

Rawlsian Veil of Ignorance and the Quest for Restructuring in Nigeria

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Abstract

The paper examines the relevance of the Rawlsian veil of ignorant in the Nigerian quest for restructuring. Debates on restructuring has taken over the wave of Nigeria's academic, political, social, and economic space and have left many to ethics and tribal conflicts. The paper addresses how fairly resources should be distributed and allocated; the problem of equal opportunity in Nigeria polity. This was interrogated through John Rawls's famous 'theory of justice. The paper argues that for a society like Nigeria to enjoys social cooperation and sustainable restructuring amid all polarity it is surrounded with, there is a need to employ an approach that it is devoid of ethnic/tribal, socio-cultural, and political sentiment. The paper assumes that the 'veil of ignorance'- behind which the principles of justice are chosen serves as a mechanism in which social and political chauvinism and polarities in the country could be addressed. For methodology, the paper employed a philosophical-expository approach to dissect the subject matter analytically and critically.

Index terms— veil of ignorance, justice, equality, and restructuring.

1 Introduction

In recent time in Nigeria, people (elites and illiterate, politicians and political scientists, etc.) have been clamouring for good governance; these clamors are situated within the purview of fair distribution of natural resources and equitable opportunities in social and political spheres. This implies that the commitment of the Nigerian State to the welfare of her people has been exploitative and lackadaisical. It lacks social mobility and mobilization ideals. Rawls posits that the mobilisation of society necessarily rests on the back of the feeling by members that they are stakeholders in the social cooperation or social union and the only way to do this is to enshrine their liberty, rights and duties in the institutions in the society represented by the basic structure. This point is very germane because many Nigerians have been complaining about the issue of intergovernmental relations between the federal and sub-national governments, issue of resource control and allocation, issue of revenue allocation, efficiency, and functionality of the constitution, inequality of states and local governments in geopolitical zones, security and marginalization amongst others. However, a critical probe on the real reason for this call exposes all to the conflict of interest which has undermined the intention of the proponents. Apart from the genuine reason of using political restructuring as a veritable tool to better Nigeria, some people especially the elite sees it as an abstract instrument to gain favour and achieve their self-interest.

It appears so interesting that the call for restructuring is gaining more momentum among the youths, elites and political class in the country, but not without critics. According to the critiques of this movement, neither a sovereign national conference nor a restructuring of the polity will be the magic wand to our problem. It is in this manner that Okpeh opines that;

Those who are advocating the restructuring of the Nigerian federation into a federation of nationalities and ethnic groups have failed to grasp the substance of the historical process which has produced our ethnic groups and the Nigerian polity. These critics of restructuring, some of whom believed to have come from minority ethnic group in the country, believe that restructuring of the country may lead to an eventual breakup of the federation into smaller ethnicity-based polities and give advantages of exit to some others like MASSOB and that this may create another civil war more brutal than that of 1976.

4 III. THE TRAJECTORY OF RESTRUCTURING IN NIGERIAN POLITY

In fact, a dismal thing about the misuse of this concept (restructuring) is that many emergency nationalists and opportunists are already using the mantra to make political points, especially during the 2019 general elections. This raises some levels of skepticism because it appears there is no clear difference between the ongoing call for restructuring and the last change mantra deployed as the machinery for the 2015 general elections. Now, the question is, how can we get Nigeria restructured without self or ethnic interest? Amid diversity, how possible is common political interest and national identity in this kind of polarized country? Answers to these fundamental questions are situated in the Rawlsian "veil of ignorance"—tells us how to reform Nigeria in general and make it just society or ideal society.

The centerpiece of this paper, therefore is how Nigeria nation-state can approach issues of restructuring that devoid of ethnic rivalry or interest, rather national interest. The paper adopts Rawlsian "veil of ignorance" to get this attained. Though many people have criticized Rawls's veil of ignorance as controversial and inconsistent, this paper is not going to join in the controversy or devote arguments to defend Rawls. We assume that the Rawlsian principles of the veil of ignorance are at least plausible and a defensible way of developing specific principles of justice in a polarized country like Nigeria because it will produce a lasting solution to the problem of distributive justice, impoverishment, and social conflicts which underlies the quest for restructuring in Nigeria.

2 II.

3 Conceptualising Restructuring

There are diverse ways one can address the concept of restructuring. It supposes bringing about a drastic but indispensable internal change that alters the relationships between different components or elements of a state, an organization or system. The word "restructuring" is etymologically derived from the Latin word *restructus*, meaning to rebuild, rearrange, reorganize, and to reconstruct. On the one hand, the term re-structuring is a political and administrative connotation, which implies agitation for more formation in the entire component of the existing federalism, as a result of the need to control the centre or representation in the political landscape of the country. The restructuring also involves the economic redistribution of the resource among the component units of the federation on the basis of true federalism.

According to Goughen, to restructure supposes a change or transformation of a structure from less desirable condition to more desirable. In the case of Nigeria, Adewoye argues that Nigerian federation should be changed because there is too much power at the centre. He maintained that the federal government has too much power and too much responsibility, too much money and much to waste. Continuing, he queried whether it has not occurred to us that the federal government has too much power and too much responsibility? He argued that the structure we have is anti-development. To him, restructuring implies devolution of powers to component units of the Nigerian federalism. In the same vein, Nwosu averred that restructuring means divesting the central government of certain powers and limiting its area of influence; such areas as fiscal policies, military defence, foreign policy, immigration and national elections. He argued that the concept of restructuring does not entail merging of states. Rather, it is a thoroughgoing process that allows each region to control its resources and pay royalties to the federal authority. He believes strongly that restructuring to a large extent will stem the tide of restiveness in many parts of Nigeria as it is capable of resolving the problems of citizenship, religion, resource control and fiscal federalism.

As disclosed in the above, to restructure entails changing the way that organization or system is organized in order to make it work more effectively and efficiently. A number of analysts have pointed to what Achebe referred to as the "failure of the leadership" ⁶, it keenly address the nagging needs of the citizenry and all segments of the federating units. This failure on the part of leadership and political elite, essentially led to disequilibrium in the distribution of the commonwealth, thereby giving rise to calls for restructuring. Some parts of the country feel alienated in the scheme of things with the attendant call for self-determination by some ethnic groups; some Nigerians do not feel safe in some parts of the country where there are so much violence, insecurity and economic marginalization of the majority. Most of the fear that drive present-day agitation for selfdetermination seems to emanate from ethnic and tribal dominations. The minority ethnic groups are afraid of the dominance of the majority, while the latter is afraid of the onslaught of the agitators from the minority. ⁷

4 III. The Trajectory of Restructuring in Nigerian Polity

The struggle for political and economic restructuring in Nigeria is an age-long practice that has bred conflicts and formation of conflict groups within the Nigerian society. This struggle could be well grasp historically; the first thing the earlier colonist grappled with is to restructure an organized political order of precolonial Nigeria by merging the Northern and Southern protectorate. So, the call to restructure the current Federal status by Nigeria, both politicians and political analysts, have been described as a creation of British masterstroke. ⁸ Prior to the amalgamation of northern and southern protectorates in 1914, each protectorate succeeded, with the little resources available to it, to sustain the political, economic and social wellbeing of their respective protectorates.

On the one hand, there has been an upsurge in the activities of rights activists agitating for remediation of issues which they feel are of grave concern to them since the beginning of civil democratic rule in Nigeria in May 1999. This unprecedented increase in violent demands on the Nigerian state at the threshold of the Fourth Republic have been attributed to the fact that the military rulers who were in power before now had gagged

the civil society and placed a lid on the freedom of individuals to associate with one another and openly express themselves. 9 Hence with their exit from the political scene coupled with the libertarian air of civil democracy, it was not surprising that hitherto bottled up emotions and sentiments among the populace began to simmer up. Currently, the topical issue almost threatening the corporate existence of the country is the call for a restructuring of the polity. This call which is coming on the heels of the hackneyed demand for a sovereign national conference, though the seemingly national conference has caught the citizens several fronts depending on which side of the fence one finds himself.

Sequel to this period, one must concede that there have been other demands for justice from aggrieved groups in society. Indeed, the Fourth Republic opened with a renewed agitation by environmental rights activists in the Niger Delta for control of the resources they produce. 10 Having received a fillip from the activities and subsequent martyrdom of Ken Saro-Wiwa; the sympathetic ear of the international community to the resource control struggle; and the modest success recorded even if it is only in drawing global attention to the environmental injustice of the diabolical duo of the Nigerian state and the oil multinationals, youths and other concerned groups in the Niger Delta region renewed their call for a fair deal from the Nigerian state.

Looking perceptively at the rationale for resource control agitation by activists in the Niger Delta region one is likely to make a hunch that it may have been given impetus by the failure, again, of the Nigerian state to address squarely the contentious issue of an acceptable revenue formula for all states/ regions that make up the country. The problem of how best to share the revenue from the national treasury to all tiers of government has remained intractable from the period of political access to power and other resources between the minority and majority ethnic groups in the Nigerian state becomes source of conflict.

To mitigate these conflicts and assuage the feelings of minority elements in the country, the ruling elites have over time doled out policy instruments and programmes which, in their opinion, equilibrates the process of social mobility for all concerned while serving as affirmative action for minority elements and other less-advantaged groups in the country-some of these policies include state creation, quota system and its corollary, and federal character principle.

Though it is not the intention of this paper to discuss the pros and cons of these policies, yet word or two may be instructive here at least to justify our argument that equal opportunity for those with the unequal backgrounds will only lead to an exacerbation of the existential condition of the latter. The issue of state creation, for instance, featured prominently in the 1957/1958 Constitutional Conferences in London sequel to which the Sir Henry Willink Commission was set up by the colonial masters to look into the fears of ethnic minorities in the country and suggest means of allaying them. Though the Commission came out with the resolution that state creation is not the answer to the problem as it (state creation) will only delay political independence (the primordial interest of the comprador elites at that time), yet it is on record that between that period and now a total of thirty-six (36) states have been created from the original three regions of 1946; this is in addition to a Federal Capital Territory and seven hundred and seventy-four (774) local government areas. The extent at which instrument of state creation provide social justice to minority elements in the country remains a moot point. For if it did, one would expect that calls for the creation of more states should have been consigned to the dustbin of history, but this is not the case. Indeed, as our experience has shown that creation of more states has led, on the one hand to the demand for creation of even more states or at the other extreme the inordinate demand for a break-up of the country by separatist groups like Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and Movement for Emancipation of the Niger Delta (MEND). 11 Another affirmative action the federal character principle intend to do is to ensure that public offices in the federation are spread in a manner that all qualified elements from all sections of the country are adequately represented as provided for in Section 7 of the Third Schedule of the 1999 Constitution of the Federal Republic of Nigeria; aimed at addressing the fears of domination by minority sections of the country. Nevertheless, beyond the political undertone which it pursues on the one hand for the governing elites who exploit it, it has dampen the entrepreneurial spirit in some persons or sections of the country who apparently see no need to strive for high socio-economic achievements. It is in this regard that Epelle and Omoruyi claimed that the net effect of the policy of quota system and federal character principle has "been to demoralize those from sections of the country where there is high achievement orientation while promoting mediocrity and encouraging those involved in indolence to see it as a virtue". 12 All the aforementioned issues above necessitate the clamour for the restructuring of the polity in Nigeria. To attain economic cum political development height in Nigeria, there is a need for a succinct approach to restructuring. This paper adopts "Rawlsian veil of ignorance" as a suitor. The principle behind this approach will be discussed in what follow.

5 IV. Principles Behind the Rawlsian Veil of Ignorance

How do people behave in the case of original position when they act behind the 'veil of ignorance'? This is what inspires Rawls to create hypothetical cases in order to monitor human behaviour. In the state of almost perfect ignorance, the individuals are required unanimously to choose the general principles that will define the terms under which they will live as a society and join the social contract-rational self-interest leads people's behaviour when making choices. People choose the greatest opportunity of accomplishing one's conception for a good life, which is very individual and relative.

Rawls claims that people in the original position act according to the maximin principle on the gain-loss scale.

This means that rational individuals would select principles that ensure the least undesirable of the available options when the 'veil of ignorance' is lifted, in case they find themselves in the worst position. According to Rawls, the 'maximin' principle is a rational choice, so you maximize what you would get if you end up in the minimum or the worst-off position. He claims that 'this is like proceeding on the assumption that your worst enemy will decide what place in the society you will occupy'. 13 As a result, people select a scheme that maximizes the minimum share allocated under the scheme. Practically, the distribution scheme among three persons have this shape: i. 10 : 9 : 1 ii. 8 : 7 : 2 iii. 5 : 4 : 4 Rawls predicts that rational person according to his theory would choose iii). His theory relies on the fact that each person tends to provide security and satisfy its self-interest. In this context, people would tend to get the iii) position because even if they do not gain the maximum, they will find themselves in a better position than in a case where they can get more, but also lose more. He considers that human nature tends to act securely. In the first two cases, there is a higher average utility, but if you are in the worst position, you are worse than the worst position in case iii). People tend to avoid an unsatisfactory position in their lives and they are ready to give up from reaching the maximum in order to provide less but to gain more security for the worst. Therefore, even if the individual ends up at the bottom of the social order, he/she will try to choose the alternatives of best interest. 1. According to Rawls, the principles that stand behind the 'veil of ignorance' in the 'original position' are; each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. 2. Social and economic inequalities are to be arranged so that they are both: a. To the greatest benefit of the least advantaged, consistent with the just savings principle, and b. Attached to offices and positions open to all under conditions of fair equality of opportunity. 14 The most basic distinction between the two principles of justice introduced by Rawls is that the first deals with constitutional fundamentals. In contrast, the second, which itself has two limbs, deals with the operation of those fundamentals. 15 The meaning of his first principle could be interpreted in a way that society should provide a set of basic liberties for everyone in a just manner. Particularly, Rawls believes that the first principle covers the traditional freedoms, such as the freedom of thought, conscience, and association; the freedom of the person and the interests protected by the rule of law.

Analyzing Rawls's principles, we will realize that the first principle that concerns the equal basic liberties has a dominant position compared to the second principle that refers to the social and economic inequalities. Rawls calls this 'lexical priority' of the first principle over the second. One of the reasons for the priority of the first principle over the second is the fact that constitutionally guaranteed liberties are products of the highest form of political power, namely 'the power of the people to constitute the form of government', which may be in contrast with 'the ordinary power exercised routinely by officers of a regime'. 16 Another argument is that 'basic liberties' to which it refers exist in order to 'protect fundamental interests that have a special significance'. ??? The basic institutions as constituted in Nigeria at present have no commitment to the view of Rawls first principle of justice, that each individual has an inviolability founded on justice that should not be abused and violated not even for the purpose of achieving the wellbeing of the entire population except in cases of punishment for crimes committed against the State. 18 But this is not.

Rawls used his principles to emphasize the idea that liberty stands before equality -nobody wants to lose liberty when the veil is lifted. After that, if there are any existing social and economic inequalities, the society will intervene to ensure that all citizens enjoy equality of opportunity in the process by which they come to achieve the unequally gained positions. In the end, the society will allow inequalities just in cases where its members tend over time to reach the maximum of the worst-off position -maximizing the minimum. Rawls' expectations are pessimistic in this case -he expects that people are permanently afraid that they might find themselves in the worst-off position and that they will avoid risk. The critics focus on the issue: would people in the original position decide to choose and rely on these principles? Many of them would not choose that, because they are ready to risk and to maximize the gain they can achieve (like choosing the cases i) and ii)). In this respect, Rawls offers various arguments in defense of his 'maximin' concept as the most rational way of behaviour in facing the uncertainty in life. One of the Rawls arguments which invokes 'the strains of commitment' is:

It matters that all those living in a society endorse it in a way that means they will be committed to it -rather than seeking to change things. If the difference principle is in operation, those who are at the bottom of the pile will know that the rules are working to ensure that they are as well off as they could be. So, even they will be committed to society. 19 Rawlsian Veil of Ignorance and the Quest for Restructuring in Nigeria Volume XXI Issue I Version I

6 (H)

Subject of another objection was Rawls' concept of giving 'priority to liberty'. According to this concept, parties of the hypothetical social contract would not trade off their liberties for economic gain. The 'priority to liberty' does not mean that liberty has greater weight in case there are some trade-offs, but it refers to the fact that liberties cannot be traded. This concept depends on Rawls' claim that people have different capacity to 'frame, revise and pursue their conception of the good and the way in which the basic liberties are essential to the exercise of that capacity'. 20 This claim can be easily tested in practice. If we are into a position of trading certain traditional liberties (such as the freedom of thought, conscience and association) in return for money, the dilemma is whether we are ready to risk and give up some liberties to gain a certain amount of money? Usually, the answer is dependent on the financial status of the person deciding -if the person is poor, it is more

likely that he/she will trade the liberties for the money. If the poor person is into a position to choose between food and liberties, it is more likely that food would be chosen. Rawls' arguments opposing this objection focus on his assumption that everyone in a society has gained a certain position of economic well-being and financial independence before accessing the hypothetical social contract. Only if this precondition is fulfilled, the 'priority of liberty' concept can be fully enforced. His second principle consists of two limbs, which are known as 2(a) 'the difference principle' and 2(b) 'the fair opportunity principle'. According to Rawls, 'the fair opportunity principle' has priority over the 'difference principle'.

The second principle, in general, intends to secure the interests of the least advantaged people in society, and this is done by introducing two important limitations. First, he introduces the 'just savings principle' ('the difference principle') that requires the people in the original position to ask themselves how much would they be willing to save at each level of the advance of their society, on the assumption that all other generations will save at the same rate. These people are not aware of which stage of development is the civilization and probably they will decide to save money for the upcoming generations in the future. The second limitation included in the 'fair opportunity principle' refers to the fact that all offices and positions, or jobs in general, should be available to all.

Rawls' idea of justice as fairness is extended among generations, instead of being created only for contemporaries. The 'just saving principle' clearly shows the idea for inter-generational equity 21 that, according to Rawls, requires each generation to see itself as being merely one stage in general progression through all the generations of history. In his later work, "Political Liberalism", Rawls claims that in its final version the 'correct principle' becomes:

That which the members of any generation (and so all generations) would adopt as the one their generation is to follow and as the principle, they would want preceding generations to have followed (and later generations to follow) no matter how far back (or forward) in time. 22 Besides his ideas on inter-generational equity included in the 'difference principle', this principle has attracted most of the debates and controversies regarding the Rawls' concept of distributive justice. This principle is considered as broadly egalitarian in the sense that, for Rawls, there is a general presumption in favour of an equal distribution of goods among all citizens. The powerful criticism that has been raised against egalitarianism is the fact that there is no room for incentive.

One of the key questions that have been raised was: how could inequalities tend to maximize the position of the worst off? Inequalities might be very useful in the economy. They might serve as a driving force for people's incentives to do one job instead of another. If everyone receives the same amount of money for any job, then the interest in competitiveness and productivity would be lost. Everyone would tend to get a non-demanding job; many posts will be closed due to labour force redistribution on the market and that would generate an inefficient and stagnant economy. In the opposite case, when people receive different rewards for their job, some of them are ready to do harder jobs for extra rewards. The hard work of the highly productive is capable of creating benefit for many, either directly through new job and consumption opportunities, or indirectly through raised tax revenues.

These arguments oppose the Rawls' egalitarian approach, which has been criticized as irrational and inefficient. But Rawls accepts the conditional statement that if inequality is necessary to make everyone better off, and, in particular, to make the worst-off better off than they would otherwise be, then it should be permitted. 23 V.

7 Conclusion

The paper made a little shift away from the existing literature with the quest for political restructuring in Nigeria. It offered a Rawlsian veil of ignorance as a mechanism for socio-economic and political restructuring in Nigeria. To say we are behind the veil of ignorance is to say we do not know our social status, race, sex, political affiliation, physical handicaps, our generation and our religion. But we must mention here that the self-interested rational persons are not ignorant of the general types of possible situations in which humans can find themselves. Let us imagine that the self-interested rational persons are given a task of choosing the principles that will advance their interests or that shall govern actual world (not hypothetical world).

Rawls believes that due to the inherent fair procedure and because of the fairness of the procedure he believes that the principle that would be chosen by means of this procedure would be fair principles. This is because, the self-interested rational persons behind the veil of ignorance would not want to belong to a tribe, ethnic group, race or gender or sexual orientation that turns out to be discriminated against or socially neglected. Such an individual would not want to be a physically challenge person in a society where handicapped are treated without respect. So, the principle that would be chosen is one that opposes ethnicity, tribalism, discrimination, neglect, marginalisation and deprivation. Likewise, the selfinterested rational persons would not want to belong to a generation or social class which has been allocated a lower resources or revenue than average quantity of resources. In endorsing any principle, he or she would want each generation to be allocated with roughly equal resources or that each generation should leave to the next at least as many resources as they possessed at the start. The corollary of this thought experiment is that in all fairness, all people regardless of where they hails from have the same rights to resources, the same rights to the revenue, the resources generate, each people should have future as well as the present. It is our uttermost believe that if we plant this thought process at the centre

7 CONCLUSION

289 of the restructuring processes, we would be able to produce specific principles of justice that will assist us to
290 provide long-term measures to the suffering and poverty striking the people of Nigeria. ¹

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