

Normative Approaches to Ethnic Recognition and Accommodation: Their Applicability to the Nigerian Experience

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Abstract

This article explores the central theme in the normative philosophy arguments of Michael Walzer; Charles Taylor; and Will Kymlicka and their applicability to the state building processes and constitutional politics in Nigeria. The main argument of these scholars is that, in a multicultural society, equality and justice; unity and stability are likely to prevail if state building and constitutional processes of a country recognises and accommodates ethnic diversity. Critically applied, the article observes that since liberal democratic values are not well rooted in the Nigerian body politics, the specificity of the Nigerian state would have to be recognised for the normative arguments to be completely applicable. Under the given, the article concludes that, strict application of the normative prescriptions in Nigeria's multiethnic society could trigger escalating cycles of ethno-political tensions, institutional instabilities, and demand by groups for exit from the Nigerian state.

Key words: Ethnic accommodation; Ethnic diversity; Ethnic recognition; National unity; Nigerian experience; Normative approaches; Political stability

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INTRODUCTION

One of the greatest challenges facing both the politically advanced and developing societies, especially Nigeria in the contemporary time is how to meet its pre-set national goals-recognising and accommodating ethnic diversity, achieving national unity and political stability. For this reason, state building strategies and political institutions in both the advanced and the developing world have come under severe criticisms for failing to adequately take into consideration the interests of all citizens. The nature of the challenge is both a lack of commitment of the political institutions involved in state building to securing equality and justice on the one hand, and a disagreement on what it really entails to grant equal rights for all the diverse groups in a country.

In most liberal theories, especially those ones advanced by John Rawls (1988); Bruce Ackerman (1980); and Ronald Dworkin (1978; 1981; 1983), the distribution of uniform or equal rights for all without consideration for ascriptive criteria has been the standard mode of ensuring equality. This thinking however, has come to be regarded in recent time by scholars such as Michael Walzer (1983, 1987, 1994); Charles Taylor (1991, 1994); and Will Kymlicka (1989, 1995) as partial, exclusionary and oppressive. Instead, there is the insistence on the part of the above mentioned scholars that, the issue of equality entails recognising what is specific to each group in the society. In the opinion of these scholar therefore, the challenge is how to ensure explicit recognition of differences or particularities among groups by the political institutions in the process of distributing rights.

Until recently, John Rawls; Bruce Ackerman and Ronald Dworkin had no difficulty devising a model of society in which groups in a country such as Nigeria with diverse social and cultural backgrounds receive fair treatment. In the model the above mentioned scholars advanced, the state was separated from the private. That is for instance, the separation of state from religion- and

anything particular to an individual or group was banished from the former. This means, the state provided a neutral ground for groups to stand as equals in the distribution of rights, privileges and power without regard to social difference. Thus, the project of ensuing equality and justice requires political institutions to proceed from a neutral turf to put in place a “difference-blind system” of rights and liberties of the citizens (Williams, 1995). An example of such equality and justice project is John Rawls’s “Original Position” whose “veil of ignorance” denies people knowledge of their social background (Rawls, 1988). A similar example is Bruce Ackerman’s “Spacecraft Journey”, or Ronald Dworkin’s “Desert Island” with its insurance scheme. In all these equality and justice projects, a system of rights and liberties is defined without the influence of particularistic interest and is considered to be impartial and fair (Young, 1990).

However, the definition of the rights of groups in a manner that abstracts from their social background has in recent years, attracted heavy criticisms for failing to meet the requirements of equality and justice. A number of theorists within and outside the liberal philosophy, for example, Michael Walzer, Charles Taylor, Will Kymlicka and Melissa Williams have argued that the supposedly neutral turf of the state is pervaded by the cultural values of a dominant set of groups- for instance, the Hausa/Fulani, Yoruba and Igbo in Nigeria, and the so called uniform rights negotiated in this kind of political atmosphere cannot be free of their values. By implication therefore, the difference blind conception of equality and justice is not difference blind after all. It is regarded to be hegemonic and oppressive (Young, 1990). Consequently, an alternative conception of equality and justice that recognises social differences among groups has been advanced by Michael Walzer, Charles Taylor and Will Kymlicka.

In the same manner as an alternative normative conception of equality and justice was being worked out, so were empirical political scientists - Crawford Young (1976); Eric A. Nordlinger (1972); Donald Horowitz (1991; 1994); Donald Rothchild and Victor Olorunsola (1983); and Donald Rothchild (1997) conducting inquiries of ethnic relations and governance in African and Asian States with a view to deriving state building and constitutional mechanisms that would nurture democracy. Their studies have yielded the view that ethnically plural states such as Nigeria would have to revise the Anglo-American model of democracy to make for political inclusion of all the diverse groups in the country. The surest way of fostering inequality and injustice, and perhaps conflict, the empirical scholars argued, is to replicate the liberal democratic model that emphasises majority rule that is difference blind.

This article explores only the applicability of the normative arguments, and concludes that strict application

of the normative prescriptions in Nigeria’s multiethnic society could trigger escalating cycles of ethno-political tensions and institutional instabilities. This conclusion is not a suggestion that the normative arguments have no relevance when applied to the Nigerian situation. This is especially because, the commitment of successive Nigerian governments to design series of state building strategies that recognise and accommodate ethnicity; and the determination to revisit the arrangements to redress what inequities there are, validate the main theme of the normative philosophy arguments. But, on the other hand, problems that have emerged in the course of implementing state building strategies that recognise and accommodate ethnicity has served as the main weaknesses of the normative approaches.

THE NORMATIVE ARGUMENTS ABOUT ETHNIC RECOGNITION AND ACCOMMODATION

There are different strands of the normative arguments within the liberal philosophy for the recognition and accommodation of cultural diversity in a political community. Some are identity based, while others are based on sexual orientation. This article identifies and concentrates on three strands of the identity arguments championed by Michael Walzer, Charles Taylor and Will Kymlicka. The arguments of these theorists are considered in turn as follows.

The first strands of the liberal philosophy arguments for the recognition and accommodation of cultural diversity in a political community to achieve equality and justice; unity and stability is associated with Michael Walzer, a “relativist”, and therefore a strong opponent of the “universalist” conception of rights championed by Rawls, Ackerman and Dworkin. Walzer puts forward a conception of equality and justice that recognises and accommodates difference among groups in multicultural societies (Walzer, 1983). In his book the “Spheres of Justice”, Walzer lays out his theory by taking on the argument of Rawls that groups in an original position prevented from making claims that is particular to them would adopt universal principles for the distribution of primary goods. Rawls original position, according to Walzer, is abstract and removed from realities. In real life, goods have different meanings in different societies and it is the meanings that would determine how they are distributed.

In spelling out the theory, Walzer advanced three arguments: first, goods do not fall from space; they are made by people and have social meaning among those people who make them. Secondly, the social meaning of goods determines their movement, and how they are distributed. And last but not the least; justice is done if the values that govern distribution in one sphere of

life- or a particular social good are not used to govern distribution in another sphere of life or another social good. What Michael Walzer is saying in essence is that, in a multicultural society, the cultural values of the dominant groups predominate. Therefore, distribution of rights negotiated in this kind of political atmosphere cannot be free of the values of the dominant groups. Thence, the best way to ensure equality and justice among the majority and minority groups is to recognise social differences among the various groups.

On the basis of the above argument, one can observe that, Walzer is a relativist, and his theory of justice, to use his words, 'is alert to differences' and 'sensitive to boundary crossing' (Walzer, 1983). What one can infer from the above is that, in a culturally heterogeneous country such as Nigeria, Walzer's relativism would defend state building and constitutional strategies that aims to accommodate diversity in the society. He referred to this in "spheres" when he makes the point about adjusting - state building principles operative in the political community to meet the requirements of historic communities (Walzer, 1983). In his other book, "Thick and Thin", Walzer's argument gravitates towards autonomy for groups. Moral understandings of a culture, according to him, are thick and should not be overridden by external understandings of dominant groups in the society. Criticisms have to come from within, and the standard, which the critic appeals to, has to be internal to the culture as well as to other cultures. He calls it 'Minimal Universal Moral Standard' which the article considers to mean basic human rights. The moral minimum is basic human rights that are part of, and not a substituted for, local meaning that are thickly constituted (Walzer, 1987). It is thin, according to him, not thick enough to provide details of how life should be lived. Moral minimalism, therefore, cannot be the basis of political unity for diverse cultures. It rather evokes the conscience to make people solidarise in its defence whenever it is violated, thereafter people separate to their rich, thickly constituted moral life. The main theme of Walzer's argument in "thick and thin" is basically that, life is more meaningful when, a cultural group directly make decisions that affect them, rather than the dominant groups making decisions on their behalf. And therefore, a basis of political unity in diverse cultures is to grant cultural group autonomy to run its own affairs.

For Walzer, then, pluralism of values is the most meaningful life. The view of Walzer consciously applied for instance means that, to supplant pluralism of values "in favour of national unity and stability as evident in most of Nigeria's state building goals" are to throw groups into a moral wilderness. Walzer's theory is opposed to the dominance of one cultural world by another. To judge people with an external moral standards amounts to imperialism, rather like an imperial judge in a colony who uses principles derived from the mother country to

bring the natives to justice (Walzer, 1987). For him, the most justifiable arrangement is that derived from, and grounded on, thickly developed moral values. For this reason he settles for the right of cultural groups to self-determination. However, the chaos and anarchy that will result from the assertion of independence by one group after the other makes him think that self-determination does not provide a single best answer to all situations. The best alternative, he thinks, is a confederal or federal arrangement whose institutional checks will prevent the domination of one group by the other (Walzer, 1987; Walzer, 1992).

Delving into a sensitive societal issue as Walzer has done, no doubt attracts attentions. In this context therefore, Walzer's arguments have received wide ranging criticisms from scholars such as Will Kymlicka (1989, 1995); David Miller (1995); and Wayne Norman (1995) among others. Some notable criticism needs to be pointed out, as far as application of Walzer's theory to Nigeria is concerned. One of the elements of Walzer's normative prescription is the questionable assumption that differentiated rights or internal autonomy for groups such as those of the Niger Delta communities would ensure equality, justice and national unity. The argument takes cultural groups as cast and fixed, not subject to self-multiplication in the event of goods being distributed on their terms. Goods, like rights, power and opportunity are not just end in themselves. They are means to further goods. Consider power, for example, it could be a means to wealth, security, and even more rights and opportunities.

To be more specific, if by Walzer's argument, values such as cultural identity are used as criteria in the distribution of goods, there is the tendency as Nigerian experiences of state creation and recognition of minorities in separate regions/state have shown that, cultural groups claiming different values do duplicate themselves in order to have a greater share of the national cake. There is even the possibility of elites encouraging group differentiation in order to have access to power, as they often do. Overall, since cultural identity is the basic criterion for the distribution of goods and, based on Walzer's account, no culture ought to judge the other, there is the tendency for one to assume why Nigeria's cultural groups proliferated from 4 regions in 1964 to 36 states in 2012, and chaos rather than stability have being prevailing in the polity.

The second strand of the liberal philosophy arguments for the recognition and accommodation of cultural diversity in a political community to achieve equality and justice; unity and stability is associated with Charles Taylor (1991; 1994). In "Shared and Divergent Values" an article written in acknowledgement of the Canadian political scene, Taylor specifically explained why Quebecers are pressing for autonomy. This is in spite of their having language rights at the federal level, a de-facto special status- through their special immigration regime,

income tax, pension plan etc, and command of powerful positions in the federal government of Canada.

The paradox, according to him, has to do with Quebec's understanding of Canada as a pact between two nations - English Canada and French Canada - and the country as existing to contribute to the survival of both nations. However, for a long time, the nation of French Canada had been demeaned by being refused recognition. In recent years, Taylor argues, the transformation of the country into a multicultural society has buoyed English Canada to build political unity around the Meek Lake Accord - a Charter of Rights adopted in 1982. The Charter, according to him, accords some powers to collectives by making provision for linguistic and aboriginal rights, but imposes a procedural model of liberalism that provides a set of groups' rights, but prohibits discrimination on grounds such as race. The motivating force behind the Meek lake Accord was the need for a reconciliation between the rest of Canada and Quebec, which had not accented to, though it had been bound by the constitutional changes of 1982, including the entrenchment of the Canadian "Charter of Rights and Freedom". The linchpin of the agreement and reconciliation with Quebec was the so-called "distinct society clause".

However, Taylor argues, procedural norms enunciated in the Charter clashed with and thwarted Quebecers' aspiration of seeking their good - the survival and flourishing "*la nation canadienne française*" - in common. A request for constitutional amendment, the Meech Lake Accord, to provide a "distinct society" clause was defeated despite a de-facto special status enjoyed by the region. Taylor regards the imposition of a procedural model of liberalism in which the state is uncommitted to a conception of the good as diametrically opposed to what Quebecers opt for. For example, the Quebecers want a liberal society organised around a definition of the good life without having to demean those who do not share in it. Taylor identifies multiculturalism; that is, the sorts of group rights provided in the Charter, as a first level diversity that does not come close to what Quebecers want. It is hegemonic because, in substance, people are required to conform to procedural norms (Taylor, 1991). For Quebecers and Aborigines, Taylor says, their sense of being Canadian rest on the survival of their national communities. There has to be 'a second level or deep diversity in which a plurality of ways of belonging would also be acknowledged and accepted' (Taylor, 1991). On the basis of the above therefore, recognition of cultural difference is not for profitable ends. Rather, it has to do with the survival of a national community that is gradually being deprecated or wiped out. But the possibility of groups proliferating to undermine stability of the arrangement that would emerge still remains, and Taylor did not address it.

Taylor's argument was given a higher normative cast in "Multiculturalism: Examining the Politics of

Recognition". In this piece, Taylor argues that there is no real tension between fundamental liberal commitments to the principle of autonomy and recognition for cultural minorities whose survival is threatened (Taylor, 1994). In this contribution, Taylor also observes that group identity comes from within but is affirmed by the recognition they receive from others. Non-recognition or mis-recognition can inflict harm or can be a form of oppression, as in the case of women in patriarchal societies or the case of colonial subjects who are induced to internalise a depreciatory image of themselves. In pre-modern times, Taylor argues, recognition was not a problem because honour was intrinsically linked to social hierarchies. In the modern world, it is a problem because social hierarchies have collapsed and in place of honour, we have equal dignity of persons. The identity of each comes from his/her inner self, but has to be affirmed by others because 'we become full human agents, capable of understanding ourselves through our interaction with those who matter to us' (Taylor, 1994). The understanding that identity is formed in relation with others has engendered, in the social plane- a demand for equal recognition.

Equal recognition according to Taylor, has come to mean two different things. For some, it means 'an identical basket of rights and immunities', the basis for this being a universal human potential, namely the capacity to direct lives. For others, it means 'recognition of the unique identity of this individual or that group'. The basis for this is also a universal potential, but it is the potential to form an identity either as an individual or a group (Taylor, 1994). The latter views difference blindness as a reflection of a hegemonic culture, as particularism masquerading as the universal, and as an attempt to assimilate or disparage others. One that results in a proceduralist model of liberal society as defended by Rawls, Ackerman and Dworkin, the other produces a model of liberal society organised around collective goals.

Taylor regards both models as mutually opposed, exemplifying with the case of Quebec where the commitment to the collective goal of survival constrained individual rights to school of their choice, to carry out transaction in English, and to put up commercial signage in English. However, Taylor endorses the second view, arguing that a society with collective goals can be liberal, 'provided it is capable of respecting difference, especially when dealing with those who do not share its common goals, and provided it defends fundamental rights recognised in the liberal tradition' (Taylor, 1994). Taylor does not show how this can be achieved. He does not make arguments for a synthesis of the two models; neither does he show that those who do not belong to the favoured culture or do not share the collective good will not suffer violation of right.

Taylor reproaches procedural liberalism for discriminating against those who do not belong to the dominant culture, but the alternative prescription he

presents, just like Walzer suffers from similar criticisms. For instance, his arguments for a society organised around community goals do not yield a rule that tells us when to and when not to extend recognition to those that claim it. Nevertheless, Taylor's argument boils down to internal autonomy for territorially concentrated groups and differentiated citizenship rights - different kind of membership and different citizenship rights. Within this arrangement, the hopes and aspirations of those individuals who do not share in the collective goal could be diminished by what Steven Rockefeller referred to as the 'elevation of ethnic identity over universal human potential' (Rockefeller, 1994). Take the example of Quebec that Taylor uses to exemplify his argument. There, law prohibits immigrant and Francophone Canadians living within the same jurisdiction from sending their children to English language schools. So, those of them who have no preference for French language schools cannot help but follow what has been officially decreed. Taylor acknowledges the constraint in fundamental rights and liberties of individuals but does nothing to deal with it. A similar example in Nigeria was when in 2000, Zamfara and 11 other Northern States returned to the Sharia legal codes. Part of the Sharia implementation was making Islamic religious knowledge curriculum compulsory in primary and post primary institutions. So Christians residing in those states had to either migrate or follow the provision of the Sharia (Paden, 2008).

The last but not the least strand of the liberal philosophy arguments for the recognition and accommodation of cultural diversity in a political community to achieve unity and stability are associated with Will Kymlicka. Kymlicka just as Taylor has given some attention to the reconciliation of collective goals and liberty. He argues in two very important books for recognition of difference - particularistic values notably in respect of Canadian Aborigines. Following J. S. Mill and Immanuel Kant, Kymlicka shows the distinctive feature of liberalism to be its ascription to groups of freedom to choose and revise their conception of the good life. Two preconditions are required: first, that groups lead their lives from the inside, in accordance with their belief of what gives value to life; second, that they have the freedom to question and revise their conception of the good in light of whatever information is available. There is therefore the liberal concern for education, freedom of association and of expression (Kymlicka, 1989; Kymlicka, 1995). The two preconditions, according to Kymlicka, underlie liberal conception of freedom. Citing Ronald Dworkin, Kymlicka argues that a societal cultural membership provides the basis for freedom, the ability to understand and to make and remake meaningful life choices. Besides, it provides a secure sense of belonging and identity without limiting freedom of choice. In the above context therefore, cultural membership is necessary for groups in a political community to live a good life.

However, in multicultural states, the political process and institutions - in most cases reflect the culture of the majority national group. Worse still, the system of liberties and rights serve to assimilate minorities as they lose control of their land and resources. For Kymlicka, in order for the minority groups to enjoy the primary good of cultural membership which the majority groups take for granted, the minority groups should have a variety of special rights including a right to self-government within the polity, guaranteed representation on inter-governmental bodies, and veto rights on issues affecting them (Kymlicka, 1989; Kymlicka, 1995). Kymlicka says special rights are not to be considered advantages, rather they secure for minorities the cultural context which members of the majority national group take for granted. And powers of self-government are not to be considered as temporary but inherent and therefore permanent (Kymlicka, 1995).

If the above normative prescription is applied to Nigeria's heterogeneous society, the constraint would be that group-specific rights may contradict common citizenship and trigger political disunity or separation. Kymlicka addresses this problem by differentiating between "representation rights" and "self-government rights". The former, according to him, facilitates the inclusion of minorities within the mainstream society and this strengthens rather than erodes shared civic virtue. He sees self-government rights as posing the danger of secession, but does think the latter is an option because of the problem of viability of minority groups. Multi-nation states, according to him, should promote unity not by denying particularistic differences among groups, but by respecting and nurturing it (Kymlicka, 1995).

The model of society that emerges from Kymlicka's arguments is one in which minorities are accommodated in sub-units organised around their collective good with the inevitable danger of compromising the autonomy of those who do not share the collective good. In chapter nine of "Liberalism", Kymlicka tries but fails to reconcile the autonomy of members with the community's good. Like Taylor, he does not show how the rights of those members who have different conception of the good can be defended.

Just as Walzer and Taylor, when the normative prescription of Kymlicka is applied to multinational societies such as Nigeria, there are many difficulties with Kymlicka's arguments for instance, his assumption about justice and stability in the political community (Kukathas, 1992; Williams, 1994). Like Walzer and Taylor whose arguments presuppose the immutability of groups, Kymlicka assumes minority groups to be discrete and immutable. Consequently, he thinks if they are accorded special resources or rights to pursue their conception of the good life, a just and stable normative order will be achieved. It is understandable why Kymlicka assumes that groups would not proliferate to take advantage of special

rights. His argument present special rights as creating conditions for equality and discounts the possibility of regarding them as benefits. But the reality is that they are not just formal rights. They are also tangible for they entail internal self - government that goes with the setting up legislative and executive positions that have to be filled, political representation at the centre, and job opportunities in government. Being tangible, and the fact of granting them on the criterion of ethnicity, would instigate new claims to minority status even from within the majority group. It automatically opens a leeway for others to claim minority status in order to receive similar treatment. The general attitude would be akin to, '... you've had yours; we need ours because we are also a minority suffering domination' (Ejobowah, 2001).

Kymlicka might respond by pointing to the use of political judgment in determining and rejecting spurious claims to recognition. This could be effective if groups are homogenous, but this is not the case if some consist of sub-groups with different dialects and are attached to definite territorial homelands as it is found all over Nigeria. The feasibility of Kymlicka's prescriptions becomes a real issue if a country is made up of one or two major groups and several minority groups. In this scenario the prescription will require disentangling multiple minority groups for special recognition in separate sub-political units. This would trigger a slippery slope that may elevate the concern for stability over equality and justice.

SUMMARY AND CONCLUSION

The three strands of the normative arguments explored in this article discussed what it means to recognise and accommodate ethnic difference - diversity in politics. For Walzer, it means recognising group claims to regulate their social space according to their own values, in which case to ensure equality and justice; unity and stability will require granting them autonomy. For Taylor, it means a formally recognised internal autonomy for groups whose culture or continued existence is under threat. At the extreme, the Walzerian position means political separation, and at the minimum an arrangement that provides minority groups with federal sub-units and whose constitutional checks could be enforced by international bodies when violated. On the other hand, in between, but close to Walzer, lie Kymlicka for whom taking recognition seriously means securing minority groups by giving them sub-units of government and guaranteed representation on inter-governmental bodies. The sub-units are rightful entitlements and should be permanent, while guaranteed representation is derivative of the right to units.

When all of the above normative arguments are critically unpacked, the article observes that the prescriptions advanced by the liberal normative theorists

are relevant to understanding state building processes and constitutional politics in Nigeria's multiethnic society because, the concerns that motivate the theorists to argue for special rights for minorities in North America would also support the demands of many minority groups in Nigeria for political and particularistic recognition. However, the problem with applying the arguments to the Nigerian situation is that, the kind of constitutional structures which the normative theorists defend, could give rise to elite's unrestrained use of ethnicity as means to power. Similarly, the prescriptions could also trigger demand overload in the political system and over-politicisation of ethnicity, all of which could, in turn, either cause regime breakdown or institutional instability and ethno-political conflict. On the basis of the above among other constraints limiting their applicability, the article is concluding that, even though they are relevant, unlike the politically advanced societies where the demands for recognition and problems of governability and stability may not be at odds, strict application of the normative prescriptions in Nigeria's multiethnic society could trigger a kind of an extended tensions that undermine Nigeria's territorial integrity. For example, the prescription that segmented autonomy offers the best arrangements for accommodating the interest of diverse groups could be a slippery slope for some groups asking for self-determination or exit from the Nigerian state.

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