



STATE AUTHORITY AND RESOURCE CONTROL IN NIGERIA: A NOZICKIAN APPRAISAL OF THE MINIMAL STATE AND ECONOMIC JUSTICE

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Abstract

Oftentimes, the clashes between State authority and the natural right of citizens to assert themselves in their individual and group rights to economic aggrandizement seem to oppose the legal bounds of both State and citizen. In Nigeria, the clamour for resource control seems to fit into the natural logic of indigenous rights to ownership of land and its natural reserves, but also contests the constitutional and legal authority of the State to superintend the affairs of all citizens and ensure social and distributive justice for all. The problem does not lie in the inability of the state and citizens to attain the same goals through organized and legitimate means of fair distribution via well-established socioeconomic institutions and policies, but on the continued manipulation of the process by a few political and capitalist-oriented elites who, through corrupt means, systematically deprive the populace of their economic benefits as bona fide members of the society. It is due to this failure of the State to guarantee individual and group economic rights that Nozick was spurred to insist on minimal State authority. Featuring specifically the continued agitation of some Southern states of Nigeria to be allowed to control their own natural resources, this piece adopts Nozick's argument in a constructive way to serve as a panacea for resolving the longstanding issue of marginalization and social injustice in Nigeria. The methods adopted here are textual analysis and philosophical critique. It was discovered that to resolve the issue of resource control in Nigeria, genuine diplomatic appropriation of State, Community, and General welfare of all citizens should be integrated in seeking the desired justice.

Keywords: Minimal-State, Authority, Resource, Control, Right.

Introduction

Before the treatise of Robert Nozick on “the Minimal State”, political philosophers have shown visible concerns on the limits of state authority over the individual citizen but also over groups, communities, and ethnic nationalities that make up one “State” with constitutional authority and legal framework to supervise the affairs of its citizens as individuals and as groups. Beginning with Thomas Hobbes, there was the recognition of “individual natural rights” to attain whatsoever the individual wants in pursuance of personal satisfaction, but then for him, if men were allowed to exercise this right without legal and political control, society would be solitary, nasty, brutish, chaotic and short.¹ This right, Hobbes maintains, is a natural right and “is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life.”² Hobbes was not the only philosopher concerned about the real-time organization of society through constitutional government and legal authority; other social contract theorists exhibited similar concerns. For Locke, Rousseau and Rawls, among other political thinkers, constitutional government and legal authority were necessary for the ordered society, attainment of the common good, defense of social and economic justice,



development of society and integral for the respect of fundamental human rights. For Rousseau, though all men are entitled naturally to be free, they must be forced to be free.³

The questions, however, that this paper seeks to address are on the ‘feasibility of the aims and goals of the *Social Contract* as basic constitutional and legal structure for the modern liberal state and for the attainment of socioeconomic justice. Today, while most states claim to practice constitutional democracy and the rule of law and order, why are there still complaints on state abuse of power in nations and states across the globe? While do people still seek genuine enjoyment of basic rights and benefits as citizens of acclaimed democratic states, even the most advanced democracies in the world? Why are there occasional reports of protests, rebellion, intra-state conflicts, and other forms of civil disobedience if political leaders charged with the task of executing the vision and mission of the constitutional democratic state are accused of manipulating the system to satisfy their personal and group interests rather than the good of all? This scenario is best captured when situated within the frontiers of the Nigerian State which over the years (from independence till now), one might argue that citizens have experienced very awful experiences ranging from: corruption, marginalization, economic sabotage, political instability, inability of the legal system and courts to defend the rights of the common man, miscarriage of justice human rights abuse by the police and armed forces, denial of basic freedoms and rights and a pervasive culture of dictatorship that has turned Nigeria monstrous to its citizens rather than the *Leviathan* that was expected to protect the rights of all and ensure the common good.

Economic Injustice in Nigeria

Economic injustice is a pressing issue in Nigeria, with widespread poverty, inequality, and unemployment affecting millions of citizens. According to the World Bank, Nigeria's poverty rate stood at 40.1% in 2020, with over 83 million people living below the poverty line.⁴ The specific causes of Economic Injustice in Nigeria could be said to be: corruption, unemployment, and inequality. While Corruption is a significant obstacle to economic development in Nigeria, with billions of dollars lost to corrupt practices annually⁵, Nigeria's unemployment rate can be said to be high, especially among the youths, with many graduates unable to find jobs.⁶ Talking about inequality, Nigeria has a high level of income inequality, with a small elite holding a disproportionate share of wealth.⁷ The consequences of Economic Injustice in Nigeria are nothing to write home about. They include: economic imbalance, joblessness, the perpetuation of poverty, with many Nigerians struggling to access necessities like food, healthcare, and education; and Social Unrest as citizens become frustrated with the lack of opportunities.⁸

On Addressing Economic Injustice in Nigeria

On the need to address economic injustice in Nigeria, several options have been suggested. These include such notions like good governance, true federalism, confederalism and resource control, among others. For Okonjo-Iweala, Good Governance strengthens institutions, promotes transparency and accountability in government and can help reduce corruption as well as promote economic development in the nation.⁹ Similarly, some suggest the creation of more jobs by the Government. Thus, Job Creation *via* facilitating and encouraging entrepreneurship and



investing in key sectors like agriculture and manufacturing can help create jobs and reduce unemployment.¹⁰ There is still another major suggestion by the World Bank, which is on the need for “Social Protection”. By implementing social protection programs like cash transfers and job training, the State can help alleviate poverty and promote economic inclusion.¹¹

Despite the efforts put up so far by successive governments to ease the challenges of economic imbalance among citizens and groups, the problem seems to get larger and more complex as days go by. To address this and similar issues, Rawls sees in the Social Contract a strategic tool to establish principles of distributive justice and socioeconomic balance among individuals and groups in the same state *via* the “veil of ignorance” approach to deciding those principles of fair distribution in the state. But Nozick thinks otherwise. For him, the State should rather play a minimal role in political economy and in deciding individual economic rights and powers. This is the basis of his thesis on the “minimal state”.

The Resource Control Debate in Nigeria

The clamour for resource control in Nigeria stems from one of the measures suggested to resolve a significant part of economic justice in the country. Resource control refers to the ability of a region or community to manage and benefit from its natural resources. In Nigeria, resource control is a contentious issue, with many communities and states demanding greater control over resources, especially in the oil-producing regions. Constitutionally, Resource Control in Nigeria is vested in the Federal Government¹²; and in the Resource Control Laws.¹³ Some key issues in Resource Control include revenue allocation, the menace of environmental degradation, and the lack of adequate benefits to host communities. In Nigeria, the revenue allocation system has been criticized for being unfair to resource-producing states.¹⁴ Added to this is the obvious challenge of Environmental Degradation to the host communities. Resource extraction has led to significant environmental degradation, forcing communities to demand compensation and remediation.¹⁵ Again, the lack of adequate and proportionate benefits to host communities is another strong push by proponents of resource control. Over the years, affected communities have continued to argue that they do not get enough benefits from resource extraction in their areas.¹⁶ Due to the dissatisfaction of the affected communities, the demand for resource control is championed *via* clamour for True Federalism (which allows some states to control resources)¹⁷, and the argument in favour of “Resource Derivation” (in which Resource-producing states demand more revenue from the resources gotten from their soil).¹⁸ In a more streamlined sense, Resource Control in Nigeria refers to the longstanding conflict over the distribution of revenue from the country’s vast oil reserves, primarily located in the Niger Delta region. The Nigerian government, controlled by the central state, typically allocates oil revenues to the federal government, which then redistributes them to various states, often bypassing the regions where the resources are located. The Niger Delta, comprising the ethnic groups such as the Ijaw, Itsekiri, and Urhobo, has consistently argued that they are entitled to a greater share of the revenue generated by the oil extracted from their land.

To address the issue of resource control in Nigeria, certain solutions have been proffered. These include: Constitutional Review: Amending the Constitution to clarify resource ownership and revenue sharing¹⁹; Community Development: Involving communities in resource management



and ensuring they benefit from extraction²⁰; and Transparency/Accountability: Strengthening institutions to ensure transparency in resource revenue management.²¹ Subsequently, the following were suggested as implementation strategies: Dialogue among stakeholders (federal government, states, communities should be encouraged²²; Policy Reforms to address resource control and the revenue sharing formula²³; but also, Capacity Building. It is argued that capacity-building of states and communities in the management of resources is a practical implementation strategy in resource control.²⁴

Nozick and the Minimal State

Robert Nozick's *Anarchy, State, and Utopia* (1974) presents one of the most influential libertarian frameworks in political philosophy. Central to Nozick's argument is his concept of the Minimal State, which contrasts sharply with the more extensive role of the state advocated by other political philosophers like John Rawls, on his emphasis on distributive justice. While for Rawls, the State has a major role to play in ensuring economic and distributive justice, for Nozick, the Minimal State is a state that exists only to protect individuals from force, fraud, and theft, and to enforce contracts. In Nozick's line of thinking, the State must avoid violating individual rights, specifically the right to liberty and private property.

It is important to note that Nozick's theory of the Minimal State is rooted in his entitlement theory of justice, which comprises three principles: justice in acquisition, justice in transfer, and justice in rectification.²⁵ Nozick argues that individuals are entitled to their holdings if they acquire them justly or transfer them justly. The state, in this context, has no role other than to protect these holdings and enforce contracts without interfering in individuals' lives. The core argument of the Minimal State is that any state larger than a minimal one necessarily infringes on individual rights. The dominant principle in Nozick's argument is the principle of self-ownership: individuals own themselves and, by extension, their labor and the fruits of their labor.²⁶ The role of the state, then, is not to redistribute wealth or to perform any function beyond the protection of these natural rights.

Nozick's Critique of Rawls

A significant aspect of Nozick's thesis is his critique of John Rawls's *Theory of Justice* (1971), particularly Rawls's difference principle, which allows inequalities as long as they benefit the least advantaged. Nozick argues that Rawls's conception of justice infringes on individual rights because it requires a redistributive state that enforces a pattern of distribution. For Nozick, any pattern of distribution, whether it benefits the least advantaged or not, is incompatible with a system that respects individual rights.²⁷ It is important to note the thrust of Nozick's argument in the "Wilt Chamberlain" argument against patterned principles of justice.²⁸ The argument holds that, if individuals freely engage in transactions such as paying to watch a basketball game, this would inevitably lead to inequalities in wealth. If the state were to step in and enforce an equality of wealth, it would violate the rights of individuals to freely engage in voluntary exchanges.

The Concept of Utopia



Nozick's notion of the Minimal State is part of a larger discussion on the concept of Utopia.²⁹ He rejects the idea of a single utopian society that imposes a specific moral vision on all individuals. Instead, Nozick suggests that a utopia can be a collection of different, voluntary communities where individuals freely choose how they want to live, as long as they respect the rights of others. This view contrasts with Rawls's more institutional view of justice, where the state plays a central role in shaping a just society.

Notable Critiques on Nozick's Idea of the Minimal State

Most criticisms of Nozick's thesis on the Minimal State stem from practical and ethical concerns. Beginning with "The Problem of Inequality", it has been argued that Nozick's position allows for significant inequalities in wealth and power, and this could undermine the social fabric. Critics like Michael Sandel argue that Nozick's framework ignores the potential harm that extreme inequality can inflict on social cohesion and stability.³⁰ For Sandel, justice is not merely about respecting individual rights but also ensuring that people can live meaningful lives together in a community. Nozick's theory, by focusing solely on individual rights, neglects the communal aspects of justice.

There is also the "Problem of the State's Role" in the affairs of men. Nozick's assertion that the state can only exist to protect individual rights has also been questioned by Charles Taylor.³¹ According to Taylor, the minimal state cannot adequately address issues like environmental protection or the regulation of industries that have far-reaching consequences for individual freedoms. For Taylor, the state must play a more active role in addressing these systemic issues.

Another important criticism of Nozick is from the argument on "Historical Injustices and Rectification," which particular groups or persons might have suffered from. And so, Nozick's entitlement-based justice is criticized for its failure to account for historical injustices. In the opinion of Derrick Bell, a system built solely on Nozick's entitlement theory fails to address the legacy of systemic racism and colonialism.³² True to this argument, without a more robust mechanism for rectifying historical wrongs, Nozick's theory may perpetuate inequalities that arise from past injustices, just as some political regions currently suffer in the hands of the Political elites in Nigeria. What justification would those individuals who have acquired for themselves oil wells that were hitherto natural properties of the host communities have to retain ownership without effectively addressing the unjust ways these oil wells and privatized state properties were acquired?

Finally, Nozick is accused of contributing to the development of the "Libertarian Political philosophy." The Minimal State model has influenced contemporary discussions on anarcho-capitalism and the role of government in markets and individual freedom. Scholars like Murray Rothbard and David Friedman have built on Nozick's ideas to argue for the complete abolition of the state in favor of voluntary, market-based systems of governance.³³ To show the dissatisfaction with the extremism of the Libertarian model, the libertarian framework has faced challenges from both the political left and right. While Thomas Pogge from a leftist position argued that Nozick's minimal state fails to provide sufficient protection for the global poor and



vulnerable populations,³⁴ from the right, John Gray criticized Nozick's utopianism as being overly idealistic and disconnected from the realities of human nature and political power.³⁵

However, despite the criticisms on Nozick's political framework, especially regarding inequality, historical injustice, and the practical implementation of his ideas, his work continues to inspire further exploration into the nature of justice, liberty, and the role of the state, especially as it affects individuals and parties who are wrongfully deprived of their entitlements by political capitalists and State manipulative structures as one find in Nigeria today.

Situating Nozick's Argument for the Minimal State within the Context of Resource Control in Nigeria

Robert Nozick's thesis on the Minimal State, outlined in *Anarchy, State, and Utopia* (1974), posits that the state's role should be limited to protecting individuals' rights, specifically, the rights to life, liberty, and property, while avoiding intervention in other aspects of individuals' lives. Central to his argument is the idea that a just state must refrain from violating property rights through coercive redistribution. This framework presents an interesting perspective when applied to resource control debates in Nigeria, particularly regarding the distribution of wealth derived from natural resources like oil. In the context of Nigeria, where ethnic and regional disparities in wealth distribution, particularly with respect to oil revenues, have led to persistent political and social conflicts, Nozick's theory offers both challenges and insights for addressing the resource control debate.

Nozick's Theory of Property Rights and the Minimal State

Nozick's framework centers on entitlement theory, which outlines three principles of justice: justice in acquisition, justice in transfer, and justice in rectification.³⁶ Under this theory, individuals are entitled to their holdings, including land and natural resources, as long as they acquire them justly (i.e., through labor, voluntary exchange, or rectification of past injustices). This sets a significant boundary on the role of the state, which is seen solely as a protector of these rights.

In a country like Nigeria, where oil is a major source of national wealth, Nozick's theory would emphasize the entitlement of any individual or group to the wealth derived from oil, assuming they have justly acquired it.³⁷ Nozick would argue that state intervention in the redistribution of these resources, beyond ensuring the protection of individual rights and rectification of historical injustices, would violate the fundamental principle of property rights. In this context, the Nigerian government's role in redistributing oil wealth through federal allocations would come under scrutiny. From Nozick's perspective, wealth redistribution to the regions might be seen as unjust if it is not based on the voluntary exchange or rectification of historical injustices.

If we go by Nozick's terms, the people of the Niger Delta would argue for self-ownership and property rights over the resources found in their region. They claim that if the land and resources are in their territory, they should have the right to control the extraction and distribution of those resources. The Nigerian state's intervention, particularly through the Federal Government's



control of oil revenues, could be perceived as an unjust violation of the Niger Delta people's property rights³⁸. The state's role, from a Nozickian standpoint, should only be to prevent violence and uphold the rule of law, rather than dictate how resource wealth should be shared across regions.

Nozick and the Challenge of Historical Injustices: The Case with Nigeria

A key aspect of Nozick's theory is his discussion of rectification of injustices. In the case of Nigeria, historical injustices such as colonial exploitation, environmental degradation in the Niger Delta, and the negligence of local communities might provide a framework for justifying resource control beyond Nozick's strict notion of entitlement. The Niger Delta communities, in particular, have argued that they have been wronged by both the Nigerian state and multinational oil companies. The environmental devastation caused by oil extraction, the displacement of local communities, and the lack of adequate compensation could, in Nozick's terms, be seen as grounds for rectification³⁹. The principle of rectification, however, is not easily applicable in the Nigerian context, as it would require identifying the extent to which communities in the Niger Delta were wronged by past actions, and how they might be compensated fairly. This task is complicated by the diversity of local interests and the historical complexities of Nigerian state formation. Nevertheless, Nozick's framework might suggest that the redistribution of resources to the Niger Delta, while respecting individual and collective property rights, would be justified if those communities could demonstrate that they have been systematically wronged by past actions of the state and multinational corporations.

Critical Appraisal of Nozick's Minimal State and the Clamour for Resource Control in Nigeria.

One of the central critiques of Nozick's Minimal State is that it is overly idealistic and neglects the complexities of real-world governance, particularly in postcolonial states like Nigeria. Ayoade and Ekeh argue that Nigeria's history of ethnic diversity, centralized power, and resource exploitation means that a strict minimal state approach would not address the needs of marginalized groups. In Nigeria's case, the centralization of state power and the role of oil in fueling regional inequalities may require more interventionist policies to ensure stability and fairness.⁴⁰ A typical example, by Rothbard, demonstrates that the notion of voluntary exchange may be difficult to implement in Nigeria, given the entrenched political power and corruption that often determine access to resources.⁴¹ The minimal state may be ill-equipped to handle conflicts between local groups and multinational corporations, such as the exploitation of the Niger Delta's oil reserves by companies like Shell and Chevron. Nozick's focus on protecting rights might not provide an adequate answer to the grievances of communities that have been exploited or harmed by past and present state actions. It could incite radical thrusts towards recovering those oil-rich dumps already managed by multi-nationals, instigating violence and aggression that may escalate with bloody consequences and far-reaching state and international feuds if the right diplomatic measures are not taken.

In furtherance, while Nozick's theory emphasizes the protection of property rights, critics argue that in the Nigerian context, where historical injustices are profound and where a centralizing



state has long controlled valuable resources, Nozick's Minimal State may fail to adequately address the inequalities in resource control.⁴² From Nozick's perspective, the Nigerian government's actions so far, such as military interventions in the Niger Delta (e.g., Operation Restore Hope), often violate the rights of local communities in the name of national unity and development. From a Nozickian perspective, these interventions could be seen as infringements on the basic rights of the Niger Delta people, as the state's actions are not merely limited to protecting rights but involve coercive redistribution that violates the principle of individual entitlement.

Additionally, Michael Walzer criticizes Nozick's approach for assuming that justice can be determined in isolation from the social and historical context.⁴³ In Nigeria, where oil extraction has been a key driver of wealth disparities and local environmental destruction, Nozick's minimal state may be inadequate in addressing the injustices faced by resource-rich but politically marginalized communities.

Conclusion

In conclusion, Nozick's thesis on the Minimal State, when applied to the resource control debates in Nigeria, offers a framework that emphasizes individual property rights and critiques the centralized redistribution of oil wealth. However, Nozick's framework is challenged by the historical and political realities of Nigeria, where past and ongoing injustices complicate the application of pure libertarian principles. The Niger Delta conflict reveals that the state's role in resource distribution is not merely a question of individual entitlement but is deeply entangled with issues of historical injustice, environmental degradation, and ethnic power imbalances. Thus, while Nozick's ideas may be instructive in thinking about property rights, they require adaptation and rethinking to be practically applicable in the Nigerian context. In sum, therefore, one holds in this article, that to address economic injustice generally, and resource control in particular in Nigeria, there is need for a multifaceted approach that includes good governance, strategic paths to addressing historical injustices meted to the affected communities and states, coordinated state intervention with the inclusive involvement of the leadership of the Oil-Producing areas and social protection. Social protection in this case covers all members of the Oil-producing areas for the environmental hazards that arise from the activities of oil firms affect everyone within and around the oil-producing zone.

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