

PROPERTY RIGHTS AND HERDSMEN ACTIVITIES IN NIGERIA: A LOCKEAN  
PERSPECTIVE

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Abstract

*This article seeks to examine property which is one of Locke's fundamental human rights given to man by nature by virtue of being human. The problem which this article seeks to deal with is to examine how (the Nigerian) government upholds this fundamental right of humans according to his principles of natural law especially in a democratic dispensation. It observes that little or no emphasis is laid on the citizen's right of self-defense in the face of annihilation and destruction of people's property. This article exposes or advances the thesis that Locke's theories on property and government will enlighten the people about their rights to defend their property at all cost even if it means the death of the aggressor.*

*Keywords: Herdsmen, Property, Aggressor, Government.*

**1. Introduction**

The frequent attacks of herdsmen on farmers in Nigeria and the magma of hatred displayed in the way they kill people, destroy their crops, livestock, burn their houses and shops and destroy all within their reach thereby sending the host communities running raises the question on property rights in Nigeria. This is because the government has not punished or sentenced any of the culprits to death on account of premeditated murder and arson which attract death sentences. Since John Locke wrote extensively on property rights, this paper therefore chooses to assess or appraise the activities of these herdsmen in the light of John Locke's right to property and life. Should they retaliate or keep complaining to government and the international community? Locke said it is for the sake of this protection that men formed the social contract in order to live in peace with other men.

## 2. Locke's Social Contract Theory

Locke notices that when men judge cases in the state of nature they are more likely to judge with greater severity and such as there will be regular miscarriages of justice hence the need for the social contract or civil government. Central to Locke's social contract is consent. Everyone is free, equal and independent by nature, no one can be put out of his estate and subjected to the political power or will of another without his own consent. This implies that everyone has right to his life and property and therefore no one has the right to interfere.

Looking further at John Locke's theory of rights he said God created man and man, *ipso facto*, is God's property. Having created man, he has to survive using the means necessary. Locke says the means to survive are liberty, health and property. Since this end is set by the creator, one has a right to achieve that end. Therefore man has a right to life, liberty, health and property. These are natural rights.

## 3. Locke on Property

The natural right with which Locke was most preoccupied was the right to property. In Chapter V, Section 25 of the *Second Treatises of Government*, John Locke expressed man's right to property right from birth. He drew this from the Biblical accounts of Genesis and of the book of Psalms (CXV, XVI) which states that "God has given the earth to the children of men/mankind in common"<sup>1</sup>. He writes further that from creation;

God hath also given them reason to make use of it to the best of advantage of life and convenience. The earth and all that is therein is given to men for the support and comfort of their being... nobody has originally a private dominium exclusive of the rest of mankind<sup>2</sup>.

Hence all that nature provides belongs to everyone until an individual appropriates it to himself. He says for a man to have a right to property is to exact from others the duty of recognizing our personhood.

Locke uses the word "property" in both its broad and narrow sense respectively. In a broad sense, it covers a wide range of human interests and aspirations such as virginity, chastity, religious belief, reputation etc. On the narrow sense it refers to material possession, physical objects such as

houses, shops, money, crops, farmlands, livestock, vehicles etc. once appropriated, no other person can lay claim to them but himself and that is the labour of his body and the work of his hands. He emphasizes that labour right from the beginning gave a real title to property.

Locke advises that doing this is in obedience to God's injunction and command who gave us all these to enjoy and subdue the earth. However, the conditions of human life which require labour and materials to work on necessarily introduced private property.

The core of Locke's argument on property therefore is that property is a natural right and that it is derived from labour. Labour is the origin and justification of property while contract or consent is the ground of government. Behind both doctrines lies the idea of the independence of the individual person.

Obiekezie posits that man and private property are inseparable and that it can be traced back to the origin of man. He writes thus;

God has ordained this, and with his intelligence man understands God's law, the law of nature. This gives man the right to keep the goods of this earth, invariably giving rise to private ownership of property<sup>3</sup>.

Locke introduces at least, two limits to property acquisition. The first bothers on waste and self-sufficiency which checks greed. He says;

As much as anyone can make use to any advantage of life before it spoils, whatever is beyond this is more than his share and belongs to others (because) nothing was made by God to spoil or destroy...<sup>4</sup>.

Here Locke seems to have in mind, hunting and gathering and since originally populations were small and resources great, it was not difficult living within the bounds of reason.

Next Locke turns to agriculture and ownership of land and the limitations therein. Thus, there is the evolution of the state of nature from a hunter/gatherer society to a farming and agricultural one. Here again it is labour which imposes limitations as to how much land can be enclosed only as much as one

can work. This measure he said, confines man's possession to a very moderate proportion to avoid conflict, injury or contention Locke argues that unused property is waste and an offence against nature.

#### **4. Reason for Fulani Herdsmen Attacks**

Fulani herdsmen are nomadic or semi-nomadic herders whose major occupation is raising livestock via rearing cattle. This work takes them from place to place, city to city, state to state in search of pasture and fresh water. As they wander from bush to bush, forest to forest they often encounter wild animals which they fight against just to save their cattle. Hence they wear charms and carry weapons. The larger group of them stays in the northern part of the country because of the large sparse of land and grazing fields. However, because of increasing demand for cow meat in all the states of the federation, the business boomed and they shifted their concentration to North Central, Middle belt, South East, South West and South-South. Some of them do not have land mass and *ipso facto* use the available ones for subsistent farming.

Here, there is conflict of interest. Having the *fulbe* culture and belief system that "cattle surpasses everything, it is even more important than father and mother. If cattle die then *fulbe* dies"<sup>5</sup> is enshrined in their proverb. This makes them place priority to cattle over and above human lives, farmlands and property. Because of their orientation and belief system and the strong backing of the Myetti Allah group, the herdsmen have thrown caution to the winds and so in addition to the protection and welfare of their cattle, the lives and property of other citizens of the country are trampled upon. People are killed, kidnapped, raped and their crops destroyed with impunity by cattle, their whole labour and farmlands destroyed and worse still, their houses, shops vehicles and other properties burnt to ashes and the host community runs away into nearby towns or IDP camps traumatized.

This article sees their act as a misinterpretation and misapplication of property rights. The herdsmen attacks in some villages in Jos, Katsina, Southern Kaduna, Nasarawa, Niger, Benue, Ogun, Ondo, Anambra, Abia, Imo, Enugu and Ebonyi states are cases in point. The effect is loss of lives and property, insecurity, hunger, scarcity of food, inflation and threat to national unity. Herdsmen activities have caused increasing clamour for secession especially among the Yoruba and Igbo ethnic groups. Early this October 2024, Sunday Igboho wrote a petition to Mr. Sterner, the British Prime Minister on the same subject matter.

It is really unfortunate that herdsmen have turned to giving themselves the task of limiting the rights of their host communities anytime. In some parts of Sokoto and Jos the host communities pay levies to avoid being attacked and for the farmers and for the farmers to feel free and go to farm. Hence they clash. To this, Ajibo *et al* succinctly point out thus;

The conflict and clashes between Fulani herdsmen and famers have claimed enormous scores of lives in Nigeria. The death toll of Nigerians killed was about 3,780 from 2012 to 2018. The effects are overwhelming<sup>6</sup>.

This article observes that since there are very many grazing fields in the core North, North East and North Central, advancing from these areas to North central, South-East, South-South and South-West is no longer a search for grazing fields but to advance their Jihadist and Islamic dominance.

From their *Modus Operandi*, the attacks are not just directed to farmers and their crops, farmlands but to the extermination of the entire community and take over their property and land. Attacking innocent communities at night and outside their farms and burning down their houses, raping, killing and kidnapping them have nothing to do with their farms. It is therefore a disguise for Jihad. That was how they ran over the Hausas in the North and that is their target

## **5. Herdsmen Attacks in Some Parts of Nigeria**

Herdsmen activities and attacks are so traumatic that they disregard people's lives and property rights. Available data show that between 26<sup>th</sup>-27<sup>th</sup> January 2020, a total of 32 villages were destroyed in two different attacks by Muslim Fulani herdsmen in Plateau state. On June 7<sup>th</sup>, 2021 at least 40 people were killed in an attack on Odugbeho village by Fulani herdsmen.

Again in April 2016, the Fulani herdsmen killed over 40 people in Nimbo community Uzo-Uwani road in Enugu state. On 14<sup>th</sup> December, 2022, the Enugu people had another harrowing experience when Fulani herdsmen invaded Eha-Amufu village and massacred over 50 people. These herdsmen numbered over 100 and the attack took place at 8am as reported by the *Premium Times Newspaper*. This attack was on Sunday morning when the farming community of Abor in Isi-Uzo LGA of Enugu state were busy with church service<sup>9</sup>.

In Benue state, *Reuters* reported that on 8<sup>th</sup> August, 2024, at least 30 people were killed. The next day, *Punch Newspapers* reported again that no fewer than 30 people were killed in Ayati village in Ukum LGA of Benue state on a Thursday night<sup>10</sup>.

Recently *Punch Newspaper* of 2<sup>nd</sup> October, 2024 again reported a series of attacks in Egwuma and six people were killed including two soldiers. You will recall that CAN international reported that attacks caused over 500 victims in Nigeria's Benue state in 2023 and by January 25<sup>th</sup>, 2024 over 400 people were killed, more than 100 wounded, raped, kidnapped in attacks on settlement and farming. This article showcases that the attacks are too many and frequent yet not completely stopped and the culprits not sentenced to death for calculated murder, arson and felony.

How can Benue state lose as many as 2,600 people as at June 26<sup>th</sup>, 2024 in attacks alone as reported by Amnesty International and *Premium Times* respectively and the security agencies are silent? This body language by the Federal government and security agencies necessitated this article. Is there no more respect to people's life and property? Is the Nigerian law and constitution no longer relevant in this democratic dispensation? Are we drifting fast into the Hobbesian state of nature where man is wolf to man and the life of man is nasty, solitary, brutish and short? Is self-defense the panacea or *lex talionis* (the law of revenge) the panacea?

## **6. Locke on Punishment**

John Locke does not intend that infringement on property rights should not go unpunished. Having laid the principles in accordance with natural law on the need to respect the right to life, liberty and property, he went further to treat the right to punish wrongs done either to the individual or the society especially when it goes against natural law. He says thus;

In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity which is that measure God has set to the action of man for their mutual security. In this case and upon this ground every man hath right to punish the offender and be executioner of the law of nature<sup>7</sup>.

Locke puts it clearly that when one receives injury or damage as a result of violating this law, he has the right to seek redress or reparation, hence "he who hath received any damage has, besides the right

of punishment common to him with other men, a particular right to seek reparation from him that has done it”<sup>8</sup>.

Locke recommends retaliation for anyone who attacks one’s rights like a wolf, he who puts himself at war should also be treated like a beast. By attacking farmers and destroying their properties, the herdsmen have put themselves at war with the farmers and the host communities and *ipso facto* should be treated like wolves both by the farmers and the security operatives (the Joint Task Force (JTF)).

## **7. Conclusion**

Human life is unique. All values find meaning in life. It is the foundation and end-point of all values. Life is what animates the person, it makes a person active and the ultimate reason *d’etre* of all other activities of the human person. Man is the *Imago Dei*= image of God, so to waste someone’s life (and property) is not only illegal and immoral but also *Contra natura*. But to destroy this gift of nature, unfortunately, is the joy of the herdsmen hence the frequency.

Recent events have shown that the herdsmen have total disregard for the value of other people’s lives and property hence a whole village can be wiped out just for inane reasons and wellbeing of their cattle. It was therefore not surprising when an Honorable member of the House of Representatives moved a motion for the granting of citizenship and freedom of movement to cattle as given to Nigerian citizens. Any animal that has no reason, no soul, no direction and no morality.

It is because of the reckless abuse of property rights that this article chooses to appraise this scenario from the political prism of John Locke who wrote extensively on the right to property. This article asserts that Locke makes a unique and ingenious case for the natural right of private property with which society and government are not entitled to interfere. The confluence of Locke’s main line of argument on property rights really provides an effectively usable framework for building a socio-economically just society where people’s fundamental rights will be respected and religious and cultural differences tolerated.

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