THE PHILOSOPHY OF JUSTICE IN A DEMOCRATIC SOCIETY: THE NIGERIAN EXPERIENCE.

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Most countries that found democracy desirable and as the most acceptable currency of modern governance must have been deceived or engrossed in its properties that tends to define life in terms of promoting human dignity and development. More so, that democracy exhumes freedom, promote human rights, rule of law and ensure fairness and justice. In any sense, what makes democracy attractive may not necessarily be its properties, but more importantly, because its vital breath is individual liberty erected on the philosophy of justice. Thus the idea of individual liberty, rule of law and freedom become immaterial without the vitality of justice. Justice therefore assumes a harmonising and synthesising factor upon which social, political economic and environmental values of democracy are built. For a democratic state, the principle of justice is sacrosanct to its operations, while its justice system must be well insulated and robust to ensure fairness and equity. Failure to ensure this will automatically lead to reversal and loss of legitimacy on the part of the government. It can also lead to democratic insecurity. Consequently, the philosophy of justice is crucial for a healthy democracy; it gives meaning and content to its institutions and structures. But to what extent can democracy and democratic regimes ensure fairness and justice in a polity? For example is it fair for a majority rule over the minority as democracy preaches? How justifiable can one really evaluate some democratic property? The answers of these questions lie in the nebulons and problematic conceptualisation of the idea of justice. Its flexibility and the meaning can be subjected to environmental condition, which again reinforces this problem. The study therefore intends to investigate the problematic conception of justice in relation to democratic project in Nigeria bearing in mind that the social objectives of the state provide that social order is founded on the ideals of freedom, equality and justice.

INTRODUCTION

It was Lord James Bryce that opined that “there is no better test of excellence of a government, be it democratic or otherwise, than the efficiency of its justice system, for nothing more hearty touches the welfare and security of the average citizen than his sense that he can rely on the certain and prompt administration of justice” (Bryce 1921:42). The submission of Lord Bryce here shows the import of justice in a soci-

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eternity, especially in democracy. However, it is ironic that the idea of justice and its underlying philosophy has been enmeshed in the crisis of proper definition and interpretation. The stability of any democratic society depends not only on effective legal system, party system or economic system, but also upon the efficiency and effectiveness of its political will to dispense justice in all ramifications. The effectiveness of the justice system must mean in actual performance to the extent to which the system satisfies the basic functions of government as well as the teeming population of its citizenry in dispensing justice and ensuring fairness and equity. It is also important to note that the ability of a democratic state to ensure justice will also confer legitimacy on the government. Legitimacy here involves the capacity of the system to engender and maintain a belief that the existing political institutions are the most appropriate and meet the yearnings of the society. Therefore, the extent to which the contemporary democratic political systems are legitimate and effective depends in large measure on the ways in which it can ensure the principles of justice, fairness and equality among its population.

Curiously, the philosophy of justice has a significance of its own in the realm of democratic society. For in every organised society the ideals of law, rights, liberty and equality (including fraternity or co-operation) and their values are attached to element of justice (Johan 2003: 11). Even in men’s individuality, justice has remained a propelling force for man to confront and fight others if necessary in self-preservation and self-defence. It has inspired man to join others and entered into social contract to build a civilised society where his fundamental human rights and natural rights can be protected (Adaramola 1998: 202). So important is the ideal of justice to democratic society that is seen as a reconciler and synthesiser of political values that are inherent in a democratic polity.

Although the philosophy of justice is seen as an underpinning principle of democracy, it is ironic that most developing or emerging democracies cannot yet engendered justice in their societies. A democratic society is at crossroad with what an authoritarian society is. Sometimes it is difficult to distinguish a democratic regime from an authoritarian regime because of the inability of each regime to dispense justice. The fact of the matter is that as there is an absence of important ingredients of justice in authoritarian regimes evidence of the same also abound in democratic regimes. For justice to be realised, it must uphold certain important properties such as rule of law, respect for fundamental human rights among others. Proper allocation for scarce societal resources without fear or favour must merit equitable distribution among the citizens. The judiciary, which is the harbinger of hope for common man, must be the signpost of effective dispenser of justice, it must be free and independent, must be able to check the excesses of the other arms of government, must ensure rule of law as it finds expression in the constitution and must be well funded to be insulated from politics. In short, as Aristotle says, “to go to the judge is to go to justice.” Thus, the judiciary is the dispenser of justice. However, the failure of demo-
cratic polity to ensure justice may not only be associated with the structural deficiency or institutional decay, but also in the various conceptual definitions and interpretations of justice itself. It is imperative to note the problematic nature of the definition; it is also expedient to explicate the various kinds and theories of justice.

**CONCEPT OF JUSTICE**

Underlying the evolution of a civilised society according to the social contract theory is the search for a just society, a society where law of nature will ceased to be used as parameter for orderly society. So at the heart of the social contract theory is the quest for a just and an orderly society where human interaction would be modified by institution of law and sanction with the sole aim of dispensing justice. But what is justice? And what constitutes injustice? As earlier mentioned, is the rule of the majority over the minority just or unjust? This question offers us an insight into the complex nature in the conceptualization of justice. According to the “Dictionary of Philosophy”, justice has its root in the notion Greek word “Diakaisume” meaning “doing right” (Flew 1984). But the English version of the word is derived from the Latin word ‘Justica’ meaning ‘rightness, uprightness and equality of all men (ibid.). Thus the notion of justice is based on the fundamental natural theory of equality of all men (ibid.).

However, the complex and dynamic nature of justice makes its definition amenable to individual interpretation. For example, the term justice is given different meanings by different people at different times. Not only this, its implications vary from man to man and situation to situation (Johari (a) 2003 op. cit.). It is also dynamic because its interpretation changes with the passage of time. Justice in a European society may be abhorrent to an African society. A good example is the current issue of the crime of sodomy, whereas, in the European society, particularly among the Dutch people of Holland, men are allowed o marry men. (Ajibola 2004: 32). To an African society, such practice is deplorable and abhorrent. Again, what is considered just in the past is not so today. In terms of the Yoruba culture, their attitude to women as chattel is now considered to be against the principle of justice, equity and good conscience (ibid.). Furthermore, justice is premised on a variety of conceptual considerations and it is defined as moral, legal, political, economic or social factors these shall be elaborated later in this paper. In the traditional perspective, justice as concept has engaged the thoughts of jurists and philosophers. But its over-simplified definition could mean quality of being just, integrity, impartiality rightness and the awarding of what is due. (Ajibola op. cit.).

Again the concept of justice may be abstract with its practical manifestations. For instance, one may talk of moral justice or divine justice, but it will hardly be conformable to any set of empirical standards and for this reason not capable of practical application even in democracy. For justice to have meaning certain elements must be embraced. First, it requires a just state of affairs. That is, it is impossible to assess the justice of actions without a prior identification of the just state of affairs. Which
regime ensures a more just state of affairs, democracy or military or totalitarian regimes? Second, it is aligned with the condition of morality. For instance, a fair race is one in which a person who has morality deserves to win, but one in which there is no cheating; nobody jumps the gun or has an unfair advantage through the use of bad things like drugs. (Johari: op. cit.). Third, it carries the sense of proper distribution of favours and losses. It means that it is primarily concerned with the way rewards and punishments are distributed among the individuals in a rule-governed practice and its intimate connection and fairness. Fourthly, it normally prevails in a congenial atmosphere that is provided by a democratic set-up, but it may also survive in a non-democratic polity as an exception. Fair rules may be impartially enforced in regimes, which allow little political participation, and majority rule democracies may generate arbitrary treatment of individual and minorities. (ibid.).

THEORIES OF JUSTICE.
The conception of justice as underpinning principle of democracy is premised historically on some thematical postulations. These include legal theory, natural positivists, Marxian and philosophical theories. However, this essay shall examine the natural, legal and Marxist theoretical schools of thought.

Natural Theory
This theoretical postulation has its thrust in the principles of moral life as sanctioned by the law of nature. (Johari {a} 2003: 241) To the naturalist, justice is an ultimate end. (Johari {b} 2003: 343). Though the naturalist school emerged about 300 BC, during the period of the Stoic philosophers, which distinguished eternal law from natural and human law (Ajibola op. cit.) (lex aeterna ius naturale ius humanum). It also emanates from the philosophical theorists and treated the concept of justice as an ideal of absolute value whereby the right order could be established. This was further developed by Aristotle in his enquiries on logic, politics and his theory on justice in his book “Nichomachan Ethics and Politics” during this period Aristotle, along with Socrates and Plato helped to shape the whole intellectual tradition of modern Western thoughts. For example, Plato’s conception of justice and the division of the citizen into three classes and balance of relationship of the components that makes up the state. (Ogundare 2004: 21-27). The advent of Christianity, however created another dimension to the concept of natural justice. It was mixed up with the myth of the divine sanction and religious canons became a handy instrument to distinguish between the just and the unjust. St. Augustine was one of the arrowheads of this school. Theological basis provided absolute ideal of justice at the beginning of the society. However, the conversion of the idea of natural justice into transcendental idealism as conceived by Immanuel Kant gave way for the realisation that the natural rights were based on the principles of natural justice, which was regarded fundamental as endowed creator in inserted theory of law. Justice flows from the concept of natural law and it involves norms of fair play, equity, and righteousness in its practical manifestation.
Legal Theory
The legal school sees justice as the enforcement of the law of the state (Johari ibid.). It also identifies the whole idea of justice with the workings of the judiciary. The realm of law is strongly attached to the legal theoretical purview. John Austin, one of the advocates of the analytical school who taking on inspiration form Hobbes and Bentham, insist that law has to function as an instrument to suppress mischief (Johan b op. cit.). Consequently, justice is the immediate purpose of law and law without justice will become an instrument of oppression. It is however imperative that the legal theory of justice must take into consideration certain important elements. It requires that a dispute must be settled by competent jurisdiction. The accused must be given the opportunity to defend himself. The procedure of trial must be open and fair; the judge hearing the case should act freely and honestly, the accused should be given punishment according to the nature and magnitude of the wrong (ibid.). This theory constitutes the basis of western jurisprudence and which operationalised an ideal situation of what Dicey calls the rule of law. The legal theory lays too much emphasis on the sanctity of a verdict given by a court. It ignores the role of social, economic, and political forces that remain at work in any society and an understanding of which may convince a critical observer that in the administration of public justice the hand of non-judicial element cannot be ruled off.

Marxist Theory
Its main thrust lies in the analysis of justice as a class domination or class justice. The Marxist purview of justice emanates from its ideological standpoint. To them, state and its legal institutions are seen as instruments of exploitation and oppression by one class over another and as such law and justice are nothing else than a part of the entire state structure (Johari (a) op. cit.). The legislative makes laws that are in the interest of the ruling class, the judiciary in turn acts in a way that strengthens and defends the position of the class in power. They argue that the instrument of law and justice protects and promotes the interest of the bourgeois class within the society at the expense of the proletariats who are the majorities. For example, Dean Roscoe Pound (cited in Johari op. cit.) emphasises that justice and its administration must always be according to the law of the state as proclaimed by the state. Thus, the laws of the state are at the mercy of the bourgeois class and state. Law is an instrument of exploitation and oppression, so also the law of the state.

KIND OF JUSTICE
The concept of justice is usually viewed from the idea of law, therefore, it pre-supposes that justice is mostly seen from the legal point of view, i.e. justice is subjected to judicial adjudication. It is in this respect that this term has a positive character and by virtue of which the law of the state and the justice of the courts become inter-related and interwoven. However, with the growth in human civilisation and advent of democratic order, the meaning of justice has gone beyond the border of legal gamut. It has expanded to cover all works of life. It is in this direction that one now
hears of political justice, economic justice, social justice and environmental justice, even ethnic justice. This new awareness has developed to inform the rights of individuals should be reasonably restricted in the wider interests of his community so that the ends of justice are achieved. In other words, it is widely recognised that the well being of society depends on the co-ordination and reconciliation between the rights of the individuals and interests of the community. Thus, three basic kinds of justice merit our analysis in this essay. These are social justice, economic justice and political justice.

Social Justice
Johari(b) (op. cit.: 351) defines social justice as the balance between an individual’s rights and social control ensuring the fulfillment of the legitimate expectations of the individuals under the existing laws and to assure he benefits there under and protection in case of any violation or encroachment on his rights; consistent with the unity of nation and needs of the society. Ajibola (op. cit.) quoting the former Chief Judge of Indian Justice P.N. Bhagawati has this to say on social justice; “Even in most countries of the world we talk of justice, we mean justice which takes within its compass not only a few privilege persons but large masses of under-privilege persons who are living a life of hunger, poverty and destitution. Justice; which not only penetrates and destroys inequalities of race, sex, power, position or wealth but is also heavily weighted in favour of the weaker sections of the community; Justice which brings about equitable distributions of social materials and political resources of the community”. If the law fails to produce social justice, according to Hume, it will some day be cast away by the society. Social justice according to Hume is the bond of society and the characteristic strength for the community of the society. (Sage 2004: 46-47). Viewed in a wider perspective, the idea of social justice not only aims at the proper reconciliation of the interest of an individual with the overall interest of the community or prevalence of the latter over the former in the event of any conflict. It also constitutes “an essential part of the great complex of social change for which something may have to be sacrificed for greater good (Johari op. cit.). The concept of social justice is better espoused by Roscoe Pound who presented a six-fold illustration of social interest and lays down eight jural postulates to ensure social justice. The social interest includes;

- General security e.g. peace, public health; security of acquisition
- Security and social institutions e.g. religion, marriage institutions, etc.
- General morals
- Conservation of social resources e.g. food, minerals etc.
- General progress e.g. freedom of trade, encouragement
- Individual rights e.g. wages, condition of works.

The jural postulates are stated as follows;

- No wanton aggression is made by others.
- That parties with whom transactions are entered into will act in good faith.
- That there will be no hindrance in the enjoyment of ones acquisitions and creations
• That the person will not be exposed to undue rules and others will act with due care and caution
• That dangerous things kept by others shall be cautiously and carefully kept within its bounds
• That an employee has a right to employment
• That society will share the misfortunes which befall on individuals and
• That proper compensation will be paid for necessary human wear and tear in an industrial society.

Economic Justice
As there are economic rights and laws, it is imperative that there should be economic justice when those rights are trampled upon. Economic justice simply means non-discrimination between man and man on the basis of economic values. It is a freedom in the sphere of production and distribution of your goods subject to condition of general welfare. The dimension the idea of economic justice has taken makes it imperative that the society must take into cognisance that individual rights to own property and develop economic potential within the ambit of law must be respected. Thus, the whole idea of liberty issuing forth in the form of economic justice crosses the domain of politics and enters into those of economics and society. It is said that freedom is meaningless if it prevents the achievement of economic justice. In a society, the ability of the state to provide enabling legislation and environment for its citizens to achieving economic development must also take into consideration the ability to ensure economic justice. The issue of poverty, economic development, growth and promotion of human dignity can only be meaningful under economic justice.

Political Justice: What actually promotes the debate on political justice was its conception that is premised on commitment to the values of a liberal democratic order. It is political justice that recognises the individuals’ rights to participatory governance. A free and fair participation of political life of a state is germane to the concept of political justice. Thus it involves the guarantee of universal adult suffrage and the franchise rights. In short, the notion of political justice requires that the state must protect and present certain valuable rights of the individual so that he may develop personality as a citizen and thereby contribute his share to the welfare of the political community.

DISPENSING JUSTICE IN A DEMOCRATIC SOCIETY: THE JUDICIARY AND RULE OF LAW

It is truisms to say that law and justice are nothing more than an intelligent prophecy of what the court is likely to rule, more so in a democratic society. The court is also seen as the temple of justice, while on the other hand, the judge is the high priest in ensuring justice (Adelola 1997: 139). These assertions point to one fact, the relevance of the judiciary, the third arms of government whose role is to interpret and adjudicate laws and dispense justice. It is trite and never in serious intellectual contention that the judiciary is part of the tripod that holds a government in not only ensuring justice, but in making society worth living. Consequently, the discourse on justice has always been focusing on the nature and
extent of the role of the judiciary in the politics of a democratic society. The judiciary in playing that role must be seen to be independent and separated from others in order to play such a role. In fact, Montesquieu’s, postulation on separation of power was emphatical on this. He states that: “there is no true liberty if the judicial powers is not separated from legislative power and executive power. If judicial powers were joined with the legislative powers then control over life and liberty of citizens would be arbitrary because the judge would be a law-maker. If it were joined to the executive power, the judge would be enabled to have the strength of the oppressor. (Ajayi 1997: 123 citing Raney). Thus the separation of judiciary from other organs of government is necessary for its effective operation. The effective and persistent laws passed and executed must be applied and interpreted by an independent legal system, which commands the respect and confidence of the people. (Omolayo and Arowolaju 1987:253).

The judiciary is the bastion of hope for the common man. As Aristotle says, to go to a judge is to go to justice. But it is often appalling that the judiciary is sometimes found wanton in the dispensation of justice. In the Nigerian democratic experiment, the total independence of judiciary is not realisable, but not withstanding, the judiciary is expected in theory and practicability to be politically neutral, outside or above politics. While this traditional apolitical and positivist conception of the nature of the judiciary function still dominates the literature, the sweeping waves of democracy and the rule of law across geographical boundaries have favoured the emergence of a new thinking that admits of a highly visible role for judiciary in the political system. Thereby, making it increasingly difficult, if not impossible to talk about such issues as globlisation, democracy, good governance, development, corruption and environmental protections (Atabi 2004: 27) without mentioning the vital role of the judiciary in the achievement of all these and in ensuring social and political justices.

Democratic ideology according to the liberal scholars will enhance human development, respect human rights (Eze 1998: 76) promote justice and fairness. Thus democracy, in short, means openness of the government, free press, independent judiciary and observing rule of law (ibid.). These properties are what make democracy the most attractive bride in modern governance. However, whether democracy can in actual sense promote all these values rest squarely in its mechanism to distribute or redistribute justice without fear or favour.

In Nigeria, the experience has been of mixed feelings. For example, the marginalisation of the minorities groups or the domination of the majority ethnic group in the power and allocation of resources. What role has judiciary played in redressing this? The judiciary remains at the crossroad in achieving justice. Democracy incorporate rule of law, which in legal parlance translates to the game being played by the rules (Ajibola op. cit.). In the Unites States, it is mostly referred to as “due process” and the phrase “fair hearing” has equally become an adjunct of this basic legal concept. (ibid.). In fact, when A.V.
Dicey in 1885 in his book on “The Law of the Constitution”, first analysed the rule of law, which gave it specific meaning in the common jurisprudence. It has three basic meanings the first is that the regular law of the realm is supreme against arbitrary or wide discriminatory powers of the executives. The second meaning has to do with equality and subjection of everyone before ordinary law of the land and as administered by the ordinary court. The issue of equal subject to the law herein includes the governors and the governed. The third meaning is that the constitution is the result of the ordinary law of the land and therefore is supreme.

The basic concept of rule of law as propounded by Dicey gave support to the basic idea of freedom from arbitrary act of the executive and the entrenchment of fundamental human rights. It is within this premise of the rule of law that the judicial system of every democratic government in line with the rules that developed and entrenched two aspects of the rules that are: one; no-one should be a judge in his own cause (Nenmo judex in causa sua) and second, both parties to a dispute must be heard (audi alter am partan) (ibid.). The rule of law notwithstanding, justice in democratic societies like Nigeria remains stunted and ineffective. As Atabi (2004: 27) argues, that, the judiciary cannot be an impartial disinterested arbiter or be totally insulated from the muddy water of politics, even as its independence cannot totally be achieved. He contends that the global drive towards democracy and democratisation means an expansion of judicial power across political systems worldwide. And that the internal processes and workings of the judiciary are influenced by factors located outside the judiciary system itself – social, economic cultural, professional and of course political ecological factors that dictate policy pronouncement, which in turn supplies the impetus for administration of the judicial systems. Atabi contends that, the judicial system is a subset of the political system and the culture of the courts is a mixture of both legal and extra-legal factors which condition the internal as well as the relationship between the judicial and other actors within the political system. (Atabi, ibid.).

The problems of environmental conditioning of the judiciary notwithstanding, it must essentially be concerned with the norm of justice that must essentially be corrective and distributive no matter the constraints it faces. The corrective norm must ensure that the judicial arm must correct erratic behaviour of the party in dispute, while the distributive norm desires equal distribution of social goods. Rawls sets two basic moral principles of justice, which a constitutional democracy should satisfy. First, each person engaged in the institution affected by it has an equal right and secondly it must be fair in distribution of resources (Johari (b) op. cit.).

**IMPEDIMENT TO JUSTICE AND JUDICIARY IN DEMOCRACY**

If justice is impossible, then judiciary is a lame duck and democracy loses its attraction. The abiding sense of judicial integrity; a close and regard for rules of procedure; consideration of equal treatment before the law, the deference show to legislative enactment, judicial recognition of the realities of the cultural, ideological and in-
institutional setting, which he judges with their fellow citizens, not excluding political realities; and there is stare decisis, the adherence to precedent. These traditions define the principles upon which a judge’s behaviour is supposedly to act and constraints the processes or give justice to the aggrieved. Failure to adhere strictly to these principles will automatically undermine dispensation of justice.

Delay in Justice Delivery
A perennial problem of dispensation of justice in Nigerian democratic society is that of the slow process of justice and its eventual delay. It has often been said that justice delayed is justice denied. Cases brought to court are sometimes subjected to ridiculous granting of ex parte application, which are done in bad faith. Again, adjournment of cases whose excuses are sometimes ridiculous or trivial prolonged the dispensation of justice in the democratic society (Ajibola op. cit.). This delay in justice is primarily caused by the nature of the court or judicial systems as well as the operators including the judge and other legal officials.

Impartiality and Neutrality of Judges
The principle of independence of judiciary derived from the concept of separation of power (Gye–Wado 2003: 83) is essentially designed to promote judicial officials’ impartiality. As earlier argued, the judge is an impartial arbiter, who must see to public justice being administered. As Lord Delvin puts it, “impartiality and appearance of impartiality are supreme judicial virtue” (cited in Atabi op. cit.). To achieve impartiality, judges must possess certain conservative traditions, ascetic life, courage, impartiality, honesty, intelligence and wisdom, patience and tolerance, fairness and sympathy, alertness. (Oputa cited in Atabi op. cit.). Achieving total impartiality of the judiciary remains very complex in modern democracy. This is because at the heart of these conservative traditions is a dichotomy between matters “legal” and matters political. The latter is clothed in non-justifiable norm and more directed by environmental factors.

The Quality and Character of the Judicial Officials
The judges are expected to be the leading lights of the judicial system. The judicial ethics are binding of judges and lawyers in legal profession. The dominating influence of the legal profession on judgship is ensured through training and content of academic syllabus that proceeds such training. Thus the post call experience ensures that the prospective appointee to the bench must have sufficiently imbibed the tradition of the profession. Judicial appointments must guarantee “at least minimal standard of technical expertise and personal morality” and ensure that “persona non grata to the legal guild” do not make it to the bench. (ibid.). There must also be moral principle or set of moral value prevailing in the judiciary and cover both the public and private life of judges.

However, the moral value not withstanding, there have been cases of judges especially those under military regime that can be described in Lord Denning’s phrase as “timorous soils”. Indeed those described as obsequious judicial officers that are ever willing to genuflect before transient political power-wielders in uniform. (Adelola 1997: 147). Aguda also opines that some
of the judicial officers are ill prepared both in terms of intellect and experience for the efficient performance of their duties (Aguda 1986:14). These judges cannot be an impartial arbiter and cannot ensure justice between citizen and state.

**Corruption in the Judiciary**

The judiciary is an integral part of the Nigerian society and the vice of corruption is legendary in the Nigerian social life. In the quest for a just society, the judiciary has an important role to play; however, the bane of corruption has eroded the integrity and reputation of the judiciary. There are insinuations of bribery and corruption in the judiciary, which cannot be swept under the carpet. The report and recommendation of Justice Eso’s panel is a pointer to the level of corruption in the judiciary no matter how minute it was. So, rather than debating the reality of bribery and corruption in the judiciary, it is important to channel energy on how it can be eradicated. It is clear that when the judicial system, which is expected to be an institutional player in curbing corruption and ensuring accountability is enmeshed in the corruption dilemma the hope of ensuring justice is ultimately defeated. So also people would definitely begin to lose faith and hope in the justice system.

**CONCLUSION**

In this essay, one issue that has been debated is the ability of a democratic society to dispense justice, which is also germane for its survival. It is also important to note that the nebulous concept of justice is in itself a problem to the practicability and ensuring a just system. While, the concepts of rule of law, separation of powers, and the independence of the judiciary were essentially designed to be the hallmark of democratic society to ensure justice; the environmental factor and not the nebulous definition has re-conditioned the realisation of a just society. Strictly put, the judiciary recognizes environmental conditions and thus acts as constraint to its achieving its primary goal. Judiciary is a subset of the larger political system. The institutions, processes and traditions of the judiciary in Nigerian democracy are largely reflections of the dynamics of social-political, economic and other legal/extra-legal factors. It constrains or enhances the capacity of the judiciary to play any meaningful role in ensuring social, political and economic justice.

In ensuring justice in a democratic society, Ogundare, (2004: 28) asserts that it must be able to ensure:

- An equal distribution of the burden of citizenship that is of those limitations of freedom which is necessary in social life.
- Equal treatment of the citizens before the law, provided of course, that the law shows neither favour nor disfavour toward individual citizens or groups or classes.
- Impartiality of the courts of justice and judges
- An equal share in the advantages (and not only in the burden) which membership of the state may offer to its citizens.

On the whole, the impression that justice is essentially a normative concept that has its place in various spheres of one’s life like religion, philosophy and ethics and it cov-
ers social, political and economic spheres is real. Justice is necessarily related with judicial bodies. Justice is the bond that connects important political values like rights, liberty, equality and fraternity. It is the synthesiser and reconciler of great political values.

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