

NOZICK'S MINIMAL STATE AND THE NIGERIAN PARADOX OF RIGHTS VIOLATION

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Abstract

This paper examines Robert Nozick's concept of the minimal state and deploys it as a critical framework for analyzing the persistent human rights abuses in Nigeria's democratic order. Against the backdrop of liberal political philosophy, Nozick's minimal state is presented as a normative model that strictly limits state power to the protection of individual rights against force, fraud, theft, and contractual violation. The paper finds out that the Nigerian state operates in a fundamentally anti-minimalist manner, routinely exceeding these legitimate bounds through coercive policies, excessive securitization, and systemic violations of civil, political, and economic rights. Using philosophical analysis and normative critique, the study demonstrates that practices such as extrajudicial killings, suppression of dissent, forced evictions and redistributive policies like the federal character principle stand in direct contradiction to Nozick's libertarian conception of justice and state legitimacy. The paper contends that Nigeria's persistent human rights crisis is not accidental but structurally linked to its expansive and intrusive conception of state power. It concludes that the erosion of trust, rise of militancy, secessionist agitations, and widespread political alienation in Nigeria are predictable consequences of an anti-minimalist state that has lost sight of its primary moral justification: the protection of individual rights.

Keywords: Democracy, Human Rights, Justice, Minimal State, Political Power, Political Authority, State.

Introduction

Political philosophers from time immemorial have always raised questions on the legitimacy of the state and the extent of the power/authority of the state in relation to the citizens. At the heart of these debates lies a persistent tension between state authority and individual rights: how much power may the state legitimately exercise over its citizens, and at what point does governance collapse into domination? Robert Nozick's political philosophy, particularly his defense of the minimal state in *Anarchy, State, and Utopia*, offer one of the most rigorous libertarian responses to this enduring problem.

Nozick's minimal state thesis is grounded in the dignity of persons and the primacy of individual rights. For Nozick, the only morally justifiable state is one whose functions are narrowly confined to protecting

citizens against force, theft, fraud, and the violation of contracts. Any expansion of state activity beyond these limits (whether through redistributive policies, paternalistic legislation, or coercive social engineering) constitutes an unjustifiable infringement on individual liberty. The state, though vested with coercive power, remains morally constrained by the very rights it exists to protect.

This paper brings Nozick's minimalist framework into critical dialogue with the Nigerian democratic experience. Despite constitutional guarantees of fundamental rights and decades of civilian rule, Nigeria continues to witness pervasive state-sponsored violations of human rights, including extrajudicial killings, unlawful detentions, suppression of dissent, forced evictions, and disregard for judicial authority. These practices raise urgent philosophical questions about the moral character of the Nigerian state and the legitimacy of its exercise of power.

The central argument of this paper is that the Nigerian state operates in a manner that is fundamentally incompatible with Nozick's minimal state ideal. Far from functioning as a neutral protector of rights, the state in Nigeria routinely assumes expansive, intrusive, and coercive roles that undermine the liberty and dignity of its citizens. The paper shows that these abuses are not merely failures of implementation or governance but symptoms of a deeper anti-minimalist orientation embedded in state policy, law, and practice. The study therefore seeks to demonstrate that Nigeria's human rights crisis reflects a philosophical failure of state legitimacy rather than a purely administrative or political defect.

Notion of Minimal State

Minimal state is the viewpoint which suggests that the only legitimate function of the state is to protect individuals from harms such as aggression, theft, fraud, and breach of contracts. The concept refers to a government whose intervention in the economy is just sufficient to sustain organized economic activity. The responsibilities of a minimal state would therefore include provision of policing, a judiciary, and defense of the nation. These interventions are necessary to uphold property rights, enforce contract laws, and defend the gains from trade. Essentially therefore, minimal state refers to a state with the best possible amount of powers. It is a term used in political philosophy to describe a situation where the State's duties are so minimal that they cannot be increased much further without becoming a form of anarchy. Robert Nozick developed his standpoint on this concept in his *magna opus*, *Anarchy, State and Utopia*, which is his most influential work supporting libertarianism.

The main purpose of Anarchy, State, and Utopia is to show that the minimal state, and only the minimal state, is morally justified. By a minimal state, Nozick means a state that functions essentially as a "night watchman," with powers limited to those necessary to protect citizens against violence, theft, and fraud (Duignan, 2025). By arguing that the minimal state is justified, Nozick seeks to refute anarchism, which opposes any state whatsoever. By arguing that no more than the minimal state is justified, Nozick seeks to refute modern forms of liberalism, as well as socialism and other leftist ideologies, which contend that, in addition to its powers as a night watchman, the state should have the powers to regulate the economic activities of

citizens, to redistribute wealth in the direction of greater equality, and to provide social services such as education and health care (Duignan, 2025).

Absolute Rights and Freedom of Citizens

Nozick believes that a state should be 'minimal' concerning itself only with narrow functions of protection of citizens against force, theft, fraud, enforcement of contracts, and so on; that any more extensive functions given to the State would violate persons' rights not to be forced into doing certain things, and this is unjustified; and that the minimal state is inspiring as well as right (Nozick, 1974). Regarding the maintenance of law and order, Nozick is reluctant in accepting it as included in the State's job. He suggests that "even police protection ought ideally to be paid for directly by those who wish to buy such protection and can afford it" (Nozick, 1974, p. 33). Nozick consistently repeated his claims that the minimal state is the only morally justifiable form of government. This contention rests upon his understanding of the separateness of each person, the existence of inviolable rights, and the side constraint that these rights impose on the behavior of others. He claims that persons are rational and they are moral agents, for they have free will. In addition, they have the ability to regulate and guide their lives in accordance with some overall conception of their choice. Nozick asserts, thus, "A person is a being able to formulate long term plans for its life, able to consider and decide on the basis of abstract principles or considerations it formulates to itself and hence not merely the plaything of immediate stimuli, a being able to limit its own behavior in accordance with some principles or picture it has of what an appropriate life is for itself and others and so on" (Nozick, 1974, p. 50). He points out that when a person shapes his or her life in accordance with some overall plan, that person gives meaning to his or her life.⁹ Persons, as such, are separate entities capable of determining the meaning and direction of their lives. In other words, "we are all separate existences capable of leading separate lives" (Nozick, 1974, p. 33). For Nozick, the significance of each person's possession of self-ownership is that people should not be used as resources or as means of achieving some end. "It is wrong," he states, "to treat people as if they are merely of instrumental worth, or to sacrifice one person for another" (Nozick, 1974, p. 33).

The separateness of each person means that each person's body and liberty are separate and distinct from those of others. They belong to each person and not to someone else. As such, Nozick argues that only each person has the right to decide what happens to her or his life, body, liberty or property. Being inviolable and exhaustive, these rights are absolute. Nozick claims that the rights of others determine the constraints on our actions (Nozick, 1974). That is, a person's rights are not merely superficial claims that can be overridden. Rather, they are boundaries not to be crossed without the free consent of the person whose rights they are. Elaborating on this, Nozick avers that "there are different individuals with separate lives and so no one may be sacrificed for others, and this underlies the existence of moral side-constraints, but it also leads to a libertarian side constraint that prohibits aggression against another" (Nozick, 1974, p. 33). Therefore, a person cannot violate the rights of others through either interference

or aggression. Nor can a person infringe upon other people's rights in pursuit of some object or goal, even if that goal is to achieve an overall minimization of the violation of rights. It is on this basis, therefore, that Nozick rejects utilitarianism.

The Necessity and Rise of the State

Nozick asserts that a person's rights are so strong and far-reaching that they raise the question of what, if anything, the state and its officials may do. In *Anarchy, State and Utopia*, Nozick considers these issues. Is it possible, he asks, to justify the existence of a state? If so, what are the limits of the state's exercise of its coercive power? Alternatively, is anarchy the only option? Nozick commences his treatment of these questions by stating that if having government is superior to the most favourable state of anarchy, then the existence of the state is justified. The best possible state of anarchy that could reasonably be hoped for is one in which people had the freedom to do as they chose, but nevertheless restrained their actions in such a way that they respected the rights of others. In the Lockean 'state of nature,' for example, anyone can do what she or he wants to do so long as it is within the bounds of the laws of nature (Nozick, 1974). The law of nature holds that no one may harm another in health, life, liberty, or possessions. They also hold that a person has a right of self-defense against those who would transgress those rights. When such transgressions do occur, Nozick notes, individuals have a right of rectification.

Although Nozick maintains that people have a right of self-defense, he considers that to result from a number of difficulties with the Lockean state of nature (Nozick, 1974). Nozick explains that in the state of nature, they that understood natural law may not provide for contingency. Given the potential ambiguity of the natural law with regard to some circumstances, it is possible that in judging their own cases people will give themselves the benefit of the doubt and assume they are correct. In this regard, Nozick writes:

They will overestimate the amount of harm or damage they have suffered, and passions will lead them to attempt to punish others more than proportionately and to exact excessive compensation. That is, in exercising their right of self-defense, people will often be emotional and exceed the scope of such right. In turn, this will lead to further retaliation and feuds. Without a firm means of settling such disputes, these feuds will be ongoing. On the other hand, if people lack the power or ability to enforce their rights, they may be unable to exact compensation when those rights are transgressed (Nozick, 1974, p. 12).

How could this situation be resolved? Nozick answers, thus: for various reasons including friendship or the recognition that in unity there is strength, groups of people might form 'mutual protection associations' in order to defend themselves and to exercise their rights to rectification. Under such an arrangement, all members of the association are 'on call' to defend and enforce the rights of other members. However, this means that everyone is always 'on call,' and any member may call upon any other member or members for protection.

In furtherance of his argument, Nozick writes that “protective associations will not want to be at the beck and call of their cantankerous or paranoid members, not to mention those of their members who attempt, under the guise of self-defense, to use the association to violate the rights of others” (Nozick, 1974, p. 12). Protection associations might resolve these problems through the division of labour (that is, someone would be paid to provide protection services and others would sell it), and by adopting a procedure to determine the validity of claims. While this might go some way to resolving intra-agency dispute, it would not provide for the difficulties involved in conflicts between associations, Nozick himself admits. He argues that, initially there may be several protective associations within the same geographical area. When clients from different agencies enter into dispute and the agencies cannot agree on how to resolve the matter, they too will enter into conflict. The result of such conflict will be that over time a natural monopoly will occur. Eventually there will be only one protective association within a geographical area: the dominant protective association.

The dominant protective association will occur, as it were, and unless an oligarchy is formed (under which all agencies within a region operate), the protective associations cannot co-exist. The relative worth of the product offered by each agency depends on its strength. Unlike other goods and services, the agencies compete for clients and enter into violent conflict when disputes arise between their clients. All its customers will eventually leave an association that most often loses, and join a stronger association (Nozick, 1974). Alternatively, Nozick submits, if agencies are stronger in different geographical areas, a boundary will be established dividing the different areas for which the associations are responsible. The dominant protective association, although similar, is not a state. “A state,” Nozick writes, “*Claims a monopoly on deciding who may use force and when; and that only it may decide who may use force and under what conditions; it reserves to itself the sole right to pass on the legitimacy and permissibility of any use of force within its boundaries and claims the right to punish all those who violate its claimed monopoly*” (Nozick, 1974, p. 23). This dominant protective association, however, is the foundation of Nozick’s perception of State might.

The Ideal Nozickean State

Nozick proceeds to project what an ideal state should be- a minimal state. Under a minimal state (the night-watchman state), all citizens receive protection. The minimal state protects, everyone against violence, theft and fraud, and it provides for the enforcement of matters such as contracts. Under both the dominant protective association and the ultra-minimal state, there will be individuals who do not purchase protection, and who reserve (and act on) their right of self-protection (Nozick, 1974). As with the anarchic state of nature, these individuals, influenced by emotion, selfishness or revenge may exceed the decrees of natural law when exercising their right of self-protection and demand excessive rectification. This is problematic. It might be said that the ultra-minimal state does not face this difficulty since it claims a monopoly over the use of force. Nozick points out that there is, however, an inconsistency in this since if the protection of rights is the sole concern of this type of government, it

acts contrary to its legislative function and purpose when it leaves some people's rights unprotected ((Nozick, 1974, p. 18). This can be resolved if the ultra-minimal state offers protection without cost to those whom it prohibits from exercising self-defense but who wish to retain this right. In doing so, however, it becomes a minimal state. On account of the difficulties associated with the state of nature, Nozick claims that anarchy naturally gives way to either a dominant protective association or ultra-minimal state. In turn, these also give rise to the minimal state. Nozick explains that this progression occurs, even though unintended, similar to how a pattern may be produced without having a pattern in mind. On account of this (and given the fact that it provides protection for all), Nozick concludes that the minimal state is preferable to either anarchy or the ultra-minimal state.

However, having said this, is the minimal state morally legitimate? It might be argued that unless everyone pays for the protection provided by the minimal state, those who pay are being forced to subsidize the protection received by others. This amounts to redistribution and is a violation of people's property rights. Nozick responds to this concern thus: although the minimal state appears to be redistributive, it is not. The minimal state, he argues, may prohibit self-protection in order to protect the rights of others. In return it is able to compensate for the loss of the right of self-defense by providing protection. Therefore, the action of the state is compensatory not redistributive (Nozick, 1974, p. 67). Although the state can provide for the protection of people's rights; it cannot legitimately exercise its political power in any other way. This is because the existence of a state can only be justified when it constitutes a minimal political authority. If the State were to seek a wider role than the narrow function of protection of its citizens, then in so doing it will contravene their absolute rights. Nozick explains, thus, *"Our main conclusions about the state are that a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified; that any more extensive state will violate persons' rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right* (Nozick, 1974, p. 33).

Human Rights in Nigeria and Their Limitations

Human rights are mostly viewed as the inalienable rights of people (Enebe, 2008). They are the legal entitlements which every citizen could enjoy without fear of the government or its fellow citizens (Adenrele, 2014). Kaluge (2025) describes human rights as "those rights which cannot be said to have been given to man by man but are earned by man for being a human because these are necessary for his continuous happy existence with himself, his fellow man and for participation in a complex society" (p. 4). These rights revolve around fundamental human needs for freedom such as freedom from oppression in its various forms; participation rights – in the decision-making processes in various sphere of life; benefits right to food, work, medical care, education, etc (Ndifon, 2013). These rights are also addressed as fundamental human rights because of their critical importance to the welfare of the human person, and they are recognized universally.

Nigeria declares clearly the fundamental rights of her citizens in her constitution. These are stated in “Chapter (IV): Fundamental Rights” of its 1999 Constitution. These rights include:

Right to life, right to dignity of human persons, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion, right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination, right to acquire and own immovable property, compulsory acquisition of property, restriction on and derogation from fundamental human rights, special jurisdiction of High Court and Legal aid (FRN, 1999, Art. 33-64).

The above rights enlisted in the Nigerian constitutions are not limitless at all times and circumstances. Some circumstances surrounding the individual could lead to the legitimate denial of his rights by the State. Anyaele (1994) clearly highlighted the conditions that may lead to the denial of the fundamental human rights of a citizen. His views are emphatically corroborated by other scholars, for instance Kangdim Dingji Maza et al (2022). In Nigeria, the State may deny any citizen some of his rights under the following conditions:

- i) If he is detained by law, his right to free movement is denied.
- ii) A citizen may be denied his right to life if he is condemned to death as a result of murder, armed robbery, genocide, politicide, etc.
- iii) The declaration of dusk to dawn curfew in times of emergency is another condition that may limit the right of a citizen, especially freedom of movement.
- iv) A citizen serving prison or jail terms will [definitely] lose some of his fundamental human rights.
- v) A citizen with an unsound mind suffering from insanity will be deprived of some of his rights if he is restricted in the interest of other citizens.
- vi) A citizen may be denied some of his rights if he is quarantined on medical grounds in order not to spread infectious or contagious disease if such a citizen is suffering from such a disease.

The police can in the interest of peace and order, ban public assembly, and procession demonstration, which will deny a citizen his rights of assembly and association. A citizen's right to ownership of property may be infringed upon if the government considers such property like land useful for developmental purposes (Of course, due compensation is rewarded).

The right of a citizen to vote and be voted for in any given election may be denied if such a citizen is a banned politician or is mentally sterile.

State Abuse of Human Rights in Nigeria

Human right abuse refers to the violation of rights of a person. It also means denying someone of his fundamental human rights. By State abuse of rights, reference is made to the various ways the State as a sovereign political and governing entity abuse, deny or even violate the rights of the citizens it should protect. In such incidents of state abuse of human rights, the state acts contrary to its own laws put in place to protect its own citizens from both internal and external aggression. The phenomenon of State abuse of human rights is rife in Nigeria. Nnochiri (2013) acknowledged that in the recent past, human rights violations and abuses in Nigeria has held people down and devalued the nation's cherished values. Despite decades of democratic governance and endorsement of the universal declaration of human rights charter, Nigerians still face a lot of human rights abuses. According to Akhaine & Chizea (2021), this is because contrary to democratic ethos, the state is still largely authoritarian in leadership and security operations. Cases of human rights violations in Nigeria by the state which is gradually becoming a governance imperative in the country includes extra-judicial killings, illegal detention, destruction of property by security forces etc (McCulley, 2013). Osuji & Duru (2019) extensively discussed the following tendencies as some of the remarkable ways the state abuse human rights in Nigeria. Many related scholars have offered similar submissions in their researches. They include;

1. Extra-judicial killing by the state; example the Odi Massacre of 1999, destruction of lives and property of civilians within the Niger Delta regions and South Eastern part of Nigeria by the Nigerian Army and Police in the name of war against terrorism and banditry. This unguided use of state might against civilians has become a norm for the Nigerian State, and it constitutes a major source of human rights abuse in Nigeria. The ugly events of the #ENDSARS protests of 2020, and many others come to mind in this regard.
2. Forced and unlawful evictions, this is another way the Nigerian State abuse the fundamental rights of her citizens. It is an act of illegality the State employs at all levels of governance- Local, State and Federal Levels. Citizens are forcefully evicted from their property, most times without any form of compensation; sometimes, even against extant court orders. This act of illegality is so normal and common in Nigeria. Most citizens have been rendered homeless, unemployed, left without any means of livelihood due to this manner of abuse of state might by the Nigerian government.
3. War against human rights defenders, media and Non-Governmental Organization; it is only normal for a State that is anti-human rights to use every kind of intimidating ploy to wrestle against entities fighting in defense of the rights of the helpless citizens. It is common in Nigeria to see brave individuals, organizations and the media who speak in defense of the masses face devilish attacks from the State. The Nigerian State has made effort to gag the media and silence the voice of all who speak truth to power. This is abuse of the fundamental rights of citizens. At some point too, effort was made to restrict the citizens' right to speak freely through social

media channels. However, a State that allows justice and fairness to prevail among its citizens would have no need to gag the media or silence the voices of opposition. Therefore, injustice and lack of transparency in governance is a major reason the state seeks ways to silence the voice of the citizens; thereby, infringing on their rights to free speech.

4. Other ways the State abuses the fundamental rights of her citizens in Nigeria include: restriction of rights to self-determination; disobedience of court order; flawed/violent elections and manipulation of the people's mandate/consent; executive influence on the judiciary and legislator.

Human Rights Abuses in Nigeria vis-a-vis Nozick's Minimalist State

The idea of the minimal state calls for a radical limitation of the influence of a state's power to the barest necessary minimum possible. The notion of minimal state presupposes that the concern for the individual's liberty is the supreme and, perhaps, the only value in the society and that the State's power should be curtailed so extensively as to give the liberty of the individual the highest possible expression. It follows that the State may not impose taxation or use its coercive apparatus for the purpose of getting some citizens to aid others against their will, nor prohibit activities of people for their own good or protection. Otherwise, the State shall be seen as a perpetuator of injustice instead of justice. Obviously, therefore, Robert Nozick is a headstrong libertarian. He stated categorically that the minimal state is the most extensive state that can be justified and that any state more extensive violates people's rights and is therefore unjust. His minimal state is the embodiment of the doctrine of rights and his theory of justice can be regarded as a treatise on rights with particular reference to ownership of property. He posits that the State has no right to seize the resources of individuals in order to distribute them according to any principle whatever. It follows that Nozick is interested in what distributive justice would consist of in a minimal state. Thus, his theory of justice can be viewed as a description of the operations of the minimal state insofar as distribution of resources is concerned.

Obviously, in too many ways, the Nigerian State is almost diametrically opposed to Nozick's Minimal State ideal. In that sense, the State in Nigeria can be described as anti-Minimalist. The preponderance of abuse of the fundamental rights of the citizens in various ways is a testament to the anti-Minimalist tendencies of the Nigerian State. In fact, some legislation, policies or even national ideologies forwarded by the Nigerian State are in themselves violations of the economic freedom, religious and social freedom, and property rights of the masses. Take for instance, the federal character policy of the Nigerian State. This policy, even though its intent is to foster national integration and equality among the peoples of Nigeria, in many ways it injures the liberties of some citizens and stifle the economic freedom and property rights of some others. Nnamani et al (2015) explains that the federal character is supposed to protect the rights of the minority, accommodate the disadvantaged, and ensures even

distribution of resources among the various federating units or ethnic groups in Nigeria. Section 14, subsection 3 of the 1979 constitution affirms thus:

The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria, and the need to promote national unity, and command national loyalty to ensure that there is no predominance of persons from a few states or few ethnic group or other sectional group in government or any of its agencies (FRN, 1999).

It is necessary to yet observe that the goals of the federal character is defeated almost completely by the same government that should implement the principles. Consider the setting and constitution of the members of the executive under the Buhari administration and the president Tinubu presidency. It is evident that the membership of the executive is dominated by people from the tribe of both presidents- Hausa and Yoruba respectively. The other arms of government and other federal agencies are also dominated by people from both tribes too. This example of lawlessness by the State itself; an organ that should ensure obedience of the law and the preservation of the rights of the citizens. This in its own right is totally anti-Minimal State because the role of the Minimal State is to ensure that the rights of the citizens are protected and ensured. The state performs this function by creating laws, obeying same and ensuring that citizens obey too to ensure orderliness.

This stated, it is yet impossible for the federal character policy to pass Nozick's libertarian test and be accepted as a workable policy in a minimalist state even when it is judiciously implemented. This is because the policy in itself is restrictive; it is based on distributive justice which Nozick condemns out rightly. While the policy tries to promote national integration and equal opportunities for all by creating "fair" opportunities for the minority or disadvantaged; it indirectly enables injustice by limiting the opportunities of the more qualified among the more advantaged ethnic groups. However, the function of the State according to Nozick is to create the environment for every citizen to thrive by ensuring that their rights are protected at all times. The Federal character policy abuses the economic rights of some ethnic groups in Nigeria in terms of resource distribution and allocation because it takes what belongs to a more advantaged ethnic group and shares same equally with other groups the state considers less advantage. Sometimes, as in the case of the Niger Delta, the territory or even tribe where the resources emanate from enjoys little or nothing from its own economic resources. This is the core reason Nozick argued against distributive justice and suggested that the state refrain from intervening in the affairs of citizens unless it concerns matters revolving around the protection of their rights from abuses.

The tendencies of the Federal character policy to constitute abuse and restriction of the rights of the masses (hence, leading to injustice) is also seen in the criteria for recruitment and admission of Nigerians into federal agencies and institutions of learning. Some applicants from the southern region of the country who are more qualified and competent are not recruited or admitted simply because

others less qualified from the northern region must be accommodated. This is blatant abuse of the rights of more qualified citizens. The policy does not actually create equal opportunity for competition among the masses; it rather enables mediocrity, injustice and unfairness in government affair. When a state pushes and fronts policies like this, it only reflects how much the state meddles with the private affair of the citizens; and by so doing infringes on their rights and liberties. This is not democratic and it sets the wrong message to the masses. The state becomes a bad example for the masses- 'we can be less productive, less educated, less hardworking, etc, yet we can benefit from the state and even enjoy more privileges than persons who are more educated, more hardworking and more productive.' This is the predominant mental disposition among majority of the federating units in Nigeria due to the terrible effects of the federal character policy. The extrajudicial killings sponsored by the State in Nigeria, such as: the Odi Massacre of 1999; the illegal mass killings of militants in the Niger Delta and secessionist agitators in the South East; the gruesome murder of peaceful protesters across the federation most notably during the #ENDSARS protests of 2020, etc are all indications of the anti-minimalist tendencies of the Nigerian State. A Minimalist State acknowledges the right and freedom of the masses to register their reservations against unfavourable State policies through nonviolent peaceful protests. In fact, it is the responsibility of the State to provide adequate security to ensure the peace and success of the protests. The reverse is the case in Nigeria. The State employs its military and police might to intimidate protesters in Nigeria. When protesters are not given the right to air their grievances, they take up arms against the state, leading to the birth of militancy and secessionist movements. This is why Nozick pointed out repeatedly that if the state must exist as a sovereign authority that must legislate on the affairs of citizens; its powers must be used only for the protection of the rights of the citizens. When the state protects the freedom and rights of its citizens, it indirectly protects itself and gives further legitimation to its status as a sovereign governing authority.

The war by the Nigerian State against human rights defenders, media and Non-Governmental Organization is a clear indication of the anti-minimalist state orientation in Nigeria. In the military, and now in the democratic dispensation, the state has always shown intolerance towards voices of dissent and criticism (Olasupo & Abioro, 2024). The government practically views state critics as her enemies, and does everything possible to silence them- included targeted attempts at their live and means of livelihood (Olasupo & Abioro, 2024). This tendency is a gross abuse of the right to free speech and participation in politics. In the Buhari administration, rigorous effort was made by the state to gag free speech; the apex of which was the ban placed on the operation of Twitter (now called X) in Nigeria (Mohammed & Adelakun, 2023). The Tinubu administration seems to have picked up from where the predecessor stopped. Giant national television and radio networks like AriseNews Tv, Channels Tv, AIT, etc are often harassed in the country, including notable individuals that present quality political analysis on these media outlets (Media Rights Agenda, 2025). This tendency is a gross abuse of human rights by the state; they are both anti-democratic and anti-libertarian. They are also nowhere close to

the minimal state paradigm underlined by Robert Nozick. As pointed out earlier, a minimalist state is always open to constructive criticism and dialogue from her citizens. It is only an unjust state, one that uses the consent of the people which legitimizes it illegitimately, that is anti-dialogue and considers free speech as a threat.

There are several other ways human rights are violated by the State in Nigeria. In whatever forms they appear, they are all evidences that the Nigerian State is actively anti-minamalist since it represents a standard that is almost directly opposed to the libertarian gospel preached by Nozick in his notion of minimal state. In essence, all forms of State abuse of political power; all forms State violation of citizens' right; all forms of State nonchalance to the welfare of the citizens are evidences that rank Nigeria below the threshold of Nozick's minimal state.

Conclusion

This paper has argued that Robert Nozick's concept of the minimal state provides a powerful normative framework for understanding the persistent pattern of human rights abuses in Nigeria's democratic system. Nozick's central insight (that the moral justification of the state rests solely on its capacity to protect individual rights) offers a clear standard against which state conduct may be evaluated. When this standard is applied to the Nigerian context, the conclusion is difficult to avoid: the Nigerian state operates in a profoundly anti-minimalist manner.

Through practices such as extrajudicial killings, suppression of peaceful protest, intimidation of the media and civil society, forced evictions, disregard for judicial authority, and intrusive redistributive policies, the Nigerian state routinely exceed the moral limits of legitimate power. These actions represent not merely policy failures but violations of the very rights that give the state its moral standing. From a Nozickean perspective, a state that persistently violates rights forfeits its claim to justice and risks transforming itself from a protector into a threat.

The broader consequences of this anti-minimalist orientation are evident in Nigeria's growing political alienation, declining patriotism, and the rise of militancy, secessionist movements, terrorism, and widespread distrust of public institutions. When citizens no longer perceive the state as a guarantor of their liberty and security, they seek alternative means of protection and self-assertion, often outside the framework of lawful authority. In this sense, Nigeria's insecurity crisis is inseparable from its human rights crisis.

The paper therefore concludes that any meaningful reform of Nigeria's democratic order must involve a fundamental rethinking of the scope and purpose of state power. A shift toward a genuinely rights-centred, minimalist conception of governance (one that prioritises restraint, accountability, and the dignity of persons) is not merely philosophically desirable but politically necessary. Until the Nigerian state reorients itself towards its most basic moral task, the promise of democracy, justice, and social stability will remain unfulfilled.

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