LEGAL JUSTICE AND THE QUEST FOR SUSTAINABLE DEVELOPMENT IN NIGERIA

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Abstract
The concept of justice is fundamental in the peaceful and sustainable development of every nation. It is an indispensable element that is essential in human socio-political co-existence. Nigeria as nation state, stands the risk of contending with rancor, crisis, stagnancy and non-development where this all important feature remains absent or dormant. In striking a divide, and breaking away from all elements and categories that stands antithetical to a peaceful socio-political co-existence and national development, the quest for sustainable development in Nigeria remains paramount. Legal justice therefore is identified as felicitous factor for equality, social order and national development. In this sense therefore; the concept of legal justice, equality and social order is identified as propitious elements of sustainable development in Nigeria.

Introduction
Man as social being, intrinsically lives in a community of others. This unique nature of man is an undeniable construct of nature. Nature bestows on him a conscious and distinct essence of not only self reliability but mutual interdependence. This mutual inter dependency inherent in man’s existential foundation’s brings to fore the peculiarity of his self insufficiency and the crave for mutual complementation. It becomes glaring; therefore that man’s existence and survival cannot be devoid of his relationship with others.

A corroborative Platonic assertion depicts that “the individual is not self sufficient, but has needs which he cannot supply by himself” (Plato 117). In this sense, a solo attempt to any form of existential sustainability becomes self defeating and naturally unattainable. In this light, Aristotle asserts that he who laid claims to self sufficiency and non-relevance of others is “either a sub-human or a super human (60). For him, man is by nature a political animal who exist in the community of his fellow men, with an organized political leadership. Hence, “he who is without a city through nature than chance is either a mean sort or superior to man” (Aristotle 120). The social nature of man is an integral dimension to the expression of his rationality, freedom, moral personhood, and subsequent attainment of his essence.

The concept of justice is an indispensable issue particularly in man’s socio-political milieu. It is an essential element requisite for a peaceful sustainability of a society. Its foundational nature remains intrinsic in man’s existence. This utmost universal concept stands unique in the realization of happiness and social order. Human sociality in its utmost essentialness will tantamount to mere futility and absurdity when devoid of justice. Human sociality therefore could reasonably retain its meaningfulness in the context of the “actualization of the ideals of personhood, which in term is the proper ground for achieving the ends of society or social stability, progress, justice development and peace” (Aghamehu, 122). This paper therefore seeks to examine the concept of justice and its essentialness in the pursuit of sustainable development in Nigeria.

The Concept of Justice
The concept of justice has predominantly occupied intellectual discuss in the areas of law, political science, political philosophy and philosophy of law. It is an essential element which cannot be undermined in the development of a peaceful progress of any nation state. Justice is an essential social value which deserves to be cultured for the attainment of social order. The idea of justice is distinctly inseparable from the laws of nature. In fact for some, it is an element...
transmitted from nature, for the efficient socialization of man. Nature in this sense teaches man
the fundamental principles of fairness, equality and endows man with certain indispensable
rights, necessary for social formation and stability.

The concept of justice is not only as old as the human race, but a necessary catalyst of
social order and human progression. It is a protrusion from the laws of nature, transmitted to
man. In this sense therefore, justice is a moral value infused into the socialized stream of man.
Justice is distinctly both a moral value, and a social value. The word justice is etymologically
derived from the Latin word “IUS” meaning right and law. Obviously, law and justice are
intimately connected because law gives meaning to justice and what is lawful is said to be just
(Humphrey 6). Similarly, the Greek version of justice is derived from the word “Dikaiosina”
meaning “righteousness”. Ostwald asserts that Dikaiosina often have a usual translation as
justice. According to him:

Though Aristotie often uses Dikaiosina on the narrow English sense of
justice. He remains ever conscious of the wider connotation of the term
justice and for him this is the same as righteousness (cited in
Humphrey 6).

From the above, justice implies doing that which is “right”, “just”, and indisputably correct.
The concept of justice gains wide acceptability as a “constant and perpetual will to render to
everyone his due” (Glenn 222). Lexically, it is defined as “the fair treatment of people and the
quality of being fair and reasonable” (Hornby 648). Fair and equitable treatment of persons
remains the integral elements of justice. The inseparability of these essential values of justice
brings to fore its indispensability in man’s socio-political milieu.

Justice as a concept is often accessed in relations to fairness, equality, and equity. It is a
universal concept with moral foundations. This moral foundation of justice becomes the basis
upon which certain human actions and laws could be assessed as right or wrong, just or unjust.
As a social value, Justice has attracted enormous interest from diverse philosophers ranging
from Plato to Aristotie, Rousseau, and many others. Noted among them is John Rawls. I shall
briefly examine John Rawls theory of Justice as a pictorial guide to this discourse. John Rawls
in his theory of justice conceives justice as a social value. Justice in this sense is seen as an
associational concept distinctly indispensable in the formation of a nation state. For Rawls,
justice is the first virtue of a social institution (Rawls 4). It is the foundation upon which the
human society and the nation state is built. Rawls holds, that the human person is free and
equal. This freedom and equality of the human person has a causal relation in nature. Man’s
freedom according to Rawls, consists in his possession of two moral powers; first the capacity
to have a sense of justice, and secondly his ability to posses a conception of the good. For him,
insofar as man has these to the degree necessary to be fully cooperating members of the society,
they are equal’ (19). Rawls defines Man’s sense of justice as the capacity to understand, to
apply and to act from the public concept of justice which characterized the fair terms of
cooperation”. This sense therefore expresses “a willingness to act in relation to others on terms
that they also can publicly endorse (19).

Moreover, for Rawls, the concept of the good revolves around the conception of what
is valuable in human life”. This comprises of a more or less determinate scheme of final ends,
that is ends or goals that we want to realize for their own sake, as well as attachments to other
persons and loyalties to various associations’. John Rawls defines justice as fairness. For him,
Justice as fairness is the essential element for the structuralism and operationism of every
nation. Rawls’ notion of justice is fundamentally built on two principles. First; Rawls holds that
each person has an equal right to a fully adequate scheme of equal basic liberties which is
compatible with a similar scheme of liberties for all. The second principles hold distinctly, that
social and economic inequalities are to be satisfied by two conditions; (1). They must be
attached to offices and positions open to all under conditions of fair equality of opportunity,
and (2). They must be to the greatest benefit of the least advantaged members of society.

Suffice it to state that Rawls’ concept of justice depicts two fundamental principles:
The principle of equal liberty, and the principle of equal opportunity. The principle of equal
liberty upholds the basic rights of individuals in the nation state. For Rawls’ the liberty of the individuals as assigned by nature must not be hampered, restricted nor destroyed by the nation. The basic liberties of man includes: freedom of thought and liberty of conscience, the political liberties and freedom of association, as well as the freedoms specified by the liberty and integrity of the person, and finally the rights and liberties as enshrined by the rule of law. Rawls disapproves all forms of legal impositions and restrictions against conducts and action of citizens in the state, without sufficient and substantial reasons. For Rawls equal political liberties must not be denied to certain social groups on the grounds that their having these liberties may enable them to block policies needed for economic efficiency and growth.

Rawls concept of justice strives to ensure the preservation of equal liberty and opportunity of citizens. Citizens must be given equal political opportunities and level plain ground for participation. The freedom and fundamental rights of the people must not be trampled upon. The law therefore is to enhance equal participation and the provision of equal opportunities. For Rawls, the state must promulgate laws that will also cater for the interest and benefits of the less privileged in the state.

John Rawls’ concept of justice which encapsulates equal liberty, and equal opportunities of citizens in the state, is fundamentally channeled towards the promotion of social justice, and legal justice. This Rawlsian position inadvertently conceives social justice as an essential element of social order. Suffice it to state that for social order to be reasonably achieved in any nation, social justice and indeed legal justice stands outstandingly as a necessary propeller and catalyzing factor of social justice and order. In this sense therefore legal justice remains indispensable in the progressive formation and sustainability of every nation. Just laws must necessarily be made and enforced.

The question what is legal justice, showcases itself here, and must be succinctly tackled. The word legal justice depicts justice of a sort, which seeks a perpetual attainment of fairness through legislative powers and procedures. It is the establishment of social order through the enactment and implementation of just laws. Iwe observes that:

- It is a special type of justice which obliges the legislature and those with legislative powers to ensure justice and the attainment of the common good in society through the enactment of laws which are fair and honest, just and morally possible to observe (235).

Legal justice is not only the fulcrum for attaining equal liberties and opportunities of citizens, but also the propelling force of peace in the human society. It is the substratum upon which the rights and privileges of the citizenry are erected and preserved. In the attainment of justice in all its ramifications and consequently the protection of the rights and privileges of the citizens, the Nigerian state must esteem profoundly the formulation of just laws for the achievement of peace, progress and sustainable development of its socio-political and economic facets of nationhood.

**Legal justice and the quest for sustainable development**

Justice is primarily a necessary condition for the development of any nation. The absence of this iconic element of social structure has the capacity to palpably palpitate civil unrest, crisis and social disorder. The quest for sustainable development therefore cannot be devoid of justice and indeed legal justice.

The Socio-political cum Economic development of a civil state is largely dependent on the laws governing such state. One cannot but say that just, effective and good laws are leeways to socio-political economic development of a state. It is a felicitous tool for a viable national development. Suffice it to say that a nation without just laws is a unique habitation of wild unruly men. A good law becomes therefore an essential tool of governance. It is a medium of social control, as it regulates the conduct and attitude of the people. It is therefore clear that for sustainable development to be attained, the state must be governed and regulated by laws that are fair, just and adequately capable of encapsulating the natural rights of the people. Corroboratively, Iwe asserts that “law as an ordinance must be rational or reasonable and not the arbitrary and capricious whims and egoism of the law maker” (Iwe 24).
In maintaining the aesthetics of socialization and peaceful co-existence of man in his habitat, law as an order or a command emanating from a competent legislative authority and meant to regulate human behaviour (Omregbe 10) must be people oriented and friendly. The Law in its positive and civil nature must necessarily attract public appreciation for it to adequately command social order.

Legal justice in its encompassing nature engulfs the promulgation of just laws. These laws must intrinsically preserve the natural rights of the people. The natural formation of man’s socialism is consciously cloned in certain natural rights which are non-negotiable and which must be totally preserved by the state. Nature bestows on man such distinct rights as: Right to Life, Freedom of thought, Liberty, Equal existence, Ownership of properties, Fair treatment, Expression etc. The crust of social order and indeed man’s existence is dependent upon the respectful observance of the laws and rights transmitted to man by nature. These rights have over the years informed the existential conducts of people in various societies, and the formation of basic documents that serves regulatory to human activities.

The explicit truth sustained in all human society remains the fact that various nations consciously strive for the sustainability of man’s natural rights. This is evident in the formulation of laws and working documents which enshrines these natural rights. Paton observes that nothing have thoroughly “molded a shaped human thought and particularly American thinking and institutions as the philosophy of natural law” (Paton 78). The Seventeenth and Eighteenth centuries witnessed an immense attention on the natural rights of man. The laws and implicit rights naturally conferred on man, metamorphosed into what is today considered as the fundamental human right. The unique attention on these natural rights of man concomitantly necessitated the formation of documents such as the English petition of Rights in 1627, the Habeas Corpus Act of 1679, American Declaration of Independence (1776), the United States Constitution (1787), the American Bill of Rights (1791), French Declaration of Rights of man and citizens (1989), The Universal Declaration of the Human Rights (1948) and the European convention on Human Rights (1949). Nature is adequately instructive, as it lays down certain rules for the formation of a peaceful society.

Suffice it to say that the justfulness of a law is dependent on its ability to encapsulate the natural rights of man, and never command the impossible. Such must not enthrone the self interest of its promulgators, nor be depicted as a tool of ensnaring and enslaving the populace. A just law must be rational and morally conscious. In the words of Braithwaite, “the social needs of mankind may change from age to age, but the standard of morals and law of the conscience cannot fall below a natural level or what objective reason dictates. This has been the rationale for revolutions and reactions; for adaptation of secular enactments to synchronies as much as possible with equitable ideals”(107).

Justice as depicted from the social and legal ambience becomes an essential abstraction from nature. It is an essential element for the smooth operation of the state, and a necessary point of reference for societal values. In this sense therefore justice as equity is an appeal to reason as the criterion, not merely of the validity of the values or purposes adapted by a particular system of law, but of the validity of the system itself which embodies that set of values or purposes (Braithwaite 107). Secular laws which are meant to ensure justice, and the regulation of the human society, is not unconnected with the natural laws. In fact it is its base in the natural law that strengthens it for the maximum profitability of the human society. Long in the ancient periods, Aristotle asserted that: “of political justice, part is natural, part is legal natural, that which everywhere has the same force and does not exist by people’s thinking this or that, that legal, that which is originally indifferent, but when it has been laid down is not different”.

The foundations of a true and just law must not be devoid of the injunctions in nature, and must not mutilate the rights of man as embedded in nature, as this is the basis of a peaceful co-existence in the human society. “The moral leaning in mankind is not only irrepressible, but orderliness and peace would be impossible in any community without its counsel. Those who criticize natural laws as being of an abstract an emotive character, and equity, as having no
measure, varying with each chancellor, even as his foot are clearly mistaken” (Braithwaite 106).

The essentiality of the secular and civil law cannot not be undermined, as it is the driving forces of social order and sustainable development. In forestalling social order, and enhancing positive progressive development, the civil law must be just and have the capacity to promote justice, and the rights of man encased in nature. In the words of Cicero:

True law is right reason in agreement with nature, it is of universal application, by its commands, and averts from wrongdoing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain. It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and at Athens or different laws now and in the future, but one eternal and unchangeable law will be valid for all natures and all times, and there will be one master and ruler, that is God, over us all, for he is the author of this law, its promulgator, and its enforcing judge. Whoever is disobedient is fleeing from himself and denying his human nature, and by reason of this very fact he will suffer the worst penalties, even if he escapes what is commonly considered punishment. (cited in Braithwaite 73).

The civil law therefore must depict the essentialities of the natural law, and employ the tool of justice for nation building. For Rawls,

“Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue. Likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished of they are unjust. Each person posses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled, the rights secured by justice are not subject to political bargaining or to the calculus of social interest truth... Being first virtues of human activities, truth and justice are uncompromising (4).

Political philosophers have postulated distinctly, that the state can only witness sustainable development where such factors as justice, liberty, equality, fairness and separation of powers are immensely esteemed. In elucidating on the primary focus of law and the essential ingredients which must not be overlooked by the state, Mill identifies liberty as an indispensable element of a progressive state. For him liberty in its essentialness orchestrates the nature and limits of power legitimately exercised by society over an individual. Hence liberty must be preserved, and the state adequately protected against any form of tyranny by political leaders (Mill 505).

Positive laws must essentially preserve the freedom and liberties of the citizens in the state. The rights and liberty of the citizenry must not be ignored in the civil state, as this remains one of the fundamental essences of law. Dias assess this thus:

There is much truth in the statement that law is a means to certain ends and its content is determined with reference to its purpose. Ends and means are connected, and it follows also that the use to which law is put likewise reflects its purpose” (Cited in Braithwaite 108).

The essentiality of law is made prevalent in the enforcement of social order, preservation of justice and equality, and the protection of the basic rights of the citizenry. For Rosseau, justice is the essential and fundamental element necessary for the preservation and sustainable progress of the state. For him, the formation of the civil state must necessarily be accompanied by notable change in man. It must ensure the substitution of justice for instinct in his behaviour and give his action’s the morality which he previously lacked (412). Rosseau sees
conglomeration of justice and morality as distinct factors which must not be compromised in the development of the state. Social justice therefore becomes an indispensable ingredient of a progressive society which must be attained through legal justice.

In the light of the above, Locke asserts that the state must be segmented into the legislative, executive and the judiciary with the utmost aim of protecting the interest of its citizens. For justice and progressive development to be attained in the state, trustworthy leaders who will represent the interest of the populace, and with whom authority to determine all the controversies, and redress the injuries that may happen to any member for the common wealth must be selected (Lock 352). The justness of a civil law is uniquely encompassing as it engulfs equality, liberty, social justice, and social control. It is the voice of morality, and a tool of preservation of the hoipoloi. It is the contending tool against social injustice and a felicitous element of social engineering. It is an ideal hope of the common man, as it seeks to protect their joy and interest. These and other qualities constitute the main crust of a just law upon which the foundation of legal justice is valid.

Suffice it to state, that legal justice is not unconnected with the establishment of just laws which propels equality, fairness and social order. It is an encompassing concept for fostering national development. The quest for national development has been the passionate inclination of many in contemporary Nigeria. This is owing to the fact that contemporary Nigeria has never been without conflict, tumult, crisis and clash of diverse interest. This heterogeneous state has over the year been embroiled in all forms of socio-ethnic, religious, and political crisis. This has congruently hampered on the socio-political and economic development of the state.

The challenge for national development therefore is an implicit search for conflict resolution. The inseparability of peace and progress remains the central-focal point of every society which must not be undermined. Peace as a social virtue is the piloting force of progress. The attainment of progress remains negated and deniable in any society devoid of the element of peace.

The Nigerian malady is that which is in dire need of urgent attention. The socio-political cum ethnic and religious crisis is a resultant of the denial of the foundational basic right and privileges of citizens. This is another related issue which has led to indiscriminate insurrection in Nigeria. These and other social vices are non-contributory elements of national development. Nigeria have witness different socio-political and religious crisis that have concomitantly led to the destruction of lives and properties. This has greatly limited the pace of economic progress in Nigeria. A careful scrutiny of this socio-political cum religious malady in Nigeria will distinctly bring to fore a line of causation to this seeming albatross. Some of which are ineffective laws and legal institutions, social injustice, inequality bad leadership etc. Nigeria as a nation state must principally be guided by the principles of justice. Justice as a social value must be projected and preserved by the Nigerian constitution and legal system. The promulgation and enforcement of just laws must necessarily be brought to fore, and utilized in the elimination of all forms of inequality and social injustice.

Equal opportunities and participation of members of the Nigerian state must be granted to its citizens. All forms of elimination, suppression, and marginalization of a certain segment, ethnic and religious groups must be denigrated as this remains capable of precipitating civil unrest. All members of the Nigerian state must be accorded equal opportunities and level plain ground for participating in the affairs of the state. Moreover, it must be noted here, that Nigeria cannot attain its best in the midst of conflict; hence, all forms of political marginalization must necessarily be deemphasized. Political parties and groups in Nigeria must be accorded the right and freedom of participation. Ethnic superiority and dominance necessarily must be averted and peace given the leverage of dominance.

It is expedient asserting here that the neglect of certain groups and the less privileged can undermine the peaceful progress of Nigeria. Insurgency and violence are often characteristically associated with the neglected few in any society. Therefore Nigerian resources must adequately be channeled towards the welfare of these indigent groups.
rule of law which is a substantial measure for national progress and equitableness remains an essential category for nation-building. Hence the Nigerian state must strengthen the fundamental principles of the rule of law.

The attainment of national development in Nigeria is dependent on the resolution of conflict and rancor which destabilizes and distorts progressive development. Progressivity is a necessary offshoot of peace, equality, stability and social tranquility. Sustainable development in Nigeria can basically be achieved through the essentiality of legal justice, equality and social order. The trio of this social progressive current, forms the foundation upon which the socio-political cum economic development of Nigeria can be erected. Legal justice through the enactment and enforcement of just rules and strengthening of legal institution necessitates a wide range of social control, as actions and activities of the people will be thoroughly checked and control by the law. In this sense, people consciously and unconsciously become guided and careful, as actions contrary to the law will be severely punished irrespective of the personalities involved. Again, in this sense, legal justice ensures the strengthening of legal institutions. This concomitantly leads to the preservation of rights and establishment of equality, leaders in Nigeria are through the law required to administer equality and fair treatment to the Nigerian populace. The negation of any fundamental and natural rights and liberties of the people intrinsically leads to violent and revolt. Hence equality and the preservation of the basic natural rights and liberties of the citizenry stand incontestable in National development.

The progressivity from legal justice to equality is a necessary resultant of social order. Social order here becomes the peak of socio-political and economic stability requisite for progress and sustainable development. The trio of legal justice, equality and social order stands, iconic in national development. Nigeria as a nation must not undermine these necessary tripod of national development.

A graphic representation of this becomes necessary for a proper comprehension.

National development

Social order 15

Equality 10

Legal justice 5

National development is only palpably precipitated through the stable increase in legal justice; this in turn leads to the attainment of equality. The attainment of equality in the society on the other hand necessitates social order. The progressive increase of this tripod clearly enhances national development. Thus, Legal justice + Equality + Social order = National development

Suffice it to state that the failure in the consistent and progressive increase of this tripod can negate the attainment of National Development. On the other hand the nation could receive sustainable and progressive development where there is a consistent progressivity in legal justice, equality and social order. These three, stand indispensable in nation building. The foundation of a progressive state is erected on legal justice, as no state which denigrates, good laws, justice and equal treatment of its citizenry is expected to experience social tranquility nor witness peace and development. Legal justice therefore suffices as a propitious element in nation building.

John Rawls in his theory of justice acknowledges the potency of this tripod in national development. He extensively asserts that:
A society is well-ordered when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. In this case while men may put forth excessive demands on one another, they nevertheless acknowledge a common point of view from which their claims may be adjudicated. If men’s inclination to self-interest makes their vigilance against one another necessary, their public sense of justice makes their secure association together possible … One may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association. (4-5).

A well ordered nation characterized by justice and indeed legal justice stands as the bedrock of national development. It is expedient to state that the rights, and liberties of the people as encased in legal justice are “not in the category of the things instituted and granted by the state, and hence, it cannot be justifiably denied, except the person (s) involved voluntarily agreed to it” (Ebijuwa 185).

The rights and liberty of the people must be essentially preserved in the state for the adequate realization of the common good. The law and legal institutions must adequately sustain the equality, fair treatment, rights and interest of the citizenry for the utmost actualization of the common good. “The common good is ontologically and metaphysically a distinctive reality in the social whole as such, making possible an integral human existence for the members of society” (Messner 127). The peaceful progressive co-existence of any society and nation is dependent on the effectiveness of the civil laws and legal institutions and its ability to enhance the common good of the state. The leaders must enhance the utilization of the civil laws for the establishment of justice and the productive progressivity of the state. The common good of the people and the sustainable development of any nation can be attained when there is a prevalence of legal justice, propelled by natural order. Confirmatively, Njoku asserts that the social, moral, religious, political and economic goods are included in the common good. They are to be realized according to the natural order inherent in society (46). In the light of the above the state most necessarily uphold the natural right of the people by ensuring legal justice, equality and social order.

Conclusion
Conclusively legal justice remains an indispensable element of socio-political and economic development in Nigeria. It is the propelling force of equality and social order. The Nigerian State which has witnessed immense conflicts and clash of interests has remained stagnant and non-progressive in the face of the contemporary competitive world of today. The challenge and quest for growth and sustainable development have predominantly permeated the desire of the Nigerian citizenry. The quest for sustainable development therefore can undeniably be attained through the tripod of legal justice, equality and social order.

Legal justice must be established in the Nigerian state. This will necessitate equality, which will consequently precipitate social order and catalyze National Development. The sustainability of social order in the Nigerian state is a necessary criterion for National sustainability and progressivity. The Nigerian Nation therefore must ensure the establishment of just laws and the strengthening of legal system and institutions for the attainment of justice.

References


