



## Justice, Social Order and the Predicament of the Common Man in Nigeria: Perspectives in Contemporary African Studies

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**Abstract.** African studies, in contemporary times, have paid significant attention to the place and value of the individual and the structures or institutions of the society where justice play a very definite role. Justice has to do with respect for the right of the individuals or every member of the society. This is because the tendency of the basic structures and principles of today's society to reduce the individuals to an instrument is very high. The rights of the human person are inalienable hence are present at birth and continue throughout life. Is this recognized by every society and their leadership? Have class structures not relegated the right of some individuals to the background? Is there justice for the common man in Nigeria? The problem at hand now is can we formulate, modify and justify a set of principles, structures and standards that could guarantee equity, fairness, justice and ultimately, social order in society? Understanding this problem is one of the purposes of this study. To ensure this, the study adopts the phenomenological and critical analysis methods and argues for effective and efficient distribution of justice; such that will ensure social order and value for human life as well as dignity for the human person in all the classes of the society in Nigeria and Africa especially the class of the common man.

**Keywords:** Justice, Social Order, Common man, Africa, Nigeria, African Philosophy, Egalitarianism, Classism, Human Value, Leadership

### 1. Introduction

The world is replete with categories of crises, ranging from economic, social, political to religious crises. The crisis in the Middle East has lasted for many decades and those in North America have endured for a number of years. Africa also faces numerous social and political crises. While determinant forces try to calm the tensions from the cold war, the clash of belief systems and the struggle for religious superiority suddenly set in. The reality is that there is a clash of

belief systems and humanity suffers the violence that ensues from such conflict. The bitter import is that amidst this crisis, victims experience uncertainty when seeking for justice. This could be as a result of their status, religion, colour, or any other possible variable. Nigeria is one of the numerous clear examples in the African continent experiencing a crisis in social order and justice for the oppressed. In global terms, it is clear that whenever injustice prevails, conflict ensues between government agents and community members and the result over time is the formulation of groups to confront the experience. Within the last 20 years, Nigeria has witnessed the rise of several groups leaving the country with their strings of terror in reaction to one form of injustice or the other. We have experienced, *Movement for The Emancipation of The Niger Delta (MEND)*, *Movement for the Actualization of the Sovereign State of Biafra (MASSOP)*, *Indigenous People of Biafra (IPOB)*, *Herdsmen, Boko Haram Insurgency, END SARS protest group, Amotekun*, etc., which have breached the peace in Nigeria and darkened the possibility of nationhood due to their advocacy for one form of justice or the other. Due to the irresponsiveness and indifference of government to the problem of justice, the activities of these groups have ensured the mass destruction of life and property and total disregard for national laws and the code of nationhood. But has justice been done to curtail this menace? What kind of justice can savage commensurably the cries and antics of these groups? Is there justice at all? To what extent has the Nigerian government responded responsibly to ensure social order?

The idea of justice is so complex, and so comprehensive that, there is no point of view from which it can be fully comprehended (Singer, 1976 :286). The concept is also an important one in politics, philosophy, law and ethics. The quest for justice begins with the genesis of human thinking and action and can be said to have been understood differently in different contexts (Jam, 1981:430). Given this notion,

justice is the criterion or tool for judging each and every social concept in different social systems (Jam, 1981). Justice has always been a fundamental issue among political theorists. The early analysis of the idea of justice can be traced to Egyptian philosophers, Arabian philosophers and later Plato in his *Republic* (McBride, 1975:204). Plato suggests that justice as a basic element of social life is believed to be the central moral standard in human affairs. This involves the necessity of “assuring that each person receives what is his or her due” (Alwin, 2000:2695).

## 2. A Philosophical Understanding of the Concepts, Justice and Social Order

What is justice? Justice is generally defined in very different ways. Above several definitions of justice have been given but we can reiterate that just is treating equals equally, acting fairly, being considerate on the general good of others. This question is one of the main problems of this research as the concept have no specific or exact definition or meaning as it is a complex one (Jam, 430) and relative from one system to the other. These differences to a large extent grant foundation to conflicting judgment of certain actions from different parts of the world. Plato and Aristotle championed the classical conceptions of justice. While the liberal conception of justice had exponents such as Hobbes, Locke, Kant, Hume and others. John Rawls and his critics remain the dominating factors in the contemporary scene (Manicas, 1981:45-60).

Plato referred to justice as the greatest good of the state/society rather than the majority of the people. The concept of justice as linked to the state raises some crucial issues. The fundamental questions are; can there be any institution like the state, society and others without the individual? Can we talk of the whole without the part? Are policies and rules not made for the protection and stability of human societies? Are laws not conveyers of justice for all? Has everyone found justice? Why is justice for a selected few today?

Plato sees justice as “referring to individual virtue, the order of society, as well as individual rights in contrast to the claims of the general social order.” (Korab-Karpowise, [www.utm.edu/research/iep/p/plaiopol...htm](http://www.utm.edu/research/iep/p/plaiopol...htm).) He sees it as a universal value and the foundation of the best political order. For him, it is the common good of the whole community and is to the advantage of everyone (Korab-Karpowise, 2023). In Plato’s *Republic* justice was defined as “treating equals equally” (Stumpf, 1993: 132). Barry expatiated on this conventional definition when he said “justice means treating equals

equally and unequal unequally, and that unequal treatment should be in proportion to the inequality” (Irele, 109:1998). Plato insisted that justice (goodness) is desirable for its own sake and defined it in terms of persuasive metaphor, as that of harmony. The just city, then, is one in which he or she is best suited, creating a harmonious whole. Injustice to him is, “meddling and exchange between the... established orders. The good and the happy society or city is one whose parts are in harmony, and the good and happy person is one who fulfils his role in the good and happy society” (Jam, 383).

Aristotle on the other hand described justice as the greatest of all virtues and define it as ‘What is lawful’ or as ‘what is fair and equal’. He identifies two kinds of justice, namely: universal justice and particular justice. He sees universal justice as practically synonymous with virtue. In other words, he who possesses it can exercise virtue towards his neighbor as well as in himself (Jam, 384). Since Aristotle says that justice is synonymous to virtue, we should ask, what is virtue? He defines virtue as the activities of the soul in accordance with reason, which lies between the extremes. As a matter of habit, its gives pleasure to the virtuous person (Solomon & Green, 55-56). As someone like flume will say, justice is the ‘mean virtue’. In contrast to this, the Platonic-Aristotelian notion of justice favours organic metaphors and conceives of human relations and political society as ‘natural’, It presupposes natural inequalities, emphasizes morality instead of law, and thinks of justice very widely. As Aristotle said, it is “the whole of virtue” (Solomon & Green)

The Platonic-Aristotelian view sees justice as a natural phenomenon. It sees it as evolving out of nature and not man-made principle, and have to do with man and society, and, therefore, constitute a necessary trait of man and society. Velasquez is of the notion that “whatever we believe justifies the power of the government, should be what is just. Since we all agree that government must at least be just.” (Solomon & Green, 341-342)

According to Hobbes in his social contract theory there is an idea of justice that is concurrent with this position. The commonwealth is that state where the individuals’ rights have been entrusted to the leviathan or sovereign. In other words, whatever the leviathan says is always right and just and as well binding on all. But the question is, ‘Is it the case that all governments are just or can we say that all the actions, decisions, and activities of governments are always just?’

Rousseau on the other hand sees man in his natural state, as being good and peaceful, living a solitary, happy and carefree life. He sees him, as being free, equal, independent, self-sufficient and thoroughly contented. He was neither social nor antisocial, but merely asocial. The genesis of the word injustice started with an increase in population. Also, the emergence of the feelings of mine and thine or private property. (Hobbes, 56) He sees civilization as a process that transfigured the good man into a dishonest, selfish, clever, egoistic and cultured fellow. This he affirmed led to the formation of a society and law, which restricted the poor and gave new powers to the rich. (Hobbes)

Hobbes and Rousseau both agreed that the society is a product of individuals renouncing their rights. This they do by recognition of an established authority or body that was saddled with the sole responsibility of coordinating the affairs of the state. Although, both presented contrary views of the state of nature, however, they believed that this state of nature preceded the organization of society. While Hobbes sees man as the major cause of disorder or injustice in the society, Rousseau on the other hand sees society as the symbol of injustice that needs to be replaced.

The fact remains that justice, as a social concept has no exactness in definition and when concepts such as right, individual, life, property, community and law are mentioned, the problem with the concept expands. Therefore, how ought we understand it? To what extent can the meaning of justice cater for the destruction done to human person and society in Nigeria? Can any of these forms of justice reconcile satisfactorily the problem of social order in Nigeria? Is all that is fair just and all that is just fair?

### **3. Principles and Forms of Justice**

#### **3.1. Legal Justice**

This type of justice is related to the concept of the law-making process and the judicial system of society. It has two specific meanings: That law should be reasonable and that each one should get justice according to the law (Rawls, 1985:11). Agbakoba says justice is often a matter of finding the appropriate rules for settling disputes, resolving grievances and trying accused persons with basic fairness. This will require appointing a judge who is independent of the state or executive. (Agbakoda, 2001:17) This perspective is from the legal view point of justice which is less concerned about equitable distribution of goods and services but concerned with the aspect of retribution.

The reasonableness of law lies with the legislatures and it does not discriminate between man and man. The rationality of law depends upon the social requirement of a given society and is associated with the human values of the society. In other words, the reasonableness is based on the social context, that is, what is reasonable to one society might not be in another. Laws are often times made to deal with molded social norms. To have a rational and just law, the lawmaker needs to be rational and just. (Jam, 434-435) The judiciary, which is the laws courts, is to be the watchdog of the constitution and the protector of rights.

For each one to get justice according to law means that, each one should be able to have impartial justice from the judicial system. It means equal protection with the law for the system operating within the reach of the poorest of all the poor. This system must have credibility of being impartial and independent and cannot be manipulated by the executive. Moreover, to enable their efficiency and impartiality, their pay, service condition among others should not be left solely in the hands of the executive, so that they may decide cases without any pull, pressures or strain. But it is regrettable that often times the judges are been manipulated by the executive, legislative arms and some selected few. Also, their allocations and other entitlements are been determined by external forces.

#### **3.2. Political Justice**

This has to do with equal participation of the citizens. The liberal view conceives it as equal right to vote and be voted for and equal share in government services. Some also see it from the perspective of power been exercised by the representatives of the people. The people are seen as the ultimate source of political power. But the question is, are the people really the determinant forces of political power? Have they been included in the decision-making process of the nation? Have their right and dignity been respected and protected?

#### **3.3. Social Justice and Economic Justice**

This implies equal social opportunities to all people in the society, without discrimination of colour, size, age, status and so on. Social justice is dependent on economic equality and rights. This is made possible only in a social system where the exploitation of the few is not built upon the miseries of the many. The class-division in a capitalist state is seen as an obstacle to realizing this. (Jam) Nigeria as an example of a state with capitalist tendencies cannot engender justice due to the fact that there is class-division. Social and

economic justice has to do with whether economic goods are justly distributed. Some questions such as: Do some people have too much wealth, or too little? Are there fair returns for efforts, or are some exploited by others who unjustly prosper? These and some other questions are associated specifically with economic justice. Economic justice has two dimensions to its meaning. The liberals see it from the point of satisfaction of economic needs of the people in the society. While on the other hand, the Marxists see it as the abolition of ownership private property.

Despite the above idea that corroborates the notion that justice is nothing else but the advantage of the stronger, there is another view of justice. Raphael on his part sees justice as a concept that is concerned with the order of society as a whole, and on the other hand, as an expression of the rights of an individual in contrast to the claims of general social order (Jam)

We can simply define social order as a comprehensible arrangement of people in the society so as to actualize their given rights and obligation to the development of the society in such areas like politics, economy and others. It can also be defined as making reference to the social systems and schemes of social relations that defines the political, economic, and social roles, rights and duties of people in a society. Social order is seen as the sum of all values, rules, norms, regulations, ideologies and institutions that enhance the proper functioning of the various parts of the society or community. A society is an autonomous group of people who occupy a common territory and have a common culture and a sense of shared identity. They are held together by relationships, not only among the people, but also among institutions. We can as well define it as the network of structures and relations developed by human activity. It is seen as a union of individuals who are guided by a particular form of organization. We can as well see social order as a set of arrangement put in place by man in order to achieve certain important ends, such as justice, peace, self and group actualization as well as the general well-being of all in the social system. (Jam)

The idea of social system is seen to be fundamental to the concept of social order, the reason being that it made reference to both the structure and organization of human beings within a society. Social structure refers to the relatively stable and enduring patterns that organize social relationship and provide the basic framework for what we call society. These structural principles transform a collection of people on offense, defense, and special teams into a working unit that has specific goals. Social structure is also responsible for the transformation of different people into groups, a

population into a society. There are two basic approaches to studying social structure, the micro perspective, which provides a close-up, detailed analysis of what people do, say, and think; and the second is macro perspective, which is used to analyze the overall pattern and long-term trends of societies. The question to ask here should be how does the social structure affect individual behaviour? The writer illustrated this using the instance of a basketball team. This has to do with the structure of positions and roles, which enable the players to function as a team, coordinating their activities. He stated further that we can as well compare how social structures casts individual into different roles, but does not determine how they play their parts or prevent them from changing the rules and breaking through boundaries. (Micheal & Wolf, 1999:10)

Social order as a form of social system as well refers to the various social role allocated to each member and group of the society. These social roles include political, economic, religious and administrative functions of people in the society. A role is the collection of culturally defined rights, obligations, and expectations that accompany a status in the social system. While on the other hand, status refers to the position of an individual or that one occupied in the society. The basic building blocks of social structure are grounded on relationships. Meanwhile, roles simplify social interaction, but may also lead to strain when an individual is unable to play a role, or conflict, when different roles make incompatible demands. Status and role lay the foundations for social relationships, which take many forms. If relationships are the building blocks of social structures, which centre on man, and man operates within the confine of status and role, then, what are the influences of man on social institutions? This will lead us to considering the various social institutions such as family, politics and economy. We shall examine how these institutions affect the issue of justice.

Two important dimensions of social order and society are the political and the economic. Politics as an institution refers to the social processes by which people gain, use, and lose power. Politics plays an important role in virtually all human relationships. (Solomon&green, 42). Political institutions are concerned with the allocation of authority and distribution of power in society and they are found in all societies to maintain cohesion. The structures of political action tend to reflect three basic ends such as policy making (legislature), administration and interpretations of law (judiciary), and execution of law (executive).

#### 4. Crystalizing the Phenomenon of Justice, Social Order in the Common Man in Nigeria

##### 4.1 Common Man

A commoner is also known as the common man. The class such a person belongs to is referred to as the commoners, the common people or the masses. Typically, these are the underprivileged folks or ordinary people in a community or nation who do not have any significant social status, especially a member of neither the royalty, nobility, nor any part of the aristocracy (Jacksonian <https://human.libretexts.org/Bookshelves>). The common man is also conceived as the average citizen of a community, different from those considered as elites. He can be understood to be a *person* who holds no title or status and no comeliness to be desired. The common man, is the undistinguished commoner lacking class or rank distinction or special attributes in Nigeria, Africa or elsewhere in the world. He is the African of the colonial past and globalized present, he is the primitive in Bruhl's analysis of the primitive mentality, he is the one lacking the absolute spirit in Hegel's perception, he is the cartoon character *created by the Indian author and cartoonist R. K. Laxman*. It was the "common man" Jackson considered himself a spokesman of Justice. (<https://en.wikipedia.org/wiki/Commoner>)

##### 4.2 Justice, Social Order and the Common Man in Nigeria.

The question of justice is a question of what is a proper to beget social order, which can guarantee human flourishing. It has been noted that a just society cannot allow for slaves, where for some people, resources that ought to be available to them are been subjected entirely to communal control, such that they denied control or granted insignificant control of the means of life. This undermines their autonomy. (Solomon&Green, 1999:449)

Consequently, in recent time, many scholars have attributed the problem of Nigeria, fundamentally, to the problem of justice: what it is, when to administer it, who to administer it and how to administer it. From the surface, it would seem that this is due to the litany of corrupt practices that have weakened progress and development in the social and traditional intuitions of the nation. But looking again, it is, largely, because of the looming human devaluation and social instability and class consciousness. What are the implications of the mentioned problems of justice in Nigeria or the problems of Nigeria that constrain justice? Many other

scholars have traced this to Amalgamation that is partitioning of Africa by the European at the Berlin Conference. This conference left the continent with an illogical pattern of geographical distribution, which also reflected on the amalgamation of Nigeria by the then colonial masters. (Ukwu, 1982:37) Amoo sees the make-up of Nigeria as embodying the merging of different peoples with different culture and ideology, language etc. He stated that the Nigerian state lacked a coherent and functional unity and is consequently fragile. (Adaigbo, 1994:3) Social instability and morality of public officers have also been identified as reasons for the manipulation of justice in Nigeria. Prior to the advent of the Europeans, a number of African rulers like the Oba of Benin and the Alaafin Oyo Empire in Yorubaland were held accountable in several instances over their conduct and dealings with the people. Ekeh sees British imperialism through slave trade and colonial rule as factors that have contributed to the growth of evil, violence and the manipulation of justice in Nigeria and other African societies. (Menkiti, 2002:39-47) Largely, corruption and abuse of public office, dishonesty, indifference to public interest, economic inequalities, ethnic and religious cleavages in Olawale's opinion, are ...central to this discourse is the issue of leadership within the country... (Menkiti, 36)

The legal justice system is a key factor for social injustice. Ukwu sees Nigerian legal order as characterized by a plurality of laws, deriving from a super-imposition of British colonial laws on pre-existing Islamic and customary laws. He called for caution and care on the part of the police and judiciary in applying their powers so as not to contribute to the deviance they set out to control. (Tawney,1952:117-118) Some scholars have asked: Could the problem of justice in Nigeria be as a result of the constitution? How just and fair is the constitution? The Nigerian constitution, in spite of its reviewed processes is still deficient. The inadequacies of a working federal associations in providing sufficient guarantees for equity, territorial justice and mutual security, which stems from the defective federal character enshrined in 1979 constitution, forms a part of the problems, coupled with the weakness of the executive arm of government. (Tawney, 11)

There is also the problem of poverty, poor health facilities and a picture of an embattled nation, where hope appears to recede every day and rather than talking about GNP (Gross National Product), some writers talk about GPN (Gross Pitiable Nothing).(Menkiti, 44-45) In addition to the above, we have the various tribal or ethnic communities whose political powers have been destroyed by the

imposition of colonial rule, dismantled as it were, but whose normative pull on the lives of the people still remain noticeably strong. On the other hand, we have the new states, minted at independence, with laws organized to command the citizens with little or no contributions to their existence. (4Menkiti, 43)

### 5. Alternatives for Justice and Social Order and the Common Man in in Nigeria

A well-ordered society according to Rawls is the one designed to advance the good of its members, including the common man, and effectively regulated by a public conception of justice. In other words, in a well-ordered society where the interest of all members is carefully considered and catered for, over time, its conception of justice is presumably stable. This means that, when institutions are just, those taking part in these arrangements acquire the corresponding sense of justice and desire to do their part in maintaining them. (Solomon & Green, 453) Thus the primary problem and subject of justice is the basic structure of the society. (Solomon & Green) To resolve this, the idea of 'Justice as fairness' forms the measurement of fulfilment of all members of the society. To ensure justice, social order and satisfaction for the common man, the role of justice in social cooperation must be equality of advantages that is; equality in the assignment of basic rights and duty and the distribution of benefits and burdens.(Buchanan,1976:26) that is; social and economic inequalities for example inequalities of wealth and authority are just if they result in compensating benefits for everyone, and in particular for the least advantaged members of the society.(Ameson, 1982:617)

A corollary to this claim is the demand that all persons be treated with equal respect based on their intrinsic worth. Nigeria's experience with modern statehood has not been a happy one according to Menkiti. The state has not delivered the goods; instead, it has been a source of violence to the common man. It has been war of right against right; in which no side has been willing to disengage because they have been convinced that the other side is unwilling to pay attention to its rightful interpretation as to what is the case. (Nagel, 1986:260) Menkiti noted that, if African states (by implication Nigerian states) succeed in maintaining security, providing infrastructure, and facilitating trade, if they could understand themselves as being agents in good faith, then, their functions would have been well served (Menkiti). Nigeria's situation could be categorized and explained as follows: the country's political problems arise because Nigerians have simply not learned how to set up new

regulatory mechanisms, adequately enforced, that can produce effective governance where social order and justice for the common man are ensured. The material circumstances of life in the nation are far too impoverished to be of any help in the provision of the infrastructure needed for stable governance and for the ideal justice system to emerge. The result of this is the inability of the people to overcome primitive loyalties to ethnic groups, and the penchant to cling for crumbs to the political class who have enriched themselves from the coffers of the state. But more complicating is the fact that they give no loyalty to the nation that offer them little of no hope for social justice.

### 6. Conclusion

The problem of justice and social order is not peculiar to Nigeria. The era of slavery, colonialism dehumanized the downtrodden, leaving corrosive effect on the history and societies of the victims. It should be bone in mind that most of the developed nations of today benefited from the blood and sweat of slaves, an experience, compounded by its racial content, which the world now condemns as unjust. Other obstacles to justice and social order include other forms of social stratification, ethnicity, denial of access to means of production, politics of exclusion, limited constitutional guarantees, corruption and nepotism, etcetera. A combination of these variables has encumbered the dispensation of justice and the production of social order in Nigeria.

For John Rawls the distributive aspect of justice carters for social order and the common man. Distributive justice embodies a set of normative principles meant for allocation of goods, which are limited in supply but are highly demanded. Although, the principles depend on what is to be distributed, such as (income, wealth, opportunities, and so on), who to distribute to, such as (natural persons, groups of persons, reference class, the common man and so on), and on what basis the goods should be distributed (equality, according to individual characteristics, according to free market transactions and so on) (Rawls, 1996:5) Will this savage the Nigerian situation and open a new platform for Africa? This research contributes to the scholarly search for possible principle or theory of justice that best responds to the Nigeria and African social, political, economic and institutional injustices especially as it affects the value and dignity of human persons as well as stability in societies in Africa. Africa has the capacity to address the issues of social integration, unemployment, health, insecurity of life and property, corruption, poverty, abuse of public offices, lack of basic infrastructure and amenities and disease among others. Through proper rationing, if it can be available

for a few, it can be available for all, especially the common man. This perspective of African contemporary philosophy is to underscore that we must continue to foster interest and orientations for a workable principle of social order.

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