

ROBERT NOZICK'S ENTITLEMENT THEORY OF JUSTICE: A CALL FOR PEACE AND TRANQUILITY IN THE LIVES OF NIGERIA RETIREES

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Abstract

Justice has been defined as equity and fairness in ways people are treated. It is the legal duty of giving to others, what is due to them. The essence of justice is for a peaceful and harmonious co-existence of human being in the society of men, since people demand for justice especially in respect to their rights and the dignity of their labours. Robert Nozick conceives justice majorly as equity in distributive entitlement of holding, with property people owe when viewed from the principle of acquisition, principle of transfer and the principle of rectification of injustice. For Nozick, a person who acquires a holding in accordance with the principle of justice in acquisition is entitled to its ownership, as also a person who acquires in accordance with the principle of justice in transfer, from someone else who is entitled to holding of such property. Thus, entitlement theory implies a distribution of a due equity to each person entitled to such. Nozick therefore opines that, if the world were to be wholly just, only the first two principles would be needed, but given the lack of the two first principles, the third is evoked. This paper therefore examines Nozick's postulation in line with the deficiency in the Nigerian pension system. It is pertinent to note that these pension funds are part of the earned salaries of the pensioners deducted monthly at source before paying them the residue, which by implication, means that the fund in question is legally theirs. The pension administration of the Nigerian society has defiled and fallen short of these principles. Consequently, this paper would explore the setbacks in Nigerian pension scheme and proffer recommendations on the way to follow so as to operate optimally and bring about a peaceful retirement life for retirees.

Keywords: Justice, Peace, Equity, Fairness, Entitlement, Pension.

Introduction

Everyone deserves and hopes to live long and grow old someday. In Nigeria, and probably elsewhere in Africa, those who served their Nation in their youthful days are forgotten when old age comes calling. This paper is largely on the cruel injustice being unleashed out to pensioners in the Nigerian society. Let us first and foremost understand what pension means. A pension is a fund into which a sum of money is added during an employee's employment years, and from which payments are drawn to support the person's retirement from work in the form of periodic payment. In the Nigerian pension system, the pensioners suffer the most part of injustice in the hands of the government, various government agencies and commissions charged with the responsibility of administering and managing the pension funds, due to the people who have laid down their life and time in the service of the country and humanity at large.

Recall that in December 2002, a sitting governor in Nigeria, Barr Chinwoke Mbadinuju, once referred to pensioners of his state as “dead woods.”¹ He went further to tell them to their faces according to the report of Nwokoye Chukwudi in his report that “if these old pensioners have no children to look after them, let them go back to their villages and die.”² He referred to them as dead woods who do not contribute anything to the growth of the state in the present, but he was too quick to forget that the foundation of state he inherited and has the mandate of governing at that moment was laid by the brain, sweat, skills, power, youth and the goodwill of the pensioners during their active days in service. This is quite pitiable and shameful

Pension Funds Management companies are now newly charged and saddled with the responsibility of administering the funds of the pensioners in terms of: managing it, investing it and disbursing it to the various people entitled to it as and when due in line with the laid down procedures and principles of the apex pension house which is the National Pension Commission. It is pertinent to note at this point that these funds in question are part of the earned salaries of the pensioners deducted monthly from their monthly salaries. This implies that the fund is legitimately theirs. There should be a great dignity in labour, one wonders why the result of the labours of the pensioners would be reciprocated with denial, shame, embarrassment, hunger, sickness and death as a result of not paying them what is their entitlement which they have diligently worked for. St Paul a great lawyer and theologian of the church stated that “let he who does not work, not eat.”³ A critical look at this would show that the pensioners have actually worked and therefore deserve their entitlement, feeding and care. Nwokoye added that “even though they are paid pittance, but there is a psychological effect it has on old men and women when they remember that they have earned what is being paid them.”⁴ These retired comrades have paid their dues and therefore deserve whatever is their entitlement in form of pension.

Injustice in Nigeria's Pension System and Administration

Dr. Gilbert Chigbo, a retired civil servant defined pensioners as, “old people, over sixty years of age, of dubious health and vitality and their stipend should be and used to be among the first disbursement made from government funds-but the present reality is different.”⁵ Going by the definition above, the pensioners should be among others, the paramount priority of the government starting from the federal level down to the state and the local level. The pensioners you see today, are the reason why there is a Nigerian society today, the pensioners have battled extensively to keep the society moving with their blood, their youth, their ingenuity, and by extension, their life. Life expectancy is not very encouraging in Nigeria, thus, one observes that the pensioners are usually “old and with health problems such as poor eyesight, arthritis, blood pressure, cardiac problems, prostrate problems and other affliction of the aged in Nigeria.”⁶

The saddest part of this bargain is that these funds are being appropriated for in the annual budget and in most cases fully funded but the bad side of it is that most

people saddled with the responsibility of disbursing pay to the gallery with these funds. In some cases, some administrators divert the fund for another purpose at the expense of the real owners of the fund, consequently allowing most of them who do not have well to do children that could take care of them to wallow in abject poverty and penury. Most of them could not even access medical health care, while some find it difficult to feed themselves. Most retired civil servants in Nigeria die in an untold frustration and hardship. No thanks to such careless, derogatory and callous statement by Chinwoke Mbadinuju, quoting Nwokoye in his report, hear him “they have outlived your usefulness to the government and the state and that they should be content with whatever allowances their sons and daughters are sending them. Moreover, as they no longer work for the state any more, they do not deserve to be paid.”⁷ How and when should a labourer deserve his/her wages remains a reoccurring factor in the light of above painted picture of injustice on entitlement.

The Philosophical Perspective

The quest to understand adequately, what people’s entitlement is all about, as well as how people’s right over their entitlement can be protected is a very key project in the Nigerian’s society at large. Especially in this present time when people’s labour can be foregone or delayed without any good reason and corresponding compensation, if at all there will be any. Robert Nozick’s entitlement theory of justice is a historical theory, that is to say, its tenets deal basically with the entitlement accrued and or acquired in the past and it made a very sensitive connect with pension fund as an entitlement. An entitlement worked for and acquired before the particular time of expected payment. Man is never alone in the world. Nature has made it compulsory for man to live in the midst of others in the community, based on this; Heidegger opined that “man is a being in the midst of others.”⁸ The fulcrum of all human interactions and existence is the society. Consequently, the ability to co-exist justly and freely in a human society, qualifies one as either “a beast or a god.”⁹ Since man is never alone, there is need for peaceful co-existence and the basic principle which is instrumental to a harmonious living in the society is justice.

Unfortunately, our society is characterized with men and women who are geared towards *megalothymia* in the coinage by Francis Fukuyama, in his *The End of History*. *Megalothymia* to dominate and create inequality, and this has been the order of the day in our present day society and interactions with other members of Nigerian geographical pension/entitlement space. Robert Nozick seeks to find out, how possible it is to have a just and stable society of free citizen. He tried in his political liberalism theory to reconstruct a minimal state that can function to maintain peace and order in the society, in order to realize the values of liberty and development. The work, *State, Anarchy and Utopia* seeks to emphasize the liberty of man in the formation of state. The book began with a declaration that “individuals have rights and there are things no person or group may do to them without violating their rights.”¹⁰ Nozick’s own conception of justice is in holding and entitlement and consequently, he hoped at arriving at “the state that is minimal,

limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts and so on.”¹¹ This theory entails that a person is entitled to a holding if he followed the principle of just acquisition, just transfer and just rectification. Nozick said, “Whatever arises from a just situation by just step is itself just.”¹² There is a lot of aberrations and irregularities embedded in the way people's pension/entitlement is being handled.

Lamenting about the pathetic way pension fund is being administered and how pensioners are being treated, Okey Ndibe stated that “it is about time Nigeria criminalizes this pervasive practice, a government that lacks the responsibility to pay its workers or pensioners has lost its salt and legitimacy.”¹³ Any political regime that is unable to manage the task of paying salaries and pensions should be deemed a ghost regime. As a matter of urgency, such an official be it: president, governor, or local government chairman, should immediately resign and make way for those who possess and understand the elementary principles and the moral obligation of the knowledge of wages, salaries and entitlement/pension. “To deny pensioners their basic entitlement, is tantamount to degrading them to the level of lower animals.”¹⁴

The position Nozick seeks to establish follows from a moral principle associated with Immanuel Kant and projected by Kant's second formulation of his famous categorical imperative, especially the formula of taking human beings as ends in themselves. “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.”¹⁵ Human being is a rational being, endowed with self awareness, free will, and the possibility of formulating a plan of life. Pensioners have inherent dignity and cannot be properly treated as a mere thing or used against their will as instruments in a way an inanimate object might be. Human beings have certain rights, they are their self owners and by extension, they own their entitlement/pension, they are supposed to have full and absolute right to their fruits of labour. To be in possession of this series of rights implies the right to possess something, to dispose of it and to determine what may be done it, constitute true ownership, thus to own oneself is to have such rights to various elements that make up oneself. “for if you own yourself, it follows, Nozick argues that you will use your self-owned body and its powers, for instance, either to work or to refrain from work.”¹⁶ Slavery was vehemently condemned by Nozick based on this, he sees it as immoral because it involves a kind of stealing and this is the pure interpretation of irregularities inherent in the Nigerian pension system. To delay or deny pensioners of their pension fund or entitlement is the same as making them slaves, because having worked over a period of time and eventually were denied of their entitlement or reward, makes is slavery.

On entitlement theory of justice, Robert Nozick sets out a striking one. His theory of justice is a property rights based theory. Nozick maintains that individuals have or can acquire full property rights or full ownership over various things, where full property rights over a thing consist roughly of the first, the right to use and control

use of the thing by others, the right to use force to stop those who are about to violate one's right in the thing, to extract compensation from those who have already violated such rights, and perhaps to punish such offenders. Then, the right to transfer these rights to others and finally, an immunity to losing any of these rights as long as one has not violated and is not in the process of violating the right of others.

Juxtaposing the position of the Nigerian pension system and how it is being managed with the postulations inherent in Robert Nozick theory makes it appear as a child's play. The major issue here is for the pension handlers to understand fundamentally that pension funds are actually the legitimate entitlement of the retirees, acquired in a legitimate way, and by extension it's theirs and should as a matter of fact not be violated. Having understood this, it is then pertinent that what should follow should be rectification because a very large volume of pension fund has been misappropriated over time. An untold injustice has pervaded the Nigeria pension system and the major issue becomes, how would the dead retirees be able to regain justice denied them. This goes to stipulate that the best form of approach is to put an end to the abnormalities and irregularities currently trending so as to make a paradigm stop and shift from abnormalities to normalcy. If the system would be sanitized from today, then the story would change from tomorrow.

Basis for Justice

The administration of government pension in this country has given rise to innumerable horror stories for so long that one wonders whether those at the top levels of such administration are humane or even compassionate. One asks at this juncture. Who is a pensioner? A pensioner in very clear term is a current civil servant enjoying himself/herself at the moment. The active civil servants, particularly those in the position to initiate a positive change to this horrible trend and most importantly those under the pension commission and or parastatal, fail to see the reality of what lies ahead. Every pensioner we see today was once a serving current civil servant. They are usually covered with the present comfort of official entitlements, comfortable homes, expensive cars, exotic holiday trips oversea. They bask in the euphoria of what is present at that moment, now when retirement comes, they wait on the line of the pension office, just like they had in the past, from their comfortable seats in their plush offices watch others before them at the time when they could have changed things. If the current old pensioners made efforts to set things right for those who were pensioners before them, the story would have been a different thing today. The Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC) should extend their solidarity campaign to the plight of pensioners who already have depreciated strength to fight for what belongs to them. If they get it right for the current pensioners, they would have not only done a good thing for them, but also for themselves for future purpose. Again, those civil servants employed in pension offices must do their duties religiously and show respect to those elders, a standard code of conduct should be established and adopted practically and should be made to be sustained. Nigeria Labour Congress

should be the attack dog of pensioners; they should extend their solidarity and champion their course because it is equivalent to one making hare while the sun is shining.

Conclusion

The value system of a people is among the things that makes or mars that particular society. "A nation is great or wealthy not because of her land mass or mineral resources, but the greatness of a nation is measured by the wealth of their values."¹⁷ Man is the highest in the created order, man is little less than God, and was created in the image and likeness of God (*imago dei*), consequently, he ought to be seen and regarded as the *terminus a quem*. Man is supposed to be taken as an end as against being used as a means. Any value system that relegates man to the background is bound to produce negative effects and this is what has been playing out in the Nigeria pension system. The poor administration of pension in Nigeria is a very big problem because it is tantamount to stealing from the retirees, it is equal to dehumanization, it is equivalent to murder, it is a crime to humanity and should be taken and treated as one. There is a great need for a general value reorientation in all the aspects of Nigerian government but with particular reference to the pension management and administration. The Nigerian society should borrow a leaf from other western bodies who put the welfare and the well being of the citizens on the front burners.

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