



## JOHN RAWLS ON CIVIL DISOBEDIENCE AND THE CONSTRAINTS OF NIGERIAN DEMOCRACY

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### Abstract

*This paper examines John Rawls' theory of civil disobedience within the context of Nigeria's democratic context, emphasizing the tensions and possibilities it presents. Rawls defines civil disobedience as a public, nonviolent and conscientious act aimed at bringing about a change in laws or policies considered unjust within a near-just society. Applying this to Nigeria, a democracy marred by systemic corruption, ethnic divisions and weak institutions, the paper explores how Rawls' constraints, such as publicity, nonviolence and fidelity to law, are challenged. The paper critically argues that while Rawls' template offers valuable insights into the legitimacy of civil disobedience, adapting these principles to Nigeria requires addressing the unique socio-political realities of the country. By examining notable instances of civil disobedience in Nigeria, such as protests against police brutality and election malpractice, the paper highlights the need to balance Rawlsian ideals with practical strategies for achieving justice in a fragile democracy like Nigeria's.*

**Keywords:** John Rawls, Civil Disobedience, Democracy, Justice, Nigeria.

### Introduction

Civil disobedience has long been a vital instrument for resisting injustice and advocating for change within societies. John Rawls, one of the most influential political philosophers of the 20<sup>th</sup> century, provides a comprehensive framework for understanding the nature, justification, and limitations of civil disobedience in his seminal work, *A Theory of Justice*. Rawls defines civil disobedience as a public, nonviolent, and conscientious political act undertaken to bring about a change in unjust laws or policies in a near-just society (Rawls 320). While this framework is rooted in liberal democracies with stable institutions, applying his theory to countries with fragile or evolving democratic systems, such as Nigeria, raises mindboggling questions about its significance and adaptability.

Nigeria's democracy, often described as fragile and constrained, is characterized by systemic corruption, weak institutions, ethnic divisions, and recurring social unrest. Civil disobedience in Nigeria, exemplified by protests such as the #EndSARS movement and demonstrations



against electoral malpractice, highlights the complexities between citizens' demand for justice and the government's often repressive responses. This context challenges the applicability of Rawls' constraints on civil disobedience, particularly his emphasis on adherence to legal boundaries and the expectation of a just system as a backdrop for such acts.

This paper therefore examines the theoretical and practical implications of Rawls' philosophy of civil disobedience within the Nigerian democratic framework. It argues that while Rawls' principles provide a foundational lens for analyzing civil disobedience, they require significant adaptation to address the unique socio-political realities of Nigeria. By exploring key cases of civil disobedience in the country, the paper's highpoint is the need to rethink Rawlsian ideals in light of the challenges faced by citizens in fragile democracies.

### **John Rawls' Concept of Civil Disobedience**

John Rawls, in his landmark work *A Theory of Justice*, provides a rigorous philosophical framework for understanding civil disobedience within a democratic society. He defines civil disobedience as a "public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government" (Rawls 320). Rawls' approach situates civil disobedience as a form of political protest that operates within the bounds of a near-just society, aimed at correcting specific instances of injustice without undermining the broader legal framework.

According to Rawls, civil disobedience is a moral act grounded in fidelity to law and justice. It is not mere lawbreaking but rather a deliberate and conscientious act performed in public to highlight injustices and appeal to the sense of justice within the community. The act must be nonviolent, as Rawls insists that violence undermines the legitimacy of civil disobedience by violating the respect owed to individuals and the democratic process (322).

Rawls outlines three key conditions that justify civil disobedience in a democratic society. First, the injustice must be clear and significant, targeting violations of fundamental liberties or principles of justice. Second, civil disobedience should be used as a last resort, only after all legal means of rectifying the injustice have been exhausted. Third, the act should aim to maintain the integrity of the political system by demonstrating respect for democratic principles, even as it challenges specific laws or policies (326-328).

Rawls further argues that civil disobedience serves an important role in stabilizing democratic societies. By providing a mechanism for citizens to express dissent and challenge injustice, it acts as a safety valve for addressing grievances that, if left unresolved, could lead to social unrest or undermine the legitimacy of the system (331). However, Rawls emphasizes that civil disobedience is only justifiable in societies that are "nearly just," where basic democratic structures are intact, and the rule of law is generally upheld. In societies where justice is systematically absent, Rawls suggests that more radical forms of resistance may be necessary.

In sum, Rawls' concept of civil disobedience is deeply rooted in his broader theory of justice, which emphasizes fairness, equality, and the protection of basic liberties. It provides a framework for challenging injustice while maintaining respect for democratic institutions and



the rule of law. This framework, however, raises questions about its applicability in contexts where democratic structures are weak or absent, such as in fragile democracies like Nigeria.

### **The Features of Nigerian Democracy**

Nigerian democracy, while modeled after global democratic principles, is shaped by unique historical, social, and political dynamics that set it apart. Since the transition from military rule to civilian governance in 1999, Nigeria has struggled to establish a democratic system that is inclusive, transparent, and accountable. However, the country's democratic experience has been characterized by significant challenges and contradictions that raise questions about its stability and effectiveness. One defining characteristic of Nigerian democracy is electoral irregularities and political violence. Elections in Nigeria are often marred by vote-buying, rigging, and manipulation of results. The use of political thugs and violence to intimidate voters and opponents remains prevalent, undermining the credibility of the electoral process (Omotola 37). Despite the establishment of the Independent National Electoral Commission (INEC) to oversee free and fair elections, its operations have frequently been criticized for lacking independence and transparency.

Another key feature is systemic corruption. Corruption pervades all levels of governance in Nigeria, weakening public institutions and eroding trust in democratic processes. From embezzlement of public funds to nepotism and patronage systems, corruption significantly hampers Nigeria's ability to achieve good governance (Ibrahim and Ibeanu 12). This endemic issue not only limits the capacity of elected officials to deliver public goods but also discourages citizen participation in democratic governance.

Nigerian democracy is also characterized by ethnic and regional divisions, which heavily influence political alignments and policy decisions. With over 250 ethnic groups, the country's federal structure has been a source of both unity and division. Political power is often distributed along ethnic lines, and the zoning arrangement for key positions aims to ensure inclusivity. However, this system has sometimes deepened ethnic rivalries, as leaders prioritize regional interests over national unity (Suberu 79). Furthermore, weak institutional frameworks undermine the consolidation of democracy in Nigeria. The judiciary, legislature, and law enforcement agencies often lack the autonomy and resources to function effectively. Political interference in these institutions weakens the rule of law and accountability mechanisms, creating a system where powerful elites operate with impunity (Adebanwi and Obadare 45).

The prevalence of social and economic inequality also defines Nigerian democracy. Despite being Africa's largest economy, Nigeria experiences widespread poverty and unemployment. These conditions exacerbate voter apathy and alienation from the political process, as many citizens feel disillusioned with the ability of democracy to improve their lives (Ake 5). Lastly, Nigerian democracy is marked by a vibrant civil society and media, which play a crucial role in holding governments accountable and mobilizing citizens. Protests such as the #EndSARS movement and advocacy by organizations like the Socio-Economic Rights and Accountability Project (SERAP) demonstrate the resilience of civil society in addressing democratic deficits (Amnesty International). The media, though sometimes constrained by state censorship, remains a vital platform for public discourse and criticism of governance. Nigerian democracy is a complex and evolving system shaped by historical legacies, socio-



political diversity, and institutional weaknesses. While progress has been made since the return to civilian rule, significant challenges remain, requiring reforms to strengthen institutions, reduce corruption, and foster inclusivity in governance.

### **Civil Disobedience in the Nigerian Context**

Civil disobedience in Nigeria has emerged as a critical tool for challenging systemic injustice, political oppression, and institutional failures within the country's fragile democratic framework. Unlike John Rawls' idealized view of civil disobedience as a nonviolent, public, and conscientious political act performed in a near-just society (Rawls 320), the Nigerian context often presents a different reality. Here, civil disobedience frequently arises in response to deep-seated corruption, poor governance, and widespread socio-economic inequality, conditions that undermine the principles of justice and fairness.

One of the most prominent examples of civil disobedience in Nigeria is the #EndSARS movement, which began as a protest against police brutality, particularly by the Special Anti-Robbery Squad (SARS). The movement gained national and international attention as young Nigerians organized peaceful protests across the country, calling for systemic reforms in governance and accountability. Despite adhering to the principles of nonviolence, many protests were met with violent repression, culminating in incidents such as the Lekki Toll Gate shooting in October 2020. This highlights a key challenge of civil disobedience in Nigeria: the state's often hostile response to dissent, which undermines the effectiveness of nonviolent resistance.

Civil disobedience in Nigeria is also shaped by the country's ethnic and religious diversity, which can complicate efforts to mobilize nationwide movements. Protest movements often face the challenge of overcoming ethnic and regional divisions to build broad-based coalitions capable of advocating for systemic change. For instance, protests against electoral malpractice and corruption, while impactful, are frequently fragmented along ethnic and political lines, reducing their overall effectiveness in addressing national issues (Ibrahim and Abdu 45). Additionally also, economic inequality and widespread poverty further complicate civil disobedience in Nigeria. Many Nigerians face daily struggles for survival, making sustained participation in protests or acts of resistance difficult. This economic hardship is often exploited by political elites who use financial incentives or intimidation to suppress dissent (Ihonvbere 89). These socio-economic factors challenge Rawls' assumption of a near-just society where citizens have the means and freedom to engage in conscientious acts of disobedience.

Even with these challenges, civil disobedience in Nigeria remains a powerful expression of citizens' demands for justice and accountability. Movements such as the fuel subsidy protests of 2012 and the continued push for electoral reforms illustrate the resilience of Nigerians in using nonviolent resistance to challenge systemic failures. However, the success of these movements often depends on their ability to sustain momentum, overcome divisions, and resist state repression. In the Nigerian context, civil disobedience serves not only as a means of addressing specific grievances but also as a broader critique of the country's democratic shortcomings. While Rawls' framework provides a theoretical foundation for understanding civil disobedience, the Nigerian experience highlights the need to adapt these principles to account for the unique socio-political realities of fragile democracies.



### **Rawlsian Constraints and their Applicability in Fragile Democracies**

John Rawls' framework for civil disobedience is grounded in a theory of justice that presumes the existence of a near-just society, where democratic principles are largely respected and the rule of law is robust. Rawls outlines key constraints on civil disobedience, which include publicity, nonviolence, and a respect for the law. However, applying these constraints in fragile democracies such as Nigeria raises significant challenges due to the compromised nature of democratic institutions and the pervasive nature of systemic injustice.

Rawls asserts that for civil disobedience to be legitimate, it must occur in a society where the basic structure of justice is in place, even if certain laws or policies are unjust. The first constraint, publicity, demands that acts of civil disobedience be openly and transparently communicated to both the government and the public (Rawls 320). This condition relies on the assumption that democratic institutions, such as the media and the judiciary, function freely and without obstruction. However, in fragile democracies like Nigeria, media censorship, the intimidation of journalists, and the suppression of dissenting voices by government forces make it difficult for civil disobedience to be fully publicized without facing repercussions. In such an environment, the act of publicity itself becomes a form of resistance against state power, often putting activists at risk of arrest or violence (*Amnesty International*).

The second constraint, nonviolence, requires that civil disobedience be carried out without resorting to harm or the threat of harm. Rawls contends that violence undermines the moral legitimacy of the protest and damages the social contract upon which democracy is built (Rawls 322). In theory, this aligns with the principles of Nigerian civil disobedience movements, such as the #EndSARS protests, which have predominantly emphasized peaceful demonstrations against police brutality. However, in practice, state violence and police repression frequently lead to the escalation of peaceful protests, as seen in the tragic events of October 2020, when peaceful protesters were shot at the Lekki Toll Gate in Lagos (*Amnesty International*). The government's violent response to nonviolent protest complicates the application of Rawlsian nonviolence, as it transforms nonviolent movements into confrontations with state power, often provoking further civil unrest.

The third constraint, respect for the law, demands that civil disobedience be conducted in a way that acknowledges the authority of the legal system, even as it challenges specific laws (Rawls 328). This constraint assumes that the legal system is largely fair and just, capable of enforcing fundamental rights. However, in fragile democracies such as Nigeria, the legal system is often criticized for its inefficiency, bias, and susceptibility to political influence. The judiciary is frequently seen as compromised, and the law is selectively applied, often to the benefit of the political elite. This creates a paradox for Rawlsian civil disobedience, where citizens may feel compelled to break laws that are fundamentally unjust, such as laws that enable corruption or violate human rights. In this context, the respect for law constraint may be seen as impractical, as the legal system itself is perceived by many as an instrument of oppression rather than justice.

Rawlsian civil disobedience also assumes that the society in which it takes place is "nearly just," where most citizens are capable of participating in democratic processes and where democratic institutions are generally effective (331). In fragile democracies like Nigeria,



where corruption, political patronage, and the exclusion of marginalized groups persist, the social contract is often broken. This reality challenges the assumption that civil disobedience can be effectively used to reform laws within a democratic framework when the very democratic structures are dysfunctional. Citizens in such societies are often forced to use civil disobedience not only to challenge unjust laws but to call attention to the deeper flaws in the democratic system itself, which may require more than just legal reforms.

Finally, while Rawls' constraints on civil disobedience provide a foundational structure for understanding political resistance in just societies, their applicability in fragile democracies such as Nigeria is limited. The corruption of democratic institutions, state violence, and social inequality present significant barriers to the effective use of civil disobedience in accordance with Rawlsian principles. These challenges necessitate a rethinking of how civil disobedience functions in contexts where the social contract is fragile and the rule of law is undermined by entrenched power structures.

### **Challenges to Civil Disobedience in Nigeria**

Civil disobedience in Nigeria is often hindered by a range of socio-political, economic, and institutional challenges that weaken its effectiveness and limit its potential as a tool for driving meaningful change. While civil disobedience remains a powerful avenue for citizens to protest against injustice and demand accountability, the unique characteristics of Nigeria's fragile democracy pose significant obstacles to its practice.

One of the primary challenges is state repression and violence. The Nigerian government has frequently responded to acts of civil disobedience with excessive force, including arrests, intimidation, and the use of lethal weapons against peaceful protesters. A striking example is the #EndSARS movement, which sought to end police brutality and demand systemic reforms. Despite its nonviolent nature, the protests were met with violent crackdowns, including the notorious Lekki Toll Gate shooting, where security forces reportedly opened fire on unarmed protesters (*Amnesty International*). Such responses not only discourage public participation but also create a climate of fear that stifles future acts of civil disobedience.

Another major obstacle is ethnic and religious divisions, which fragment collective action and make it difficult to build unified movements. Nigeria is a diverse nation with over 250 ethnic groups and multiple religious affiliations, and these divisions are often exploited by political elites to undermine protests. Movements that are perceived to represent specific ethnic or regional interests may struggle to gain nationwide support, limiting their impact and effectiveness (Ibrahim and Abdu 63). This fragmentation often prevents civil disobedience from addressing national issues in a cohesive manner.

Corruption and political manipulation further hinder civil disobedience in Nigeria. Political elites often use financial incentives or threats to suppress dissent and divide protest movements. The pervasive culture of patronage and the lack of accountability within government institutions weaken the moral authority of protests and make it difficult for movements to achieve their goals (Ihonvbere 78). In addition, the co-optation of civil society leaders or activists by powerful interests dilutes the integrity of resistance efforts.



The prevalence of poverty and economic inequality poses another challenge to civil disobedience. Many Nigerians face daily struggles to meet basic needs, leaving them with little capacity to participate in prolonged protests or acts of resistance. Economic hardship also makes citizens vulnerable to financial inducements by political elites, who exploit this vulnerability to weaken opposition movements (Ake 9). This reality often limits the scale and sustainability of civil disobedience in Nigeria.

Media suppression and misinformation also play a significant role in undermining civil disobedience. While Nigeria has a vibrant media landscape, journalists and media outlets often face censorship, harassment, or outright shutdowns when reporting on protests or dissenting voices. In addition, the spread of misinformation and propaganda by both the government and non-state actors can distort the narrative of civil disobedience, delegitimizing movements and reducing public support (Adebanwi and Obadare 51).

Lastly, institutional weaknesses and the absence of a near-just society compound the challenges faced by civil disobedience in Nigeria. John Rawls' framework for civil disobedience assumes a functioning democratic system where laws are generally fair, and citizens trust in institutional mechanisms to address grievances (Rawls 320). However, in Nigeria, weak institutions, lack of judicial independence, and a history of electoral malpractice create an environment where citizens often perceive the system as incapable of delivering justice. This erodes the confidence needed to engage in constructive civil disobedience and may push some groups toward more radical or violent forms of resistance. Civil disobedience in Nigeria faces significant challenges stemming from state repression, ethnic divisions, corruption, economic hardship, media suppression, and institutional weaknesses. Despite these obstacles, movements like #EndSARS demonstrate the resilience and determination of Nigerian citizens to demand justice and accountability. Addressing these challenges requires strengthening democratic institutions, fostering national unity, and ensuring the protection of citizens' rights to protest and dissent.

### **Adapting Rawls' Theory to the Nigerian Context**

John Rawls' theory of civil disobedience is built on the premise of a "near-just society," where democratic institutions are generally fair, and the rule of law is respected (Rawls 320). However, in fragile democracies like Nigeria, where systemic corruption, weak institutions, and social inequalities prevail, Rawls' framework requires significant adaptation to remain applicable. The challenges posed by Nigeria's socio-political realities necessitate rethinking some of Rawls' principles to make them relevant to the country's context. Rawls' concept of civil disobedience assumes a functional legal and political framework where injustices are exceptions rather than systemic issues (329). In Nigeria, however, the prevalence of institutionalized corruption, electoral fraud and political repression undermines the basic structure of justice. To adapt Rawls' theory, one must recognize that civil disobedience in Nigeria often targets not just isolated injustices but systemic failures. Consequently, civil disobedience in Nigeria may take a broader scope, addressing fundamental issues like corruption, the lack of transparency, and ethnic marginalization.

Rawls emphasizes that civil disobedience must be a public act aimed at appealing to the majority's sense of justice (320). While publicity remains essential, the Nigerian context requires a nuanced approach due to the state's frequent suppression of dissent. Protesters in



Nigeria often face arrests, intimidation, or violence for openly challenging the government. Movements may need to rely on decentralized and covert mobilization strategies, such as the use of social media, to build momentum while protecting activists from persecution. The #EndSARS protests, for example, effectively leveraged digital platforms to amplify their message globally while countering state censorship (*Amnesty International*).

Rawls' insistence on nonviolence as a cornerstone of civil disobedience presents challenges in Nigeria, where peaceful protests are often met with violent crackdowns. While nonviolence remains an important ethical principle, Nigerian activists may need to adopt defensive strategies to protect themselves and their movements. Additionally, the moral burden of maintaining nonviolence must be placed on the state, emphasizing that the legitimacy of civil disobedience is eroded not by protesters but by the government's violent responses (Ibrahim and Ibeanu 57). Rawls also argues that civil disobedience should demonstrate respect for the law, even when opposing unjust policies, to preserve the integrity of the democratic system (Rawls 328). In Nigeria, where the judiciary is often perceived as corrupt or politically compromised, fidelity to law must be reconceptualized. Rather than adherence to a flawed legal system, Nigerian activists may focus on fidelity to universal principles of justice and human rights. This shift allows civil disobedience to challenge not only specific laws but also the broader structural injustices embedded in the legal and political framework.

Nigeria's ethnic, regional, and religious diversity often fragments collective action, posing a significant obstacle to effective civil disobedience. Adapting Rawls' theory requires prioritizing inclusivity and coalition-building to unify diverse groups under common goals. Successful movements in Nigeria, such as the fuel subsidy protests of 2012, demonstrate the importance of transcending ethnic and regional divides to achieve widespread participation (Omotola 45). Such inclusivity strengthens the moral and political legitimacy of civil disobedience, making it more effective in addressing systemic issues.

Rawls' theory assumes that citizens engaging in civil disobedience have the capacity and resources to participate. However, widespread poverty in Nigeria limits many citizens' ability to engage in prolonged protests or acts of resistance. To adapt Rawls' theory, movements must address the economic realities of their participants by creating support networks, such as food distribution and financial assistance, to sustain engagement. These measures not only enhance participation but also build solidarity within the movement. This, adapting Rawls' theory of civil disobedience to Nigeria requires recognizing the unique challenges posed by the country's fragile democracy. By rethinking the assumptions of a near-just society, modifying the principles of publicity and fidelity to law, and addressing the socio-economic and ethnic complexities of Nigerian society, Rawls' framework can be transformed into a practical tool for addressing systemic injustice. Ultimately, the success of civil disobedience in Nigeria depends on its ability to navigate these challenges while maintaining its commitment to justice and accountability.

## **Conclusion**

Adapting John Rawls' theory of civil disobedience to the Nigerian context highlights the complexities of applying philosophical frameworks in societies marked by fragile democratic institutions and systemic injustices. While Rawls' principles of publicity, nonviolence, and



fidelity to law provide a strong ethical foundation for civil disobedience, their practical implementation in Nigeria must account for unique challenges such as state repression, corruption, ethnic fragmentation, and widespread poverty.

To make Rawls' theory relevant in Nigeria, it is essential to expand its scope to address systemic failures rather than isolated injustices. Civil disobedience in Nigeria must not only seek to reform specific laws but also aim to strengthen democratic institutions and ensure greater accountability and justice. This requires leveraging modern tools such as social media for publicity, fostering unity across ethnic and religious divides, and addressing the socio-economic barriers to citizen participation.

Ultimately, Rawls' theory can serve as a guiding framework for Nigerian civil disobedience movements, but its principles must be adapted to reflect the realities of a fragile democracy. By emphasizing inclusivity, resilience, and fidelity to universal principles of justice, civil disobedience can remain a powerful tool for challenging oppression and advancing democratic ideals in Nigeria.

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