Culture of impunity and the ambivalence of Nigeria’s political class

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Abstract
Modernity presupposes ideas that foster all round growth and development of an individual in any society. Ideals such as respect for the rule of law, justice and fair play are promotional tools and the foundation on which the edifice of a modern State is built upon. Africa, albeit Nigeria is renown for some avarice that threatens the State and all the ideals that the State stands for. Major social problems involve corruption, bad governance, assassination, etc. This paper offers solution to these problems through philosophical analysis.

Key words: Nigeria’s political class; culture of impunity; state

Introduction
Is there any culture that can be wholly attributed to Africans which serves as a paradigm or reference point for emulation to other nationals? This type of question provokes a quest to find out answers thereby giving us a lot of revelations that may be either positive or negative. In proffering answers to this type of question, of general interest and importance cutting across politics, religion, morality, social studies etc. Wilson (1963:ix), aptly observed that “conceptual analysis gives us the framework and purposiveness to thinking that might otherwise meander indefinitely and purposelessly among the vast mashes of intellect and culture”.

Culture clearly captures the ethos, norms and values that are held to be sacrosanct and praise worthy. Culture generally embodies the ultimate value of people, their belief system as it affects their perception of reality. Thus it is quite tempting to discuss Nigeria’s political class without sounding immodest going by the culture of impunity and other vices that are fast becoming a norm perpetuated at all levels of governance. As Ochega rightly puts it in an article online, such discussion can “elicit either laughter or tears, depending largely on which side of the divide one belongs to”.

The political class of any nation to a large extent determines the level of development it can record over a period of time. Quoting Martin Luther King Jr. in Madu (1998:10) he avers that:

The prosperity of a nation depends not on the strength of its fortifications, not on the beauty of its public buildings but it consists on the number of cultivated citizens, its men of character and enlightenment.

Traditional African society is replete with moral codes. Africa has “a high moral code believed to be sanctioned by the gods and by God” (Iroegbu, 1994: 9). Certain moral vices were unpardonable while certain moral virtues were uncompromisable. These include respect for human life, respect for people’s property, respect for elders, upholding justice, honesty and sincerity. Omoregbe captured the point clearly when he stated thus: “remove
morality, remove honesty, and public accountability and what are governments but gangs of thieves and treasure looters” (1993:127). Madu further graphically paints the picture of prevalent impunity in our society in these strong terms:

…few rich and “strong” in society are apparently above the law. But for occasional military interventions, themselves dictatorial, these self acclaimed owners of the country get away with everything – killing, bank frauds, embezzlement…(1998:12).

The ambivalent situation and paradox of this kind of scenario where we have political office holders who are meant to perform their task creditably well, but begin to do the contrary, calls for a serious philosophical review. These political office holders pledge on one hand to uphold the law and on the other hand, they break the law with impunity.

The task before us is to try to excavate this anti-social scenario from its root, the knowledge of which will help us to attempt a panacea for this systemic dysfunction even as we reconstruct a culture of justice, fair play, honesty and transparency that will lead to an all round development of the nation thereby serving as a culture to be emulated and bequeathed to generations unborn. Let us now proceed to looking at the ideals of modernity.

Ideals of modernity

To understand the concept of modernity, it is imperative to give a background of the era before it. The medieval period in Europe is classified ‘Dark Age’ in that the custodian of knowledge was the church and the church fathers. Here the scientific spirit was suppressed as the church was the final arbiter on matters of knowledge. Thus the Renaissance or the enlightenment period ushered in the modern era where freedom, individuality and a new way of doing things was born. Hutten (1962:11) opines that science can be seen to be the driving force in our civilization. Science affects every human activity, and the arts and even religion have changed, under its influence. It is the rediscovery of classical learning in the Renaissance that gave rise to modern science (Hutten, 1962:17).

According to Wikipedia, modernity typically refers to a post-traditional, post-medieval historical period, one marked by the move from feudalism toward capitalism, industrialization, secularization, rationalization and the nation-state and its constituent institutions and forms of surveillance. Modernity also denotes the renunciation of the recent past, favoring a new beginning, and a re-interpretation of historical origin.

The institutions of the middle ages permitted only a fortunate few to develop freely; the vast majority of mankind existed to minister to the few. The medieval theory of life broke down through its failure to satisfy man’s demands for justice and liberty (Russell, 1962:21). Under the stress of oppression, when rulers exceeded their theoretical powers, the victims were forced to realize that they themselves also had rights, and need not live merely to increase the glory of the few.

From the foregoing, we can infer that modernity opens up a new era of individualism, freedom, liberty and justice, and scientific spirit. This is a paradigm shift from what is obtainable hitherto and can pass as the ideals of modernity. It affords us the opportunity to do things differently and getting desired results for the collective good of all. These ideals are to be upheld by all and sundry and any aberration should be frowned at especially as it affects man and his activities with others in the State.

The State: What it stands for?

The internal orderliness of a civilized society is a great achievement brought about by the increased authority of the State (Russell, 1962:40). It would be inconvenient if peaceable citizens were constantly in
imminent risk of being robbed and murdered. Civilized life would become almost impossible if adventurous people could organize private armies for purposes of plunder.

It seems best to regard the State as an association rather than a community. The State is certainly organized, indeed the most highly organized of all forms of association (Raphael, 1976:39). It is not easy, however, to specify a definite, limited set of purposes that may be attributed to it. The Greek City-State had a virtually unlimited set of social functions; those of the modern State have been much more extended in the course of the nineteenth and twentieth centuries.

In a famous passage near the beginning of his Politics in Raphael (1976:40), Aristotle says the Polis comes into being for the sake of life, but that once it exists; it has as its purpose the good life. Furthermore, a society is political, or has a State, if it contains a centralized agency for the promulgation, application and enforcement of rules of conduct. If rules are generally obeyed and if only these rules are generally recognized as legitimate sanctioned by physical force (Quinton, 1977:6).

One generally interesting decisions and regulations of modern States concern issues of a broadly economically distributive kind. The main political divisions of a modern industrial society concern the proportion of the national income that shall be taken and spent by the State and the objects on which it should be spent. Complex conflicts of justice and efficiency, of benevolence and personal freedom arise here which are the main topic of every day political controversy. One virtue of democratic systems is that they provide machinery for the resolution of these conflicts of interest and principle by pacificatory compromise without resort to violence (Quinton, 1977:9).

Russell (1962:34), and Raphael (1976:45), see the essence of the State as the repository of the collective will of its citizens. Its primary function is to settle and prevent conflict, or to put it in another way, the keeping of order and the maintenance of security. Two kinds of security are involved; security within the community and security against injury from external sources. Security within the community according to Raphael means, security against deliberate infringement of rights in respect of person or property (e.g. against assault or theft), and against external injury likewise covers both deliberate harm (as in acts of war by other States) and non-deliberate damage (as when a home industry suffers from the dumping of excessively cheap foreign goods)(1976:47).

The evil wrought in the modern world by the excessive power of the State is very great and little recognized (Russell, 1962:43). Apart from war, the modern great State is harmful from its vastness and the resulting sense of individual helplessness. The citizen, who is out of sympathy with the aim of the State, unless he is a man of very rare gifts, cannot hope to persuade the State to adopt purposes which seem to him better. Even in a democracy, all questions except a very few are decided by a small number of officials and eminent men; and even the few questions which are left to the popular vote are decided by a diffused mass psychology, not by individual initiative.

However, there are certain more positive functions which summarize what the State stands for. They are: welfare of the whole community depending upon the practically universal attainment of a certain minimum; in such cases the State has the right to insist upon this minimum being attained. Secondly, there are ways in which, by insisting upon the maintenance of law, the State, if it does nothing further renders possible various forms of injustice which would otherwise be prevented by the anger of their victims. Such injustices ought, as far as possible, to be prevented by the State (Russell, 1962:48-49). Thus it becomes like a social contract where the State promises to protect the individual and to promote his well-being, and, in turn, the individual promises to respect the State and to obey its laws (Minton and Shipka, 1982:384).
Culture of impunity and Nigeria’s political class

The term culture of impunity refers to a situation in which people in society have come to believe that they can do whatever they want with impunity, which means “exemption from punishment, harm or recrimination” (Rooney, 1999:947). David, in an article online, title Culture of Impunity sees culture of impunity as an emergent world view, a dysfunction of those manifest cultural processes that have arisen from our mal-adaptation, often at the hands of agents of social control, operational to make us more anti-social in the sense of psychopathy.

Within this framework of an emergent world view, there is posited the negative valuation of values, norms and artifacts here in supporting the culture of impunity. Impunity may be part of legal protections in a government laws and may extend to those employed by the State like government officials, military personnel or others. Anti-humanitarian acts within government are usually thought to be one of the easiest ways to support a stream of vicious human rights violations. When people can act without fear of punishment, they frequently act in ways that are exceptionally brutal, and such acts oppress freedom within the State, while it remains shocking and disturbing to other countries.

The resultant consequences of people acting without fear of being punished has made impunity a norm or culture which has produced such strange bed fellows as torture, arson, murder, embezzlement, assassination, corruption, greed, thuggery and so on. The implication of these for the State makes the State a weak entity and one that cannot uphold the tenet of justice and fairness and other ideals that the State is known for.

Asouzu (2003:5) argues that human interest is ambivalent because it has a double capacity and as such can represent something negative and positive at the same time. The moment a person is not aware of this double capacity of his interests, this person easily becomes a victim of error of judgment and his actions, in worse cases can have tragic consequences.

The political class of any nation to a large extent determines the level of development it can record over a period of time. The economic predicament of Nigeria can be attributed to the nature and practice of politics and government, and the collapse of the economy. Quoting Ocheja on-line he avers that:

The nation (Nigeria) is battling for unity and survival occasioned by a weak political class, mainly comprising of selfish people that views the citizenry from a disdainful perspective…those saddled with the responsibility of preserving our unity and cultural heritage have put sentiments and selfish interest at the forefront.

Perhaps it is this ambivalent situation of impunity that made President, Goodluck Jonathan to pledge to tackle the culture of impunity. This call came after the deadly violent and wanton destruction of lives and property that trailed the presidential polls in some parts of the North. In The Guardian Newspaper version of May, 20 2011, the President vowed that the Federal Government would no longer condone the culture of impunity in any part of the country. He also maintains that unpatriotic elements will not be allowed to cause distraction from the task of diligently facing up to Nigeria’s developmental challenges.

Also, former Vice President Atiku Abubakar in The Will Newspaper of March 4, 2011 denounces Suleja blast, and decried the emerging culture of impunity taking root in Nigeria. He said further that failure of the authorities to bring perpetrators of such previous bastardly acts to book may have emboldened others to unleash more mayhem on innocent people.

It is common place to find impunity arrogated by the Nigeria’s political class at will. Since the inception of the oil boom and
the appealing financial gains that is accrued to politics, politicians are now playing god by reason of the paraphernalia of office. The law of the land seems not to affect these classes of persons because they know how to bend the law to their advantage. Even the ICPC (Independent and Corrupt Practices Commission) and the EFCC (Economic Financial Crime Commission) seem not to wield enough powers over these sets of leaders.

The happenings in the country of late suggest that there are some people that are above the law. They can do whatever they like without any fear of being punished. Thus there has been several advocacy from groups and organizations for political office holders to be stripped of whatever immunity clause that shield them from being caught and punished by the “long” arms of the law.

From the forgoing, impunity holds sway in the land. But for constraint of space, we cannot outline all the actions and inactions of our political class as it has to do with this culture of impunity that pervades the land in all facets of our national life, especially the political class. Okafor (1998:76) raised a question of public concern when he asked: Why does Nigerian society function the way it does despite the provisions of the law? It is a platitude to say that Nigerian society functions as though no laws exist. And where there is no law, there is no justice and where there is no justice, there will be no order and peace.

In a similar vein, Justice Ibrahim Auta and Eyo Esikpo, chairmen and member respectively of the tribunal in Ken Saro Wiwa’s case, were similarly accused, like justice, Okadigbo, of promoting injustice through the judicial process in obedience to the will of political power brokers (Okafor,1998:79).

Gani Fawehinwi declared as quoted by Okafor that the Ibrahim Auta tribunal violated all norms of fairness, fair hearing and true justice; “the whole trial was a smoke-screen and the tribunal worked to predetermined conclusion by the federal government to silence the voice of Ogoni people.”(1998:79).

**Culture of impunity: Philosophical appraisal**

Here, questions such as why do people act with impunity and why are Nigeria’s political class ambivalent in their actions will set the tone for philosophical inquiry into the ontology of the issues at stake. This question also cuts across discourses in ethics, metaphysics and social and political philosophy.

Any system built on the canons of self-interest is an invitation to chaos and anarchy. Furthermore, any act of Personal interest that is disengaged from its transcendental precondition is a contradiction in itself; and any society that insist on the canon of self interest as means of personal and collective self-actualization is merely heading to ruins (Asouzu,2003:8).

Every individual seeks his own conservation and his own delectation leading to competition and mistrust of others. Further, every man desires that others should value him as he values himself; and he is quick to resent every slight and all signs of contempt. Hobbes maintains that in the nature of man we find three principal causes of quarrel. First, competition, secondly diffidence (that is, mistrust); thirdly, glory (Copleston, 1964:41). From these, Hobbes draws the conclusion that until such time as men live under a common power, they are in a state of war with one another.

Hobbes defines a law of nature as the “dictate of right reason conversant about those things which are either to be done or omitted for the constant preservation of life and member, as much as in us lie” (Copleston,1964:44). There is a common good that all men ought to pursue far above private interest, thus the common wealth is founded on a social covenant or contract. But sadly, the
ambivalence of human interest comes into play as aptly captured by Asouzu thus:

…but how do we explain the fact that this person seeks to conserve his interest by making recourse specifically also to those means that would necessarily lead to his own destruction and in the process of which he virtually loses his interest he is trying conserve? It is a paradox that a person seeks to conserve his interest but undertake those things that would ensure his own destruction. This is the Nigerian Paradox, we have come to the point where almost everyone tacitly subscribes to the assumption that to survive a person must conserve his interest first: and to conserve your interest you would not mind to put yourself and the community into jeopardy even if this entails throwing it into chaos and destruction(2003:15-16).

It is this kind of reasoning that has enshrined the culture of impunity in our body polity. You find those seeking for the electorate votes in other to serve. But in a bid to serving the electorate, they end up killing or impoverishing them. This is a moral dilemma that philosophers have tried to grapple for thousands of years. This has led to numerous ethical theories such as duty-based, consequentialist and virtue based theory. These are very general competing frameworks for understanding moral issues (Warburton,2004:40).

Several factors can be adduced to why people act with impunity. It could be as a result of ignorance, socio-historical antecedent, psychological dis-order, religious fanaticism, wrong ideology or belief system and so forth. However, the task of philosophy is to question the foundation of those beliefs and actions that are fundamental to us as individuals and as a group. Following this line of thought, Etuk (2000:10) maintains that:

With respect to the subject-matter of philosophy, the philosopher can neither prove his theories the way a scientist does, nor can he produce a final settlement of the differences of opinion which abound in almost any issue of importance. Solutions to life’s dilemmas and perplexities are no more vouchsafed to the philosopher than to others. Perhaps all that he may do better than others is to bring his analytical skill to bear on these problems in order to gain a better understanding of them. In doing that he may well seem impractical to people who are in a hurry for solutions.

Opining further, Freire insists that one of the first kinds of knowledge indispensable to the person who arrives in a Ghetto or in a place marked by the betrayal of our right “to be” is the kind of knowledge that becomes solidarity, becomes a “being with”(1998:72-73). In that context the future is seen not as inexorable but as something that is constructed by people engaged together in life, in history. It is the knowledge that sees history as a possibility and not already determined. The world is not finished. It is always in the process of becoming. The subjectivity with which I dialectically relate to the world, my role in the world, is not restricted to a process of only observing what happens but it also involves my intervention as a subject of what happens in the world. My role in the world is not simply that of someone who registers what occurs but of someone who has an input into what happens. I am equally subject and object in the historical process. In the context of history, culture and politics, I register events not as to adapt myself to them but so as to change them, in the physical world itself.

The culture of impunity, orchestrated by the ambivalence of human interest by
which Nigeria’s Political Class becomes victim along side the citizens or masses, does not promote a just and egalitarian society where justice and liberty will be freely celebrated. If everyone were to make recourse to these culture, then we would have a society that is at best barbaric. Thus the categorical imperative becomes: “Act only on maxims which you can at the same time will to be universal laws” (Warburton, 2004:44).

Only the man of goodwill can submit himself to a higher form of legitimization. In goodwill, we can become other things without loosing our being. This goodwill becomes most effective when it translates into purity of intention. Whenever the will is pure, we have an invaluable tool at our disposal to confront any challenge (Asouzu, 2003:157).

From the forgoing, we can deduce that the culture of impunity is an aberration of morality and a civilized society; and its practitioners needs help by way of illumination through knowledge and understanding of a philosophic kind and it is my conviction that philosophy affords one that escape route. Little wonder, Plato advocated for a philosopher King who is trained and has mastery in the skill that philosophy bequeath.

**African culture of justice and liberty: The search**

At the opening introduction of this paper, a question was posed. To attempt an answer to that question will require a proper understanding of the culture of the African and his Ontology. By culture is meant (Rooney, 1999:459) “shared belief and values of a group, customs practices and social behavior of a particular nation or people”.

Philosophy is culture bound though professional philosophy transcends all cultures and aspires to look at reality from a holistic point of view (Ozumba, 1995:52). The African is said to be highly religious in the sense that everything he does is guided by the hopes and fears of not only the living but the departed, the gods or divinities and the Omnipotent Being, God. His everyday life is pervaded by thoughts that are directed by taboos and the sacred, all in keeping with the desire to be in line with the entire existence (Ontological Structure).

This metaphysical and spiritual nature of Africans influence all that they do. Momoh (1989:59) avers that “It is more of co-existence with nature, rather than conquest, more of collectivism, rather than individualism, more of holism, rather than atomism, more of synthesis, rather than analysis”.

The existential base of the African is to co-exist with nature and the world. A deep seated need exists in the mind of the African; the need to feel at home in the universe. Quoting Innocent Onyewuenuy in Azenabor (2010:5) he avers that “existence in relation to being-for-self-and-others, sum up the African conception of reality.”

African morality is therefore fashioned or tailored by the interplay of human and divine forces. Forces here must be seen in terms of “being and existence”. In the African set up we have a hierarchy of forces-God, divinities and spirits; these are divine forces. We also have human beings, certain animals, trees, stones and other existents which are endowed with force or degrees of hierophany.

To know how a people view the world around them is to understand how they evaluate life, and a people’s evaluation of life, both temporal and non temporal provides them with a “character’ of acting, a guide to behavior. This is pertinent to the proper understanding of African ethics because it is the belief of the Africans that all forces are interrelated in a regulated balance. This view explains why an evil by one member of the society is seen as affecting all because the whole balance is upset by that singular act (Ozumba, 1995:57).

In the African setting, goodness amounts to those acts, attitudes and behaviors which are congenial to the attainment of peaceful communal co-existence. An act is regarded as good if it does not jeopardize the spirit of oneness, solidarity and single purpose that guide the social existence of men in the
society; the strict obedience to the customs and traditions of people.

Suffice it to say that injustice abounds in every society despite the presence of the law “because anything that exists serves a missing link of reality” (Asouzu, 2003:7). Going by the structure of African ontology as briefly outlined, it becomes clear that justice and freedom is neatly woven into the schemata of the consciousness of the people because of forces that acts as checks and balances. This means that breaking taboo is seen as upsetting the ontological equilibrium of the group.

However, we are not ignorant of the challenges that may be posed if we decide to universalize this system selling the ideas to people of other clime or culture. But one thing is certain that African traditional society has a lot to offer to humanity in maintaining a peaceful and harmonious co-existence contingent upon its culture and tradition-interwoven in its ontology. This is the true African spirit that has to be revived and it is this spirit that can confront the rising cases of impunity in our society as it presupposes the ideals of modernity.

Conclusion
This paper sets the ball rolling by beaming its search lights on impunity which has become a culture among political office holders in the land. It also bring into focus the ambivalence situation of human interest which seems to be a dilemma or a paradox. The interconnectedness of the two concepts seems to have eroded the ideals that modernity upholds which includes justice, freedom, liberty, equity and fairness. It is argued that unless this culture of impunity is tackled headlong, there is no way the society can be sano thereby bringing about development and progress. Furthermore, arguments were advanced to show that Africans had a machinery in place that promoted justice, liberty and fairness purely embedded in our ontology. It is important at this juncture to state that the nexus between impunity and the ambivalence of human interest is an ontological dysfunction that needs to be reflected on with the instruments of right reason as that will bring the problem into public consciousness and discourse just like it is done here thereby paving the way for attempted solution using time tested modern principles. This and much more are the salient contributions of this paper via the instrumentality of philosophy as an academic discipline to entrenching the culture of justice, liberty and an orderly society.

References


