceive the political conception of justice as being true, but to view the political conception as only being reasonable. As a matter of fact, for Rawls, if political conception were to be viewed as being true, it would be very impossible to realize an overlapping consensus. But Roberto foresees a danger when the citizens are to view only the political conception of justice as reasonable. According to him, a prerequisite for political stability is that the strength of affirmation regarding the political conception of justice as being reasonable is greater than the strength of affirmation towards one’s own fundamental values, or comprehensive doctrines as the case may be.\textsuperscript{101} He expects that a time

\begin{footnotes}
\item[96] Ibid.
\item[98] Ibid.
\item[99] Ibid.
\item[100] Ibid.
\end{footnotes}
would come when a small percentage in a society would not accept the political conception, but would only take their own fundamental values as the more reasonable doctrine. In his words,

what reason do we have to expect that citizens will not abandon the overlapping consensus… should they regard their own fundamental values as being more reasonable and true than the political conception of justice, or… instead follow a more self-interested route should a political shift in power occur?\textsuperscript{102}

Meanwhile, a small percentage who might abandon the consensus will no doubt, destabilize the society, and others may follow suit, and then the possibility of achieving overlapping consensus is rendered illusive.

Roberto raises yet a second objection against Rawls’ premise that the majority are reasonable in a constitutional democracy. Rawls believes that the majority of the citizens in Political Liberalism must have to be reasonable in order that a well ordered society could be guaranteed. But Roberto is quite critical of the use the expression; ‘being reasonable’ by Rawls. He wonders if there could be a possible consensus on what reasonableness consists in. For him,

…if Rawls wants to maintain an overlapping consensus there must be an overall consensus as to what reasonableness consists in….\textsuperscript{103}

However, having an overall consensus as to what reasonableness consists in is rather a very difficult task, because there are always divergent views on what being reasonable implies. What is reasonable to me may not be reasonable to the other person, and vice versa. For instance, “there are equally divided citizens in America that are seriously concerned with issues regarding abortion and the use of nuclear warheads. Those who are pro-life may think

\textsuperscript{102} Ibid.  
\textsuperscript{103} Ibid.
their view is reasonable while at the same time those who are not may think their view is reasonable".  

He therefore, makes the observation that,  

if a given interpretation of reasonableness so dictated  
by Rawls’ political liberalism should preclude one view  
over the other, it seems implausible that an overlapping  
consensus can successfully emerge….  

Roberto still states another objection to Rawls’ Political Liberalism. For him, Rawls regards human nature too optimistically. He has the fear that the toleration Rawls is talking about may not after all hold sway in societies as well as Rawls’ society. For him, not the vast majority if given absolute authority over the state or even are strong enough to suppress all opposing forces, would still tolerate different views. He tries to view the issue of toleration, which Rawls is clamouring for, rather from a pessimistic angle. He argues that,  

…the point of this cynical observation, however, is  
that though toleration for most may seem attractive  
and regarded as a worthy value in itself, it only  
appears to be at least from the surface. But deep  
inside our rationality for toleration is a modus vivendi.  

Hence, he concludes that the overlapping consensus Rawls is looking for cannot but be a fiction, and an unrealizable ideal world. According to him, if the overlapping consensus is ever achieved, it would only last for a short period of time.  

3.4.6. KYMLICKA’S CRITIQUE  

Meanwhile, kymlicka launches yet another attack on Rawls, by pointing out that his liberal and communitarian arguments, though support a principle of tolerance between groups, do not, as it were, support the same conclusion on the issue of individual freedom of conscience, which is the freedom of individual members within each group to question and reject their
In Rawls’ liberal argument, heresy, proselytization, and apostasy are essential basic liberties for individuals, whereas in the second communitarian argument, the so named liberties are viewed as counter-productive. In his words,

…heresy, proselytization, and apostasy are essential liberties on the first argument, since they enable individuals to engage in rational revisability, but futile and disruptive nuisances on the second communitarian argument, since they tempt people to question inherited beliefs which should be seen as given and fixed.  

Kymlicka argues further that he had expected Rawls to jettison the ideas like; heresy, proselytization and apostasy as basic liberties in a liberal society, “and to allow communitarian groups to establish a millet-like system in which theses activities would be legally forbidden for their members,” if he aims at ensuring an overlapping consensus.

3.5.7. OVERSIGHT ARGUMENT.

Moreover, in his Political liberalism, Rawls makes constant mention of some comprehensive doctrines like; utilitarianism, Kantianism, and religions. In most cases, he uses religions to give examples in the course of his arguments. It is obvious that Rawls seems to be oblivious of the fact that ethnicity is a singular factor that can never be neglected when making allusions to the pluralism of comprehensive doctrines in democratic societies. A good study of the conflicts over the years in democratic societies around the world, tends to justify the fact that ethnicity is a factor in these conflicts that cannot be relegated to the background. Ethnicity has been noted as one of the major causes of the worst genocides and holocaust that have been witnessed in recent times. Democratic societies are evidently more divided along ethnic lines than religious lines. So, Rawls could be said to have very short-sighted to have taken for granted the role of ethnicity in liberal societies.

108 Ibid.
109 Ibid.
3.5. SUMMARY

This chapter discusses the core ideas in Rawls’ *Political Liberalism*. His theory of justice in plural societies is basically to solve the problem of stability in modern democratic societies. The political conception of justice introduced in the *Political Liberalism* “is a view of justice that people with conflicting, but reasonable views, would agree on to regulate the basic structure of society”.\footnote{110 http://en.wikipedia.org/wiki/John_Rawls#Political_Liberalism} This political conception of justice culminates in what he calls, ‘overlapping consensus of reasonable comprehensive doctrines’. Therefore, stability is ensured by the fact of this overlapping consensus, because it has a way of identifying with the different comprehensive doctrines. Meanwhile, those whose lives are regulated by these different comprehensive doctrines are morally duty bound to always uphold the dictates of the consensus.

Albeit enormous contributions of Rawls, certain shortcomings were detected, hence some critiques were postulated against his *Political Liberalism*. 

\footnote{110 http://en.wikipedia.org/wiki/John_Rawls#Political_Liberalism}
4.1. POLITICAL LIBERALISM VIS A VIS NIGERIAN SITUATION

Rawls’ Political Liberalism is meant to deal effectively with the problem of stability which is the feature of modern societies around the world. His theory is otherwise referred to as a contractarian theory which suggests how the problems of stability in such societies could be solved.

One might be tempted to ascertain the relevance of Rawls’ theory to Africa, nay Nigeria. There might be an erroneous assumption that Rawls’ theory is meant to address the pluralism in the western democracies alone. To argue that Rawls’ theory is limited to western democracies is like forcing a limit to the limitless application potentials of the theory, so to say. As a matter of fact, the theory, essentially, serves as an antidote to the instability that goes with the pluralism that characterizes democratic societies. Meanwhile, if we talk of pluralistic society, I think Nigeria qualifies as a true plural society. As we have noted earlier, Nigeria is not only experiencing the problems associated with religious pluralism, but also ethnic pluralism. Therefore, Nigeria could be likened to the pluralism that Rawls is talking about, with an estimated 250 ethnic nationalities, and of course, diverse religious affiliations. A country with such pluralism has, of course, so much to contend with as regards finding a level playing ground to accommodate such diversity. More importantly, Rawls himself never intends to put a limit to which his theory can go in terms of its application. In this conviction, Young states categorically that “with Political Liberalism, Rawls directly confronts the problem of political stability in modern democratic societies…”[111] Hence, Rawls talks of modern democratic societies, and not modern western democratic societies.

Since independence, the right to occupy one strategic political position in Nigeria depends largely on the particular ethnic nationality that one comes from. Again, the ability for any particular ethnic group to attract any substantial developmental project from the federal government depends almost entirely on the ethnic group’s affinity with the power that be, so to say. So, this summarises in a nutshell the type of politics that is practiced in Nigeria. This kind of politics is what is understood as politics of exclusion. As it were, politics of exclusion

is commonplace in Nigerian democracy. Until now, there had not been any sincere effort on the part of authorities to fashion out more inclusive style of leadership in the country.

Now, a question readily comes to mind concerning the moral justification of politics of exclusion that is rampant in the Nigerian society. Before going further, it is truism to state that there cannot be any moral basis for the perpetuation of such kind of politics anywhere more especially in Nigeria considering how, in the first place, the ethnic nationalities came together to form one country. It could be recalled that before the advent of the British there were nations, empires, autonomous communities and independent ethnic groups. These groups were amalgamated on equal basis, and they became citizens of Nigeria on equal notes. So the existence of politics of exclusion is an aberration, and calls the moral issue of equality of all groups and citizens into question. As a matter of fact, “…a society lives up to the ideal of community if its members are treated as free and equal persons.”\textsuperscript{112} In the same vein, since Nigeria is a plural society, it would be pertinent to state that the country ought to live up to the ideals of modern democratic society if all the several ethnic groups are treated on an equal basis in every facet of life. Obviously, in Nigeria, it appears that individual’s rights are either guaranteed or not depending on the section of the country he or she comes from. In that sense, it is; therefore, correct to say that ethnic groups come first before the individuals themselves. Therefore, guarantying the equality of the various ethnic groups is tantamount to guarantying the equality of individuals in the country as a whole.

At this juncture, it is necessary to observe that it would not be helpful if the equality of citizens in Nigeria is based on liberal individualism. Basing the equality of citizens on this ideology would not help us to realize a stable society, especially when the citizens tend to be viewed from the particular section that they identify with. I rather advocate for community based equality. Agreeing with this opinion, Kymlicka states that,

\begin{quote}
for many communitarians, the problem with liberalism is not its emphasis on justice,… but rather its individualism…. Liberals base their theories on notions of individual rights and personal freedom, but neglect the extent to which individual freedom and well-being are only possible within community.\textsuperscript{113}
\end{quote}

\textsuperscript{112} Kymlicka, W., Contemporary Political Philosophy: An Introduction, Oxford, 2002, p.208
\textsuperscript{113} Op.cit., p.212
In a communitarian society, the common good is conceived as a substantive conception of the good life. This common good, rather than adjusting itself to the patterns of people’s preferences, provides a standard by which those preferences are evaluated. The community’s way of life forms the basis for a public ranking of the conceptions of the good, and the weight given to an individual’s preferences depends on how much she conforms or contributes to this common good.\textsuperscript{114}

Once we recognize the dependence of human beings on society, then our obligations to sustain the common good of society are as weighty as our rights to individual liberty.\textsuperscript{115} Hence, any constitutional arrangement ought to be in line with the notion that the equality of communities corresponds with the equality of individuals across the country.

Politics of exclusion, inevitably points to the whole question of citizenship rights. How can one actually claim to be a citizen of a particular country, whereas he is excluded in certain areas of political life? In fact, citizenship entails equal rights and opportunity. So, the persistence of exclusions in the political life of Nigeria goes against what citizenship stands for. One cannot actually claim to be a citizen of a country that set limits to his or her inalienable rights. In the same vein, when a limit is placed on a certain section of a society to the extent it can go politically in relation to other sections, it is correct to say that individual citizens within that section cannot in any way claim to be true citizens of the society in question. A citizen must be allowed to identify “with the community to which he or she belongs, and committed to promoting its common good through active participation in its political life”.\textsuperscript{116} It is therefore, interesting to note that an ideal society fights to protect and guarantee the basic rights and liberties of its citizens. However, any society that cannot boast of this is not an ethically sound society, and not worthy of existence. As I said earlier, guaranteeing the equality of all ethnic groups is tantamount to guaranteeing the equality of all individual citizens, especially in Nigeria. If Nigeria were to be a homogeneous society, there would be no need to talk about ethnic groups and community based equality. A constitution that is based on community based equality would help the powers that be to treat all the ethnic groups equally. Treating the ethnic groups equally means treating the individuals within the country equally.

\textsuperscript{114} Op.cit., p.220
\textsuperscript{115} Op.cit., p.212
\textsuperscript{116} Miller, D., Citizenship and National Identity, Maldine, 2000, p.53
The pluralism of ethnic groups in Nigeria could be likened to the pluralism of reasonable comprehensive doctrines that Rawls talks about in his Political Liberalism. They qualify as comprehensive doctrines, because each ethnic group has got its unique philosophy and cultural orientation. These ethnic groups tend to guard their philosophies and ideologies very jealously, because they regulate their daily lives. In essence, this very fact qualifies them as comprehensive doctrines. In the light of this, Rawls in his own words states,

…a reasonable doctrine…covers the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner. It organizes and characterizes recognized values so that they are compatible with one another and express an intelligible view of the world.117

Meanwhile, Rawls emphasizes that reasonableness lies in the receptive disposition of a comprehensive doctrine towards other comprehensive doctrines. In a like manner, ethnic groups ought to have the same disposition among them.

Pluralism of ethnic nationalities has been a major source of instability in Nigeria. An ethnic group in attempt to establish its superiority tends to lord it over others. There has been instability as a result of the inability of these groups to co-exist harmoniously. Of course, Rawls theory of justice in a plural society, such as Nigeria, is capable of ensuring stability and national cohesion. As matter of fact, Rawls theory is concerned about “how to develop public reason and common principles of justice in plural societies”.118 In the light of this, Rawls states,

…our exercise of political power is fully proper when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.119

This suggests that in a country like Nigeria, all sections should have certain principles and ideals which they must agree to. That is of course what Rawls is talking about when he said that the opposing doctrines have their own conceptions of the good, and there is the possibility of one such conception to be recognised by all citizens who are fully reasonable and rational.\(^\text{120}\) Meanwhile, all can view these principles and ideals as appropriate manifestation of their own comprehensive doctrines in the realm of politics.

Apart from Rawls’ opinion that it is possible for all sections to unite on certain principles and ideals, he also takes another major step forward. For him, the possibility of unifying every section lies in what he calls ‘overlapping consensus of different reasonable comprehensive doctrines. He maintains that,

> achieving an overlapping consensus of basic political rights and principles is a necessary condition for social stability in pluralist societies…\(^\text{121}\)

Rawls, nevertheless, issues a warning against a possible misunderstanding of what overlapping consensus is all about. To that effect, he states that overlapping consensus should not be understood as a mere *modus vivendi*, for this is a mere agreement to ‘live and let live’. An agreement of this kind is not capable of sustaining stability in any society, because none has the moral responsibility to keep such agreement. Meanwhile, the constitutional arrangement that is in existence in Nigeria could be likened to a mere *modus vivendi*, because it does not hold any promise for a long standing stability. It is as a result of this that basic principles like equality is always sacrificed at the alter of ethnicity and the concomitant exclusions. Oftentimes, when there seems to be peaceful coexistence, it would not take long before the seeming stability degenerates into instability. That is why, “when compromises are the best one can achieve, peaceful co-existence can easily turn into civil war”.\(^\text{122}\) In other words, the Constitution of the Federal Republic of Nigeria, as it is today cannot, in any way be said to be based on overlapping consensus, because there was no form of consensus that preceded its writing. It was single-handedly written by the military and imposed on the whole

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\(^{120}\) Op.cit., p.134


country. It is under this constitution that all forms of exclusion persist in the country. If it were based on overlapping consensus, every citizen would have the moral obligation to abide by its provisions.

The attainment of overlapping consensus is possible in the Nigerian context if every ethnic group in the country comes together on certain political values which permeate through all the groups. This is because, “the desire of the individual to stick to his own group may originate from narrow-mindedness, but results in racism”. If we take the issue of ‘difference principle’ which Rawls posited while giving an example of overlapping consensus, for instance, it would be discovered that all the various ethnic groups in the country appreciate the content of this principle, because it guarantees the basic liberty within each group. As a matter of fact, difference principle states that,

…social and economic inequalities are to be arranged so that they are…to the greatest benefit of the least advantaged

The difference principle when translated into the national level and supported by every section will help ensure that the basic liberties of citizens are upheld, as well as respected. Upholding the difference principle would make citizens to look favourably towards certain national issues like; resource control, power rotation and the like, to ensure equality and fairness among the ethnic groups in the country.

4.2. SUMMARY

In this chapter, a relationship between Rawls’ theory of justice in a plural society and the situation in Nigeria was x-rayed. Firstly, the relevance of Rawls theory to the Nigerian context was investigated, and stand was taken that since Rawls never implied any limitation on his theory in term of its applicability, his theory can as well work in Nigeria. Secondly, I tried to show how his idea of overlapping consensus of different reasonable doctrines can help ensure a long standing stability in the country, since the various ethnic groups in Nigeria some how correspond to the reasonable comprehensive doctrines he is talking about. Thirdly, it was

123 Kazim, W., in Collste, G., Ibid.
also noted that since there are certain political values which are common to these different ethnic groups in the country, the realization of overlapping consensus is therefore, possible in Nigeria.
CHAPTER FIVE

5.1. CONCLUSIONS

Ethnicity seems to have become a permanent feature of Nigerian state right from Independence. The country has been notorious when it comes to extreme ethnic consciousness. This extreme ethnic consciousness has been the bane of the country’s unity, because of the discordant role it plays in the political life of the country. The cankerworm has, therefore, manifested itself in a number of ethnic unrests and conflicts that is rampant in Nigeria. The 1966 genocidal civil war in Nigeria could as well be blamed on this cankerworm. Ethnicity also manifests itself on the level of marginalization suffered by some part of the country. Marginalization can either be deliberate or indelibrate. It is deliberate, when some section is consciously marginalized in order to disempower them politically, and indelibrate, when a section is neglected, but this neglect does not have any political undertone. Oftentimes, those who are deliberately marginalized are not allowed to attain certain political positions in the country, but those who are neglected are so neglected because those who have the apparatus of the state seem not to remember them in the distribution of the country’s wealth. Those who hold the apparatus of the state are so much interested in their own ethnic group that in the process they forget to distribute the wealth of the nation equally to all the ethnic groups. So, some suffer marginalization as a result of that. Meanwhile, it has been noted that some part of the country that claim marginalized are doing so just to trivialize the claims of those who have a genuine case of marginalization. And even when it appears that they are marginalized, they are in the hindsight not marginalized. Their case is nothing short of self inflicted ‘marginalization’, so to say. It is on this note that we distinguished between marginality and marginalization.

Furthermore, the extreme ethnic consciousness in Nigeria has led to the formation of many ethnic oriented organizations. The formation of these ethnic organizations is basically a kind of defensive mechanism against the unjust plots of other ethnic groups. This has only worsened the problem of ethnicity in Nigeria, as ethnic consciousness are made stronger, and none of them seems to be ready to reach out sincerely to another ethnic group in the country.
John Rawls in his *Political Liberalism* tries to propound a theory of justice that is relevant to pluralistic societies. He is actually concerned about the problem of stability that confronts liberal democracies nowadays, which however, did not occur to him when he was writing his work, *A Theory of Justice*. According to him, modern societies are characterized by pluralism of reasonable comprehensive doctrines. He, therefore, opines that there is the possibility of establishing a common public reason among different comprehensive doctrines. This possibility lies in the overlapping consensus of reasonable comprehensive doctrines. Overlapping consensus when attained is capable of solving the problem of stability in plural societies. Hence, it will ensure a sustained stability in liberal democratic societies.

It has been observed that there cannot be any moral basis for the continued existence of politics of exclusion in Nigeria. Obviously, politics of exclusion, no doubt, violates certain basic ethical principle, like the principle of equality of all citizens. As it were, citizenship implies equal rights and equal opportunity; hence, politics of exclusion is evidently and diametrically opposed to this basic principle of equality. Ordinarily, one cannot become a true citizen, in the first place, if he is not allowed to actually express his citizenship in full, or even benefit what a normal citizen should benefit.

Thanks to Rawls’ *Political Liberalism*, where he expounded his theory of justice in plural societies. His theory is meant to solve the problem of stability like that of Nigeria. The various ethnic nationalities in Nigeria could be likened to what Rawls refers to as different reasonable comprehensive doctrines. His theory implies in the Nigerian context that all the ethnic groups in Nigeria are able to attain a common public reason, through what is known as the ‘overlapping consensus of different comprehensive doctrines’. The realization of this overlapping consensus among all the different ethnic groups in Nigeria would ensure a society that is free from ethnicity and politics of exclusion.

I accepted that the difference principle could be an example of political conception of justice which seems to be acceptable to all the ethnic groups, adding that this principle would lead to the endorsement of certain national issues like; resource control and rotation of power. In fact, this seems to fall in line with the principle of affirmative action. The affirmative action seems to reflect the dictates of the difference principle, which provides the platform for the worse off in the society to be carried along in every facet of national life. Affirmative action, in other words, tends to eliminate all forms of discrimination in any society. “Affirmative action …is
consciously choosing people who have traditionally been discriminated against”. Affirmative action programmes always tend to equalize the rights and opportunities of every ethnic, sex and racial groups in the society to power, infrastructure, healthcare delivery and otherwise. Even though, the affirmative action policy may somehow imply some sort of discrimination against the protected groups in the society, still is regarded as a positive discrimination. It is a positive discrimination because it has the capability of compensating the minorities who have experienced worse discrimination in the past, and consequently bring them to equal status with the protected group. The policy of affirmative action, if implemented in Nigeria, would go a long way to pacifying the enraged minorities who have been discriminated against in the past. It would mean that those who have been prevented from ascending highest political position are allowed to take the position and those who have been discriminated against in terms of resources allocation are given a lion share to allow them meet up with the rest of the population.

Nevertheless, if the unity of the country as it is is to be preserved, then the country must be governed under a constitutional arrangement that is the product of the overlapping consensus reached by all the different ethnic nationalities in Nigeria. This is consequent upon the fact that overlapping consensus once reached, all the parties involved in the consensus have the moral obligation to abide by the provisions of that consensus. Once this is done, the pluralism of ethnic groups would not portend any danger to the unity of Nigeria.

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