JOHN RAWLS' THEORY OF DISTRIBUTIVE JUSTICE AND CHIEFTAINCY TUSSLES IN TAKUM LOCAL GOVERNMENT AREA OF TARABA STATE 1996-2023

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ABSTRACT
This study is a contribution to knowledge on the existence of succession tussles within the Takum traditional council. The study focused on the dynamics of the tussle and was anchored on John Rawls' Theory of Distributive Justice. This paper adopted expos facto research design and gathered data through secondary sources like, books, journals articles, manuscripts, internet materials, conference papers etc, content analysis was used to analyse data gathered. The study found that the genesis of the problem was colonial interference in the districts through the forceful amalgamation of 1914 of the Takum district and the Zumperi district and the subsequent disrobement of Yamusa Galumje and his replacement with Ukwe Ahmadu Kuffang. The paper recommends that the government should immediately take actions that will facilitate the occupation of the vacant stool and the good people of Takum must be ready to embrace the sharing formula that will capture the interest of both kuteb, Jukun , Chamba other ethnic nationalities that sojourned in Takum for the sake of peace and distributive Justice.

Introduction

The development of a society depends on several factors, her cherished traditional institution included. Traditional institutions and rulers have played important roles in development administration of States in Africa. But the politics of each community has also made the institutions not to be free from some kinds of conflicts and the multiplier effects of such conflicts (Ahmed-Gamgum, 2021). Consequently, modern government has not ignored the traditional institutions as part of its development programs to

ensure that no community under-develops itself and indeed the State as a result of conflict.

The relevance of chieftaincy institution as a tool for development in pre-colonial, colonial, independence and post-independence periods of Nigeria cannot be over-emphasized. As a continuing traditional structure and practice, it's seen by many as a system that aids in harmonizing the country's development and governance effort. Awedoba, (2009) is of the view that most chiefs in various communities have become agents of development and thus, they are essential to contemporary local governance.

Post-colonial Africa had witnessed intermittent and endemic upsurge in chieftaincy disputes, which obviously raises variety of security challenges that constitute setbacks to national development. However, any serious study or analyses of chieftaincy dispute in Africa must necessarily be situated within the context of the post-colonial political economy of most African States.

It is a fact that since Nigeria's independence, just as in most other African countries, it has been plagued with various forms of communal conflicts, crisis and war that could be avoided (Zachariah, 2022). Taraba State has had its share of this unfortunate phenomenon in recent times.

In Nigeria for instance, no state or local government area is protected from the destructive ugly experiences of conflict or crisis. No doubt, these conflicts have contributed to the current security and national development challenges of the country and likewise in many other African States. Thus, domestic communal conflicts accounted for the wanton loss of lives and estimated amount of valuable property in various parts of the country. Some of the conflict is not necessarily ethnic, but both religious, political and economic. In their competition for the national resources, the various regional factions of the privileged classes employ institutionalized and non-institutionalized means to limit competition in favour of one faction or the combination of factions (Nnoli, 2008).

The actual importance of chieftaincy is essentially for the proper and effective functioning of the society. In spite of this assumption, it has bred with issues that have strong implications for the stability and development of the country, state and community. Some of these issues have been widely reported to include succession conflicts, corruption, land dispute, political interference, and authority over resources. Succession conflicts seem to be the raison d'être of most chieftaincy maladies that affects the stability of the institution and the society as a whole.

The developmental implications of chieftaincy succession conflicts in Nigeria are the major cause for worry and concern among Nigerians. Awodoba, (2009) in Ahorsu et al. (2014) mentioned several instances of succession conflicts in Ghana to include "Ga-Mantse" succession conflicts, the "Anlo" chieftaincy conflict, the "Adoagyiri" crises, the "Tuabodom" chieftaincy succession conflict etc. This postulation has unequivocally demonstrated that chieftaincy tussles is not only akin to Taraba State or Nigeria but is a African phenomenon. In Nigeria, we experienced the Orisa of Odo-Ijesa succession conflict of Osun state. Presently conflict is gradually brewing in Ijesa town of Abeokuta, Ogun State as two candidates are laying claims to the vacant Oluwo chieftaincy title of the town ,Aresa- Adu succession conflict of Surulere local government of Oyo state 2021, the "Ukwe" succession conflict of 1996 in Takum local government area of Taraba State, Ochi Idoma chieftaincy or succession conflict of 2022,Otukpo local government area of Benue State, Chief of Kurmi succession conflict of 2014, of Kurmi local government area of Taraba State, and also Sardauna succession crisis of 2017 among many others.

Conflict being the number one issue in the traditional institution, Eshun & Dankwa, (2019) are of the opinion that, issues of recognition or de-recognition, problems of eligibility of succession, political interference contributes to chieftaincy succession conflicts in most traditional areas. Therefore, in lieu of the importance of the traditional institution, experiences and recent studies characterize chieftaincy succession in Nigeria with plethora of issues to be specific, conflicts which serve as a potential source of instability.

Chieftaincy maladies thus, can be categorised as a problem affecting the installation of chief. In this case, chieftaincy conflict is the disagreement between factions or groups within society due to an installation of a chief. The Ukwe Traditional stool, being one of the noticeable, revered first class stool in recent years in Takum have been engaged in contested succession process after the demised of Ukwe Ali Ibrahim Kuffang II.

Different political thinkers, philosophers and scholars of different fields, spaces and times have made excellent attempts and contributions to explain the causes and implications, or proffer solutions to various chieftaincy tussles based on their background and socio-economic situations.

They believed that causes of chieftaincy tussles hinges on economic, political and socio-cultural perspective. It is also imperative to note that justice is the virtue of social institution as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue, likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust (Rawls, 1972).

Understanding the origin of the institution is necessary to unravel the conflicts in the structure. Much progress has been made in the field of culture and chieftaincy at the normative and the operational levels, but clearly the gap in the definition, history, existence and relevance of the institution in Nigeria remains wide. Scholarly works abound in defining and tracing the historical antecedents of chieftaincy resulting in expression of it relevance.

It very important to note that the manifestation of social tension which often made manifest in conflict situations in contemporary world, especially Nigeria is of great concern to every meaningful stakeholder with the mindset of having a better society. Based on the findings from the study of social tension and social situation, (Ivano et al, 2017) posited that the feeling of negative dynamics prevails, at least with respect to:

i. economic welfare

ii. lack of poor observance of the principle of equality before the law, justice and rights

iii. interethnic relations which is closely related to the issues of migration leading to the interethnic tension, etc. Therefore, the scholars noted that the determination of protest activity is of a multi-factorial character and social tension determined by both long and short situational circumstances.

Throughout the literature search and review process of this research, the current study viewed that there is serious ongoing debate on the vacant first-class stool of Takum Local Government Area of Taraba State and communal conflict from different spheres of writers, including academics, activists, analysts, policy makers, jurist, etc. Many like Mgbe (1981), Matudi (1983), Hassan (1995) and (2016), Irambiya (2002), Filibus (2017) and (2022), Yakubu (2018), Arean (2019) etc have deal relatively and extensively well, but separately on these phenomena. Similarly, other researchers such as Ahiave (2015), Merton (1996), Elwell (2013),Eshun and Dankwa (2019), Owusu-mensah (2013), Nnoli (2003), Zachariah (2022), Otubu (2015), Issifu (2021), Nwanegbo (2014) and plethora of others who had written on crops of chieftaincy tussle and communal conflicts; yet none of the cited literature was able to consider or talk about or finding solutions to chieftaincy tussle through John Rawls' theory of distributive justice as a means of resolving chieftaincy tussle and to avoid the replication of these phenomena. Therefore, the current research is aimed at bridging the intellectual gap observed above, suggest ways to curbing the phenomena and such as, contributes it quota on the existing debate.

In view of the above, this study seeks to bridge the gap in knowledge on the subject matter by addressing this research question: Does unjust transfer of the chieftaincy stool account for the protracted social tension in Takum local government area of Taraba State from 1996-2023?

Theoretical Framework

John Rawls' Theory of Distributive Justice

John Rawls was a Professor Emeritus at Harvard University. He is the author of the well-known and path breaking "A Theory of Justice" (Harvard, 1971) and the more recent work "Political Liberalism" (Columbia, 1996).

John Rawls' principle of distributive justice is a central component of his theory of justice as fairness. Rawls argues that in a just society, the distribution of social and economic goods should be arranged to benefits the least advantaged members of society. He proposes two principles of justice that govern the distribution of resources and opportunities:

i. The Principle of Equal Basic Liberties: According to this principle, each individual is entitled to the greatest possible liberty. It encompasses fundamental rights such as freedom of speech, assemble and religion. Rawls emphasizes that these basic liberties should be distributed equally among all members of society.

ii. The Difference Principle: The difference principle focuses on social- economic inequalities. It states that inequalities in the distribution of wealth, income, and resources are justifiable only if they result in benefits for the least advantaged members of the society. In other words, inequalities are permissible if the work to the advantage of those with the least amount of social and economic opportunities.

To implement the difference principles, Rawls proposes the concepts of "Veil of Ignorance". He suggested that individuals should imagine themselves in a hypothetical position where they have no knowledge of their own specific characteristics such as their social status, talents or personal circumstances (John,2014). This "Veil of Ignorance'' ensures impartiality and helps individuals design a just society without bias towards their own self-interests. Under the veil of ignorance, individuals would naturally strive to create a society that provides the greatest benefits to the least advantaged, as they could potentially find themselves in that position.

Rawls' principle of distributive justice aims to address social and economic inequalities through a fair distribution of resources and opportunities. By prioritizing the well-being of the least advantaged members of society, Rawls seeks to create a more just and equitable society where everyone has a reasonable chance to pursue their own goals and inspirations (John, 2014).

John Rawls' Theory of Justice is a sound theory which says that a well-ordered society needed a concept of justice as a basic requirement and such a concept could be developed by rational individuals behind a "veil of Ignorance" about their own positions, and that it would involve, primarily, equal right to basic liberties for all, and secondly that social and economic inequalities should derive from equal opportunities and in the end should benefit the least advantaged.

The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts. In justice as fairness men agree to share one another's fate. In designing institutions, they undertake to avail themselves of the accidents of nature and social circumstance only when doing so is for the common benefit. The two principles are a fair way of meeting the arbitrariness opportunities; and while no doubt imperfect in other ways, the institutions which satisfy these principles are just.

Prior to the inversion and colonization of the area that made up the contemporary Nigeria which include the study area were formally a fragmented autonomous kingdoms and empires that were sojourned by different people of distinct history, political-economic and socio-cultural practices (Zachariah,2022). These groups whether as individuals or groups occupied and controlled their diverse jurisdictions according to their common norms and value systems.

Each of these autonomous societies (Kingdom/empires) has established native authorities (government) whose primary objective was to safe-guide the sphere of the people and to settle dispute between aggrieved members of their various societies. In addition, people of these societies who thought, each of them was ''absolute lord of his own person and possessions, united themselves in a political community for the mutual preservation" of their lives and property from both internal and external aggression on their right to lives and just ownership.

Furthermore, almost all of these individuals, groups, communities, societies, kingdoms or empires held crucial territorial sphere which they initially occupy and control as originally theirs or through ancestral succession. Hence, land and chieftaincy title has been closely linked to peoples 'communities' identity, history, culture and so on, and people can readily mobilize around land and chieftaincy issues. Incidentally therefore, if their property is expropriated, there are feelings of attack on their personality. In the words of Gratius (Olivecrona,1974) in (Zachariah, 2022) for example "in a farmer is deprived of the soil which him and his forefathers have cultivated for generations, he will feel it as a severe amputation'' which the aggrieved person has the right to react by using any means available, including the courts or the application of force in order to defend their interests, which is similarly the case of Takum.

Regrettably to say that the advent of colonial rules in Africa confused territoriality to sovereignty as well as combined African rituals role by exerting authority over people in various clans or chiefdoms; and where there is none, they forcefully created one to suit their imperialistic whims and caprices (Zachariah, 2022). Needless to say, that was how Nigeria like many African countries or States, specifically Takum came to be. Different societies were forcefully taken over people of different history and culture were lumped together while introducing foreign culture without a complete obliteration of pre-existing local customs, norms and practices; resulting to this kind of dualism in almost every aspect of life among the citizenry.

Because of the forceful merger of the Tikari and Zumpere district that resulted to the unending social tension in Takum Local government area of Taraba State. John Rawls theory only emphasized just sharing of what is justly own by all member of the community. The peace and needed development of Takum can only come if there is justice in the sharing formula between the Chamba, Jukun, Kuteb and others who made up Takum local government. Justice is the first virtue of social

institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise, laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override (Rawl, 1972). Therefore, in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. By reason of the veil of ignorance, everyone will impartially choose the principles that would be fair and favourable to all (John,2014).

We must see the society as a cooperative venture for mutual advantage. That is, members of the society should be seen as equally cooperating with the individuals for the production of primary social goods. These social goods are rights, liberties, powers, opportunities, income and wealth. There arises a problem of distributive justice since individuals are not indifferent with regards to how the product of their cooperation is to be distributed (John,2014).

Methodology

This paper adopted expos facto research design and gathered data through secondary sources like, books, journals articles, manuscripts, internet materials, conference papers etc. We used content analysis to analyse data gathered.

Unjust Transfer of Chieftaincy Stool and the Unending Social Tension

The aftermath of social tension has prevalent potential to cause a destructive economic and socio-political condition on the society, community, nation and indeed, the human race (Zachariah, 2022). It is important to note that the currency of social tension which always made manifest in conflict situations in the present world, especially Nigeria is of great concern to every meaningful stakeholder with the mindset of having a better society. In the other hand, this social phenomenon has drawn significant attentions of political leaders, policy/decision makers, intellectuals, academics, researchers, analysis, and so on, in the quest of seeking lasting solution.

One of the social situations with high level of potentiality for destructive violent conflict in every society is social tension which is itself an early sign of perceived injustice (Zachariah, 2022). Scholars have pointed out that any regulatory element which encounters resistance in the execution of social action is a source of social tension and potential tussle in such political society, (Orru,1983).

The problem surrounding the traditional stool of Takum, as it stands today, was the product of British colonial administration in 1912 and 1914 (Yakubu, 2017). The balkanization of the area into two administrative units in 1912 without a clear-cut territorial demarcation, as earlier noted, was arbitrary. And by putting each of the units under the Chamba and Kuteb headmen it left the impression that ethnic consideration was vital tool in their creation (Hassan, 1995). And other reasons must have been responsible for the merger of the two units in 1914 under Ahmadu Ibrahim Kuffang. The Chamba group became aggrieved by this merger and agitated for the recognition of their right to the Takum chieftaincy stool throughout the colonial era (Hassan, 1995).

The agitation by the Chamba over the Chieftaincy continued after the achievement of self –rule. As a result, the Northern Regional Government decided to resolve the problem through a democratic process by summoning the representative of concern groups to a meeting Tagged: "Taron Majilisar Takum" (Takum Council Meeting),on the 23rd July, 1962, to decide by voting, who between the Chamba and Kuteb are the rightful owners of the Takum Chieftaincy stool.

At the end of it all, The Kuteb scored 19 votes while Chamba 4. It was this process that gave rise to the Northern Regional Law no 56 of 1963 relating to the selection of the chief of Takum. While this law restricts legibility to the throne to the two Kuteb ruling houses of Akente and Likam, it however, expanded the council of traditional selectors to include the heads of other groups such as: Yerima Tikari, Sarkin Hausawa and Sarkin Jukun (Filibus, 2022).

In 1975, the Benue-Plateau State Government, which had earlier issued a circular in January 1972 titled "Takum Affairs" to deny the existence of any plan by the government to change the existing order relating to the Declaration of Takum Chieftaincy, enacted a new Law: BPSLA Legal Noticeno.2 of 1975 to that effect. This law was to replace the Native Authority legal Notice no 56 of 1963.

The problem with this new law is that apart from creating two new ruling houses: Dinyi and Tikari for the Chamba in addition to the two already existing ones: Likam and Akente; it restructures the composition of the council of traditional selectors.

Rawls' concern is with how social goods are distributed not according to merit, but by equality. Rawls' first concern, therefore, is with the way the major social institutions generate and accordingly circulate fundamental rights and duties. Hence, the basic thrust of the criterion of need is that the demands and benefits take cognizance of the needs of the people (John,2014).

The 1975 law was said to have been under surreptitious situations because it did not follow due process and not all the shake-holders were consulted as the case with the 1963 law (Hassan, 1995). The kuteb stake-holders took the Benue-Plateau State Government to court, instead of pointing out the wrong procedure adopted by the government in enacting that law, but they went ahead to questioned the power of the governor to make such law which they unfortunately lost. They however, got a respite from the Appeal Court in Kaduna, which upheld that because chieftaincy issues are administrative matters the state government should put in place the necessary administrative procedure to resolve the problem.

Conflicts are products of contradiction arising from disparities in interest, ideas, ideologies, orientations, perceptions and other tendencies (Osegbue, 2017). Added that these contradictions exist at all levels of society; individual, group, institution and nation, as well as inter-personal, inter-institutional and international relations. It crucial to note that various literature is in agreement to the fact that conflict is an ever present phenomenon in social relation; It is unavoidable in any social gathering, organization and society (Duverger, 1980; Galtung,1998,2011). This is in line with what Karl Marx said in his communist manifesto of 1849 when he opined that "the history of all (except the principle of communism) existing society is the history of class struggle" (Osegbue, 2017).

This simply implies that, firstly, "Man" lives in a community alongside others with various preferences, interests and aspirations, secondly, this community of "Men" is characterized by some sort of identities through which individuals are grouped or categorized. Thirdly, men in the community always seek dominance or to be equal or maintain the status quo; and thus, attempt to contradict any of these, has high capacity of generating conflict among men. Fourthly, conflict is a function of human relations defined by incompatible competing interests, be it capitalist, feudal, slave-master or agrarian society. Fifthly, so long as man and the society exist conflict also exist and conflict arises from one factor or the other; for instance, competitions over scarce resources which relates to chieftaincy, ethno-religious chauvinism, as well as other socio-political factors.

The long delay from both the people of Takum and the government of Taraba, does not only affected businesses but the entire socio-economic development of Takum whose peers had moved on in all spheres. Economically, no reasonable investor will invest in an environment that is always in constant conflicts. The persisted conflicts has led to lots of lives and properties worth more than millions which is capable of scaring any future investor who would not want to waste further resources in a place of such records. Psychologically, those who have in mind to come to Takum are always afraid of been kill or their properties been looted and destroyed. Some patiently awaits the date of enthronement of the new King so that they will have the courage to settle or build business.

Zachariah, (2022), postulated that social tension is a specific condition of social consciousness and social emotions which is characterized by the build-up of mental stress and irritability, frustration and deprivation, aggression of a significant part of society. The concept has been explained as the state of society or individuals in social groups characterized by ripening of discontent and protest activities (Ivanov et al, 2017). According to him orientation of protest activities is an exhibition of social tension. They further attributed meetings, demonstrations, strikes, and violent actions to active forms of protest.

Conclusion

Conflict has been examined in this study to be form of interaction among groups. In the case of the Chamba, Kuteb and Jukun, there have been series of conflict which created negative interaction among them. It is pertinent to reemphasized that these conflicts are anchored on some root factors which had become a recurrent decimal to the outbreak of subsequent conflicts. From British colonialism to the present dispensation, each group's historical experience has instilled in them a strong feeling of "we" referring to members of their own group and "them" alluding to members of other groups, establishing the in-group and out-group syndrome. Bigotry and prejudice are all part of the experience. However, as this study has shown, when it comes to the allocation of scarce economic resources and advantages, as well as political competition, these groups discriminate against one another.

From the brink of independence to the present dispensation, party politics has given the elite a stronger grip over the area, as well as the stabilization of ethnic politics, which frequently accompanied by either inter-ethnic violence. However, to resolving the problem of chieftaincy tussles we will need a real effort because of the colonial legacy of "divide and rule" and "winners takes it all" are address. As required by law, the government should be transparent in dealing with chieftaincy issues and effectively dealing with the perpetrators of inter-ethnic conflict.

People must realize that the Takum chiefdom as it exists now is colonial construct, and that chieftaincy has been founded on the Kuteb tradition and custom since then. Any transformation that will bring other groups to leadership must be accompanied by a democratic process. A close examination of the tussles in Takum, suggest that there are several factors that have necessitated the tussle. One common feature of all the crises is that they are rooted in same causes but with different factors as its immediate causes. This is to say that when the root causes of problems in any given society are not addressed, there will definitely be a recurrence of violence in that society. John Rawls Theory of Distributive Justice and the Chieftaincy tussles in Takum Local Government Area of Taraba State. (1996-2023) focused on John Rawls' political thought on Distributive Justice, in that, it viewed the theory as the key to ensuring lasting peace and development in Takum Local Government Area.

Recommendations

Having studied John Rawls' Theory of Distributive Justice and the Chieftaincy Tussles in Takum Local Government Area of Taraba State, the following recommendations are imperative; The paper recommends that the government should immediately take actions that will facilitate the occupation of the vacant stool and the good people of Takum must be ready to embrace the sharing formula that will capture the interest of both kuteb, Jukun , Chamba other ethnic nationalities that sojourned in Takum for the sake of peace and distributive Justice.

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