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THE ROLE OF JUSTICE, PEACE AND STABILITY IN NATION-BUILDING.

KEY WORDS:

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1. INTRODUCTION

"I believe in the Supreme Being and I subscribe to the doctrines of my own religion. I declare that adherents of other religions have similar natural rights. It is the Supreme Being alone who knows and who will have the last say on who is the genuine practitioner. I pray to Him to judge me as such and I appeal to my fellow human beings to leave that judgment to Him and to Him alone."

NARETO Declaration

Above is a declaration by the Nigerian Studies in Religious Tolerance on the need for religious tolerance as a mechanism for the enthronement of justice, peace, and stability in human society. Whenever we talk about justice, peace and nation-building, two things usually come into focus, namely, 'society as the field' and human beings as the actors in the field. Justice and peace do not take place in a vacuum, neither are they self-made. They are the consequential effects of human actions and relationships.

In our today's world, the importance of justice and peace to nation-building cannot be over-emphasized. When we look around the world, we will notice that anarchy, conflict, violence, wars and disorder seem to be the order of the day. On daily basis, television stations and newspapers are replete with horrifying news about terrorist, activities wars, kidnappings, ritual killings, child trafficking, etc. The situation is so precarious that no one is left in doubt about the imperativeness and urgency of the need for justice and peace in the world.

The importance of justice to man and society is such that the quality of any human society and indeed the degree of its development and stability can only be explained in terms of justice and fair play. Justice and peace go hand-in-hand. In most cases, violence, disorder or anarchy are consequential effects of injustice as violence triggers off retaliation which in turn recycles it. Peace becomes imperative as the only true direction of human progress. Such expressions as "united we stand; divided we fall", "unity is strength"; "where there is no love, there will be no peace", etc., are all indicative of the importance of justice and peace in human affairs. The formation of the U.N.O, O.A.U., ECOWAS, NATO, and other similar bodies, including the UN and African Charters on human rights, are all avenues and mechanisms for the enthronement of peace as well as ensuring justice.

The work of nation-building is an on-going process in which every stake-holder has a role to play by making his/her own contribution. This discourse explores the role of justice in nation-building. In so doing, it examines the nature and structure of the notions of justice and peace with the aim of determining the nexus between them and the art of nation-building.

2. Conceptual Analysis

2.1 Justice

Everybody desires justice – men, women, boys, girls, young and old, criminals, murderers, kidnappers, just name them. The question then is: this concept of justice that all manner and class of people talk about, what does it all mean? I see justice as an omnibus concept that has defied unanimity of definition. The reason is that justice is a concept that cuts across all enterprises of human discipline. Hence people talk about legal, social, economic, political, as well as contributive justice, etc.

In the Republic, Plato conceived justice in terms of everybody doing or performing his task without interference from others. Following from this, a just man is simply a man that is in just the right place doing his best and giving the precise equivalent of what he has received. From the perspective of the Divine Command theory, justice issues from God. In other words, it is the authoritative command of God. Thus, a just person is the person that does what God commands. Thomas Aquinas, in his Summa Theologica sees justice as the firm and constant will to give to each his due. For John Rawls, justice is fairness. Justice as fairness, according to Ingram and Parks (2002), inclines man's will to overlook the mere letters of the law in man's dealings with others in the circumstance that higher consideration of justice so demands. Further on the meaning of justice, the advocates of utilitarian theory conceive justice in terms consequence which, for them, is the fundamental standard of rightness. Accordingly, the justness of our policies, principles, and actions is to be derived from the consequences they produce.

Although there are several conceptions of justice as shown above, a closer look at them will reveal that they all seem to be in agreement that justice has to do with doing the right thing, giving to others what is due to them by right, fairness to all, equal distribution, etc.

2.1.1 Forms or Kinds of Justice

Justice has been identified to be of many forms or kinds. This classification however, differs from one author to other. Eboh (2005) enumerated five forms of justice. They are as follows:

- ***Commutative Justice***

This form of justice demands that the exchange of goods and services should take place on the basis of equality of values. Also known as exchange or contractual justice, commutative justice has as its primary aim, the ordering of the dealings of one individual with the other individual, just as it ensures that each one receives strictly what is his own. For example, a buyer who agrees to pay N1,000 for a certain book supplied is bound by commutative justice to pay the said amount. Similarly, a person who steals another person's goat is bound to make restitution for the stolen goat, if found. Seen thus, the goal of commutative justice is to give each his due in arithmetical equivalence, article for article and penny for penny or their equivalents, according to a strict valuation.

- ***Distributive Justice***

Unlike the commutative justice that has the ordering of the dealings of one individual with the other individual as its major goal, the primary goal of distributive justice is the ordering of dealings of society towards its members. It inclines those in government to distribute equitably the common good and burdens among the members and enjoined the members to be contented with their share of the social good and burdens assigned to them (Bittle, 1950). Distributive justice directs that the benefits and burdens in society should be shared on the basis of proportional equality. This means that the goods and services, privileges, work, honour and obligations of a society to all its members should be distributed equitably. It takes into cognizance the fact that individuals and groups are not equal in their resources, dedication to the common good as well as qualifications.

- ### *General or Legal Justice*

Legal justice is the form of justice that requires authorities to contribute to the common good by appropriate laws and the members of a community to comply with the just demand of law. Justice from the legal dimension regulates the actions of the individuals in his relations to the community to which he belongs as a member. Legal justice is so called because it is legislation that determines and prescribes what the individual members shall render unto society towards the realization of the common good. It is also called general justice in the sense that the common good of all members may require practically all virtues from its members, depending on conditions and circumstances.

Legal justice differs from both commutative and distributive justice in that whereas these forms of justice direct their focus on the individual members of a community, legal (general) justice is concerned with the general good of the community. It requires that the common good should not be sacrificed for the private interest of the individual. On the contrary, the common good should take precedent ever private/personal interest.

- ### *Vindictive Justice*

This is a form of justice that requires that offenders should be punished for their offense in line with the laws of the land. Eboh (2005) observes that vindictive justice is in line with the natural tendency in man that evil must be punished and good rewarded. Here, the aim of punishment should be to correct the offender and not to mete out vengeance.

- ### *Social Justice*

Social justice is basically justice with reference to the economic and social welfare of society in the co-operation of the various social groups and classes within the context of the state. The obligations of the groups here pertain to natural justice, not just legal justice and such obligations have as their goal the due share in the fruits of their socio-economic co-operation (Bittle, 1950).

On a general scale, social justice deals with the economic well-being of social groups. Justice as fairness is discussed within the framework of social justice. Fairness inclines man's will to overlook the mere letters of the law in man's dealings with others in the circumstance that higher consideration so demands. Fairness in this sense represents superior judgement.

In a country like Nigeria, social justice demands that the nation's wealth and resources be proportionately and equitably distributed among its various groups ensuring that none is cheated. There should be a balancing of wealth between the majority and minority groups. At the international level, social justice requires that the relationship between nations be characterized by mutual respect for one another. There is also an obligation on the developed nations to give economic support to poor nations of the world so that every nation will enjoy fruits of the earth and to this extent, fully live as human beings.

Basic Requirements/features of Justice

Bittle (1950) outlines three things which he says are the basic requirements of justice. First, the virtue must be directed towards another person. By this he means that in the real sense justice should have a special determinate object. A person acts justly or unjustly towards another person, not towards himself. The second requirement of justice, according to Bittle, is that it must render unto this other what is strictly his due. What this means is that what belongs to a person is his, and others must respect his right to what is his. To this end, it is submitted that justice remains violated until restitution is made, the reason being that the owner is deprived of his due so long as the damage is not repaired and equally restored (Bittle, 1950:259). The third requirement is that there must be a real equivalence between what is due and what is rendered. This requirement is captured by the commutative form of justice.

In a related development, Eboh (2005), following Otto A. Bird, identified three main characteristics of justice. Eboh claims that moral philosophers are in agreement with the said characteristics notwithstanding their differences of opinion concerning the motion of justice. The first of these characteristics is that justice is a social norm. by this is meant that justice is a directive for guiding men in their actions towards one another. Secondly, justice is approbative, meaning that adjudging an action to be just indicated approval of the action. And thirdly, justice is obligatory. This means that judging a certain course of action to be just implies that a person in the like situation ought to do the same thing.

2.2 PEACE

The nature of peace is such that it is so inseparably bound with justice that no reasonable discourse on it can be done without reference to justice. In fact, peace is often seen as a fall-out of injustice. That is, its existence heralds the presence of justice. Both concepts – justice and peace – are, therefore, strategic to nation-building. But, what is peace?

Peace can be defined as a state of balance and understanding in yourself and between others, where respect is gained by the acceptance of differences, tolerance persists, conflicts are respected and their voices are heard and everyone is at their highest point of serenity without social tension (https://en.m.wikipedia.org).

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The best known traditional conception of peace is that peace is the absence of war. What this comes to mean is that peace is the opposite of war. Some scholars such as (Matsuo, 2005) are of the opinion that this understanding of peace as mere absence of war was largely influenced by the reflection on the tragedies of the World War II as well as the crisis of human survival caused by the danger of a total nuclear war between the two super powers. If this simplistic conception of peace were to be taken to be a comprehensive one, it follows that when and wherever there is no war there is peace. Experience has, however, shown that there may be no war and yet there is no peace. Hence some critics have observed that since war is usually fought by major powers or only by state (communities), the traditional conception of peace as the absence of war is deficient as it failed to factor in such other factors as lack of local and internal conflicts, as well as economic/material prosperity. Dasgusta (1968) put forward a new conception of peace that went beyond the perception of peace as a mere absence of war to include such values as economic properity and physical as being fundamental components or conditions of peace. The implication of this Dasgustan conception of peace is that it cannot be said that there is peace in the face of poverty, malnutrition, famine, disease, discrimination, illiteracy, oppression, and so on, even when there is no war.

Another peace researcher, Johan Galtung put forward a violence-based conception of peace. He define peace not as the absence of war, but as the absence of violence (Cf. Mastsuo 2005). Bearing in mind that the usefulness and validity of his definition of peace depend on his conception of violence. Galtung goes on to defines violence as every-thing which prevents the full realization of innate somatic and mental human potentials. The implication of violence is that such dis-values as poverty, hunger, famine, oppression, underdevelopment and other social ills besetting people, especially developing countries, can be seen as being symptomatic of violence. Accordingly eliminating them should be seen as an imperative for the enthronement of peace. In the face of conflict and perceived injustice, peace talk becomes necessary as they offer important opportunities for learning by the parties involved.

3. Nation-Building

We can hardly understand the notion of nation-building without first and foremost construing the term "nation". Thus, one may ask: what is a nation? The Black's Law Dictionary (4th ed.) defines a nation as "a people or aggregation of man, existing in the form of

an organized jural society, usually inhabiting a distinct portion of the earth, speaking the same language, using the same customs, possessing historic continuity and distinguished from groups by their racial origin and characteristics, and generally but not necessarily living under the same government and sovereignty. Sometimes, the term 'nation' is used as a synonym for state or country. When used as a synonym for state, it refers to a government which controls a specific territory, which may or may not be associated with any particular ethnic group. Similarly, when used as a country, a nation refers to a geographic territory, which may or may not have an affiliation with a government or ethnic group. Nigeria as a nation is seen more in this latter sense.

A cardinal feature of a nation is that its members posses ethnic, class or ideological cement that binds the members together. This is in addition to their possessing a strong historical and social identity upon which to rely.

Having offered an explanation of the meaning of a nation, let us now address the issue of nation-building. Nation-building is not easily defineable for the reason that it is a concept that means different things to different people. According to the Wikipedia, nation-building is constructing or structuring a national identity using the power of the state. It aims at the unification of people within the state so that it remains politically stable and viable in the long run (https://en.m.wikipedia.org). Following this conception, nation builders have been described as those members of a state who take the initiative to develop the national community through government programs (https://en.m.wikipedia.org). Nation-building is also used to mean the creation or development of a nation, especially one that has become independent. The art of nation-building can be done from many fronts including the political, economic, social, cultural, as well as educational fronts, etc.

Nation-building as a concept is closely associated with civilization and has as its aim the production of the needs of the people such as housing,, clothing, feeding and common welfare. In Nigeria, the problem of nation-building is a complex one. The reason is that Nigeria is a multi-ethnic, multi-religious, multi-cultural and multi-lingual entity. Because of this, the idea of strong group sentiment and common-destiny consciousness that characterize a nation is lacking. Further to this, self-centeredness is conspicuous in the actions of Nigerians. Most of our leaders see leadership positions as opportunity to amass wealth for themselves, their family, and their relations.

The art of nation-building requires that we see our country as ours. In the same vein, the primary obligation of any country is to provide for her citizens and at the same time champion their common good.

4. The Other Side of Justice, Peace and Stability

It is a truism that reality is characterized by opposites. Thus, we have day and night, light and darkness, man and woman, tall and short, etc. Similarly, we have injustice, war/disorder, and instability as the opposing sides of justice, peace and stability. Injustice, which is the absence of justice, is the root cause of most of the sundry social problems we are witnessing today, both at the national and international levels. And it is our failure to take man for what he is that in turn influences man's injustice to man. Individuals trample over individuals, races over races. These are manifestations of our failure to accept and treat man as a human person that he is. The deepest roots of the opposition and tensions that hinder peace and stability as well as human social development are to be located in man's inhumanity to man. Eboh (2005:111) is of the opinion (and I give it to him) that as soon as we begin to talk of persons, we must talk of morality, of right and wrong, and then begin to consider, to what extent, a given action becomes or does not become of the dignity of a human being.

The contract theory of society tells us that human beings exited the state of nature because of the injustice there and decided to enter into society. The rationale and the mandate of the society so formed is the realization of the common good. Thus, the people elected or selected to be at the helm of affairs are to champion the

common good of all using the blueprint wherein the terms of the social contract are contained. What is happening today, however, is that our so-called elected or selected leaders, for reasons best known to them, have only been doing well in terms of violating the terms of the contract.

What appears to be the norm today, using Nigeria as an example, is that the leaders we elected or selected to manage and safeguard our economy/wealth have turned themselves into treasury looters; the judiciary that is supposed to be the last hope of the common man in terms of justice has elevated itself to an unholy institution for dashing the hope of the common man; those we elected or selected and who have sworn to defend our constitution and protect lives and property have turned themselves into wolves, thieves, killers, and violators of the constitution; those whom we elected or selected to manage our commonwealth by way of protecting our constitutionally guaranteed rights to freedom of thought and expression, of assembly and association, and of religion have turned themselves into the sole owners of our commonwealth. They allow us to talk only when they want us to talk and to say only those things they approve of, to assemble and associate only when they want us to assemble and associate and in the manner appealing to them, and to share the national cake based on religious alignment.

In recognition of our individual and group differences in terms of natural endowments, capabilities, and qualifications, we entrenched federal character in our constitution as a way of ensuring social justice, but our so called leaders have continued to make one-sided appointments; they recognize educationally less advantaged states, but not politically less advantaged states, and so on and so forth. In the area of religion, our so called leaders by their body language encourage religious extremism and fundamentalism. Each religion lays claim to exclusive knowledge of God, holiness and morality to the detriment of others. In our courts, justice have become monetized. In most cases, one becomes guilty only when one cannot afford the price of the justice sought. Sit-tight-syndrome has become the norm of leadership in most developing countries. Resignation on the basis of alleged misconduct and bad governance is not in the dictionary of most African leaders. This quest to hold on to power at all cost has caused and is still causing a lot of crisis and social imbalance in the African world. As violence is said to trigger off violence, so all so do injustice and corruption trigger off violence, which in turn results in social tension and instability. A closer look at the whole scenario will reveal that a good number of perpetrators of all sorts of social ills such as kidnapping, armed robbery, terrorism, violence, thuggery and so on, lay claim to perceived and increasing injustice as the reason for their unwholesome activities.

5. Indispensability of Justice, peace and stability in Nation-building: concluding Reflections

Do justice and peace have any place in nation-building? Or, put differently, is there any nexus between justice, peace and nation-building? I answer this question in the affirmative. Theophilus Okere once said that "peace is not something that happens, but rather a situation that arises when justice happens… peace is the result of order and right alignment which in human society is the work of human effort, especially of human intelligence and reason (cf. Eboh 2005:119). Seen thus, no nation that is wanting in justice can have peace. A nation can only thrive on genuine peace and development when the righteous men (just men) are on throne.

The level of opposition, tension and crisis in the world today, especially in Nigeria and other African countries, is so precarious that no one needs a lawyer to convince him on the imperative and urgent nature of the need for justice, peace and stability in the world. Taking Nigeria as our focal point of analysis, one can say that with the increasing activities of different terrorist and subterranean groups, agitators for self-determination, the oppressed and the discriminated, our world has become one of uncertainty. Not much can be achieved in the atmosphere of injustice, anarchy and instability.

In Nigeria, the precarious nature of the situation is such that successive governments seem to devote much of their time fighting insurgency and other forms of violence and terrorism than

delivering the dividends of democracy to the masses. There are the disturbing activities of the Boko Haram in the North, the OPC in the South West, the MEND and the Niger Delta AVENGERS in the South-South, and the IPOB and MASSOB in the South East. Besides these, there is the issue of kidnappers, land grabbers, armed robbers, ritual killers, cattle rustlers, and the yahoo, yahoo boys, etc. All these are increasingly making the Nigerian environment unconducive for human habitation. Nigerians now sleep with one eye open. The truth is that we need justice so that peace may reign. The funny aspect of the whole thing is that virtually all the categories mentioned above as the causal factors of disharmony, insecurity, violence and social unrest in our society lay claim to perceived injustice and the quest for justice as the reason for their respective activities. For instance, the MEND and the Niger Delta AVENGERS of the South-South claim that their zone is the base of oil resources from where the lion-share of the nation's capital is generated, yet they have little or nothing to show for it in terms of compensation and federal presence. The IPOB and MASSOB in the South-East claim their agitation for self-determination is as a result of the Igbos being marginalized and short-changed in the scheme of things probably because of THE Igbo's defeat during the Nigerian-Biafran war. The IPOB and MASSOB point out the issue of federal presence, appointments and the disparity in the number of states, etc. to buttress their point.

As for the kidnappers, the armed robbers, and the "yahoo, yahoo boys", a good number of them that have been apprehended in the past laid claim to economic and/or distributive injustice as the reason for their actions. The economy of the whole country, they claim, is concentrated in a few hands. They, therefore, see their activities as a way of redistributing wealth. The above picture tends to corroborate Eboh's position that the conflicts which we witness in the world today, be it political, social or economic takes its root from lack of justice and fair play (cf. Eboh 2005).

6. The way forward
Justice and peace constitute a key to sustainable development as they are veritable instruments for prevention and reduction of social tension, wars, and other forms of violence. No matter the level of injustice, violence, and instability that are bedeviling the world at present, justice and peace constitute a key mechanism for enthroning world order. Two wrongs cannot make a right. Engaging in terrorism, kidnapping, insurgency in response to any sort of perceived injustice is not the best way forward.

There is simply no gain in disorder, anarchy, terrorism or violence of any kind since experience has shown that none of these can achieve any goal of lasting value. The much they can do is to trigger off retaliation which will in turn result in a cycle of conflicts that benefits nobody in the final analysis. In this regard, Pope Francis in his message for the celebration of the fiftieth World Day of Peace did observe thus:

Violence is not the cure for our broken world. Countering violence with violence leads at best to forced migrations and enormous suffering, because vast amounts of resources are diverted to military ends and away form every day needs of young people, families experiencing hardship, the elderly, the inform, and the great majority of people in our world.

In going further, Pope Francis quoted his predecessor Pope Paul VI as having observed that "peace is the only true direction of human progress and not the tensions caused by ambitious nationalisms, nor conquest by violence, nor repressions which serve as mainstay for a false civil order" (Ibid). Pope Francis adds that it is in error that some people think that constant disposition toward peace and justice is a mark of weakness, passivity, non-commital or surrender.

De-emphasizing religious extremism is another way of ensuring justice and peace in the onerous task of building the nation, Nigeria. In our search for justice and peaceful co-existence in our seemingly broken Nigeria, there are many rich values of religion that could be exploited and applied in different areas of life (cf. Asogwa 2011). Similarly, there should be an increased investment in education by the government. Lack of education is a disease. Just as it is the case with religion where the majority of those who subscribe to religious extremism are the illiterate and ignorant people, the bulk of those who resort to terrorism, insurgency, and other vices are stark illiterates.

Ensuring justice and peace as well as building a nation of our desire is not a virtue that should be imposed from outside. Justice and injustice, peace and war, violence, and terrorism, etc., spring from within the individual. Our problem, therefore, lies with the individual. Change the individual and the individual will in turn change the society. I am talking of value re-orientation. This view is corroborated by Eboh's observation to the effect that:

the deepest roots of the opposition and tensions that militate against peace and development are to be found in the heart of human beings. It is…the hearts and the attitudes of people that must be changed and this needs a new orientation and indeed a renewal of the individual. (2005:117)

Finally, I also recommend dialogue as one of the mechanisms that should be adopted in our quest to resolve the problem of injustice and lack of peace in our society. The importance of dialogue in conflict resolution cannot be over-emphasized. Experience has shown that national and international controversies are better resolved by way of negotiations founded on law, justice, and equity. I am in complete agreement with Pope Francis that "An ethics of fraternity and peaceful co-existence between individuals and among peoples cannot be based on the logic of fear, violence and closed-mindedness, but on responsibility, respect and sincere dialogue. Accordingly, I call on all such organizations as MEND, MASSOB, Boko Haram, AVENGERS, OPC, IPOB, and other similar groups that are currently engaged in one form of agitation or the other to shun violence and embrace dialogue as a sure mechanism for ensuring justice and peace. There is hardly no end that dialogue cannot help us to achieve.

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