



Amartya Sen's Conception of Social Justice and Ethnic Crises in Contemporary Nigeria

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Abstract. Since the creation of the country called Nigeria, there has been debates on the issue of peaceful coexistence among the different ethnic groups in Nigeria. The nation has faced a series of ethnic, political, and economic crises, this has divided the ethnic lines bringing about disparities among the people. These disparities have raised rivalries due to the unequal distribution of the nation's resources. There are tensions arising from marginalisation of one ethnic group, at the expense of other ethnic groups, especially, minority ethnic groups. The marginalisation and dominance of a particular ethnic group in governance and leadership is daunting and challenging, and this has generated misunderstanding and mistrust among the people. As a result of this, the problem of ethnic relations is also affected due to a large number of ethnic groups in Nigeria. This brought ill feelings, hatred, injustice, imbalance, and intolerance among the people. In this regard, this paper adopts Sen's *Idea of Justice* to end ethnic crises in contemporary Nigeria. This paper adopted analytical method and used the tool of critical analysis. This is to analyse ethnic crises and political instability in contemporary Nigeria. The ethnic crises is more compelling when viewed against the many occasions of injustice and unfair treatment suffered by the majority of marginalised, disadvantaged, and vulnerable minority ethnic groups in Nigerian society. This will pave the way for getting a clear understanding of why crises occurred in the country, gain some certainty of the facts, and establish the reasons and effects between those facts so that one can understand the relationships between variables which will help in getting solutions to the problems of ethnic crises in Nigeria. Findings revealed that Ethnic crises is one of the challenges facing the stability of Nigeria as a nation. It is on this premise that this research is based. Amartya Sen's *Idea of Justice* will end the ethnic crises by adhering to it. Through Amartya Sen's *Niti* and *Nyaya*, human

reason can differentiate between justice and injustice through the realization process. *Niti* according to Sen is an idea of a just world, it is a procedural sense of justice and the instrument of codification. *Nyaya* is a comprehensive vision or design of realized justice. It represents the realistic and holistic sense of justice and focuses attention on the detailed result. The main task of *Nyaya* is preventing *matsanyaya* i.e. big fish-eating small fish which is an injustice. The study concluded that Ethnic crises have led to economic loss and rivalries between various ethnic groups. Contemporary Nigeria can end ethnic crises by adopting Amartya Sen's *Niti* and *Nyaya*, and it is possible through Public Reasoning to end injustice among various Ethnic groups in contemporary Nigeria. The study therefore revealed that through Public Reasoning, it will eradicate ethnic crises and promote equality, unity, and peace.

Keywords: Ethnic crises, marginalization, ethnic group, Amartya Sen.

1. Introduction

The Nigerian nation has faced a series of ethnic, political, and economic crises. As a result of this, the nation has been divided along ethnic lines which brought disparities among the people. These disparities have raised rivalries due to the unequal distribution of the nation's resources. Also, there are tensions arising from marginalisation of one ethnic group at the expense of other ethnic groups, especially minority ethnic groups.

The marginalisation and dominance of a particular ethnic group in governance and leadership are daunting and challenging. And this has generated misunderstanding and mistrust among the people. As a result of this, the problem of ethnic relations is also affected due to a large number of ethnic groups

in Nigeria. This brought ill-feelings, hatred, injustice, imbalance, and intolerance among the people. It is in this regard that this paper adopts Sen's *Idea of Justice* to curb the challenges of ethnic crises in contemporary Nigeria.

Causes of Ethnic Crises in Nigeria

Several scholars have suggested that competition for scarce resources is a major factor in ethnic crises in Nigeria. In a country with diverse ethnic groups like Nigeria, there are competition for the scarce resources of the nation. As observed by Lake and Rothschild, (1996) ethnic crisis is a sign of a weak state or a state embroiled in ancient loyalties. (Lakes, 1996). In this case, states act with a bias to favor a particular ethnic group, and behaviors such as preferential treatment, tribalism, and nepotism fuel ethnic crises. It can be attributed to many factors, and they come in different dimensions. (Lakes, 1996) As observed by David and Popoola, some of the factors are:- colonial legacy, boundary disputes, struggle for power and resources, struggle for citing of local government headquarters or government institutions, failure of the traditional model to solve crisis, poverty, perceived lack of sincerity and fair play on the part of government, manipulation of the elites in the society, ethnic intolerance, and religious intolerance (Ojo, 2014). Otite (2000), and it has affected the peace and stability of the country. The nation has faced a series of ethnic, political, and economic crises, this has divided the ethnic lines bringing about disparities among the people. These disparities have raised rivalries due to the unequal distribution of the nation's resources. There are tensions arising from marginalisation of one ethnic group at the expense of other ethnic groups, especially minority ethnic groups. The marginalisation and dominance of a particular ethnic group in governance and leadership is daunting and challenging. And this has generated misunderstanding and mistrust among the people. As a result of this, the problem of ethnic relations is also affected due to a large number of ethnic groups in Nigeria.

The history of ethnic crisis in Nigeria can be traced back to the colonial and post-colonial periods. Ojo (2014) posited that the colonial tripartite division of Nigeria prevented a Nigerian nationalistic movement, manipulating geographical boundaries to reinforce separation between ethnic groups and transforming ethnicity into an identity by which to gain political power. This structure along with other administrative decisions emphasized ethnic nationalism and regional politics, resulting from significant uneven development within each region.

According to Ebegbulem (2011), the colonial division of Nigeria that reinforced ethnic groups, the rise of ethno-political consciousness, and the

development of ethnic/regional political parties demonstrated that the British administration intentionally prevented the rise and success of Nigerian nationalism, instead promoting ethnic nationalism as a means to gain political power. It is believed that Lord Frederick Lugard's 1914-18 constitutional exercises, which resulted in the amalgamation of the separate protectorates of Southern Nigeria and Cameroon with the protectorate of Northern Nigeria, were carried out without any explicit consent from Nigerians. The Federal Government introduces "Federal Character" to curb this menace called ethnic crises. This is to eradicate injustice and inequality among the various ethnic groups in the country.

2. Ethnic Crises and Federal Character

Ethnic crises have been one of the major problems that may destabilize the system. The federal government came up with a policy that can handle ethnic crises known as Federal Character. The term 'Federal Character' was coined by the Constitution Drafting Committee (CDC) which drafted the 1979 Constitution of the Federal Republic of Nigeria. The term gained wide currency and usage after it was embodied in the constitution. It is enshrined in section 14(3) of the 1979 Constitution thus: "The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity and to command national loyalty thereby ensuring that there shall be no predominance of persons from a few states or a few ethnic or sectional groups, in that government or any of its agencies". Section 14(4) of the said constitution also stipulates that: "The composition of the government of a state, a local government council or any of the agencies of such government or council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the federation.

These constitutional provisions were respectively repeated verbatim in sections 5(3) and 15(4) of the 1999 Constitution of the Federal Republic of Nigeria. The CDC adopted the principle of federal character in recognition of the heterogeneous nature of Nigerian society. The Committee decided to entrench the formula in the constitution to check these cleavages, ensure orderly progress of the country and promote national unity, foster national loyalty, and give every citizen of Nigeria a sense of belonging to the nation.

The idea of the federal character principle is however not new. It had operated informally during

the pre-independence era when the nationalists agitated for participation in the administration of colonial Nigeria especially after Nigeria became a formal federation in 1954. During this period, the federal character principle was mainly concerned with legislative representation and equalization of inter-regional opportunities in education and appointments at the new federal level. But in this present formalized and institutionalized form, as entrenched in the 1979 and 1989 constitutions, the federal character policy is practised in virtually every sphere of federal, state, and local government operations. The Federal Character Commission was set up to ensure the smooth application and operation of the policy to engender a sense of belonging in all Nigerians and strengthen the nation's unity and stability.

This Commission is empowered to work out an equitable formula for the distribution of cadres of the post, to monitor, promote, and enforce compliance with the principle of proportional sharing of posts at all levels of government, and to take measures to prosecute heads of government ministries, bodies or agencies who fail to comply with the formula. The principle of federal character emphasizes the need for ethnic balancing as a necessity in the evolution of Nigerian citizenship and for ensuring less acrimonious relationships among the various peoples of Nigeria. The federal character principle is aimed at creating a sense of belonging and participation by the diverse ethnic and political groups in the governance of Nigeria. The federal character policy satisfies the quest for representatives and proportionality in the allocation of resources and the making of appointments among various interest groups. In the application of the formula as noted by Bodunrin (1989:307) "choices are often made based on criterion other than merit". For instance, the quota system as applied in education leads to the lowering of standards against national interest. In the army, it leads to the production of sub-grade soldiers and officers. In the civil and public services of the federation, standards and professionalism are compromised and endangered. By avoiding meritocracy without recourse to standards, the quota system becomes morally reprehensible and an act of injustice.

It was noted by Ohonbamu (1968:130) and Kirk-Greene (1971:186) that if only the merit criterion is used for appointments, most jobs would naturally be taken over by the most enterprising and/or educationally advanced ethnic group. To ensure that the other ethnic groups do not feel deprived or cheated, the policy of federal character should be used to give all ethnic groups a sense of belonging. Be that as it may, in the civil and public services of the nation, it has been noted that as a result of the undue application of quota and lack of regard for

merit in the application of federal character policy, standards and professionalism are being compromised and endangered and it has also created some measure of tension and frustration among some ethnic groups, particularly the minority groups, whose career expectations are adversely affected by the need to reflect the federal character and who see the measure as a ploy to deprive them of jobs for the benefit of the majority group. All these make the service an arena of sectional struggles and competition and it makes people lose confidence in the impartiality of the government and the neutrality of the service as an instrument of state policy (Ayam, 1987:91-102). It is seen that ethnicity sacrifices merit, efficiency, and effectiveness in resource management on the altar of mediocrity. It encourages inter-ethnic bickering, hatred, and non-tolerance and abhors even development and as a result of this, ethnic crises continue strive lead to injustice.

3. Amartya Sen's Understanding of Justice

Amartya Sen was born on November 3, 1933, in India. He was awarded the 1998 Nobel Prize in Economic Sciences for his contributions to welfare economics and social choice theory and for his interest in the problems of society's poorest members. He uses evaluative and comparative methods of justice. In his book *The Idea of Justice*, which he dedicated to John Rawls, Sen attempts to construct a general theory of comparative justice, as well as adding to his previous work on capabilities. To achieve this, Sen first distinguishes two currents of thought, which are related to the idea of social justice.

According to Sen, although the issue of social justice has been discussed for ages, the social and economic transformations that emerged with the European Enlightenment in the 18th and 19th centuries caused the political climate to change in Europe and America, and the concept was strongly supported by the changing political climate. Thus, the line of thought on justice among the main philosophers has been divided into two different directions and two different approaches.

The first of these approaches is the justice approach, which was initiated by the works of Thomas Hobbes in the 17th century and followed by important thinkers with different styles such as Rousseau, Locke, Kant, and Rawls. This approach is the 'social contract' theory, which focuses on social justice mechanisms and is dominant in today's political philosophy. Sen also calls this approach the transcendental institutionalism approach. Another approach to justice is the influence of different institutions advocated by Smith, Condorcet, Wollstonecraft, Bentham, Mill, and Marx.

It is the comparative theory of justice, which argues that justice can be possible by comparing different lifestyles under it (Sen, 2009:6-7). According to Sen, in the transcendental institutionalism approach, rather than comparing justice and injustice in actual societies, it is aimed to define the nature of the just and it is tried to diagnose what perfect justice is without focusing directly on actual societies. Sen evaluates this feature of this approach, which focuses on the fair organization of institutions rather than people and actual societies, as a contractual mode of thinking and states that a hypothetical social contract situation is assumed in this thinking mode.

The obvious relevance of this social contract is to offer an ideal alternative to chaos/confusion. Emphasizing that the transcendental institutionalism approach is arrangement-focused, Sen states that “the results of this approach lead to the development of theories of justice that focus on the transcendent identity of ideal institutions” (Sen, 2009:6). Pointing out that the other approach to justice, the comparative justice approach, is realization-focused, Sen points out that comparative theorists try to correct it by clearly showing the injustice in the world and that social realization (actual institutions, behaviors and other effects on human life) states that they focus on the results). “These theorists, instead of limiting their studies to the transcendent investigation of a perfectly just society, have conducted studies involving the comparison of existing or probable societies, and have directed all their attention to the abolition of injustice in the world” (Sen, 2009:7).

In making a crucial difference between the arrangement-focused approach to justice and the realization-focused approach to justice, the realization-oriented approach, that is, the comparative justice approach, focuses its attention on the actual behavior of people rather than the obedience of ideal behavior. While the regulation-oriented approach (transcendental institutionalism approach) asks 'How is a competent just institution', the realization-oriented approach asks the question 'How can justice be developed'. The realization-oriented approach focuses not only on institutions and rules but also on the actual realization of justice in societies, that is, it focuses attention on comparison/comparison instead of following a transcendent route (Sen, 2009:7-9).

Sen argues that the dominant view regarding justice in today's political philosophy is the view of transcendental institutionalism and shows John Rawls as the representative of this view in our time. Sen states that it is possible to clearly see the principles of justice in Rawls's *Theory of Justice*, in which the norms of right behavior in the moral and political context are illuminating, and our

relationship with perfectly just institutions is fully defined/determined.

Regarding justice, Sen states that he sees two problems in the transcendental institutionalism approach, which includes Rawls. First, even under strict conditions of open-minded scrutiny and impartiality (for example, in the original position Rawls described) there can be an unreasonable agreement on the nature of a just society. According to Sen, this is an agreed-upon transcendent solution and it is a question of feasibility of the conclusion reached. Another of these problems involves the actual selection demands for a comparative framework of justice in the application of practical reason and the selection of the improbably improbable perfect situation from among possible alternatives. According to Sen, this is “the redundancy problem of research in terms of a transcendent solution” (Sen, 2009:9). In Rawls' theory of justice, a hypothetical state of equality (the original position) is assumed to exist at the outset, and it is assumed that people who do not know themselves (under the veil of ignorance) will unanimously choose one thing in choosing the two principles of justice. However, Rawls fails to show why different alternative views on justice were not chosen. Here, Sen, in his approach to justice, tries to show that Rawls' description of these principles of justice is a mistake.

According to Sen, other alternative approaches can easily dismiss Rawls's argument, which he formulated to draw attention to objectivity because it is not a useful and credible argument. For this reason, Sen states that the fulcrum of Rawls' theory of justice is blocked. Sen's interest is focused on how to reduce injustice even though we have different perspectives on an ideal system with a rational consensus. In this context, Sen sees “the diversity of systems and lifestyles not as an error or mistake, but as things that signify human freedom” (Sen, 2009:12). Sen argues that it is impossible to reach a perfect consensus on what a just world is. Justice can have multiple competing causes, all claiming to be impartial. Because Sen (2009:16) argues that “there is more than one value and criterion system to think about justice”. Sen (2009:54), states that the concept of truth is the basic concept of Rawls' theory of justice, "The principles of justice in Rawls' formulation determine the basic social institutions that regulate society." The need for accuracy arises when negotiating within an imaginary original situation to determine the principles of justice in impartiality. “Justice as truth has been central to political thought from the very beginning as a right” (Sen, 2009:55).

The structural purpose of righteousness practice includes identifying appropriate principles that

determine the unanimous selection of just institutions needed for the basic structure of a society. In Rawls, accuracy and impartiality are combined for the selection of appropriate principles of justice. Sen compares Rawls to Kant at this point. According to Sen, "Those who defend a universal law, as Kant did, accept that the characteristics such as not being emotional and being objective are shared by most people" (Sen, 2009:57). At this point, Sen talks about the multiplicity of competing objective principles and tries to explain this with the example of three children with a flute (Sen, 2009:16): There is a flute, and there are three children named Anne, Bob, and Carla. One of these three children will have the flute. Anne says she deserves this flute only because she knows how to play the flute; Bob wants that flute given to him because he has no toys; Carla claims to have produced the flute herself.

The individual in the society controls the rightness or wrongness of his moral action, just as if he were another person (impartial audience), and his action is shaped accordingly. The individual and the neutral audience is like two different selves and may not always be consistent with each other. The impartial spectator is a second self-established in one's imagination, not one's character. However, it precedes one's character and controls and shapes the other to a certain extent. In other words, for Smith, emotions and reason play a role together in shaping our actions or in the formation of character (Metin, 2010:68-69). Sen refers to the concept of an impartial audience, which Smith put forward as a means of achieving objectivity in public debate. Sen sees Smith's principle of the neutral audience as a more useful and uncomplicated application than the veil of ignorance in Rawls' original position. According to Sen, the impartial audience guides a perspective that takes into account deficiencies and incompleteness, does not need a fully competent, just world, but considers a reasonable and credible understanding of justice sufficient. Guided by such a perspective, Sen argues, we must rely on our capacity to determine justice, keeping it out of our interests and orientations.

4. Sen's Public Reasoning and Ethnic Crises

Through Amartya Sen's *Niti* and *Nyaya*, human reason can differentiate between justice and injustice through the realization process. *Niti* according to Sen is an idea of a just world, it is a procedural sense of justice and the instrument of codification. *Nyaya* is a comprehensive vision or design of realised justice. It represents the realistic and holistic sense of justice and focuses attention on the detailed result. The main task of *Nyaya* is preventing *matsanyaya* i.e. big fish-eating small fish which is an injustice'. Ethnic crises have led to economic loss and rivalries

between various ethnic groups. Contemporary Nigeria can end ethnic crises by adopting Amartya Sen's *Niti* and *Nyaya*, and it is possible through Public Reasoning to end injustice among various Ethnic groups in contemporary Nigeria. The study therefore revealed that through Public Reasoning, it will eradicate ethnic crises and promote equality, unity, and peace.

Public Reasoning is a decision-making based on participatory discussions and deliberations. Since human beings have an innate desire to eliminate injustice where possible, institutions are not that important. Ideal institutions are not required to inculcate a sense of fairness or persuade people to act fairly or to very strictly police to prevent transgressive behaviour. Since people have an innate desire to eliminate remediable injustice, it follows that open discussion and rational argument can enable people of different ideologies or belief or value systems such that people can agree upon comparative evaluations regarding justice without having to agree about all their values and beliefs. With this mutual understanding, ethnicity can be relegated to the background putting an end to injustice and building oneness, stability and peace and the various ethnic groups in Nigeria'

5. Conclusion

Ethnic crises have led to economic loss and rivalries among various ethnic groups that is majority and minority groups. The review of the "federal character" strategy led to a further division of the country into a greater number of states and local government units to reflect ethnic recognition and representation more adequately. It also involved an agreement on proportional representation of parties that was assumed to reflect the ethno-regional interest in the executive cabinet, and on the rotation of the highest offices of state among ethnic regions. This assumption was to give a lasting solution to ethnic inequality and crisis but these innovations seemed to have been compromised.

The philosophical and historical analysis of crises in Nigeria indicate that there has been a succession of political instability and mutable constitutional strategies for solving ethnic diversity. Presently in Nigeria, there is rivalry among the ethnic groups over issues, such as power and resource sharing formula. Successive governments have tried to find a lasting solution for inequality, marginalization, and ethnic crises, all to no avail. Contemporary Nigeria can put an end to ethnic crises by adopting Amartya Sen's principles of *Niti* and *Nyaya*. This will eradicate ethnic differences and promote equality, unity, and peace.

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