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Francis Kolade Ajila



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Dominican University Journal of Humanities (DUJOH) is a bi-annual peer-reviewed journal of the Faculty of Humanities, Management and Social Sciences, Dominican University, Ibadan. DUJOH provides a forum for academics and researchers in the humanities to present their latest research findings to a wider academic audience by accepting well researched scholarly papers for consideration in the two editions of the journal published in the months of June and December respectively.

Author's Guide

1. Manuscripts should be prepared using the Chicago Manual of Style, 17th edition, in font 12 Times New Roman with double-line spacing.
2. The entire manuscripts, including the bibliography, should not be more than 7000 words.
3. Manuscripts should carry a separate title page with the name, institutional affiliation, functional e-mail, telephone number(s) and postal address/code of the author(s), with an abstract of not more than 300 words.
4. Manuscripts should abide by the ethics of research by avoiding any and all forms of plagiarism, and ensuring that works used and authors consulted are properly referenced.
5. Manuscripts submitted to DUJOH should not be under consideration for publication in any book or journal both within and outside Nigeria.

Manuscripts that meet the aforementioned requirements should be submitted as MS Word attachment by e-mail to: dujoh@dui.edu.ng.

Submitted essays will be peer-reviewed and manuscripts found publishable with or without corrections will be referred back to the

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author(s) with the reviewers' comments, within a period of one month of submission, for further action.

Manuscripts for the June edition of DUJOH should be submitted not later than 31st March while those for the December edition should be submitted not later than 30th September of each year.

Only manuscripts that meet the datelines of submission would be considered for publication.

All further enquiries should be directed to:

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Francis Kolade Ajila

Editorial

In this maiden edition of the *Dominican University Journal of Humanities* (DUJOH), 10 (ten) articles were carefully selected, having met the editorial requirements of the journal and passed the assessment test of the various reviewers. The first essay by Francis Kolade Ajila examines what it considers to be ethno-philosophy's unfinished business, and its implications for contemporary Africa. It appraises the background to ethno-philosophy, its response to Africa's developmental challenges and where it fails, and how this failure has continued to dog African philosophy and Africa, even in contemporary times. It argues that until the core issues involved in the attack on Africa (to which ethno-philosophy was responding) are frankly acknowledged and decisively dealt with, no effort on the part of African philosophers is likely to cast off the blanket of perceived inferiority from the African image.

Victoria OpenifOluwa Akoleowo, in her 'state of the art' contribution looked critically at the issue of corporate criminal liability, which she argues renders not only the retributive and rehabilitative objectives of punishment meaningless, but also provokes a spill-over effect on non-culpable individual members of the corporation. Corporate criminal liability, she argues, results in cases where individual members of the corporation 'hide behind the corporate veil' to commit criminal acts for which the corporation becomes culpable and is punished for corporate crime. In the process, innocent members of the corporation suffer unduly for a crime they never committed. The essay adopts Matt Peterson and Christian Barry's contributory fault principle as model for building an effective theoretical justification for corporate criminal liability. This, it concludes, will provide the basis for the construction of a fair theory of corporate criminal liability which would imbibe the stated objectives of punishment as well as ensure

Dominican University Journal of Humanities

that injustice is not meted out to innocent stakeholders of the corporation.

The third article by Dokun Oyeshola presents environmental law and Polluter-pays principles as basis for constructing a mechanism for ameliorating the effect of environmental degradation, and for addressing the issue of justice that may emerge when there is an occasion of environmental violation. This is to ensure justice for victims of violations of environment pollution (abuse), as well as provide a credible platform for supporting Nigeria's environmental effort in confronting its environmental abuse.

Joseph Omokafe Fashola in his essay titled 'Morality and Cultural Identity' looks at the role of morality in determining one's cultural identity. For him, since the universe is an active network of forces kept alive by the constant activities of beings, then humans need one another for their continuous existence, and our coexistence and knowledge of one another do not only influence our actions, they also warrant the institution of moral codes. This is because, without the other, judgements about rightness or wrongness of human actions would be unnecessary. Morality therefore plays a crucial role in determining one's cultural identity

Joseph Thomas Ekong in his contribution did an assessment of Claude Panaccio's interpretation of Ockham's rejection of Aquinas' account of cognition. He argues, contrary to Panaccio, that there is actually an "anti-representationalist bias" (presented as an epistemological argument) in Ockham's rejection of species, apart from the issue of parsimony. His point is that since Ockham's parsimony which supports direct realism, was meant to temper the alleged excesses of the indirect realism (understood within the context of the representationalist account) of Aquinas, it is questionable to claim as Panaccio does, that an anti-

Francis Kolade Ajila

representationalist bias is not present in Ockahm's rejection of species.

In his submission, Jude Okalia Mbukanma examines the objections of Psychology and Medical Science to 'healing through prayers', with a view to bringing out the fallacy inherent in these objections. He argues that though, medical practitioners and psychologists classify the miracles of healing as cases of illnesses that have a physiological and psychosomatic cause and are therefore amenable to medical and psychological suggestion, they still find in the reports of the sick who claim to be healed through miracles, certain patterns of human behaviour (states of mind) which are perfectly explicable. These inexplicable patterns are feats beyond the power of medicine and psychology, which he attributes to the handiwork of the Divine.

In their contribution, Emmanuel Osewe Akubor and Ensa Touray examines the relationship between human resources and economic growth. They argue that there is an established correlation between harnessed human resources and economic growth, but ponder on reasons why this seems not to be the case in Nigeria, despite the abundance of such human and other resources, and the level of meaningful interaction between man and the natural environment. Combining the qualitative method with the analytical and narrative historical approach, the study finds that the present socio- economic situation of the people of present day Nigeria, particularly as it relates to constant decline in economic growth, is occasioned by: (1) the long neglect of those features that sustained her before the colonial period and (2) the inability to retrace her steps toward attaining self sufficiency. The essay concludes that until the people and government make that conscious effort to put things right, the quest to recover from the recession that has gripped the nation may yet remain a *will-o-the-wisp*.

In her very highly technical paper, Lucy Happiness Ohanuma embarks on a philosophical appraisal of absolute claims in the

Dominican University Journal of Humanities

metaphysical and phenomenological thoughts of Jean Luc Marion. She argues that making of absolute claims is neither a sign of weakness of reasoning or illogicality nor is it peculiar to metaphysics alone; it is a phenomenon that can be found in phenomenology as well. The essay then explores the idea of absolute claims in the phenomenological thoughts of Jean Luc Marion and concludes that while Marion seems to have successfully purged himself from metaphysical phenomena, his phenomenological assertions are laden with absolute claims.

In their joint contribution, John Olubunmi Thomas and Precious Iyogun looked at the concept of human nature and the extent to which core features of human nature like the faculty of ratiocination can be used to enhance human security and promote the common good. They argue that addressing the challenges of security in a society will require a reenactment of the society's idea of common good; and this can be initiated through a reawakening of rationality (which is a core principle of human nature), one that is inextricably tied with a critical outlook through which traditions and values, and more importantly the idea of common good can be subjected to further strictures, for the purpose of disbanding the challenges posed to security.

The last contribution by Jim Ijenwa Unah explores the contribution of philosophy to the restoration of public trust in governance, most especially in societies like ours, where practices that undermine trust like 'greed' and 'corruption' have eaten deep into the mental fabric of individuals. The essay reveals that as guardians of society, philosophers over the years have dreamed up ideas and initiated useful principles for the regeneration of society, as well as the advancement and enhancement of human comfort and happiness. Trust, it argues, remains the over-arching principle that bonds leaders and followers together in the delivery of public good, hence, the need to restore trust and confidence in governance and in the ordering of public affairs. It concludes that trust is

Francis Kolade Ajila

sacrosanct and sustainable if rooted in the fear of consequences and well cultivated moral character, which the philosophical enterprise is designed to build.

The foregoing shows clearly that this maiden edition of the *Dominican University Journal of Humanities* (DUJOH) is packed with very interesting and thought-provoking essays that have the potential of stimulating further research among scholars. I therefore wish everyone, a successful, happy and safe encounter, as you embark on this intellectual voyage.

Francis Offor

Editor

Contents

<i>Editorial Board</i>	<i>iv</i>
<i>Editorial Consultant</i>	<i>iv</i>
<i>Editorial Policy</i>	<i>v</i>
<i>Author's Guide</i>	<i>v</i>
<i>Editorial</i>	<i>vii</i>
Ethno-Philosophy and the Challenge of African Humanity	1
Francis Kolade Ajila	
Towards An Adequate Theory of Corporate Criminal Liability	25
Victoria OpenifOluwa Akoleowo	
An Exploration of Polluter - Pays Principle of International Environmental Law Mechanism for Confronting Environmental Pollution in Nigeria	45
Dokun Oyeshola OP.	
Morality and Cultural Identity	65
Joseph Omokafe Fashola	
<u>Claude Panaccio's Interpretation of Ockham's Rejection of Aquinas' Account of Cognition</u>	<u>81</u>
<u>Joseph Thomas Ekong OP.</u>	
On the Psycho-Medical Objection to Divine Healing:	101
Jude Okalia Mbukanma OP.	
Interrogating the Nexus between Human Resources and Economic Growth: Reflections and Notes on the Nigerian Economy in the 21 st Century	113
Emmanuel Osewe Akubor and Ensa Touray	

Francis Kolade Ajila

A Philosophical Appraisal of Absolute Claims in the Meta-
Phenomenological Thoughts of Jean Luc Marion 145

Lucy Happiness Ohanuma DHS.

Human Nature and the Challenge of Security: Toward the
Attainment of the Common Good 171

John Olubunmi Thomas and Precious Iyogun

Philosophy and the Restoration of Public Trust in Governance 195

Jim Ijenwa Unah

Dominican University Journal of Humanities

Ethno-Philosophy and the Challenge of African Humanity

By

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Abstract

This paper discusses what it regards as ethno-philosophy's unfinished business, and its implication for Africa today. It appraises the background to ethno-philosophy, its response to a challenge, the 'response to the response' on the part of 'professional philosophers', the failure of ethno-philosophy, and how this failure has continued to dog African philosophy and Africa even in contemporary times. It concludes by insisting that, unless the core issue involved in the attack on Africa (to which ethno-philosophy was responding) is frankly acknowledged and decisively dealt with, no effort on the part of African philosophers is likely to cast off the blanket of perceived inferiority from the African image.

Keywords: Ethno-philosophy, African philosophy, Rationality, African humanity.

Introduction: Background to Ethno-philosophy

African philosophy today is a product of what Mogobe Ramose calls "the struggle for reason in Africa."¹ To put it rather starkly, it

¹ Ramose, M. 2003. "The Struggle for Reason in Africa." Coetzee, P.H. and Roux, A.P.J. (eds.). *The African Philosophy Reader* (second edition). London: Routledge, 2003. 1. Olusegun Oladipo (2006:11-12), for example, mentions other, often-related motives for African philosophy, especially since independence. However, while their importance is acknowledged, they

is a result of the debate as to whether Africans are humans on an equal footing with others. Scholars like Peter O. Bodunrin² acknowledge the honorific connotation of philosophy, such that, to have no philosophy is, for all intents and purposes, to be less than human. Many European writers asserted that Africans are 'irrational', 'pre-logical', 'concrete' (as against 'abstract'), and so on. For Levy-Bruhl, Africans are 'pre-logical' and 'mystical' (supernatural), and therefore have 'infantile mentality'. They make no effort to reason but take to 'collective representations', with no consciousness of the identity of themselves or of other things, because, to the Africans, everything forms part of the other.³ He also says, "The slightest mental effort involving abstract reasoning, however elementary it may be, is so distasteful to them that they immediately declare themselves tired and give it up;"⁴ and, that the African "never troubles to inquire into causal connections which are not self-evident, but straight away refers them to the mystical."⁵

The fact that philosophy is considered as the index of reason makes the contributions of otherwise-reputable philosophers to this issue rather unhelpful. David Hume, for example, says, "I am apt to suspect the negroes to be naturally inferior to the whites. There scarcely ever was a civilized nation of that complexion or even any individual eminent either in action or speculation."⁶ Immanuel

are not discussed here, principally because they do not have a direct bearing on ethno-philosophy which is the focus of this work.

² Bodunrin, P. O. 1981. "The Question of African Philosophy." *Philosophy* 56 (12). 165. Bodunrin, however, does not accept this honorific connotation as he believes that philosophy should be treated like other disciplines.

³ Levy-Bruhl, L. 1922. *The Soul of the Primitive*. Trans. L. A. Clare. London: George Allen and Unwin. 15-16.

⁴ Levy-Bruhl 1966. *How Natives Think*. Trans. by L. A. Clare. New York: Washington Square Press. 97.

⁵ Levy-Bruhl 1923. *Primitive Mentality*. Trans. by L. A. Clare. New York: The Macmillan Company. 36.

⁶ Hume, D. 1985. "Of National Characters." *Essays Moral, Political, and Literary* (Edited by E. F. Miller). Indianapolis: Lund Fund. 208. This text,

Francis Kolade Ajila

Kant not only supports Hume's claim but also adds that the difference between the two races is so fundamental it appears to be as great in regard to mental capacities as in colour.⁷ Emmanuel Eze further quotes Kant as declaring that the actions of the non-white races are "based upon unreflective mores and customs, natural impulses (or 'the inclination to evil'), and/or the 'commands of authority'." And since these mores lack 'ethical principles', they are therefore not properly (i.e. essentially) human.⁸ Kant holds that Africans possess a docility that makes them trainable as slaves.⁹ What becomes obvious from the foregoing is not only an assertion that non-white people are sub-human, but also an attempt to create a theoretical justification for the white domination and exploitation of other races. But this dubious attempt seemed to reach its peak in G. W. F. Hegel's *The Philosophy of History*. Hegel (who was rightly described by Jacques Maritain as involving the world in deadly and far-reaching errors.¹⁰) designates sub-Saharan Africa as 'Africa proper', and says:

Africa proper... is enveloped in the dark mantle of Night. The peculiarly African character is difficult to comprehend, for the very reason that in reference to it, we must quite give up the principle which naturally accompanies all *our* ideas — the category of Universality.... (The) distinction between himself as an individual and the universality of his essential being, the African in the uniform, undeveloped oneness of his existence has not yet attained; so that

not quoted in full, is actually more damning than indicated here. For him, the 'negroe' is, at his very best, like a parrot when compared to the European.

⁷ Quoted in Eze, E. 2003. *The Colour of Reason: The Idea of 'Race' in Kant's Anthropology*." Coetzee, P.H. and Roux, A.P.J. (eds.). *The African Philosophy Reader* (second edition). London: Routledge. 518.

⁸ Eze, 2003. 512.

⁹ Eze, 2003. 512.

¹⁰ Maritain, J. 1965. *On the Use of Philosophy: Three Essays*. New York: Atheneum. 4-5.

Dominican University Journal of Humanities

the Knowledge of an absolute Being... is entirely wanting.... We must lay aside all thought of reverence and morality — all that we call feeling — if we would rightly comprehend him; there is nothing harmonious with humanity to be found in this type of character (emphasis mine).¹¹

Thus the African is, in the view of the European, a creature who has a number of features in common with others (the ‘actual humans’) but who, at the level of intelligence and reason (the hallmarks of humanity), is way below par; so far below, in fact, that he must be reckoned and treated differently.

It is against this kind of characterisation that African scholars have reacted by presenting what they regard as African philosophy. Perhaps the remark made by Barry Hallen at the beginning of his book, *A Short History of African Philosophy* (2002), will help explicate the contention over African philosophy since the twentieth century:

(The) false ahistorical stereotype had profound consequences for Africa’s status vis-à-vis philosophy as an international enterprise. “Early” human societies anywhere in the world were not thought to have developed the capacity for the intellectual reflection definitive of this supposedly sophisticated discipline. Therefore Africa’s indigenous cultures were, in both principle and fact, disqualified from occupying a place in the philosophical arena.

The response on the part of many African philosophers, scholars, and intellectuals to this falsely a-historical, as well as deeply offensive, typing of the cognitive significance of their civilisations has been

¹¹ Hegel 2001. *The Philosophy of History*. Tr. J. Sibree. Kitchener: Batoche Books. 109-111,

Francis Kolade Ajila

sustained and vigorous. The fact that these efforts have only recently begun to have recognisable consequences in and on the Western academy would probably be cited by those same individuals as further evidence of how profound the influence of this demeaning caricature of Africa's cultures was on the rest of the world and, in some cases, on Africans themselves.¹²

V. Y. Mudimbe points out that African thought was deliberately mischaracterised for ideological reasons, in order to provide a grounding for Europe's 'right to colonize'.¹³ Since philosophy is viewed as the mark of rationality (which is, in turn, considered as the distinctive feature of humanity), the charge that Africans have no philosophy is tantamount to asserting that Africans are mere beasts, and this provides the philosophical rationalisation for their enslavement, colonisation and exploitation. It is no surprise, therefore, that Africans would react, not only by arguing that Africans are capable of the kind of rational activity that is regarded as philosophical, but also by showing or demonstrating that Africans have had a philosophy before their contact with the West. The first wave of this defence in the twentieth century is what has come to be identified as ethno-philosophy.

Ethno-philosophy

Ethno-philosophy refers to the position that Africa's traditional practices, proverbs, belief systems, folklores and other related things constitute the content, or at least the basic material, for authentic African philosophy. According to Segun Gbadegesin,

¹² Hallen 2002. *A Short History of African Philosophy*. Bloomington: Indiana University Press. 3

¹³ Mudimbe 1986. "On the Question of an African Philosophy: the Case of French-Speaking Africa." Mowoe, I. J. and Bjornson, R. (eds.) *Africa and the West: Legacies of an Empire*. New York: Greenwood Press. 88.

Dominican University Journal of Humanities

In this sense, it is the philosophy indigenous to Africans untainted by foreign ideas. To attain a deep understanding of this philosophy, then, one needs to go to the roots in the traditions of the people without the mediating influence of the westernized folks.¹⁴

The term ‘ethno-philosophy’ was first used by Paulin Hountondji (1976)¹⁵ to describe the work of those who researched into the thoughts and practices of traditional Africa and described their work as philosophy. And it is to Hountondji that the term ‘ethno-philosophy’ owes its pejorative connotation and the negative characterisation it has had, especially among francophone African scholars.¹⁶ For Henry Odera Oruka, Paulin Hountondji and Peter Bodunrin, ethno-philosophy is only philosophy in a debased sense since, according to them, what ethno-philosophers try to do is to describe a world outlook or thought system of a particular African community, or the whole of Africa. This is as opposed to seeing philosophy as a body of logically-argued thoughts of individuals.

Ethno-philosophy is best appreciated in the fact that it constitutes a first line of defence against the Eurocentric charge that Africans are intellectually inferior and therefore have no philosophy. It is to this effect that such African scholars as Leopold Sedar Senghor, Bolaji Idowu, Alexis Kagame, K. C. Anyanwu and John S. Mbiti wrote in defence of the dignity of the African. These come in the wake of the scholar who is commonly identified as the pioneer of ethno-philosophy: Placide Tempels, a European missionary working in Africa, who was writing for a European audience and urging his compatriots to take the time to

¹⁴ Gbadegesin 1991. *African Philosophy: Traditional Yoruba Philosophy and Contemporary African Realities*. New York: Peter Lang. 1.

¹⁵ Bodunrin observes that the term had earlier been used by Kwame Nkrumah, the African nationalist and first President of Ghana, in a thesis written during his student days in America. See Bodunrin, 1981. 178.

¹⁶ Wiredu 2004. “Introduction: African Philosophy in our Time.” Wiredu, K. (ed.). *A Companion to African Philosophy* Malden: Blackwell Publishing. 3.

Francis Kolade Ajila

understand the thinking that underlies African values and practices.¹⁷

Practitioners of ethno-philosophy assert that African philosophy is basically the reflection of philosophers on the African reality. According to K. C. Anyanwu, a vigorous defender of this position, African philosophy should be essentially a “reflection on the African cultural experience, or the exposition of the basic assumptions, concepts and theories which underline African cultural experience and activities.”¹⁸

The first major text of what would later be identified as ethno-philosophy is Tempels’ *Bantu Philosophy*. In it, Tempels tried to prove to his compatriots that the Bantu people do *have* a philosophy, and he did this by pointing out that, behind their beliefs, rituals and social practices, there is an ‘ontology’. Tempels definitely understands the implication of the notion that Africans have no philosophy – the connection between being human and having a philosophy – and his work is obviously a reaction to it. According to him, “Anyone who claims that primitive peoples possess no system of thought, excludes them thereby from the category of men.”¹⁹ He goes on: “To declare on a priori grounds that primitive peoples have no ideas on the nature of beings, that they have no ontology and that they are completely lacking in logic, is simply to turn one’s back on reality.”²⁰

Even though he tried to prove that Africans have a philosophy, he was also careful to reassure his fellow Europeans that philosophy in Africa is not quite the same as what obtains in the West. His work, ultimately, is not an unqualified attempt to affirm the human dignity of Africans; because, while he says, “I confidently hope to be able to convince my readers that real

¹⁷ Tempels, P. 1959. *Bantu Philosophy*. Trans. by Colin King. Paris: Presence Africaine. 13-17.

¹⁸ Anyanwu, K. C. 1983. *The African Experience in the American Market-place*. New York: Exposition Press. 42.

¹⁹ Tempels, 1959. 16.

²⁰ Tempels, 1959. 16.

philosophy can be found among indigenous peoples and that it should be sought among them,²¹ he also says,

We do not claim, of course, that the Bantu are capable of formulating a philosophical treatise, complete with an adequate vocabulary. It is our job to proceed to such systematic development. It is we who will be able to tell them, in precise terms, what their inmost concept of being is.²²

Senghor's major contribution to the discourse is his notion of *negritude*, which is, essentially, a celebration of blackness. He explained that the African is in no way intellectually lower than others, even if he thinks differently from others. Senghor posited that, while the Western way of thinking is clinical and detached, the African engages in 'reason by embrace'; and while the European employs *ratio*, the African employs *logos* and thus 'participates' in the object of his intellectual quest. Senghor's *negritude* implies that, in epistemic terms, the African is able to acquire knowledge of objects by interacting with them, as against the distant, objective epistemic disposition of Europeans. This he calls 'knowledge by embrace'. In describing the African mind-set, Senghor says,

The African is, as it were, shut up in his black skin. He lives in the primordial night. He does not begin by distinguishing himself from his object.... He does not keep it at a distance. He does not analyse it. Once he has come under its influence, he takes it like a blind man, still living, into his hands. The African is...a purely sensory field.²³

²¹ Tempels, 1959. 26.

²² Tempels, 1959. 25.

²³ Senghor, L. S. 1969. *Prose and Poetry ed. and trans.* By J. Reed and C. Wake. Nairobi: Heinemann. 29-30.

Francis Kolade Ajila

For John S. Mbiti, African philosophy “refers to the understanding, attitude of mind, logic and perception behind the manner in which Africans think, act or speak in different situations of life.²⁴ In this understanding of African philosophy, emphasis on criticism seems to be lacking. About time, he says Africans have a long past, a present and virtually no future.²⁵

Ontologically, ethno-philosophy describes the African as being constituted in terms of relation to others. Thus, in contrast to Rene Descartes’ dictum, “*Cogito, ergo sum*” (“I think, therefore I am”), Mbiti says, “I am because we are; and since we are, therefore I am.”²⁶ This being-in-relation leads to what is popularly regarded as the hierarchy of being. Most African societies believe that there is a hierarchy of being, with the Supreme Being at the top, and followed by the lesser deities, spirits, ancestors, the living humans, the unborn, vegetation, and the elements.²⁷

On the whole, ethno-philosophy is concerned with proving that traditional Africa has a philosophy, and identifies that philosophy with folklores, practices, myths and other such things. Within this philosophical scheme, man, as well as every other being, is a being in relation. Ethno-philosophy pays attention to communal beliefs and practices, and tends to consider as its primary task the description of the philosophical underpinnings of those beliefs and practices. This is probably understandable if we keep in mind that a major motive for ethno-philosophy is the desire to prove that philosophy has been in Africa before the advent of Europeans.

The Professional Reaction

²⁴ Mbiti, J. S. 1969. Mbiti, John S. (1969). *African Religions and Philosophy*. London: Heinemann 2.

²⁵ Mbiti, 1969. 1.

²⁶ Mbiti, 1969. 108.

²⁷ See Idowu, E. B. 1973. *African Traditional Religion: A Definition*. London: SCM Press Ltd. 137-188; Wiredu, K. 2010. “African Religions from a Philosophical Point of View.” P. Taliaferro, P. Draper, D. L. Quinn (eds.) *A Companion to Philosophy of Religion* (2nd Edition). West Sussex: Blackwell Publishing Ltd. 36.

Dominican University Journal of Humanities

The major line of reaction to ethno-philosophy has been from those identified as the professional African philosophers. These include Paulin Hountondji, Marcien Towa, Fredrick Eboussi-Boulaga, Henry Odera Oruka, Peter Bodunrin and Kwasi Wiredu. Professional philosophy insists on the central importance of critical rationality in the activity of philosophy. It is the works of scholars who see philosophy as a universal discipline with little or no cultural colouration. African philosophy, according to this class of philosophers, is philosophy as done by Africans, irrespective of content. Philosophers of this orientation argue that philosophy, in its strict sense, is being practised in Africa only by professional, Western-trained philosophers. Olusegun Oladipo describes them thus:

According to those who hold this (predominantly Western) view... philosophy is a theoretical discipline like physics, mathematics, linguistics and so on. It is universal in character, has a methodology which makes it possible for us to distinguish it from other disciplines, say, anthropology, literary criticism and political science, and even some central problems or questions in terms of which its primary preoccupations can be characterised.²⁸

Members of this school posit that what is needed for a work to qualify as African philosophy is for it to be the philosophy in the proper sense, and the product of an African intellectual.²⁹ In this regard, Bodunrin, who regards his position as representing those of

²⁸ Oladipo O. 2000. *The Idea of African Philosophy* (Third Edition), Ibadan: Hope Publications. 17.

²⁹ Oruka, H. O. 1975. "The Fundamental Principles in the Question of African Philosophy." *Second Order* IV (1) January, 1975. 5; Mudimbe, V. Y. 1988. *The Invention of African: Gnosis, Philosophy and the Order of Knowledge*. London: James Currey. 9.

Francis Kolade Ajila

other members of the school³⁰ on what African philosophy is, asserts that,

African philosophy is the philosophy done by African philosophers whether it be in the area of logic, ethics or history of philosophy... thus if African philosophers were to engage in debates on Plato's epistemology, or on theoretical entities, their work would qualify as African philosophy.³¹

Oruka accuses the ethno-philosophers of trying to eject critical reasoning as a basic trait of philosophy, saying,

Some wish to deny critical rationality, at least as it is understood in the West, to African philosophy, claiming indeed that it is precisely lack of critical reasoning that helps to distinguish African philosophy from Western philosophy. Yet others think that philosophy, whether African or not, is not worth the name if rationality and logicity are ejected from it.³²

This accusation by Oruka, upon close scrutiny, is quite problematic and inaccurate. While some works in traditional African philosophy are merely descriptive, it is doubtful if there is any among them that claims that irrationality is the very soul of African philosophy. On the contrary, the major purpose of their work, whether they succeed or not, is to prove that traditional Africans were just as rational as Euro-Americans.

Of more constructive import, however, is Oruka's position that whatever is the difference between African philosophy and Western philosophy, "it does not qualitatively lie in the use of

³⁰ Bodunrin, 1981. 163.

³¹ Bodunrin, 1981. 162.

³² Quoted in Gyekye, K. 1997. *Tradition and Modernity: Philosophical Reflections on the African Experience*. New York: Oxford University Press. 29.

reason. Reason is a universal human trait. And the greatest disservice to African philosophy is to deny it reason and dress it in magic and extra-rational traditionalism” (Ibid.).

According to Wiredu,

By definition, the fundamental concepts of philosophy are the most fundamental categories of human thought. But the particular modes of thought that yield these concepts may reflect the specifics of the culture, environment and even the accidental idiosyncrasies of the people concerned.³³

This orientation in African philosophy obviously has more loyalty to discipline than to culture, to paraphrase,³⁴ with the implication that their work often lacks an African content or colouration, and can therefore not be distinguished from any other kind of philosophy, except by searching out the identity of its practitioner. This approach, according to Bruce Janz, constitutes the “pursuit of a pure disciplinary definition of African philosophy that fails to recognize linkages, debts, dynamic movement, and the history of discipline development (which) is too restrictive”.³⁵ As A. G. A. Bello further says,

to admit all manner of discussions, for example, of logic and ontology, Greek science and religion, the bundle theory of substance, the a-logicality of immortality, modal metalogic, or theoretical identities (as suggested by, for instance, Bodunrin 1981), into

³³ Wiredu, K. 1995. “The Need for Conceptual Decolonisation in African Philosophy.” Wiredu, K. *Conceptual Decolonisation in African philosophy* (selected and introduced by Olusegun Oladipo), Ibadan: Hope Publications. 23.

³⁴ Oladipo, O. 2009. *Philosophy and Social Reconstruction in Africa*. Ibadan: Hope Publications. xii.

³⁵ Janz, B. 2007. “African Philosophy.” Boundas, C. (ed.) *Companion to 20th Century Philosophy*, Edinburgh: Edinburgh University Press. 692.

Francis Kolade Ajila

African philosophy will be to miss the point about the “ideological” and existential necessity of cultivating African philosophy. This is especially because these latter theories, topics, or problems belong to another philosophical tradition, to wit, the philosophical tradition of our erstwhile colonizers.³⁶

More importantly, besides the assertion that African philosophy is simply philosophy as practised by Africans, much of professional African philosophy seems to have been negative, committed largely to pointing out what African philosophy is not. Unfortunately, not much has been seen of these same philosophers’ contribution to ‘universal’ philosophy. A little more on this later.

While it is true that a philosophical problem should have universal relevance, it is equally true that a local or context-based colouration of the same philosophical problem in no way diminishes its universal relevance, but rather enriches it in certain regards. And in view of this, African philosophy can be seen as the African perspective or reflection of problems of a universal status. According to Sodipo, “When you say ‘African philosophy’, you are drawing attention to that aspect of philosophy which arises from a special problem and the unique experience of African people.”

A lot of critical, scholarly attention has been given to both ethno-philosophy and its critique by the professional philosophers.³⁷ The present paper does not intend to repeat these, save by highlighting a few points which are considered as central to the focus of this paper.

Hountondji’s critiques of ethno-philosophy can be said to represent the professionals’ position: ethno-philosophy is not

³⁶ Bello, A. G. A. 2004. “Some Methodological Controversies in African Philosophy.” Wiredu, K. (ed.). *A Companion to African Philosophy*. Malden: Blackwell Publishing. 264.

³⁷ These include Olusegun Oladipo’s *The Idea of African Philosophy*; Gbadegesin, Segun (1991). *African Philosophy: Traditional Yoruba Philosophy and Contemporary African Realities*, New York: Peter Lang, etc.

philosophy in the strict sense; it is mere reportage of the communal thoughts and practices of Africans; it is not personal (that is, not the product of an individual's thoughts and reflections); and it is not critical or rigorous. Philosophy, for him, is the critical reflection of an individual who has acquired the skills for proper philosophising. As already indicated, he gave the name ethno-philosophy to the works of those who presented traditional African thought systems, in order to indicate that what they do properly belongs in the discipline of ethnology and not philosophy. The suggestion that what is being done in ethno-philosophy is actually ethnology is seen, for example, in Tempels' own *Bantu Philosophy* where he wrote:

It is not our aim to trace the origins or development of Bantu thought. Neither is it our present business to pass judgment upon the intrinsic worth of their philosophy. Let us for the present refrain from all such judgments, keeping only to ethnology.³⁸

The attack on ethno-philosophy has been excessive, even by Hountondji's own admission.³⁹ But, be that as it may, some points need to be noted. The first is that Hountondji, perhaps more than any other African philosopher, recognises the implications of the European assault on Africa. Despite appearances to the contrary, Hountondji can be said to have a passion for African dignity that equals or maybe surpasses those of the ethno-philosophers.⁴⁰ While definitely concerned about disciplinary purity, he is also worried that what had been presented as African philosophy would be ridiculed as non-philosophy in the philosophical community

³⁸ Tempels, 1959. : 24.

³⁹ Hountondji, P. 1996. *African Philosophy: Myth and Reality*. Bloomington: Indiana University Press. xviii.

⁴⁰ cf. Verharen, C. 2003. "Paulin Hountondji and Philosophy's Career as a Strict Science in Africa" (A review of Paulin J. Hountondji. *The Struggle for Meaning: Reflections on Philosophy, Culture, and Democracy in Africa*, 2002), in H-Africa, May 2003. 1.

Francis Kolade Ajila

outside Africa, with the effect that 'African philosophy' would be a reinforcement of the prejudice that Africans are incapable of philosophy.

The second point is that Hountondji obviously has a better appreciation of the resonance of Senghor's position in Western philosophical literature, and how damaging negritude is to what it set out to rescue. It is in this light that we can understand what might rightly be considered the overzealousness of his attack on ethno-philosophy. Apart from Hountondji himself, this has been discussed by a number of others. Godwin S. Sogolo, for example, says,

Like Lévy-Bruhl, Senghor attributes some form of reason to the traditional man. Both insist that the traditional man's reasoning is of a different sort because it is determined by mystical representations. So, what Lévy-Bruhl calls 'the logic of sentiments' Senghor describes as 'intuitive reason'.⁴¹

A question the professional philosophers need to answer is, if African philosophy is simply the philosophical contributions of Africans irrespective of content, what makes it African if it is an all comers' affair? This is curious, coming from a class of philosophers whose major interest is to ensure that philosophy is not an all comers' affair; it is obvious they saw nothing wrong in being 'territorial' for philosophy, but not for Africa.

Bodunrin believes that the efforts to produce an 'African philosophy' from indigenous thought systems is misguided, based on the honorific connotation of philosophy. He sees this as an annoyance that should be ignored since philosophy, for him, is a discipline like mathematics or physics; and no one challenges African physicists to produce an African physics. But it must be

⁴¹ Sogolo, G. S. 2003. "Epistemology and the Tradition in Africa." Coetzee, P.H. and Roux, A. P. J. (eds.). *The African Philosophy Reader* (second edition). London: Routledge. 289.

said that the honorific image of philosophy is not a redundant or baseless issue, nor can it be easily discountenanced. First of all, philosophy is regarded as the index of rationality; for, while other disciplines attend to specific areas of human intellectual activities, it is philosophy that makes intellection and rationality as such its primary business. Second, this ‘presumption’ of a special status has been deployed, disgracefully, in the service of the most inhuman activity in human history, and by no less than some of philosophy’s best and most celebrated, as we see explicitly in the works of Hume, Kant and Hegel. The presumption by Bodunrin that the philosophy is not special would thus amount to playing the ostrich.

A quick survey of Western philosophical bibliography will reveal the obvious: that the contributions of Western-trained philosophers from Africa are missing despite their commitment to ‘universal’ (actually, Western) philosophy – often at the cost of their commitment to Africa – since the middle of the twentieth century. The fact that no professional African philosopher has been recognised in the philosophical community outside Africa, except when ‘African philosophy’ is being discussed⁴² (with the modest exception of Anthony Kwame Appiah) is, in my view, testimony of their commitment to a tradition that excludes them despite the pretensions and protestations to the contrary, testimony to the ideological underpinning of Western philosophy⁴³ as well as its faithfulness to the racist heritage of Kant and others. Paradoxically, we might say, it recalls Hountondji’s assertion that Western discourse – even if the subject is Africa – was never meant to include Africans.⁴⁴

This brings us to the heart of this paper: ethno-philosophy is a reaction to European mischaracterisation of Africa, a mischaracterisation that, by all indications, hasn’t reduced in any

⁴² It is not uncommon, in fact, to have anthologies on ‘African philosophy’ almost exclusively featuring non-Africans, except for the token African.

⁴³ Ramose, 2003. 2.

⁴⁴ Hountondji, 1996. 34.

Francis Kolade Ajila

significant way even today. Thus it points at the same time to the main intention of ethno-philosophy as well as its failure, as most poignantly seen in Senghor's negritude. This failure, perhaps, confirms Hountondji's and others' position that ethno-philosophy amounts, essentially, to a collusion with the most pernicious anti-African caricature of Africa.

Even if ethno-philosophy had given a better account of itself, it would probably would not have succeeded in making much difference to the perception of Africa by a Europe that was collectively going through the psychological complex of looking for a foil against everything it considered noble and at the same time seeking a justification for the evil it was perpetrating around the world, the reproach of its 'Christian conscience' notwithstanding.

It is obvious that what is at stake here is not philosophy as such but the question of whether or not Africans are in fact rational and therefore, by implication, fully human. And this is why ethno-philosophy, with its effort to demonstrate that traditional Africa had a philosophy, did not succeed; and why, despite their attempts to identify with mainstream philosophy, the professional philosophers have not succeeded either. A continent that could not fend off a handful of invaders⁴⁵ and protect its land from being taken, its resources being exploited or its people being herded away like livestock could never have commanded the respect of the invaders, even if it did possess a wealth of theoretical wisdom or conceptual sophistication. This, precisely, was the issue.

The presence of William Anton Amo in eighteenth-century Germany poignantly highlights the hypocrisy of those European scholars (his contemporaries and those who came after him) who wrote about Africa. The fact that, despite Amo living and thriving intellectually among them, they chose to rely on unfounded speculations and dubious myths underscores the point that those depressing accounts of Africans were not written based on any objective, observable evidence of inferiority, but on the intention

⁴⁵ cf. Bodunrin, 1981. 167.

to justify the European assault on other territories and their peoples.

What, we may ask at this point, would have sufficed – and, by implication, what will suffice today – in casting off the veil of perceived inferiority from Africans and solidly underscore the human dignity of Africans? In simple, plain terms, what will suffice is the willingness, ability and proactive efforts of Africans to solve their own problems, such that Africans will stop being dependent on others for practically everything they need. As Marcien Towa says in his critique of ethno-philosophy, “...as a warrant of our humanity, we propose to replace the search for originality and difference with a search for the avenues and means to power as the ineluctable condition for the affirmation of our humanity and our freedom.”⁴⁶ Africa will need to feed itself, organise its own societies and provide solutions to its myriads of problems. Until this happens, no amount of philosophising on the part of Africans will succeed in earning the respect of the outside world. Maybe some noble sentiments of charity might be expressed towards Africans; but no genuine respect should be expected: no one respects those who, having failed in many fundamental areas of life, constitute themselves into a burden others have to bear, irrespective of whether the latter are in some way implicated in the former’s misfortune in the first place. No one ever considers as equal one whom he constantly has to think or fend for.

Asia had rich philosophical traditions, expressed in much more philosophical writing than sub-Saharan Africa; but this didn’t deter Europe from labelling it pre-logical. But Asia didn’t discard the mischaracterisation by merely pointing at rational Asians or presenting the philosophical works of Asian antiquity. They simply took charge of their destiny, began to solve their own problems, and stopped being dependent. And just as surely, the notion of

⁴⁶ Quoted in Irele, A. 1986. “Contemporary Thoughts in French Speaking Africa.” Mowoe, I. J. and Bjornson, R. (eds.) *Africa and the West: Legacies of an Empire*. New York: Greenwood Press. 143.

Francis Kolade Ajila

Asian inferiority disappeared, and Asians are regarded by Euro-Americans as equals today.

Does this imply that philosophy is irrelevant in Africa, or that African philosophers have to abandon philosophy in order to concentrate on other tasks such as producing food, building physical structures and organising the civil society? While it is salutary to do all these (and a philosopher might as well participate in them), they are not tasks proper to a philosopher. What then is the philosopher's contribution towards solving Africa's problems? It is theoretical at a level that is very fundamental to a society's growth; for, while a philosopher is not expected to enter a laboratory and tinker with reagents, she should engender a 'critical attitude' in as many members of society as possible. This critical attitude is also scientific even though it is not the same as practising an academic discipline. The discipline of science should necessarily be subsumed under the scientific attitude while the latter constantly interrogates the processes, purposes and outcomes of the scientific activity. The critical attitude is one that accepts no claims without evidence and sufficient reason. It is one that seeks natural explanations for natural events and does not readily pander to references to the supernatural in such matters. It is one that diligently seeks solutions to problems observed or encountered in nature or in the human society rather than await divine intervention or assistance from abroad. It is also one that refuses to adapt to problems, or seek distraction from the problems in such things as entertainment and endless religious activities. To quote Wiredu,

What is wanted is a certain kind of training in method, the kind of training that will produce minds eager and able to test claims and theories against observable facts and adjust beliefs to the evidence, minds capable of logical analysis and fully aware of the nature and value of exact measurement. Such training is not only likely

to discourage superstition; it would also tend to undermine authoritarianism.⁴⁷

Conclusion

The central claim of this paper is that, even though ethno-philosophy attempted to rescue the human dignity of Africans in the face of European intellectual assault, it has failed in this effort, primarily because what it set out to do is not something that can be achieved by arguments – no matter how persuasive – or by the demonstration of the ability of Africans, past and present, to philosophise. The question of African inferiority can only be decisively dealt with by Africans solving their own problems and attending to their own needs, as already demonstrated by the Asians. And this will start by first acknowledging the actual problem and the necessity of solving it ourselves, and then cultivating the attitude that facilitates the solutions to our problems.

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⁴⁷ Wiredu, K. 1980. *Philosophy and an African Culture*. London: Cambridge University Press. 15-16.

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Towards An Adequate Theory of Corporate Criminal Liability

By

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Abstract

In its contemporary sense, corporate criminal liability, which is the legal responsibility of a corporation for criminal actions, renders the retributive and rehabilitative objectives of punishment meaningless, and provokes a spill-over effect on non-culpable individual members of the corporation. Criminal liability is often imposed on the corporation as a singular collective agent due to the difficulty inherent in accurate attributions of liability to individual members of the corporation. However, this process has resulted into cases where individual members of the corporation 'hide behind the corporate veil' to commit criminal acts for which the corporation is punished. Such individuals evade criminal liability and the resulting punishment for their misconduct; and when the corporation is sanctioned, innocent members of the corporation are equally culpable of the corporate crime. Employing the critical and analytical tools of philosophy, the essay adopts Matt Peterson and Christian Barry's contributory fault principle as a model for building an effective theoretical justification for corporate criminal liability. This is with a view to ensuring a fair theory of corporate criminal liability which would imbibe the stated objectives of punishment as well as ensure that injustice is not meted out to innocent stakeholders of the corporation.

Keywords: Contributory fault principle, Corporate criminal liability, Moral responsibility.

Introduction

In 2006, Business Ethics professor, William S. Laufer contended that the body of corporate criminal laws was decidedly weak and deeply impoverished, and as such, it lacked the required potential for regulatory and deterrent functions.¹ This was closely followed in 2009 by John Hasnas' assertion that corporate criminal liability violates the fundamental nature of criminal law and also lacks any form of theoretical justification.²

While acknowledging the validity of the above claims, this paper recognizes that while corporate entities are unique in their composition as collectives of individual agents, and also in their capacity to act and affect society to a greater extent than any singular individual, they are also members of society whose activities impact society, positively and negatively. As a member of society, a corporate entity is bound to obey the system of rules under which society operates, and as such, corporate criminal liability should be an essential part of society's laws through which society is ordered. However, the reality is that criminal codes tend to parify physical and juristic persons such that criminal codes apply to the individual in the same way that it applies to the corporation. This, precisely, seems to be the crux of the matter—that laws drafted for regulating the conduct of individual members of a state, are also the same laws applied to corporate bodies which differ from individuals in terms of properties and effects. It is therefore inevitable that corporate criminal liability would be faced with myriad challenges if it is nothing more than an application of the individual notion of criminal liability to corporate bodies.

This paper therefore considers the notion of corporate criminal liability, its pros and cons, and proffers the argument that corporate criminal liability must be restructured to reflect the

¹ Laufer, W. 2006. *Corporate Bodies and Guilty Minds*. Chicago: University of Chicago Press.

² Hasnas, J. 2009 "The Centenary of a Mistake: One Hundred Years of Corporate Criminal Liability" *American Criminal Law Review* Vol. 46. 1329-1358

Akoleowo, Victoria OpenifOluwa

nature of the corporation not only as a collective of individuals, but also as a multifaceted entity, distinct from the individual agent. To this end, the contributory fault principle shall be examined as a moral basis for assigning fault, and particularly as a mode of making accurate liability ascriptions for corporate fault.

Corporate Criminal Liability

Corporate criminal liability (CCL) is a form of attributing criminal liability to corporate entities. A corporate entity is a collective of individual agents, with its own unique brand of collective human goals and activities. It is also a legal agent, with specified rights and duties, a member of society whose resources can be utilized by humans to achieve technological advancements and immortality in the sense of the corporation's ability to persist through time.

Precisely defined, CCL is the "legal responsibility of a corporation for criminal actions, or the failure to act in some cases, committed by the company's employees."³ Criminal liability is the responsibility ascribed to an agent for any illegal act, or omission that causes harm to someone or something,⁴ and it is composed of two elements: *actusreus* (actual criminal act) and *mensrea* (criminal intent).⁵ *Actusreus* is the physical element of the crime, that is, 'the observable doing' or bringing about, either by actual commission or lack of prevention through omission of an action. *Mensrea*, 'with criminal intention', implies that the act is performed or omitted intentionally with deliberate purpose.

Criminal liability is distinct from civil liability, for while the former is attributed for crimes (offenses) against the state, and is prosecuted by the state which cannot waive the prescribed punishment for such crimes, the latter is attributed for wrongs

³ Corporate Liability. Retrieved July 9, 2015 from <http://www.businessdictionary.com/definition/corporate-liability.html>

⁴ Criminal Liability <http://dictionary.cambridge.org/dictionary/english/criminal-liability>

⁵ The Difference Between Criminal And Civil Liability. Retrieved April 8, 2015 from http://www.rsc.org/images/2_Difference_tcm18-17644.pdf.

committed by an individual against another individual. Civil liability is prosecuted by the wronged party and the burden of proof that the prosecutor has suffered a loss is measured on a probability basis, as against criminal cases where proof must be obtained beyond reasonable doubt, while the penalties for civil cases are imposed fines while criminal liability is penalized as prescribed by the law.

Corporate criminal liability has its origin in the Roman law where collectives identified as *universitas* were, upon creation by the law, identified separately from their founders, with distinct rights and obligations, and were regarded as entities which could commit crimes and be held liable for such crimes.⁶ This initial notion of corporate criminal liability evolved from the total attribution of criminal liability to any collective in matters arising from collective action by the collective's members, to attributing criminal liability for the same corporate fault to both collective entities and individual members of such collectives, and eventually fell into disuse with the advent of the fiction theory of the corporation.

It was resuscitated in English law by the imposition of strict liability on corporations in the 1800s,⁷ with the House of Lords ruling in an 1897 case that the corporation was a distinct and different person from its individual members. This case established the concept of the 'corporate veil', that the members and shareholders of a corporate entity cannot be held liable for corporate fault, and by 1944, corporate criminal liability was an officially recognized means of sanctioning corporate misconduct in England.

⁶ Streteanu, F. & Chirita, R. 2002. Raspunderea Penala a Persoanei Juridice7 cited in Pop, A.I. Criminal Liability Of Corporations—Comparative Jurisprudence Retrieved May 28, 2015 from www.law.msu.edu/king/2006/2006_Pop.pdf

⁷ Brickey, K.F. 1992 Corporate Criminal Liability. A Treatise on the Criminal Liability of Corporations, Their Officers and Agents. New York: Clark Boardman Callaghan

Akoleowo, Victoria OpenifOluwa

Theories of Corporate Criminal Liability

Corporate criminal liability has evolved in different societies to reflect the different socio-economic and historical realities of different countries, but contemporary notions of CCL are based on the following theories:

1. The Identification Theory

The identification theory, also known as the alter ego, directing mind and will, or organic theory, holds that the corporation is personally liable for acts committed by its agents who form the directing mind and will of the corporation. The corporation is likened to a human person, with its individual members representing various organs of the body, and the management team comprising of directors and managers taken to represent the corporate brain and will.⁸

Under the identification theory, the corporation is liable for any crime committed by any of the individuals who form its ‘mind and will’, where such individual members satisfy the *mensrea* requirement.⁹ However, it is not liable for all crimes committed by every individual member; it is only liable for those committed by controlling officers. Such officers are in control of the operations of the corporation, or are part of the operations, and are not responsible to any other official of the corporation on the manner through which s/he discharges her/his duties.

The identification theory has been criticized on many grounds, from the difficulty involved in ascertaining the actual members who have committed crimes given that corporate decisions tend to originate in the median levels of management rather than the upper echelons, to the fact that a corporation might possess more than one ‘directing mind and will’.

⁸ Doctrine of Identification Law and Legal Definition Retrieved July 10, 2015 from <http://definitions.uslegal.com/d/doctrine-of-identification/>

⁹ Brickey, K.F. 1992 *Corporate Criminal Liability*

2. Vicarious Liability/ *Respondeat Superior* (let the master answer)

The *Respondeat Superior* theory, also known as vicarious liability is premised on the view that a corporation is liable for the acts of its agent: (1) who commits a crime; (2) within the scope of employment; (3) to benefit the corporation.¹⁰ This was further modified to include that (4) the agent needs to act only with the belief that her/his actions will be of partial benefit to the corporation; and (5) that the agent's actions & mental states can be attributed to the corporation even when they are in direct violation of corporate policy/directives.¹¹

This theory also has its fair share of criticisms including the fact that it ignores the enforcement measures taken by corporations to discourage illegal actions in determinations of corporate culpability, and that it distorts the notion of fault by attributing fault to the corporation with little or no evidence of the latter's culpability, in essence attributing an agent's fault to another.

3. The Aggregate Theory

The aggregate theory was propagated in 1987 in the US to hold a corporation criminally liable for corporate crimes, even where the acting agents did not have full knowledge and information about the legality of the act(s).¹² This theory holds that what one agent of the corporation knows, the corporation knows, even if it is only one agent among others, thus arguing that the knowledge of the corporation is identical with the knowledge of any of its agents.

The aggregate theory has also been criticized as one where the *mensrea* of the corporation cannot be established since the corporation only has fragmented information which is eventually distilled by the court.

Models of Corporate Criminal Liability

¹⁰ *United States v. A & P Trucking Co.*, 358 U.S. 121, 124-27 (1958)

¹¹ *N. Y. Cent. & Hudson River R.R. v. United States*, 212 U.S. 481, 494 (1909).

¹² *United States v. Bank of New England*, 1987 821 F. 2nd 844 (1st Cir).

Akoleowo, Victoria OpenifOluwa

While CCL currently exists in many legal systems, its application in any legal system is dependent on three basic elements namely:

1. The type of entities who are criminally liable;
2. The typology of offenses for which corporations are criminally liable; and
3. The criteria for asserting corporate *Actus Reus* and *Mens Rea*.¹³

Typology of Criminally Liable Entities

There is no unitary view on whether corporations are entities to whom attributions of criminal liability for corporate fault can be made, or on what type of corporation can be held criminally liable. However, there is an existing debate between proponents of Methodological Individualism who assert that corporations are merely placeholders for the component individual members, and Methodological collectivists who argue that corporations constitute a reality distinct from their component parts, on whether corporations are criminally liable for corporate fault outside of their component individual agents.

This paper rests on the assumption that corporations are entities that can be held criminally liable, given their status as legal entities with legal duties and corresponding rights distinct from the legal duties and rights of their component individual members. Thus, corporations can be proper subjects of criminal law, and as such, can be proper subjects of attributions of criminal liability.

This approach to CCL, that corporations are appropriate subjects of criminal liability, has been applied in three forms: 1: All organisations or corporations are criminally liable as found in the Australian Criminal Code which “applies to bodies corporate in the same way as it applies to individuals,”¹⁴; 2: Only a specific type of organization can be held criminally liable as found in the

¹³ De Maglie, C. 2005. “Models of Corporate Criminal Liability in Comparative Law”. *Washington University Global Studies Law Review* Vol 4, Issue 3. 547-566

¹⁴ See <http://scaleplus.law.gov.au/html/pasteact/1/686/pdf/CriminalCode1995.pdf>.

United States' Federal Sentencing Guidelines including "corporations, partnerships, associations, joint stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and nonprofit organisations"¹⁵; and 3: Only legal-status entities with the exception of the state are criminally liable as found in the French penal code.¹⁶

Thus, in answer to the question of which type of entity can be held criminally liable, responses range between all types of 'persons' other than humans, to specific types of organisations, depending on the legal system adopted by a society.

Typology of Crimes.

There are three models for determining the typology of crimes for which a corporation can be held criminally liable. They are 1) General/Plenary Liability under which corporations are liable for the same offenses that can be attributed to individual agents; 2) Crime by crime liability under which the corporation is liable only for crimes where the penal code expressly states so; and 3) Specific liability under which the corporation is liable only for specific listed crimes.¹⁷

¹⁵ U.S. SENTENCING GUIDELINES MANUAL § 8A1.1cmt.n.1 (2004) as quoted in Pollock, J.M. 2013. *Criminal Law Amsterdam*: Elsevier

¹⁶ See Code Penal [C. Pen.] art. 121-2 (Fr.) as quoted in Pop, A. I. 2006. *Criminal Liability of Corporations- Comparative Jurisprudence*. Unpublished Dissertation.

¹⁷ De Maglie, C. 2005. "Models of Corporate Criminal Liability in Comparative Law".

Akoleowo, Victoria OpenifOluwa

Conditions for Corporate *Actus Reus* and *Mens Rea*

The criteria for determining corporate *Actus Reus* and *Mens Rea*, the two elements involved in attributions of criminal liability, are derived from each legal system's adopted theory. As earlier mentioned, contemporary notions of CCL are based on the following theories: Identification theory, Vicarious Liability/*Respondeat Superior* theory, and Aggregate theory. In a legal system based on the Identification theory for example, corporate criminal liability would be asserted on the basis of the actions of agents who form its directing mind and will, usually, the management team.

Criticisms of CCL

From the foregoing, CCL extends to virtually all crimes for which individual agents are criminally liable. The only exception to this is found in the French legal system where corporations are criminally liable for crimes which the penal code expressly asserts. In this wise, the French legal system can be regarded as a legal system where corporate agents are distinct legal entities, distinct from human agents by their nature as collectives. A corporation is an aggregate of individuals, a collection, and as such, should not be treated like an individual member of society, with particular emphasis on the corporation's capacity to cause more harm than any individual agent could.

Perhaps this is why CCL as a concept is bedeviled by many evils. From vicarious corporate criminal liability, through to the various alternatives proffered, the idea of corporations as entities of the type that can be found to be criminally liable is fraught with problems, ranging from the improbability in sentencing an incorporeal entity, through to the complete denial of the corporation's responsibility for corporate fault in negligence-based vicarious responsibility. Perhaps this is why corporate criminal law

has been charged with failure.¹⁸This failure has resulted into the two major problems of accountability facing corporate criminal liability as an attempt to control corporate misconduct namely: The undermining and displacement of individual responsibility at private and public levels of enforcement measures where individual agents are often neglected or rejected as responsible agents for corporate fault, and corporate responsibility is affirmed for such corporate faults; and public enforcement measures which tend to ignore the deterrent factors inherent in them, and which also neglect their supervisory roles in ensuring that punished corporations in their own turn are able to identify the responsible individuals within them and punish them appropriately in order to ensure individual responsibility.¹⁹

A prime example of the problem of undermining and displacement of individual responsibility can be seen in the E.F. Hutton and Co. case cited by the duo of Fisse and Braithwaite where E.F. Hutton and Co., a brokerage firm, was penalised for criminal conduct, but despite evidences to the contrary, no individual member of the corporation was held responsible.²⁰ In this particular case, the prosecuting attorneys, the Justice department of the United States of America, in person of the assistant Attorney General of the country justified CCL by arguing that proving individual liability in this case would result into potentially protracted and expensive court cases.²¹

While this position attracted a barrage of criticisms, its major import can be seen as a decrease in the confidence reposed in the

¹⁸ Fisse, B. and Braithwaite, J. 1988 The Allocation of Responsibility for Corporate Crime: Individualism, Collectivism and Accountability. Sydney Law Review Vol. 11 468-513

¹⁹ Fisse, B. and Braithwaite, J. 1988 The Allocation of Responsibility for Corporate Crime

²⁰ Fisse, B. and Braithwaite, J. 1988 The Allocation of Responsibility for Corporate Crime

²¹ Fisse, B. and Braithwaite, J. 1988 The Allocation of Responsibility for Corporate Crime

Akoleowo, Victoria OpenifOluwa

fairness of the judicial system by the public. In this singular instance, the prosecutors ended up portraying the judicial system as one where justice is pursued only where it is not too hard to get. It is on this basis that the law is seen as a failure, with particular emphasis on its inability to "... provide adequate means to ensure that corporate defendants are sentenced in a manner directly geared to achieving internal accountability".²²

However, advocating for an abolishment of CCL in favour of individual accountability rests on shaky foundations. There have been identified cases where each individual member who participated in the process that resulted into a case of corporate misconduct, were all in the right when performing their contributory actions, but where the resultant collective action constituted corporate misconduct. In such cases, the most that can be said is that the fault occurred as a result of systemic factors, and such faults thus become known as systemic errors for which the corporate entity bears liability.

Although problematic, CCL has afforded society a means of attaining justice of some sort for people who have been harmed by the products of the systemic failures and errors in corporate practice. This is especially true in cases of corporate harms which are occasioned without any form of culpable wrongdoing, and thus cannot be attributed to either the corporate entity, or the individual members of the corporation. While moral sanctions have little force on corporate conduct, legal sanctions imposed on an erring corporation ensure a measure of societal control over corporate conduct. Such legal sanctions would be more effective if they are also seen reflecting the retributive principles of just deserts, that is, punishment is inflicted because it is deserved, and in proportion to the measure of the wrongful conduct.

However, CCL in its present form does not satisfy the social functions of justice. Justice is served not only when a wrong has been put right, but particularly when the responsible party is seen

²² Fisse, B. and Braithwaite, J. 1988 The Allocation of Responsibility for Corporate Crime. 472

to receive his/her due deserts. This denunciation is what ensures that societal rules are adhered to by other members of society. Through denunciation, criminal conduct is publicly denounced, and the punishment imposed on the offender satisfies society's search for vengeance. This satisfaction is based on the fact that justice is seen to be served. In its present form, while CCL strives to ensure that justice is served, it is not particularly concerned with the social implications of ensuring justice.

CCL as it is presently conceived is more of a means of shielding individuals responsible of corporate misconduct from appropriate punishment. In this sense, it is regarded as a corporate veil behind which individual members of the corporation hide to commit crimes, secure in the belief that they will not be held responsible for their criminal conduct. Through CCL the corporation is deemed liable for the criminal conduct of its agents who are supposedly acting on its behalf. As the responsible agent for these corporate faults, once the corporation is punished, justice is said to have been served.

Viewed from this angle, CCL ends up portraying the actions of 'criminal' members of the corporation as right actions, actions that should be emulated. It does this by holding the corporation responsible for the actions of its agents, and rejecting or reducing the liability of the actual acting agents. Even where these individual agents are seen as culpable, the punishment imposed on them is barely commensurate to their crimes. Thus, inadvertently, contemporary conceptions of CCL end up promoting corporate crime, as criminally minded individual members of corporations are more likely to perform criminal acts for which the corporate entity would be held responsible; and also end up promoting injustice, as other members of the public would view that corporate responsibility for corporate crime allows the actual responsible agents to get away with their wrongdoing.

It is for this reason that the concept of corporate criminal liability needs to be reworked to present a more effective way of sanctioning errant corporations and individual members of such corporations. This will serve to assuage the idea that the law treats

Akoleowo, Victoria OpenifOluwa

corporations better than humans in the sense that they are able to evade the criminal consequences of most of their actions, while at the same time enjoying, to a greater level, the rights and privileges of being members of society. The contributory fault principle is therefore recommended as a mode of ensuring that as much as it is possible, when corporations are sanctioned, the individual members of the corporation who are found culpable in corporate misconduct are duly punished, while the innocent members of the corporation are free from unjust punishments. This is in line with Fisse and Braithwaite's recommendation of an 'enforced accountability' where corporate liability is harnessed to produce individual liability.²³

The Principle of Contributory Fault

The principle of contributory fault is a principle in law which holds that "... agents are responsible for addressing acute deprivations when they have contributed, or are contributing, to bringing them about."²⁴ This implies that those who suffer hardships can shift the cost of alleviating their hardship on a third party provided that there is evidence to show that such a third party contributed, either by negligent or reckless acts, to such hardship, but they cannot do so when their hardship was occasioned by their own acts. This principle can be viewed as a derivative of a principle in legal circles known as the law of comparative negligence, which is a doctrine in law that assesses how, and in what way, and to what level, a party, through his/her/its own negligence, contributed to the harm he/she/it eventually suffers.

The contributory fault principle operates under the assumption that there is an objective standard of behavior to which moral agents are supposed to conform. It is when an agent fails to live up to this standard, that the agent is held culpable for any harm

²³ Fisse, B. and Braithwaite, J. 1988 The Allocation of Responsibility for Corporate Crime

²⁴ Barry, C. 2005 Applying The Contribution Principle Metaphilosophy Vol. 36, Nos. 1/2 210-227. 211

occasioned as a result of his/her negligent acts. Such objective standards are mere assumptions on how a 'reasonable' person is expected to behave. Where an agent conforms to the dictates of reasonable behavior, such agent cannot be held culpable for harmful consequences of such reasonable behavior, as the agent's behavior cannot be termed negligent.

Applying the principle of contributory fault to the problem of CCL would imply that attributions of responsibility would be made based on the level to which an agent has contributed to corporate misconduct. In its strict application, it would require that formal norms would be established that would make an almost precise determination of individual or corporate responsibility in corporate contexts. While this might seem to be a mere repetition of the function of the law, in determining ethical responsibilities, the onus lies, not with the prosecutor who has to prove his/her case 'beyond reasonable doubt', but with the proving that an agent's action was causally relevant to the corporate misconduct in that the agent's action either initiated, facilitated or sustained the harmful conduct.

The contributory fault principle therefore applies in cases of corporate misconduct where individual responsibility for corporate misconduct is difficult to ascertain. The difficulty in the determination of individual levels of guilt for collective faults can be identified as one of the major reasons for the current notion of CCL, especially given the size of the personnel employed by contemporary corporations. It might be argued that with such difficulty in determining responsibility, corporations might as well be held responsible for any action attributed to them. However, this would seem to be a case of throwing the baby away with the bath water, as the difficulty involved does not translate into, or imply impossibility. In other words, that the determination of individual responsibility for corporate misconduct is difficult does not automatically mean that it is impossible.

CCL and attendant corporate convictions can be analysed from two angles; convictions where the corporate entity and its policies were opposed to the criminal or negligent acts of its

Akoleowo, Victoria OpenifOluwa

members, and convictions where the corporate policy encouraged such criminal and negligent actions. In such cases, corporate criminal laws should be able to determine who is responsible. This point is better understood by reference to two legal cases involving different corporations and resulting in different convictions. In both cases the responsibility was to be attributed either to the corporate entity, or the individual personnel of such corporate bodies. The first case was that of the Clapham rail disaster where three trains collided, resulting in the deaths of 35 people.²⁵ Even though the crash was attributed to the careless work of signal engineers, the owners of the trains admitted liability through the vicarious liability principle and ending up in paying compensations. In the words of the investigating inspector, “BR's (the railway corporation) commitment to safety is unequivocal. The accident and its causes have shown that bad workmanship, poor supervision and poor management combined to undermine that commitment.”²⁶

The second case involved the managing director of the Capital Merchant bank, a bank in Nigeria, who was charged together with the Capital Merchant bank of before the Failed Bank Tribunal of Nigeria which was established to hear cases involving collapsing and collapsed financial institutions.²⁷ Here, the managing director was found culpable of contributing to the liquidation of the bank through granting of unsecured loans and diversion of such loans to his personal purse. While he was sentenced to jail and fined, the bank itself was discharged and acquitted.

From these two cases certain implications of CCL can be established namely: innocent parties (including both corporate and

²⁵ Hidden, A. Investigation into the Clapham Junction Railway Accident Retrieved July 15, 2015 from http://www.railwaysarchive.co.uk/documents/DoT_Hidden001.pdf

²⁶ Hidden, A. Investigation into the Clapham Junction Railway Accident 166

²⁷ Nigerian Institute Of Advanced Legal Studies Explanatory Notes On The Proposed Unified Criminal Laws. Retrieved July 15, 2015 from <http://www.nials-nigeria.org/PDFs/EXPLANATORY%20NOTES.pdf>

individual persons) can be found culpable of guilty acts, as seen from the Clapham rail disaster case; and it is possible for criminal investigations to lift the corporate veil in order to discover the natural persons wearing the mask of incorporation, and punish accordingly. The possibility of the latter resonates strongly in society, being in the interest of the public through its reinforcement of the view that justice is impartial.

The contributory fault principle recognizes the vast nature of contemporary corporations. This nature is used to explain the difficulty involved in redistributing corporate responsibility to individuals within the corporation. Some theorists have therefore concluded that corporate responsibility is irreducible given the fact that a corporate action often bears no little or no resemblance to the thousands of individual input received. This difficulty is resolved through the contributory fault principle which holds that an individual is responsible for corporate faults to the extent to which the individual's actions contributed causally to the fault, in which case the individual's actions were necessary for the fault's occurrence but did not initiate it; or where the individual's actions initiated, facilitated or sustained the fault's occurrence.

The contributory fault principle is specifically significant because it presents the possibility of identifying the parties who have contributed to any case of corporate fault or misbehavior. When such parties have been identified, there is no argument as to whose responsibility it is to remedy such faults. Such identification becomes possible through an investigation into a corporation's corporate internal decision structure (CIDs)²⁸ in order to determine the individuals whose actions were causally relevant to the fault.

The CIDs is made up of two elements, 1: an organizational chart that delineates levels in the corporate structure, and 2: corporate decision making rules (often articulated as corporate policy) that differentiates an individual person's decision from a corporate decision. As defined, the CID structure is a means through which individual decisions are synthesized into corporate decisions. However, while proponents of CCL argue that corporate

²⁸ French, P. 1984 *Collective and Corporate Responsibility* New York: Columbia University Press

Akoleowo, Victoria OpenifOluwa

decisions are synthesized in such a manner that they can no longer be traced to any particular individual member of the corporation, and that the responsibility for such decisions is therefore irreducibly collective, praxis shows that corporate intentions and decisions originate as individual intentions and decisions. Such individual intentions and decisions are subjected to the opinions of other members of the corporation after which a final, 'corporate' decision is reached, either through an agreement with, or a compromise on the original individual intention and decision.

A look at Peter French's notion of the CID structure therefore affords us with a means of tracing the originators of corporate decisions which occasion harm. Praxis shows that the decision making process in corporations is usually formalized at meetings where members of the corporation who are involved in the decision making process make their input to the proposed corporate decisions. The minutes of such meetings are taken to and these minutes serve to provide detailed information of how the corporation arrived at the so called 'corporate' decisions. It is therefore possible to trace individuals who contributed to particular corporate decisions which when acted upon, resulted into corporate wrongdoing. Not only is it possible to trace the persons from whom the corporate actions originated, the CID's organizational chart also ensures that individuals who are tasked with the performance of particular corporate actions can be identified. As French asserts, "A functioning CID structure *incorporates* acts of human persons."²⁹ Thus, it is not only possible to identify individual members of the corporation whose decisions formed the basis for corporate decisions; it is also possible to identify the persons whose acts culminated into instances of corporate fault.

The contributory fault principle therefore holds that in view of the difficulty involved in determining the extent to which individual members of a corporation have contributed to corporate wrongdoing, the central question that such individual members of a

²⁹French, P.A. et al. 1992 *Corporations in the Moral Community* Fort Worth, TX: Harcourt Brace Jovanovich College Publishers 17

corporation should ask should border on the responsibility they feel towards the person(s) who have been harmed. This question must also be foremost in the minds of persons tasked with determining the criminal liability of agents involved in cases of corporate harm, as well as the determination to identify the individual initiators and actors behind the corporate wrongdoing.

Conclusion

This paper has argued that the contributory fault principle can be applied to the questions of the legal and moral liability incurred by corporate and individual agents. An application of this principle would necessitate investigations into corporate misconduct with a view to finding which, if any, individual member of a corporation contributed to a corporate fault, and to what extent such an individual contributed. In terms of legal responsibility, the extent to which the individual contributed then becomes the percentage of responsibility attributable to the said individual, which can be calculated from the cost of the harm occasioned by the corporate fault.

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An Exploration of Polluter - pays Principle of International Environmental Law Mechanism for Confronting Environmental Pollution in Nigeria

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Abstract

In the preamble of its Charter, the United Nations determined to establish, among others, 'conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained'. Polluter-pays principle of the RIO Earth Summit under the umbrella of the UN establishes the issue of justice to the victims of environmental pollution (abuse). Accordingly, Environmental Law and Polluter-pays principles have become a mechanism for ameliorating the effect of environmental degradation, protection of the environment and instrument to addressing the issue of justice that emerges when there is an occasion of environmental violation. In this paper, a critical explorative navigation is undertaken to establish the credibility or otherwise of the mechanism in Nigeria environmental effort in confronting its environmental abuse.

Keywords: Pollution, Polluter-pays principle, Sustainable development, Environment, International law principles, Human rights, Municipal laws

Contextual Background

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibilities to ensure the activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limit of national jurisdiction (Principle 2 of the RIO Declaration on Environment and Development, 1992).

Under the Charter of the Human Rights of the United Nations, every person is entitled to fundamental right to life; security; freedom of movement, association, worship; housing etc. The Rio Earth Conference widens these rights. In its Declaration on Environment and Development, it states that 'Human beings are at the centre of concern for sustainable development. They are entitled to a healthy and productive life in harmony with nature'.

The principle of citizen participation and the right to a healthy environment has become the right of every human. This principle is based on the premise that in order to ensure the effective implementation of environmental laws at all levels, individuals should be able to participate in environmental decision-making. Principle 1 of the Stockholm Declaration 1972 appears to provide an early basis for such environmental right:

Man has the fundamental right to freedom, equality and adequate conditions to life, in an environment of quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression

Dokun Oyeshola O.P.

and foreign domination stand condemned and must be eliminated.

Such rights have now received concrete recognition in the UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (The Aarhus Convention, June 1998). This is the first binding international treaty to recognise ‘the right of every person of present and future generations to live in an environment adequate to his or her health and well-being (Article 1).

The link between human rights and pollution of the environment has long been recognised. The UN Committee on Economic, Social and Cultural Rights clarifies that the right to health under Article 12 of the International Covenant on Economic, Social and Cultural Rights extends to the underlying determinants of health, including ‘a healthy environment’. Nigeria is a party to the Covenant. The Committee has also clarified that a state’s obligation under Article 12.2(b) extends to ‘the prevention and reduction of the population’s exposure to harmful substances such as ‘harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health’. A government’s failure to take necessary measures to prevent third parties from polluting or contaminating food, water supplies and air, including the failure to enact or enforce laws, can constitute violations of the rights to health (Article 12), to water and to adequate food (Article 11) of the Covenant.

The 1972 United Nations (UN) Conference on the Human Environment declared that ‘man’s environment, the natural and the man-made, is essential to his well-being and to the enjoyment of basic human rights ... even the right to life itself’. Similarly, Human rights monitoring bodies, and international, regional and national courts, are increasingly recognising poor environmental quality as a causal factor in violations of human rights. The most common examples include pollution of water, soil and air, resulting in

violations variously of rights to an adequate standard of living, to adequate food, water, adequate housing, health and life.

The African Charter on Human and Peoples' Rights (African Charter) to which Nigeria is a signatory, also recognises, in Article 24, the right of all peoples to a 'general satisfactory environment favourable to their development'. This right is more widely known as the right to a healthy environment. The African Commission on Human and Peoples' Rights (African Commission) stated that Article 24 of the African Charter imposes clear obligations upon a government namely that

It requires the State to take reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure an ecologically sustainable development and use of natural resources.

By inference, the Nigerian State has an objective to improve and protect the air, land, water, forest and wildlife of Nigeria.

The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 ('NESREA Act') is the primary environmental legislation in Nigeria. NESREA is responsible for protecting the environment, biodiversity conservation, sustaining Nigeria's natural resources and enforcement of environmental laws. There are regulations for the protection of the environment, ozone layer protection, sanitation and wastes, noise and standards, soil erosion and flood, coastal and marine area protection, surface and ground water quality

Accordingly and in the light of the above human rights and environmental law principles, abuse of nature and pollution of the environment constitute injustice to humanity and they have to be seriously confronted and victims of environmental pollution in particularly be adequately compensated. In this paper, Nigeria is the case study.

Dokun Oyeshola O.P.

Understanding International Law

States as a collective create International Law as a way to influence behaviour, avoid conflict and maintain peace and co-operation among members in the international system. International law is to lead to the enhancement of the stability of international peace, to the protection of the rights of human and to reducing the abuses of national power (Shaw, 1998: 21-27).

The rules and principles of international law are increasingly important to the functioning of interdependent world. The growth of human rights law and the establishment of a permanent war crimes court to hold rulers accountable for their policies toward citizens have built confidence that a true world of law will emerge with greater institutional support than in the past. This implies that the dawn of the millennium brings greater recognition, of the reality and relevance of international law than in the past. However, the need to surmount the fundamental obstacle of self-serving, sovereign state interests remains the pre-eminent challenge to international law's global agenda in this century.

For the United Nations, without enforceable International Law, there could be chaos. International Law sets up a framework based on States as the principal actors in the international legal system, and within States boundaries, with their treatment of individuals. Its domain encompasses human rights, disarmament, international crime, refugees, migration, nationality problems, treatment of prisoners, use of force and conduct of war, among others. It also regulates the global commons such as international waters, outer space, arctic and Antarctic circles and heritage sites. World trade and global economy depend on it as it regulates the activities required to conduct business across borders such as financial transactions and transportation of goods. There are treaties for roads, highways, railways civil aviation, bodies of water and access to shipping for States that are landlocked.

International Law helps to monitor and regulate the relationship between states and international entities. Increasingly, parties are submitting disputes arising out of international contracts

to arbitration. While this is true for general commercial contracts, it is a particularly marked trend in the construction, energy and investment dispute areas (Blackburn, 1994: 126).

International law is different from nation state laws (municipal laws). Municipal laws carry core laws while international laws are fundamentally soft laws, environmental laws inclusive. Offenders of municipal laws are punishable through the judiciary process of the country whereas there is no such thing in the context of international law.

An Overview of the International Environmental Law Principles

Some of the international environmental law principles are concerned with the relationship between environment controls and the need for socio-economic development. Some others deal with the prevention or reduction of likely pollution while some others focus on allocating liability for pollution when it has occurred (polluter-pays principle). These principles often are vague in content and uncertain in application; they are not necessarily binding rules of law, they are 'soft' laws.

International environmental law principles include sustainable development, preventive, precautionary and polluter pays and they are interconnected. According to Hughes, 'if any hierarchy exists in them, it must be that sustainable development must be the first and greatest principle and that all others should serve that end'(Hughes, 1996:23-24).

Sustainable Development Principle

In the 1980s the concept, sustainable development was discussed and described as the general principle that human development and the use of natural resources must take place in a sustainable manner (Sands, 1995: 198). It was in the UN Conference on Environment and Development (UNCED) in Rio de Janeiro that the concept was defined as 'development that meets the needs of the present without compromising the ability of future generations

Dokun Oyeshola O.P.

to meet their own needs'. There are at least four main elements or aspects that are encompassed in the principle.

1. Conservation of natural resources for the benefit of future generations (the principle of inter-generational equity);
2. Exploitation of natural resources in a manner which is 'sustainable' or 'prudent' (the principle of sustainable use);
3. 'Equitable use' of natural resources which implies that the use by one state must take account of the needs of other states (the principle of equitable use or intra-generational equity); and
4. Integration of environmental considerations into economic and other development plans, programmes and projects (the principle of integration of environment and development needs) (Sands, 1995: 199).

Some of the questions these principles raise include: Which resources future generations will need and value or rather maintain in a sufficient diversity of resources; How the needs of future generations be determined and the principle of 'right to development' be utilised?; and Does the present generation have the liberty to destroy the natural environment in the interest of development? In spite of the questions these principles raise the principle must necessarily stay on.

The Preventive Principle

This principle has a longer history and a greater record of acceptance and implementation by States, both on the international plane as well as in their domestic legislation and is more precise in terms of its obligatory character than the principle of sustainable development and the precautionary principle. This principle requires that activity which does or will cause environmental pollution or damage is to be prohibited. The preventive principle therefore seeks to minimise environmental damage by requiring

that action be taken at an early stage of the process where possible, before such damage has actually occurred. Today, the preventive principle is supported by an extensive body of domestic environmental protection legislation and many international conventions (Sands, 1995: 1995). At the international level, this is especially significant because the acceptance of this principle means that States are actively constrained against allowing polluting activities within their own national jurisdictions, in addition to their international obligation not to allow activities which cause damage to territories of other States and areas beyond national jurisdiction. The following two principles of Stockholm and RIO are supportive:

States have, in accordance with the charter of the United Nations and the principle of the international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limit of national jurisdiction (Principle 21 of the Stockholm Declaration 1972 and Principle 2 of the RIO Declaration).

A notable example of this general prohibition against polluting activities is Article 194 of the 1982 UN Convention on the Law of the Sea (UNCLOS) which enjoins all States to prevent, reduce and control pollution of the marine environment as a whole both within and outside their national marine zone jurisdictions.

The potential impact of the precautionary principle on the development of environmental law is immense. In its most progressive formulation, the precautionary principle may be utilised to overturn the traditional burden of proof that is presently weighted in favour of polluters. In the sense that any activity has to be proven to cause pollution before action may be taken to prevent, reduce or control such pollution. The precautionary principle

Dokun Oyeshola O.P.

would act to reverse the burden of proof and require any potential polluter to ensure that the activity would not cause pollution before it is allowed to commence. Such an unambiguous approach has been deemed too costly in the short term. Therefore legal formulations of the principle have tended to include a cost-benefit element. For example, Principle 15 of the Rio Declaration 1992 provide that 'where there are threats of serious or irreversible damage lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation'. The Climate Change Convention 1992 incorporates a similar formulation of the precautionary principle (See Article 3(3)). On the other hand, the 1992 Paris Convention for the Protection of the Marine Environment of the North-East Atlantic introduces a different formulation of the principle, linking it with the preventive principle: preventive measures are to be taken when there are 'reasonable grounds for concern...even when there is no conclusive relationship between inputs and their alleged effects' (Article 2(2) (a)).

In the case of Nigeria, the Ministry of Environment is established to uphold the precautionary principles especially in the instance of the mandatory Environmental Impact Assessment report before the execution of any major developmental project, the last Saturday environmental day of the month of some States and ban on forest fire burning especially in preparation for farming. Polluter pays principle is the over-flow of the previous mentioned principles and must be seen not only within the framework of international law and environmental degradation alone but also in the context of survival of the ecosystem that maintains and supports the wellbeing of humanity.

Polluter-pays Principle

Pollution is any by-product of a production or consumption process that harms or otherwise violates the property rights of others. The polluter would be the person, company, or other organisations whose activities are generating that by-product which 'damages' or imposes 'costs' on the environment.

Pollution from the point of seismic and exploration activities, through production, to transportation especially in the oil industry in Nigeria 'makes water unsuitable for fishing and renders many hectares of land unusable. Brine from oil field contaminates water formation and streams, making them unfit as sources of drinking water' (Ibeanu, 2004). The adverse effects of a single oil spill incident are often immense and unquantifiable. One key effect of an oil spill is pollution of the immediate environment. The extent of pollution of that environment depends on the amount of oil spilled into the environment during that incident; the response made towards clean-up of the oil spilled and the quantity of oil that reaches the surrounding land. The type of environment the oil is spilled into also affects the magnitude of the harm. For instance, an oil spill into a trans-boundary river would most likely cause greater harm than a spill into a bare land. Also in a situation where several barrels of oil were spilled into the sea and the spill is not immediately curtailed or the oil well that exploded is not immediately capped, the liability of the responsible party is greater and the harm caused to environment is usually colossal. Even a minor oil spill incident may cause serious harm to individual organisms and an entire population. Effects of an oil spill ranges from death of species of birds, fishes, marine mammals, marine plants and even disruption of the proper functioning of the ecosystem. Oil spills are also detrimental to tourism and they even put water supplies for drinking and industry uses at risk.

In Delta region and Ogoni-land in particular, the net result of environmental abuse especially in the context of oil spillage has been serial violations of social, environmental, economic and political rights of local people. The effect of environmental

Dokun Oyeshola O.P.

degradation especially oil spillage and its consequences on Nigeria's economy, human health and even the marine environment are weighty. Liability has to be established so that the person responsible for the spill is held accountable for his actions. Oil companies, ship owners, the business and the government who are also involved in the oil business are not left to enjoy the profits of the oil business, but they are also expected to take all necessary precautions to prevent future oil spills from happening.

Polluter-pays principle provides that the costs of the restoration or correction of environmental pollution should be borne by those whose activities were responsible for causing the pollution. In other words, the polluter must be known as well as the extent of the affected environment. This helps to quantify the damage done to the environment. By this process monetary value can be attached to the damage. This process can help to know the extent of liability of the polluter. Pollution caused must be identifiable. This proves that the polluter is responsible for that resulting pollution. There must be a damage that must be compensated. This establishes that the environment has been affected and that there are provisions under the relevant laws that provide for compensation. Payment should equal the damage and be made to the person or persons or environment being harmed.

It is possible to consider the application of this principle at both the general and specific levels. At the specific level, it has been held that identified polluters should be required to pay the full costs of the rectification of any environmental degradation that has occurred as a result of their activities. The application of the polluter pays principle in this manner is manifest in the rules governing civil and State liability for environmental damage due to hazardous activities. Examples at the international level include the 1992 Conventions on Civil Liability for Oil Pollution Damage and Establishment of an International Fund for Compensation for Oil Pollution Damage (replacing the 1969 and 1971 Conventions of the same names) and the 1960 Convention on Third Party Liability in the field of Nuclear Energy (Paris), with 1963 Supplementary Convention (Brussels).

At the more general level, the polluter pays principle may be seen to act in such a way that every human economic activity which impinges upon the environment should be fully accounted for in the economic pricing system of the goods and services produced by such activity. In economic terms, this process is called 'the internalisation of environmental costs' and is potentially much more far-reaching in its impact on daily lives of people than the mere provision of full compensation for environmental damage as a result of defined polluting activities. It is significant, therefore, that it is this version of the Polluter-pays principle that is included within Principle 16 of the Rio Declaration of 1992:

National authorities should endeavour to promote the internalisation of environmental cost and the use of economic instrument, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

It is easy to state this principle but it is very difficult to apply in practice. For instance, if a polluter is a large manufacturer, should it be able to pass the costs of its pollution on to its customers in the form of extra charges? Sometimes identifying the polluter may be problematic. For instance, the use of cars for services cause pollution because of the polluting gases they emit. In the context who is the polluter? Is it the car manufacturer, the car driver, the fuel supplier, the car seller or the road builder? Specifically and in Nigeria's climate, one may ask if the country has done enough in implementing this principle of polluter pays principle in respect of oil multinationals and industrialists that pollute the environment. How many people have been arrested for pollution crimes in the country? In spite of this weakness, Nigeria has begun to take pollution issues seriously.

Nigeria Environmental Law and Principles

The Nigerian constitution provides that mineral oil and natural gas within the Federal Republic of Nigeria belong to the federal

Dokun Oyeshola O.P.

government, thereby, any company engaging in oil exploration, production, drilling, storage and refining must obtain license from the Federal Ministry of Petroleum Resources. The Ministry of Petroleum Resources is in charge of the supervision of all oil companies and their activities (Abdul, 2009). Therefore, the federal government must issue oil license to companies, local or foreign, before they can carry out oil exploration activities in the country.

In 1963, the government started creating the legal framework (principles and subsidiary legislations) for the control and mitigation of pollution from the petroleum industry which include

- i. Mineral Oil Safety Regulation 1963;
- ii. Oil in Navigable Waters Regulation 1968;
- iii. Oil in Navigable Waters Act No 34 of 1968;
- iv. Petroleum Regulations 1967;
- v. Petroleum Decree 1969;
- vi. Petroleum (Drilling and Production) Regulation 1969;
- vii. Petroleum (Drilling and Production) Regulation 1973;
- viii. Petroleum Refining Regulation 1974;
- ix. Federal Environmental Protection Agency Act - 30th December 1988;
- x. Mineral Oils (Safety) Regulations 1997;

Apart from these, there are relevant National and International Agreements in place such as

- a. Endangered Species Decree Cap 108 LFN 1990;
- b. Federal Environmental Protection Agency Act Cap 131 LFN 199.;
- c. Harmful. Waste Cap 165 LFN 1990.
- d. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution;
- e. Convention on the Prevention of Marine Pollution Damage, 1972;

Dominican University Journal of Humanities

- f. African Convention on the Conservation of Nature and Natural Resources, 1968;
- g. International Convention on the Establishment of an International Fund for the Compensation for Oil Pollution Damage, 1971;
- h. Oil Pollution Act (OPC) 1990 ;
- i. Environmental Guidelines and Standards for the Petroleum Industry in Nigeria issued by the Ministry of Petroleum Resources 1991;
- j. National Environmental Protection Management of Solid and Hazardous Waste Regulation 1991 (FEPA);
- k. Establishment of the Federal Environmental Protection Agency (FEPA) Decree No 58 of 1988 and Amended in Decree No 59 of 1992 National Policy of the Environment 1999 (FEPA Revised Edition);
- i. The Elevation of FEPA to a Ministry in 1999 (Source: Ukoli, 2005.).

The Oil Pollution Act 1990 provides guidance for the government and industries on prevention, mitigation, clean-up and liability. It also creates a comprehensive scheme ensuring sufficient financial resources are made available for oil spill clean-up and compensation. It ensures the federal system is adequately prepared to manage impacts and mandates the industries to implement prevention measures (Ukoli, 2005). In 1988 the Federal Environmental Protection Agency Act gave the Federal Environmental Protection Agency (FEPA) established under the Act, the authority of issuing standards for water, air, land quality and oil companies (Abdul, 2009).

Other relevant laws and guidelines which make provision for the polluter-pays include: The Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) and the NOSDR.A (Amendment) Bill 2012. Specifically, Paragraph

Dokun Oyeshola O.P.

8.1 of EGASPIN directly makes a spiller responsible for his actions. It provides that ‘a spiller shall be liable for the damage from a spill for which he is responsible. Where more than one spiller is liable, the liability shall be joint and several’

Similarly, the Polluter-pays principle is recognised specifically with response to oil spills in the National Oil Spill Detection and Response Agency Act, 2006 (NOSDRA Act). This legislation for example, section 6 (2) (3) provides that: ‘the failure to clean-up the impacted site, to all practical extent including remediation shall attract a further fine of one million naira’.

Why are there still Environmental Pollutions in spite of the Laws in place?

In terms of the institutional framework, Nigeria legislation and the international organisations have provisions that are quite sufficient and designed to safeguard the environment and the resources the environment provides. The challenges emanate from the application and lack of enforcement of these legislations and monitoring for compliance based on these legislations.

The legislations are also numerous and need to be reviewed and revised. Some of the legislations are found and scattered in Acts that are not pertaining to the environment. The legislations also need to be placed under a specific Act and be made available to the public because finding legal documents stating these specific legislations is quite difficult.

Another issue is that other government bodies have jurisdiction over some sectors of petroleum development for instance in terms of management or issues that might arise. Government agencies concerned with petroleum development have to be restructured, reviewed and have to come under one body; the legal, management, environment and administrative, in order to have efficiency in whatever issues that may arise. When there are different bodies involved scattered under different Ministries and Parastatals, when issues arise there may be problems in terms of knowing who has jurisdiction or responsibilities over one issue or another. In addition adequate monitoring is lacking in respect of

Dominican University Journal of Humanities

the location of the oil companies; the terrain, the accessibility, revenue, human power availability for the monitoring agency. Inadequate availability of qualified personnel is an intrinsic challenge to be envisaged.

Furthermore, the fine for pollution is disproportionate to the damage caused to individuals, society and the environment. Symbiotically some polluters may prefer to pollute than to prevent it since they see it to be cost effective. This constitutes a serious temptation for organizations and individuals to carry out illegal and substandard operations when they know that there is little or no serious penalty to incur for their pollution activities. A clear example is the indictment by the United Nations Environment Programme (UNEP) which reported that in Ogoni-land (Rivers State) industry best practices were not applied in the control, maintenance and decommissioning of oilfield infrastructure and that even Shell Petroleum Development Company (SPDC)'s own procedure in these areas were not applied.

UNEP undertook an environmental assessment of Ogoni-land. The report of that investigation (released on August 4, 2011) remains a significant contribution to existing body of knowledge on oil pollution. The report covered groundwater, 'land, water, surface water, vegetation, sediment, air pollution, public health, industry practice and institutional issues'. It indicts Shell Petroleum Development Company (SPDC) for massive pollution of land, sediments and swamps through regular oil spills and gas flaring in Ogoni-land.

Dokun Oyeshola O.P.

A way forward

International environmental law principles may be made to be more effective but this will depend on certain factors. They can be made instruments of international and national law to imbibe a ‘substantive’ or ‘formal’ approach because soft law instruments embody those rules that are not binding per se. Hard law contains legally binding obligations. The hard law formal approach entails that the Polluter-pays principle is provided for in the ‘operative provisions’ of a convention. When the words used in the convention make the provision binding upon the parties, this constitutes the substantive approach. A principle such as the Polluter-pays principle would attain a normative status only to the extent to which the principle is affirmed by an operative provision of a convention. The recognition given to the principle in the preamble is only to inform the precise rules contained in the operative part.

As regards national laws, the effect of the Polluter-pays principle will be the same as above. That is, when the Polluter-pays principle is contained in a national law that is a soft law, the principle will not be binding. Where, however, it is contained in a national law, which is hard law, its provision would be binding on the parties involved. The formal approach here will be for national legislators to insert the Polluter-pays principle into their framework laws. Thus, it is advocated that the Polluter-pays principle should be contained in hard laws in Nigeria so that the principle would have binding effect on polluters.

The Polluter-pays principle may be viewed from its historical background as one of the key legal and policy principles that have emerged from international environmental law and EU environmental law to shape the development of environmental law. This principle is seen to maintain a balance between development and the preservation of a healthy environment, as well as allocation of liability. The Polluter-pays principle can be said to focus more on allocating liability. Nevertheless the principle wants polluters to internalise (bear) the costs of the

pollution which is a result of their actions so that ‘...the cost of their goods and services reflect the true costs of the measures which primarily the state adopts to eliminate, reduce and treat the polluters’ emissions’. This statement boils down to the fact that polluters should bear responsibility for their actions.

The Polluter-pays principle also ‘...enables the state to charge the cost of rectifying environmental damage to the relevant polluter, provided that the polluter can be identified’. The function of environmental law is to act as a balance between the emissions which pollute the environment generated by economic activities against the need of society for a healthy environment. Those emissions are then set by the government (or its regulators) at levels which are acceptable to the regulated (businesses and the public). Thus, the Polluter-pays principle, which is also an international environmental law principle helps environmental law to achieve the aim of a tolerable environment

Conclusion

Until environmental information made readily available, Environmental Impact Assessment Report in respect of execution of projects made mandatory at all levels of the society and polluter-pays principle enforceable, environmental pollution abuse in Nigeria may not be effectively challenged.

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Morality and Cultural Identity

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Abstract

From a cultural perspective, the universe is believed to be an active network of forces kept alive by the constant activities of beings. This network shows that beings do not exist in isolation, as one being needs another for its continuous existence. Flora life needs fauna life and fauna life needs flora life. In this same manner, humans need other humans to be truly humans. Therefore, a person is a person through persons.¹ The source of man's humanity is in his interaction with others and Mbiti is of the view that the African recognises the sources of his or her own humanity, and so realises, with internal assurance, that in the absence of others, no grounds exist for a claim regarding his own standing as a person.² Our knowledge and coexistence with the 'other' do not only influence our actions, they warrant the institution of moral codes. This is because, without the other, judgements about rightness or wrongness of human actions would be unnecessary. This essay will consider the role of morality in determining an individual's cultural identity.

¹ Lassiter, J. E. African Culture and Personality: Bad Social Science, Effective Social Activism, or a Call to Reinvent Ethnology? *African Studies Quarterly*. 3 (2)no. 1. (1999). <http://web.africa.ufl.edu/asq/v3/v3i2a1.htm>. Retrieved; 26th April 2013.

² Menkiti Ifeayin, "On the Normative Conception of a Person." In Kwasi Wiredu. ed. *A Companion to African Philosophy*. (USA: Blackwell Publishing Ltd., 2004). 324.

Introduction

The thoughts of thinkers wittingly or unwittingly are influenced by their social milieu. To divorce individuals from the prevailing circumstances of their time when considering the modes, objects and products of their thoughts would yield a distorted view of the meanings inherent in their thoughts. One's social milieu necessarily plays out idiosyncratically in the way he or she views and deals with the world. This implies that since human experiences are different, our modes and objects of thoughts are necessarily different and this is suggestive of cultural relativism. It is also the case that a total isolation of one culture from the rest of the world is almost impracticable in the fast globalising world. This implies that despite the differences in cultures or modes of thought, there are common observable features which run through cultures and this is suggestive of cultural universalism. Considering this view therefore, Bentley wonders if there are valid grounds for determining cultural uniqueness without being a victim of racist tendencies since an insistence on uniqueness is more likely to perpetrate antithesis than it would promote synthesis.³

Personal Identity

It is evident that the concept of identity is not an un-debatable one as there are several approaches to it. For this reason, it is not uncommon when asked the question 'what is personal identity' to receive a response such as, what manner of identity are you talking about, whether it is class, religious, national, or cultural? When one talks about personal identity, it is not impossible that it could raise the question, 'how personal is personal identity?' This, according to Hensbroek is because, within a particular social group, a person's identity would generally derive from belonging to a

³ Bentley Le Baron. *Negritude: A Pan-African Ideal?* *Ethics* 76. no.4 (July 1966): 269.

Joseph Omokafe Fashola

people, culture or language group.⁴ As such, identity could be shared in a communal sense.

The identity of an individual is not in isolation from 'the other'. In other words, the identity of an individual is derived from that individual's being with others such that the individual considers himself to exist simply because he finds himself among the community of beings. This is why Mbiti would say that, "I am because we are, since we are, therefore I am."⁵ Personal identity can be considered as the mirroring or the outer representation of an individual's inner qualities and these qualities are necessarily inherited from the individual's culture. Going by this, personal identity extends beyond class distinction, religious inclination and one's nationality. With the rising trend of social heterogeneity, multiculturalism, multi-religiousness, being multi-linguistic and also with individuals being able to obtain multiple citizenships and diverse social statuses, the identity of the individual person has become fluid and problematic when viewed along lines of culture. For this reason, personal identity as Diejomaoh and Layewola noted, may be conceived as "an interlocking set of views that an individual holds about himself."⁶ Considering these interlocking factors therefore, it will be necessary to take a look at the role of culture in the determination of the personal identity of an individual.

Culture and Personal Identity

According to Coetzee, "The preferred and most useful definition of culture in the context of African philosophy is one which treats it as a resource. Culture is an open-ended resource of social meanings on which members of a community draw to mediate the

⁴ Hensbroek Pieter Boele, *African Political Philosophy, 1860 -1995: An inquiry into families of discourse*. (New York: Preager Publishers, 1998), 49.

⁵ Mbiti John, *African Religions and Philosophy*, 2nd ed. (London: Heinmann. 1989),106.

⁶ Diejomaoh & wa Karanja. D. Layewola. Identity and the Quest for Nationhood in Nigeria. *Ibadan Journal of Humanistic Studies* no.8. (October1998): 21.

contingencies of their everyday lives.”⁷ He believes that the identity of an individual is culturally inculcated as the individual learns the mode of behaviour or social good of the people through dialogue with other members. Coetzee noted further that the history of a person’s life is the story of his or her transactions with the community’s material and moral worlds which in effect is the story of his or her relations with particular sets of social goods. Goods acquire social meaning from actual patterns of distribution, and their meanings regulate a social relation, which implies that the common life is a function of the distributive patterns and the social meanings of social goods.⁸

The family is basically the smallest unit of the society and the first point of contact and interaction of a child with the larger world. Raditlhalo noted that a child is held to be the property of the community, a collective asset, and it is the community who are going to see to it that the individual child becomes a significant member of the community.⁹ It is from the family that the child begins to learn the manner of behaviour of his people which he or she will later grow up to discover to be different from individuals of other cultural backgrounds. Menkiti observed that in most African communities, as soon as a child is born, he or she begins the process of acculturation through imitation and series of initiation rites that are involved in naming, circumcision and initiation to adulthood. He or she learns the culturally acceptable ways to relate with siblings and parents, peers and elders, nature and the sacred. These give the individual knowledge of how the world within his or her culturally privileged purview is interpreted. It is after the individual has fully undergone these rites that he or

⁷ Coetzee, P. H. “Morality In African Thought.” In Coetzee, P. H. & Roux, A. P. J. eds. *The African Philosophy Reader*. 2nd ed. (New York: Routledge, 2003), 322.

⁸ Coetzee, P. H. *Morality in African Thought*. 322.

⁹ Raditlhalo Sam, ‘Kenosi’: “I am alone; Philosophical imperatives of African names”. In J. G. Malherbe ed. *Decolonizing the mind. Proceedings of the Second Colloquium on African Philosophy*. Pretoria: Department of Philosophy, (Pretoria: Unisa, 1996),123

Joseph Omokafe Fashola

she acquires his or her identity as a full person in the eyes of the community.¹⁰

The individual is therefore necessarily influenced by the views of his or her culture. Culture is an important factor in the determination of the identity of an individual. It is according to Mohammed “the shared patterns of behaviours, values, and ways of thinking, interacting, and understandings that are learned through a process of socialisation among certain groups of people which in return shape their identities.”¹¹ Every individual therefore derives his or her sense of identity from the cultural group in which he or she grew up and was socialised. The influence of the community on the individual cannot be over emphasised and the individual in return is expected to make meaningful contribution to the community. Gbadegesin noted that, a person whose existence and personality is dependent on the community is expected to contribute to the continued existence of the community. The meaning of one’s life is therefore measured by one’s commitment to social ideals and communal existence.¹²

The culture of a person moulds that person’s identity and because other individuals who belong to the same culture are also shaped after that culture, the identity of the cultural group becomes the identity of the various individuals. The cloth individuals put on speak a lot about their social orientation and cultural background. The way the African dresses shows his or her identity as an African. Names also not only distinguish one individual from another it is an expression of the individual’s interconnectedness with a people. Calhoun opined that we know of no people without names, no language or cultures in which some manner of distinctions between ‘the self and the other’ or ‘we and they’ are

¹⁰ Menkiti Ifeanyi. *Person and Community in African Traditional Thought*. 176.

¹¹ Mohammed, A. Culture and personal identity. *Oman Daily Observer*. (2012). Par. 1. <http://www.main.omanobserver.om/> Retrieved; 26th April 2013.

¹² Gbadegesin Segun, “Eniyan: The Yoruba concept of a person”. in P. H .Coetzee and M. E. S.van den Berg. eds. *An introduction to African philosophy*, (Pretoria: Unisa, 1991), 367.

not made.¹³ But such distinctions cannot be made outside one's cultural boundaries. The name for instance is a very important link between the individual and the community to which he or she belongs. Names according to Masolo,

Give individual persons their specific positions within the 'community' of forces. By acquiring a name, every person becomes a link in the chain of forces linking the dead and the living genealogies. No one is isolated. Every person makes part of that chain of forces in nature, both active and passive.¹⁴

The kind of food an individual eats and the language he or she speaks say a lot not just about his or her culture and values but also about his or her identity as belonging to that particular cultural group. Through the language an individual speaks, one is able to discover the gamut of his or her beliefs and worldviews. This is because every cultural or linguistic group have a worldview or belief system whose actual meanings and interpretations are preserved in the people's proverbs, idioms or ritual incantations that are meaningful only to those with the knowledge of the language.

Coetzee noted that a linguistic community has a history and various traditions of morality and reasoning which inform the narratives of individuals' lives and link them to those of their forebears. Languages embody distinctive ways of experiencing the world and so play a crucial role in defining the experiences of a community as their particular experiences. Since language is a determinant of a particular outlook, it is one significant factor that shapes one's way of life. Speakers communicate with one another about their common history and have access to the significance of events in it in a way not communicable to non-speakers, or in other

¹³ Calhoun Craig, *Social Theory and the Politics of Identity*. (Oxford: Blackwell, 1994), 10.

¹⁴ Masolo, D. A. *African Philosophy in Search of Identity*. (1994). 51.

Joseph Omokafe Fashola

languages.¹⁵ Not to understand a person's language therefore is not to understand the meanings that are inherent in that individual's culture and as such, cannot discover the true identity of that individual. This is because in every language, there are unwritten and unspoken felicity conditions at work which can only be understood by one who is well acquainted with the particular language.

People who speak the same language share the same abstract philosophical concepts. These concepts for Kagame as quoted by Ukwamedua are both explicit and implicit in the proverbs, myths, legends, and social institutions. Thus, as Imbo observed, implicit ontological ideas provide the glue for the habits and values that are transmitted from one generation to another. The perennial social creation and transmission of values cannot take place in the absence of underlying philosophical concepts that are discernible in the structure of ordinary language.¹⁶

Tempels noted the importance of language in the discovery of Bantu ontology when he said that,

Many roads seem to lead to the discovery of such an ontological system. A profound knowledge of the language, a penetrating study of their ethnology, a critical investigation of their laws, or again, the adaptation of religious teaching to primitive thinking: all these can reveal it to us.¹⁷

So language is a veritably means of penetrating into a people's culture and as well the discovery of a people's identity. For this

¹⁵ Coetzee, P. H. *Morality in African Thought*. 324.

¹⁶ Ukwamedua Nelson, A Critical Review of Alexis Kagame's Four Categories of African Philosophy. *Ogirisi: A New Journal of African studies* 8. (2011). 258. <http://dx.doi.org/10.4314/og.v8i1.13>. Retrieved; 22nd May 2013.

¹⁷ Tempels Placide. *Bantu Philosophy*. Trans. Rev. Colin King. (Paris: Presence Africaine, 1959), 10.

reason, persons are defined by their relationships with others and the community determines who a person is.

Morality and Personal Identity

Nel in his opinion that an act of violence is viewed as an act disturbing the equilibrium or balance of the community is very instructive for an understanding of the concept of morality as an indecent act is believed to destroy community life.¹⁸ Wiredu was quoted by Coetzee says that, in the strictest sense morality is the observance of rules for the harmonious adjustment of the interests of the individual to those of others in society. He is of the opinion that any society without a modicum of morality must collapse, as morality is not just essential to culture but universal to human culture.¹⁹ Morality unifies and protects society's interests as every member of the society serve as gadfly to moral values.

In other to protect community life from which the individual life is not in isolation, it is from childhood that parents begin to inculcate in their children the very essence of good moral behaviour. The child is consciously taught to be mindful of taboos, to understand the difference between, acceptable and unacceptable behaviours; praise worthy and blame worthy acts through gestures, riddles, jokes, tales and proverbs. The child grows up with a good knowledge of what manner of behaviour the society expects from him or her. It is for this reason that when a child behaves in a manner that does not conform to acceptable norms of the society, he or she is immediately corrected.

Akinyemi noted that, different types of deterrence poetry are used during or after a display of unruly behaviour by a child in Yoruba society as effective means of censuring bad habits in their children. In other words, there are appropriate Yoruba songs to

¹⁸ Nel Philip, *Morality and Religion in African Thought. Acta Theologica* 2. (2008). 40.

¹⁹ Coetzee, P. H. & Roux, A. P. J. eds. *The African Philosophy Reader*. 2nd ed. New (York: Routledge. 2003). 337

Joseph Omokafe Fashola

mock and discipline any child that violates a code of societal etiquette, be it stealing, lying or playing truant. During the performance of most of these songs, the children do not just sing or recite they also pinch, push or even beat up the culprit. The resultant over-whelming sense of shame not only compels the child involved to turn a new leaf, but also serves as deterrence to others.²⁰

Initiation to adulthood is a process that requires not just series of ritual practices, it is also a time the initiate must learn or be reminded of the need to adhere to strict moral conducts as befitting his or her new status. Gyekye noted that at the time of their initiation into adulthood, young people are reminded and instructed in the moral values and virtues of the society.²¹ Moral integrity in character and action is of great importance in a civil society so much that taboos are instituted to guide human behaviours. For an adult to be guilty of any immoral conduct is considered an affront on the collective image of the society and must therefore face stringent consequences which could lead to ostracism or death depending on the grievousness of the act committed.

Moral uprightness is an un-negotiable requirement for acquiring the status of a person without which the individual is not a person. Gyekye opined that, the statement ‘he is a person,’ is a clearly moral statement. It is a profound appreciation of the high standards of the morality of an individual’s conduct that would draw the judgment ‘he is truly a person’ while children are actual human beings and are members of the community, they are persons only potentially and will achieve the status of personhood in the fullness of time when they are able to exercise their moral

²⁰ Akinyemi Akintunde, Yoruba Oral Literature: A Source of Indigenous Education for Children. *Journal of African Cultural Studies*, 16, no. 2, Special Issue. Dec. (Routledge: Taylor & Francis Ltd. 2003).169. Retrieved from <http://www.jstor.org/stable/3559467> Accessed: 16/06/2012 09:05.

²¹ Gyekye Kwame, *Tradition and Modernity: Philosophical Reflections on the African Experience*. (Oxford: Oxford University Press. 1997). 48.

capacity.²² This goes to show that the actions of an individual whether good or bad determine the identity of that individual showing whether or not he or she belongs with the community. This is so because, according to Coetzee an individual's choice of way of life is a choice constrained by the community's pursuit of shared ends. This pursuit of the common good is the primary goal of the political community and always takes precedence over the pursuit of individually chosen ends. Communal ends cannot, all other things being equal be overridden or vetoed because shared ends have much greater value in the life of the community than other ends. The common good, defines substantive conceptions about the good life identified for application in specific social contexts. The good life for an individual is conceived as coinciding with the good of the community, and a person's choice is highly or lowly ranked as it contributes to or detracts from the common good.²³

Concluding Remarks

It is evident from the above that personal identity is essentially communal. Two factors, culture and morality play key roles in the determination of personal identity. Culture which encompasses food, clothing, language, proverbs, folklores are noted to give an individual his or her identity and that individual identities are ultimately subsumed into communal identity as the cultural elements by which the individual could be identified are not personal but communal.

Personal identity as culture dependent draws one to the question of its fluidity. This means that as culture changes, so would the identity of the people and consequently the identity of the individual. Ojong and Sithole noted that,

²² Gyekye Kwame, *Tradition and Modernity: Philosophical Reflections on the African Experience*. 50.

²³ Coetzee, P. H. *Morality in African Thought*. 324.

Joseph Omokafe Fashola

Before Africa's encounter with colonialism, composition of societies was fluid in nature and membership was not fixed but was readily permeable by non-members. People could move from one geographical location to another and join other groups and easily acquired the identity of that location.²⁴

With the advent of information technology, the same is the case today. The world is now a global community; it is easy for anyone to possess more than one culture. Transcultural and transnational marriages have made it possible for children to be able to claim and practice the cultures of both parents. So, with people easily becoming cosmopolitan, multicultural and multilingual, Ojong and Sithole noted that it becomes difficult to rely on culture as a true determinant of personal identity. Through interacting and living with people from different origins, new identities are created, socialisation process is renegotiated and meanings that people attach to places are re-visited.²⁵ This shows that relying on culture alone, as a proper means of personal identification does not yield desired result. From a cultural perspective therefore, identity can be changed in relation to situations. Personal identity from this perspective is therefore not what the individual is but a mask that can be put on and removed at will.

In African communities, when one acts in accordance with the values, norms and custom of one's cultural group or community, he or she is praised and described as a true son or daughter of that community bearing its true identity but when one goes contrary one faces rejection and can no longer identify with the group. If it is the case that to be moral means to obey the moral norms of a people in which case one is identifying oneself with the said people, it therefore follows that there will be as many

²⁴ Ojong Vivian. & Sithole Mkhokheli, The Substance of Identity: Territoriality, Culture, Roots and the Politics of Belonging. *The African Anthropologist* 14. no. 1&2. (2007). 93.

²⁵ Ojong. V. B. & Sithole. M. P. The Substance of Identity: Territoriality, Culture, Roots and the Politics of Belonging. 92.

identities as there are many cultural groups in the world. This, according to Wiredu shows that “from a more strictly traditional standpoint, ethical issues are more important than metaphysical ones in the characterisation of human personality.”²⁶ It is an indication that we deal with the world the way we view the world and that our worldview and understanding of the nature of the human person will evidently be seen in the way we talk about the world. It will also express itself in the way we judge human actions and inactions, the way we appraise or repudiate, praise or blame human behaviours as virtuous or vicious.

The idea of personal identity being expressed in moral behaviours may seem to undermine individual interest and autonomy, denying the individual of the existential freedom to determine the course of his personal life but still will retain his or her humanness or identity as a member of a global race. Wiredu addressed this issue by noting that, the interests of the individual are placed in a reciprocal adjustment with the interests of others in the community.²⁷ Since morality is determined by the society, this means that as the societies evolve and people learn new ways of interpreting things around them, previous approaches will either be modified or discarded implying that, what used to be considered immoral may put on morality and that which was outlawed may become lawful and the other way round. When the moral codes of the various cultures of the world are allowed to interact, purifying one another, a collective culture which can be identified as global culture can be attained.

The identity of an individual should transcend cultural circles and embrace the whole of humanity just as Chisholm noted that the identity of a person is perfect identity. It admits of no degrees and it is impossible that a person should be in part the same, and in part different. For this cause, I have first considered

²⁶ Wiredu Kwasi. Introduction: African Philosophy in Our Time. K. Wiredu. Ed. *A Companion to African Philosophy*. (UK: Blackwell Publishing Ltd. 2004), 17.

²⁷ Wiredu Kwasi, Introduction: African Philosophy in Our Time.18.

Joseph Omokafe Fashola

personal identity, as that which is perfect in its kind, and the natural measure of that which is imperfect.²⁸

Personal identity from an African perspective as have been noted is based on culture and religion but the whole idea from the above analysis could be subsumed in the notion of morality. This is because cultural practices are based on morality; they serve as some regulatory measures in the society, to either promote or prevent acts that can advance or cause the deterioration of healthy communal life respectively. Laws have their roots in morality, metaphysical worldviews are geared towards morality and morality is of prime significance as it is also the basis for religious engagements.

²⁸ Chisholm Roderick, 1976. *Person and Object*. (London: George Allen & Unwin Ltd. 1976), 89.

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Joseph Omokafe Fashola

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Claude Panaccio's Interpretation of Ockham's Rejection of Aquinas' Account of Cognition

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Introduction

Claude Panaccio, in his clarificatory and interpretative work, *Ockham on Concepts*, has maintained that, parsimony is Ockham's sole motivation in rejecting species. The following passage captures his point very succinctly:

Nothing in his [Ockham's] critique of intelligible species hangs upon either an anti-representationalist bias on Ockham's part or on his wrongly supposing that the intelligible species were intermediate objects of thought in the eyes of their supporters. Ockham, in fact, does not even stress any special drawbacks of accepting intelligible species except for useless complications in epistemology. Parsimony, here, is his sole manifest pre-occupation.¹

In what follows, I shall give a brief overview of the debate on species; distinguish Aquinas' notion of species from Ockham's; offer some textual evidence of "anti-representationalism" in

¹ Claude Panaccio, *Ockham on Concepts* (Ashgate, 2005), p. 30. Claude Panaccio is inarguably among the ten most influential experts in medieval philosophy in the world. His prominence has helped establish Québec as one of the leading centres of research and education in the field of medieval philosophy. His research has earned him national and international awards and the admiration of a least two generations of scholars.

Ockham's rejection of species; discuss Ockham's preference for the distinction between intuitive and abstractive cognition, and finally, assess Panaccio's interpretation of Ockham. I shall argue, contrary to Panaccio, that there is actually an "anti-representationalist bias", (presented as an epistemological argument), in Ockham's rejection of species, apart from the issue of parsimony. My point here is that since Ockham's parsimony which supports direct realism, was meant to temper the alleged excesses of the indirect realism (understood within the context of the 'third thing thesis'², or representationalist account) of Aquinas, it is questionable to claim as Panaccio does, that an anti-representationalist bias is not present in Ockham's rejection of species, at least in the Thomistic sense of representation.

The Debate on Species: A Brief Review

Whereas Aquinas had argued that "species" (the immaterial form or configurational state of a thing), is important in the cognitive process, Ockham rejected such an understanding of species. Ockham denied that there are species in *medio*, species in the external sense organs, species in the internal perceptual senses, and species in the intellect. However, Thomas Aquinas, in line with a principle of physics which states that there is no action at a distance and that "bodies do not change one another unless they touch one another", maintained that since there is a gap (however little) between the object sensed and the sense organ it affects, the species must pass from the object into a medium (*species in medio*) which propagates it to the sense organs. In Aquinas' theory of cognition, three stages are involved: First, the reception of different species (configurational states, or accidental forms) of

² "The third thing thesis (*tertium quid*) asserts that there is some internal mental thing (*res*) that is interposed between the mind and the world." (John O'Callaghan, "Thomistic Realism and the Linguistic Turn." (Notre Dame: Notre Dame Press, 2003), p. 166. So, one could say that "a cognition is unmediated if there is no significant mechanism external to the cognizer through which he cognizes the object of his cognition" (from Eleonore Stump, Aquinas. New York: Routledge, 2005, p. 246)

Joseph Thomas Ekong O.P.

objects, are transmitted to, and received by a certain medium (for example, air) which lies between the perceiver and what is perceived. Second, there is the level of "phantasia", which receives the sensible species from the senses and turns them into phantasms, which are then responsible for making available to consciousness the information from the external senses. The third level, that of "abstraction", is one in which the intellect sifts out the universal from the phantasm. This universal is regarded as the *substantial form* (intelligible species), of the thing cognised, and not just its *accidental* species.³ Conversely, Ockham maintained that there is action at a distance, for the knower can know the object across a distance with no linking medium. Ockham claims that neither experience nor arguments from higher principles, (such as the self-evident principle of cause and effect), establish the existence of species. In experience, we do not observe any species, but only objects, hence, we do not intuit species in any way. He says:

Against the first reason [cited earlier in favor of the common opinion, namely, that "nothing acts at a distance unless it first acts in the medium], I prove that an immediate mover does not always coincide [in space] with what is moved - it can be distant. For example, [consider] first [the experience of the fact that] the sun causes light here below near to the earth, but the medium, which is between the sun and the light that is caused here below near the earth, is not illuminated. Therefore, the distant sun can act in the medium on the basis of [the nature of] the sun and, as a result, it [an object?] can act in the same way immediately on my vision.⁴

Furthermore Ockham claims, (against the common opinion), that a "sensible thing does not impress species on the medium, and

³ This description of Aquinas' theory of species, is from Aquinas', ST. Ia, Q. 85, art.1 and 2 (quoted in Eleonore Stump, "The Mechanisms of Cognition: Ockham on Mediating Species" [in Cambridge Companion to Ockham. Cambridge University Press. 1999], p.171

⁴ (*Reportatio. 111. 2*).

the medium does not have any intentional or spiritual being, since to say that it does, involves a contradiction."⁵ Claude Panaccio, in his work *Ockham on Concepts*, is seemingly sympathetic towards Ockham, and he offers both a clarification and interpretation of Ockham's treatment of cognition.

Traces of Anti-Representationalism in Ockham's Rejection Of Species

In attempting to offer textual evidence for Ockham's 'anti-representationalist'⁶ bias, my aim is to respond to two questions: First, what did Ockham consider species to be? Second, why did Ockham reject species? I now proceed to address each of these questions:

(a) What does Ockham consider species to be?

Regarding what species are, Ockham says:

Here I first suppose that a species is that which goes before the act of knowing, and can persist before and

⁵ [*Rep. III.2, OTh VI, 60*]. Cf. *Ord. 27.3 (OTh IV, 247)*. (Quoted in Robert Pasnau "Theories of cognition in the later middle ages" Cambridge University Press, 1997). P. 77

⁶ It is true that there is a sense in which Ockham could be considered as accepting representationalism. But this is to be distinguished from the notion Thomistic notion of representationalism that was popular before Ockham's time, and against which he reacted [This was the notion that the mind takes on the form of the object and represents it by virtue of being its likeness or picture]. Hence, I wish to emphasize that my attribution of "anti-representationalism to Ockham" is to be understood within the traditional Aristotelian-Thomistic notion of "representation", in which perception was understood as involving an "intermediary" representation in the mind, in contrast to direct realism (which ascribes direct epistemic contact with the objects that are perceived; hence an external object can be apprehended without a mental object being apprehended). Thus, the distinction between "representation as traditionally understood" and "representation as envisioned by Ockham" [in which the concept we have in our mind is caused by the object it represents and functions is not made clear in Panaccio's (*Ockham On Concepts*).

Joseph Thomas Ekong O.P.

after knowing, even with the thing absent. And consequently, it is distinguished from a habit, since a habit of the intellect follows the act of knowing, but a species precedes the act as well as the habit.⁷

The main point to be noted in the passage just quoted is that Ockham thinks species are a pre-condition to the act of intellectual cognition. But, this notion of species as pre-condition to the act of mental representation, is exactly what Ockham rejects. Panaccio points this out when he says: "Ockham's whole discussion of the matter in the *Reportatio* makes it clear that what he wants to dispense with is precisely this antecedence of the stored intellectual representation over the intellectual act of cognition." In the *Reportatio*, Ockham's argument regarding whether a sensible thing impresses its species on the medium", runs counter to the common opinion and could be presented thus:

A species, if it exists is in some category, but not in any except the category of Quality. But this is false, not in the first species [of the category of quality], since it is neither a habit nor a disposition. Nor in second, since neither is it a potentiality, nor a lack of it potentiality. Nor is it in a third, since in that case, it would be an impression (*passio*) or a passive quality, which is manifestly false.⁸

Ockham thinks that to consider the passion of the soul as species of things, implies that such passions would still remain in the soul even when the soul is not thinking of anything.⁹ He says that species, "have a true and real existence. But it is a mystery how it [species] is a true material, corporeal quality and truly extended in matter, and yet has only spiritual or intentional

⁷ William Ockham, *Reportatio* Bk II, qq. 12 and 13

⁸ William Ockham, *Reportatio*, III. 2

⁹ Ockham, "Commentary on Aristotle's 'On Interpretation'," Prologue, section 5

existence".¹⁰ It must be noted here that, although Ockham places "species" within the Aristotelian category of quality, he is still seemingly in doubt, if species actually belong there, as his comments in the above quoted passage show.

(b) Why did Ockham reject species?

Here, I would like to concentrate on two reasons for Ockham's rejection of species: (1) The issue of parsimony and (2) The skeptical challenge.¹¹ Concerning the first point, Ockham, says that species do not play any relevant role, considering the five cognitive functions he identifies in the *Reportatio*. The five cognitive functions include: Cognitive assimilation, mental representation, the causation of the act of knowledge, the determination of the power, and the union of the mover and the moved. But Ockham argues that it is not necessary to posit species because of any of these, since these roles can also be achieved through the acts and *habitus*,¹² So, Ockham's rejection of intelligible species, turns on the fact that it is irrelevant to the mental act, and is therefore superfluous. This is in opposition to the traditional conception of *species* in the act of mental representation.¹³ In pointing out the irrelevance of species as pre-

¹⁰ *Rep. Hi.2 (OTh. VI, 57)*.

¹¹ Although, Elizabeth Karger in her work "Ockham's Misunderstood Theory of Intuitive and Abstractive Cognition" in P.V. Spade (ed.), *The Cambridge Companion to Ockham*, (Cambridge: Cambridge University Press, 1997), pp. 204-226, has argued that the overcoming of the skeptical challenge was not the direct motivation for Ockham's theory of intuitive and abstractive cognition, there is scarcely any unanimity of opinion, among scholars, on this issue.

¹² William Ockham, *Reportatio, II, qq. 12-13 pp. 631-632*

¹³ The traditional notion of species is that "the act of understanding (intellects) is the likeness of the object" William Ockham, *Reportatio, II, qq. 12-13 OTh 5 287. 15*. "Whereas Ockham believes that mental acts of thinking exist, he does not think that there is need to postulate independent contents or any discernible intrinsic structure to the mental act. Ockham at least in his mature view, argues against what is traditionally called a "representationalist" theory of mind and for what is usually called "direct realism." (Cf. Peter King,

Joseph Thomas Ekong O.P.

condition to act of cognition, he says:

In order to have *intuitive cognition*, it is not necessary to posit anything beyond the intellect and the thing known, and especially [it is not necessary to posit] species... In order to have abstractive cognition it is necessary to posit something previous beyond the intellect and object. This is because... the intellect having intuitive knowledge can perform abstractive cognition and not having it, cannot... Therefore, something is left in the intellect by reason of which it can perform the abstractive cognition and could not before ... What is left is not a species, but a habit.¹⁴

Ockham in the *Reportatio* believes that the object cognised, "sufficiently represents itself in a cognition", hence even when he uses the traditional terminology to say "that the act of understanding (*intellectio*) is the likeness of the object", it seems he is using it in a non-committal way (perhaps as an empty formula), for he thinks that the "object can be present qua object to the intellect, without any species."¹⁵ The following passage seems to illustrate what I have just pointed out:

I say then that an intellection is a similitude of the object ... and no more a similitude of one object than another [supposing these two objects to be similar to each other]. And therefore similitude is not the precise cause why the mind intelligises one object rather than another one ... for although the intellect assimilates equally to all these individuals in the case under

"Rethinking Representation in the Middle Ages" in *Representation and Objects of Thought*, [Ashgate 2005: 83-102], p. 20

¹⁴ William Ockham, *Reportatio*, II qq. 12-13, p. 629-630

¹⁵ William Ockham, *Reportatio*, II qq. 12-13 OTh 5 300.1-2 (quoted in Peter King "Rethinking Representation in the Middle Ages", in *Representation and Objects of Thought*, (Ashgate, 2005): 83-102

Dominican University Journal of Humanities

consideration, nevertheless it can cognize one of them determinately, and not the other one. But this is not in virtue of assimilation, but in virtue of this that every effect naturally producible is such by its very nature that it is produced by one efficient cause and not by another....¹⁶

Ockham also uses the notion of "similitude" in his *Quodlibeta*, when he compares *fictum* with the act of understanding. He says: "For like a *fictum*, an act of understanding is a similitude of an object, and is able to signify, and supposit for things outside the soul, and is able to be the subject of the predicate in a proposition, and is able to be a genus or a species, etc". Regarding the second point, that is, the skeptical challenge, the following passage from Liodi Nauta, seems to offer a seemingly good description:

Ockham felt that the postulation of intermediaries - be it the species of the scholastics, the ideas of the seventeenth-century philosophers or the sense data of the twentieth-century analytical philosophers - always gave rise to skeptical rejoinders, for how do we know whether the intermediary species, quality or idea is an adequate representation of its object. Ockham wanted to circumvent these skeptical rejoinders by distinguishing intuitive cognition, which gives us direct and correct information about the existence of an object, and abstract cognition which abstracts from judgments of existence or nonexistence.¹⁷

Whether or not Ockham succeeded to dispel the skeptical challenge remains an open question. Regarding the act of

¹⁶ William Ockham Reportatio II, qq. 12-13 OTh V, 287-288.

¹⁷ Liodi Nauta, "Lorenzo Valla's Critique of Aristotelian Psychology," *Vivarium* 41 (2003) p. 139

Joseph Thomas Ekong O.P.

cognition, the position of Ockham (a direct realist position) is that the human perception of an extra-mental reality is one in which the cogniser is directly or immediately aware of the of the object cognised, the position of Aquinas (an indirect realist or representationalist position) was different. For Aquinas, when we perceive extra-mental physical objects, we are not immediately aware of them, except through their species (*similitudes or likenesses* of the ideas that represent them).¹⁸ But, even at that, to cognise things in terms of their *similitudes*, is invariably to cognise them according to their natures. So, we cognise things in terms of their forms (essential forms in the intellect, and accidental forms in the senses). The intelligible species for example, is not what our intellect understands, but it is simply that by which it (our intellect) understands.¹⁹ However, Aquinas also distinguished the natural or material reception of forms, from the spiritual or immaterial reception of forms. When a subject

¹⁸ ST 1a 85.2c; See also SCG. 11.75.1550; In DA III.8.239-79 [sees. 717-718]

¹⁹ The distinction between *the id quo*, and *id quod*, is a famous Thomistic distinction. The role of a representative intermediary between the cognizer and the thing cognized (in Aquinas' theory of cognition), fits in with his representationalism. This is not the case with someone like Ockham who denies the relevance of intermediaries between the cognizer and the thing cognized. So, one significant distinction between the direct realist and the representationalist, is this: The direct realist thinks that perception is dyadic (involving the perceiver and the object perceived), whereas the representationalist thinks that perception is triadic (involving a perceiver, an intermediate object immediately perceived, and an indirectly perceived external body). Another important element in the direct realist and representationalist distinction, is the issue of intentionality (aboutness): this is the claim that our consciousness is consciousness of something. Whereas the representationalist thinks that intentionality is based on "a non-intrinsic, relational property of the act of awareness, namely the relation it bears to the immediate object, the direct realist thinks that intentionality is based on an intrinsic, non-relational property of the act of awareness." Herein lies the distinction between the "object approach" and the "content approach" to intentionality. (Cf. Paul Hoffman "Direct Realism, Intentionality and the Objective Being of Ideas" *Pacific Philosophical Quarterly* 83 (2002) 163-179

cognises a form materially, it has a cognition of that form and is predicated of the form. But, if it receives it spiritually, it has a cognition of that form without being predicated of it. Thus, it is possible for a form to exist materially in a thing, but spiritually in our minds.²⁰

On Whether or Not Ockham was Right in Rejecting Species: An Examination of Panaccio's Interpretation

According to Panaccio, Ockham's rejection of species is correct. In Ockham's inherited version of the species account of cognition he argues that if the species are the same in character with the form received, then there will be a substantial change in the cogniser. But if the species are different from the form in the object cognised, then the cogniser is not cognising the object.²¹ But this is different from the position of St. Thomas Aquinas, who affirmed that the change that the cogniser experiences in his sensory and intellectual modalities, are not substantial changes, but merely accidental ones. Suppose one accepts Ockham's position regarding species, the implication would be that every cogniser will experience a substantial change in his/her being, in every act of cognition. But this would be very strange, and would render the cogniser an entity that is alterable to the extra-mental reality cognized. Here, it might be necessary to invoke St. Thomas' *modus principle* which states that "everything that is received in another, is received in it according to the mode of the receiver", or "everything that is in another is in it according to the mode of that in which it is."²²

Furthermore, Aquinas' point regarding *intelligible species*

²⁰ Paul Hoffman, "St. Thomas Aquinas on the Halfway State of Sensible Being" *The Philosophical Review* 99, pp. 73-92

²¹ Sent. III. 3 (115-116), cited in Eleonore Stump, "The Mechanisms of Cognition: Ockham on Mediating Species" [in *Cambridge Companion to Ockham*. Cambridge University Press. 1999], p. 181, footnote no. 44.

²² Aquinas, ST. Ia, qu. 75, ar. 5. "*Omne quod est in altero est in eo secundum modum recipientis*"

Joseph Thomas Ekong O.P.

is made even clearer when he said that "the conformity of the cogniser to what is cognized - which produces cognition - is not to be understood in terms of sameness (*identitas*). On the contrary, it is to be understood in terms of representation (*representations*). In this sense, it is not necessary that something is in the cogniser in the same way it is in the cognized."²³ However, in addition to both the sensory and intelligible species, Aquinas speaks about *species in medio* (that is, of forms or representations intentionally present in the air, or other media utterly capable of cognition)²⁴ and carrying the image of the thing cognized, through the ambient environment, to the cogniser. It is not obvious to me that Ockham was right in rejecting species. But, even if Ockham considers himself right in doing so, it still remains an open question whether he fully understood the different ramifications of the species theory he rejected. For Panaccio, it is wrong to claim that Ockham did not understand the species theory he rejected, and that his act theory is not different from the species theory he rejected. Panaccio asserts that:

What Ockham objected to, [in the species account] is not that it involved intellectual representation stored in the mind for future use - he needed that too himself in the guise of habitus - but that the intelligible species it postulated should always be prior to the intellectual acts of cognition, and that they were seen as presupposed by these acts.²⁵

The notion that the intelligible species precede the intellectual or cognitive act, (that is, serve as a preparatory phase to it, rendering it possible), and are derived from a process of abstraction, without being reduced to the cognitive act itself, is a basic notion in Aquinas' mechanisms of cognition. However,

²³ Aquinas, ST. QDV 2.5 ad 7 (quoted in Jeffrey E. Brower and Susan Brower-Toland, "Aquinas on Mental Representation," (Class Handout), p. 37.

²⁴ Jeffery and Brower Toland, Op. Cit. p. 6

²⁵ Claude Panaccio, Op. Cit., p. 28.

Robert Pasnau, in his work "Are Species Superfluous" seems to give the impression that there is no difference between Ockham's treatment of species and Aquinas'. For him, both versions claim that cognition (with a certain intentional content) follows from the intellect's being in a certain state, through its contact with extramental reality.²⁶ Panaccio thinks that Pasnau's interpretation of Ockham is faulty, since Ockham's account, does not necessarily imply that the intellect has to be in a certain state. Also Panaccio thinks that to accept intelligible species, amounts to useless complications in epistemology, and what species can achieve are equally achievable by the acts and habits. Pasnau in a critical spirit, maintains that Ockham's denial of species only amounts to a revision in terminology, without any substantively different account.²⁷ It must be noted that this opinion of Pasnau, runs counter to that of Panaccio, who thinks that Ockham's account is more parsimonious, compared to Aquinas'. Pasnau claims that "the disagreement between Ockham and Aquinas on species is not to be taken as a disagreement about the proper analysis of cognition, but about the possibility of direct causal influence at a distance."²⁸ Having rejected species, Ockham's alternative account of cognition turns on the distinction between intuitive and abstractive Cognition. For Ockham, "intuitive cognition is that by the mediation of which a thing is cognised to exist when it exists and not to exist when it does not exist."²⁹ On the other hand, an "abstractive cognition is defined as cognition that is non-intuitive, and abstracts from judgments of existence or non-existence"³⁰ Whereas "intuitive cognitions constitute the original, primary intuitions of singular objects, abstractive cognitions of singular objects occur secondarily after these objects have been

²⁶ Ibid. p. 29

²⁷ Robert Pasnau, Op. Cit., p.192

²⁸ Ibid., p. 193

²⁹ (*Reportatio* II, qq. 12-13) quoted in Eleonore Stump "The Mechanisms of Cognition: Ockham on Mediating Species" [in *Cambridge Companion to Ockham*. Cambridge University Press. 1999], p. 185

³⁰ *ibid.* p. 183

Joseph Thomas Ekong O.P.

apprehended intuitively".³¹ Also, while "intuitive cognition can only occur if an object of intuition exists, abstractive cognition can still occur, even when the object of intuition no longer exists."³² At this juncture, I would like to isolate what I consider the main issues in Panaccio's interpretation of Ockham on species, and discuss them.

(a) **The Issue of Representation:**

The notion of *representation* (from the Latin words "representare" and "representatio" all of which refer to the bringing of something before the mind, or making something present again) was seriously discussed in medieval theories of cognition. With regard to the operations of the soul, the notion of representation could be presented in three ways: sensory or (visual representation of some external thing to the soul); internal sensory representation (which involves our internal senses, fantasy, imagination and memory); and mental (conceptual) representation in which "concepts are assigned some semantic function in virtue of which they can be signs of objects"³³ William Ockham adopted the notion of representation as mental and conceptual (which was popular during the fourteenth and fifteenth centuries). Basically, the adoption of this notion of representation turns on the claim that:

Concepts function as signs of what is being thought about. These signs represent objects because they are caused by these objects, and they are mental simply because they are in the mind. Furthermore, a mental representation represents an object if it signifies that object. It therefore functions as "word" for that object

³¹ This entry is from "William Ockham on the Difference between Intuitive and Abstractive Cognition" URL: <http://www.angelfire.com/md2/timewarp/ockham.html>

³² *ibid.*

³³ Stanford Encyclopaedia of Philosophy, "Mental Representation in Medieval Philosophy" available on-line at: <http://plato.stanford.edu/entries/representations-midieval/>, p. 6

This emphasis on the conceptual understanding of representation (which Ockham favoured), is made clearer in Peter King's article, "Rethinking Representation in the Middle Ages" where he presented four different versions of mental representation in the medieval age:

(R1) The mental representation and the represented item have the same form (R2) The mental representation resembles, or as a likeness of, the thing represented (R3) The mental representation is caused by the thing represented (4) The mental representation signifies the thing represented.³⁵ Peter King has argued that whereas R1 and R2 fit into the Aristotelian-Thomistic understanding of *representation, (conformality account)*³⁶, R3 and R4 (*the convariance and linguistic account*) was defended by William Ockham, who claimed that the object and the representation "co-vary" (that is, one is present if the other one is, and not present if the other one is not).³⁷

Also, Ockham claimed that "mental representation has a

³⁴ Ibid. p. 22

³⁵ Peter King, "Rethinking Representation in the Middle Ages" in *Representation and Objects of Thought*, (Ashgate, 2005), p. 1

³⁶In response to objections regarding the "conformality account" in which the mind is considered as taking on the object of thought, and has the same form as the object, St. Thomas Aquinas has offered an explanation by making a distinction between material similarity and intentional or spiritual similarity regarding the presence of the form in the object, and the presence of the form in the mind of the cognizer, respectively. Finally, the representational ability of the form is to be understood in terms of its likeness or similarity to the object it represents [Aquinas, *Quaest. Disp. De Verit. VII, 5*]

³⁷ *Stanford Encyclopaedia of Philosophy*, "Mental Representation in Medieval Philosophy" available on-line at: <http://plato.stanford.edu/entries/representations-midieval/>, p. 17

Joseph Thomas Ekong O.P.

linguistic role by functioning as the mental word for the object it represents or signifies."³⁸ So, in Ockham's notion of concept acquisition and mental representation, one observes an emphasis on signification as well as semantic properties such as connotation and supposition.³⁹ It is precisely in the shift from R1 and R2 versions of representation, to R3 and R4 versions, that Ockham's anti-representationalist bias against Aquinas' notion of representation (which was inextricably linked with *species*), is made clear. Dominic Perler, has remarked that Panaccio thinks that the species theory as defended by Aquinas, contains crucial elements of representationalism, and that Pasnau thinks it is not radically different from the Modern 17th century theory, in which the immediate and direct object of cognitive apprehension, are our internal impressions.⁴⁰ Also, Dominic Perler has distinguished the "direct realists" from the "representationalists", with regard to the issue of intentionality. For the direct realists intentional states are directed towards things in the extra-mental world, while for representationalists, intentional states are primarily directed towards mental items - concepts, ideas, mental images and so on.⁴¹ Robert Pasnau thinks that Aquinas is a leading defender of representationalism, and for Pasnau, "representationalism embraces indirect realism, and this is the stance of the naive realist theorist."⁴² My point is this: since Aquinas's theory of cognition was representationalist and Ockham's rejection of species was primarily an objection to Aquinas' position, how can Panaccio say that there is no anti-representationalist bias in Ockham's rejection of species? To simply say as Panaccio does,

³⁸ Ibid. p. 17. Ockham claims that a mental representation or concept, is caused by an intuitive cognition (Quodlibeta Septem 1. 13)

³⁹ Claude Panaccio, "Semantics and Mental Language" in P.V. Spade (ed.), *The Cambridge Companion to Ockham*, (Cambridge: Cambridge University Press, 1997), pp. 53-75

⁴⁰ Robert Pasnau, Op. Cit, p. 293.

⁴¹ Dominik Perler "Essentialism and Direct Realism" Some Late Medieval Perspectives" *Topoi* 2000, p. 111 p. 111]

⁴² Robert Pasnau, Op. Cit. p.195.

that Ockham accepted the relevance of stored species, but not the antecedence of species to the intellectual act, does not in any way diminish Ockham's anti-representationalist bent. I think it rather involves Ockham and even Panaccio in a certain contradiction: for how can it be explained that species are stored, if they were not first received in a manner that is antecedent to their being stored, and even to the cognitive act itself?

(b) On the Possibility of Ockham's Use of an Additional Argument, apart from Parsimony

A careful look at Ockham's *Reportatio* shows, that Ockham might have had another intent for rejecting species, other than parsimony. Eleonore Stump, in her work "The mechanisms of cognition: Ockham on mediating species", identifies another argument Ockham uses against species, which is seemingly different from the one from parsimony: "no one sees a species intuitively, and therefore experience does not lead us to this account of cognition".⁴³ Suppose Stump is correct, that there is actually an epistemological argument, different from the one from parsimony, then Panaccio's position might be considered false. Although the argument that Stump presents, is "apparently" a continuation of Ockham's argument on parsimony, its formulation and implications, seem to place it within the context of an epistemological argument. However, it could also be the case that this allegedly additional argument is a second part of the same argument. But even if that is the case, Panaccio's insensitivity to this second aspect, still raises doubts about the reliability of his interpretation of Ockham. Stump's argument amounts to the claim that a species is an intermediary for Ockham, since "the act of receiving a species is a conscious act and the species itself is what is known in such an act".⁴⁴ Although Ockham's main point here is that introspection is against the species account of cognition,

⁴³ William Ockham, Sent. II. 13, (*Reportatio*, II: 12-13) quoted in Stump, 1999, p. 179

⁴⁴ Stump, *Op. Cit.*, p. 180

Joseph Thomas Ekong O.P.

however, Stump is of the opinion that the comments of Ockham in this regard, lead to the impression that he regards species as intermediary objects of thought. And this is a position that Panaccio objects to

(c) On Whether the Rejection of Species Really Leads to Parsimony?

It is not very clear whether the exclusion of an intermediary, in terms of a mechanism or process in the cognitive act, really yielded the kind of result Ockham expected. Whatever benefits Ockham might have received in rejecting species, (perhaps parsimony) seems lost in his introduction of different kinds of intuitive and abstractive cognitive acts, and distinct qualities which are imposed on the sensory modalities.⁴⁵ Regarding this issue, Eleonore Stump also provides some insightful objections: First, it is not immediately apparent that Ockham's account has fewer entities than the species account does. Ockham can only lay claims to a simpler theory if he can postulate novel qualities (imposed on sense organs) that are not evident in the standard Aristotelian categories. Secondly, Ockham's theory involves an "odd-doubling" of cognition, in that both the sense and intellect cognize the same thing under the same description. Thirdly, on Ockham's account, our cognitive faculties are like a black-box, and it is not clear whether Ockham's theory actually explains what the species theory failed to explain.⁴⁶ On the charge that Ockham's theory amounts to an "odd-doubling" of cognition, Claude Panaccio gives a response that is quite interesting:

Stump 1999, holds in a Thomistic vein, that Ockham's doubling of intuitions is superfluous and that "the operations of the two cognitive faculties seem completely redundant in his account (p. 194). Her brief discussion of the point however (p. 202, n. 75)

⁴⁵ Liodi Nauta, *Op, Cit.*, p, 139

⁴⁶ *ibid.*, pp. 194-195

disregards Ockham's requirement that the relevant intuitive act should be a part, and not merely an external cause, of the existential proposition which the agent evidently judges to be true.⁴⁷

My basic understanding of Panaccio's position in the above passage, is that he considers Stump's second objection (odd-doubling of cognition) about Ockham's theory of cognition, as based on an incomplete reading of Ockham. For Panaccio, Ockham's intellectual intuition is not redundant after all, (with the sensory intuition), since only a properly intellectual act could be a proper part of a mental representation formed within the intellect.⁴⁸ Panaccio thinks that the intellectual intuitive act is an integral part of the language of thought, and that it can be subject or predicate of mental propositions, where it can display semantical properties such as a supposition.⁴⁹ Panaccio seems to suggest, though not explicitly, that if the intuitive act is taken as *intrinsic*, rather than *extrinsic* to the existential proposition that is evidently judged to be true, then what Stump considers an "odd-doubling of cognition", might no longer hold. At any rate, whether Panaccio's and Stump's understanding and assessment of Ockham's theory, are correct or not, is an entirely different issue, which could be debated *ad infinitum*. But, from what the discussion so far has shown, it seems Panaccio's interpretation needs to be revised.

⁴⁷Claude Panaccio, *Ockham on Concepts*, (Ashgate, 2005), p. 17, no. 13.

⁴⁸ Claude Panaccio, *Op. Cit.*, p. 19, no. 43

⁴⁹Claude Panaccio, *Op. Cit.* p. 12. Supposition for Ockham belongs to significant terms in so far only as they are taken as subject or predicates within propositions. An intuitive cognition has to do with the cognition of a singular; it resembles its objects in some way, like the abstractive cognition, but is not rendered general. However, the signification of an intuitive cognition is determined by causality, rather than similarity. Such a causal account of signification is not available to Ockham, in the case of abstractive cognition. (Panaccio, *ibid*, p. 12).

Joseph Thomas Ekong O.P.

Conclusion

In the light of the foregoing discussion, I wonder if it is really a gain in parsimony to eliminate species, and it is not obvious that Ockham provides us with any criteria regarding how he counts the entities that are involved in cognition.⁵⁰ For Panaccio, there is need to abandon species, and Ockham's approach is considered a laudable one. But one might suggest, without prejudice to some of its merits, that given the difficulties with Ockham's inherited theory of species, and the related complications in the alternative account of cognition he offered, it is unlikely that he actually achieved his goal by rejecting species. Although Panaccio might think he did, some other members of the intellectual community on medieval theories of cognition have raised various objections as already indicated. One might, therefore, surmise that it is not enough simply to object to a given paradigm of discourse, as Ockham did, against Aquinas, but it is also required that a better and more feasible alternative be provided. Despite Panaccio's sympathy for, and defense of Ockham's efforts, it seems to me that his interpretation of Ockham, still leaves much to be desired. A convincing explanation on how Ockham achieves parsimony, without being anti-representationalist, and without appealing to any additional epistemological arguments against species, seems to be the task that Panaccio has to grapple with. It is scarcely clear to me that he has satisfactorily demonstrated this, at least for now.

⁵⁰ Robert Pasnau, *Op. Cit.*, p. 190

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On the Psycho-Medical Objection to Divine Healing:

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Introduction

Most Medical practitioners and Psychologists find in the reports of the sick who claim to be healed, certain patterns of human behaviour (states of mind) which are perfectly explicable. According to some Psychologists, miracles of healing tend to be cases of illnesses that may well have a psychosomatic cause and are therefore amenable to psychological suggestion. In other words, because 'X' spoke a word of consolation and command, "be healed," the mind or body of the sick person is believed to be affected; and it is for this reason, that the so-called healing is believed to take place, but the seeming disappearance of pain is sheer delusion. The sick more often than not, are deceived. This argument ignores the fact that the mind or the body prior to 'X' word of command (prayer), did not on its own, produce such an effect in its internal operation. For example, Lazarus rose from the dead. This could not be due to mind manipulation, for Jesus did not see Lazarus to talk to (Jn 11:38-44). The truth is: miracles and healings do happen. What is not understood is how they happen in that astonishing manner; for in their occurrences, there is always an immediate cure where it would have taken medicine a longer time to accomplish. The phenomenon of an immediate or accelerated healing due to prayer offered, a feat beyond the power of medicine and psychology, characterises divine healing which saves a patient from protracted illness. My aim here is to make clear the fallacy in the psycho-medical objections with reference to healing through prayer.

Medicine, Psychology and Divine Healing

In the two disciplines, Medicine and Psychology, we find some militant atheists. Their denial of the reality of God leads to the denial of the possibility of divine healing. If God is not the author of the universe, the claims by believers that God in the person of Christ and his followers heal the sick, is false. Believers are convinced that there is a living God, the author of the total universe. They claim that the healing of diseases and disabilities of all kinds can be performed in the name of Christ, as Christ disciples did during the apostolic time and through the history of Christianity. Some psychologists refuse to believe this believers' claim. Why don't they believe in divine healing? There are persons who believe that if we understand nature well- enough, we will not be looking outside it for any kind of health care. As Albert Einstein remarked in *The World as I See It*, "The man who is thoroughly convinced of the universal operation of the law of causation cannot for a moment entertain the idea of a being who interferes in the counsel of events – that is, if he takes the hypothesis of causality really seriously". This explains one reason for the objections medical science and psychology have for prayer for divine healing. They want the work of healing to be left for them to handle, for they are not sure that there are other ways to heal the sick. According to them, the sick should rely on science for their healing. This is the attitude of militant atheists and agnostics in medical profession.

For some Psychologists and Medical Practitioners, prayer is a manipulation of people's minds. It is often said that the way the mind functions (acts and reacts) is according to its internal and external perceptions; for example, faith comes from hearing. On the basis of this theory, it is believed that prayer (word addressed to God) can produce certain effects (healing) in the minds or bodies of those who hear such prayers uttered to them. It is believed then that there is nothing supernatural in those experiences (events) which are described as Spiritual healing. It is also argued that even where Word (prayer) and Touch (anointing

Jude Okalia Mbukanma OP.

and laying on of hands) effect healings, there is a natural explanation.

Reflective Perspective on Healing Through Prayer

There is no known reason why a supreme deity cannot (or should not) assist or adopt a natural process or means unknown to us (for purpose of our own education) to produce certain healing e.g. decreeing that such and such would happen only through a combination of prayer and natural elements according to physical laws. Where it would not have been possible, for example, for nature alone to obtain a certain result, a divine reality could intervene, aiding nature to have a desired result. Astonishingly, most people never recognize the action of the divine in such a situation; they often give the glory to nature. This is comparable to a situation where an audience starts to applaud the wrong person on an occasion of merit award. A combined action of the Divine and nature (medicine) often take place in the Christian-healing ministry. In such a situation, there is always an accelerated healing when God wills to help. At the end of it all, medicine is praised; God is ignored.

Some teachers of faith like Gerard M. Verschuuren are of the view that “Divine, causation works at a level completely different from that of secondary causation, and (that) science can examine only the latter.” If I understand Verschuuren well, such action of God in a situation of the sort, is what would amount to a miracle – “a level completely different from that of a secondary causation.”¹ This is uniquely the divine way of healing, not a combination of medicine and grace.

There is a psychological argument according to which healing is believed to be the manipulation of the mind. In other words, “because ‘X’ spoke, a word of command, “be healed,” the mind or body is believed to be affected, and it is for this reason that the so-called healing is believed to take place. This argument

¹ Gerard M., Verschuuren, *Aquinas and Modern Science: A New Synthesis of Faith & Reason*, Kettering (OH): Angelico Press, 2016, p. 102.

ignores the fact that the mind, or the body prior to 'X' prayer, did not on its own produce such an effect in its internal operation. For example, Lazarus in the Holy Bible rose from the dead, not due to any mind manipulation, for Jesus did not see Lazarus to talk to.

It is also possible that divine providence (the author of nature) would have arranged that 'X's utterance would bring about the healing of a certain soul or body. In other words, a psychological process (counselling, prayer, anointing with oil) can begin and end in healing. It would be fallacious to conclude that because the process is the result of the action of word uttered over a person in the course of his or her using a prescribed medicine in the circumstance, the healing could not be due to the intervention of a divine reality. The confusion here may lie in not understanding the various means God uses in the process of healing. When medicine lacks the needed potency to effect healing when it is required, Almighty God can be called upon to do the healing to save his child from protracted illness. Such loving intervention by God is regarded by some scientists like Einstein, as an interference in the "universal operation of the law of causation."

We note from experience that everybody cannot use word (prayer) to produce healing in a person. Psychologically, this remains inexplicable. Those who believe in the reality and power of Jesus, know that healings and miracles do happen but opponents of miracle would hesitate to believe, for example, that Jesus turned water into wine or that he raised Lazarus from the dead. Their reason for not believing would be based on the scientific thesis that such event (changing water into wine or raising Lazarus from the dead) is impossible under the present admittedly provisional physical laws, and they often forget to say that by physical laws, they mean "physical laws known to us," for Almighty God could be operating in the circumstance with a different law only known to him. The law of "cause and effect" is given to us to work with but God can set it aside in his love and wisdom to help us to achieve our desired hopes, as for example, death puts an end to human life – that is the law we know. But God can set the law aside, and raise the dead to life.

Jude Okalia Mbukanma OP.

The question can be asked whether it would be logically contradictory to say that divine healing followed a natural process or that God effected a certain healing using a natural means. I answer: There is no logical contradiction here. For example, Naaman's healing in the water of Jordan does not involve God in a logical contradiction. Let me now expatiate on the argument stated above against the psychologist thesis that prayer as a living contact with the living God, cannot possibly heal the sick.

(i) The Controversy

After healing services, one often hears people testify that they experienced healing faster than they had hoped to obtain by going to their doctors. "I experienced an acceleration of healing says Francis Macnutt. My physical therapist was amazed ... My doctor said I will never ever be able to sit upright again and now I am walking. Thank you, Jesus." Where this sort of thing happens, the believer is quick to describe the healing as a miracle – God brings health where and when it is regarded as medically impossible. What does faster healing experience mean? It can be the sort of healing one experiences as one prays on someone. "One woman, for example, has tumors on the side of her neck that you can actually see and feel. While you pray, you see them go down and, in fifteen minutes, they are gone." This spontaneous disappearance of the tumors could never happen in similar fashion through medical or psychological healing. What explanation would medicine and psychology give to this sort of healing through prayer? A common theory has often been invoked in varieties of cases – the theory of suggestibility. A theory of suggestibility would say that there was no real healing: the patient believed through suggestion (prayer) that she would be fine and that is all about it. The patient would seem to have been hallucinated, for in a hallucinated state, someone often believes that something is the case (a state of deception) but in fact it is not. Let's study a case in John Cornwell's *Powers of Darkness, Powers of Light*, (1991). Joey Lamangino of Brooklyn, New York, dedicated to the promotion of the Vision of Garabandal, (according to Cornwell)

Dominican University Journal of Humanities

claimed that he had an accident while repairing a car tyre 27/6/47. So as to put the air hose on it, he turned the tyre round so that if it did explode it would hit the ground.

But the valve was too long because it was inside the tyre, so when I went to put the air hose on it I couldn't fit it under the tyre, so I turned it around the other way again, face up. As I put the air hose on to it – Barn! It blew – burying steel and rubber two inches into my eyes, and forehead. It was 27 June. And I was in coma until 16 July ... when I came out of the coma, I had a whole new life. I was blind, I had no sense of smell-the olfactory nerves are completely destroyed.²

Then blind Joe visited Padre Pio 18/2/63 and confessed his sins. “Two days later as I was kneeling down before Padre Pio in the corridor after Mass, I got the fragrance that comes from his hands ...

And from that point on, my sense of smell was restored after sixteen years, even though the doctor said that it is impossible for me to have a sense of smell; he says it's like getting electric light in a room without wires.³

Cornwell's view about this miraculous healing is: “And as for the return of his sense of smell, I had heard of people hallucinating smells in the same way as amputee's experience phantom pain”.⁴ On the basis of the reports of other persons, concerning their injury, Cornwell denies that Lamangino was really healed. Cornwell believed the man was deceived. For he

² John Cornwell, *Powers of Darkness, Powers of Light*, London: Penguin Group Publishers, 1991, pp. 163-164.

³ John Cornwell, 1991, p. 167.

⁴ John Cornwell, 1991, p. 169-170.

Jude Okalia Mbukanma OP.

thought that he was healed; it appeared to him that he smelt things. My argument against Cornwell's position is that:

It is not clear how we can disprove a person's claim that she or he smells 'X' (rose or myrrh). It is as difficult to disprove as it is to disprove the one who says, "I dreamt "p" or "I feel "X"; these claims are outside the field of possible verification by another person (verification as to whether or not the person feels what she claims to feel). I don't see how we can dispute someone's inner perceptions such as joy, sorrow, fear etc. As Bernard J.F. Lonergan rightly pointed out in his 1958 work *Insight: A Study of Human Understanding*: "I cannot inquire into your experience or reflect on your thoughts". The difficulty in reading other minds, stops us from denying other person's private experiences (visions of a kind).

Cornwell, in his book, constantly cited parallel cases of behavioural patterns to prove that a particular healing claim which he investigated, fell perfectly into certain known modes of human behaviour. Lomangino's belief that he smelt something was, for Cornwell, therefore comparable to amputees' states of mind by which they experience unreal (imagined) pain. I think that Cornwell is guilty here of a *psychological fallacy*. The fallacy is that Cornwell picks (and he does that throughout his book) few cases wherein mental states result in certain patterns of behaviour and studies them along with certain religious behaviour and then makes the laughable conclusion that such religious behaviour equally originates from states of mind. Cornwell and his likes would say that the experience ("I smell roses") have "dubious psychological and physiological origin" I also attested to this in my book *Beyond Words*. The question can be raised whether somethings which look alike are *ipso facto* the same and whether too they have the same cause (by virtue of their semblance). What Cornwell does in his whole book is to deny what he does not understand. His reason for doing this is that in each case of religious experience he investigated, there are somethings not yet known which will one day be known as the explanation of such phenomena. For example, on Conchita's levitation, Cornwell in his

Dominican University Journal of Humanities

Powers of Darkness, Powers of Light said: "Hysteria might well have been involved and some form of kinetic force as yet poorly understood, but the phenomenon taken as a whole seem analogous to an art form, displaying special aptitude, inspiration, dance and choreography, the exercise of imagination and deep emotion". Again, he believes that Conchita's experience is the product of imagination.

According to Cornwell, religious experiences originate from the mind and there is nothing new about them; they are equally not beyond explanation. Again, he tends to argue that if new experiences cannot be explained now, they eventually would be explained in due course. This mentality (of a natural scientist) is familiar; "We hope that one day we might be able to know why" Such an attitude is a religious one. It has no basis in scientific method of enquiry; that is, in the methodology of the natural sciences. There is no rational justification for believing that if 'X' is not explained now, it would be in due course. Believing that one day, it could be explained, is resorting to a religious mentality of faith and hope.

According to Cornwell, Conchita's strong conviction in the "reality of her beautiful lady" is due to the powers of religious imagination, little acknowledged and seldom understood". My argument against this view again is that if we reduce experiences (inner and external perceptions) to acts of imagination simply because they cannot be publicly verified, we are limiting truth only to those propositions which can be verified.

Most psychologists see divine healing through prayers in terms of either the works of imagination by the sick who claim to be healed or as sheer hallucination, and often, they find in them certain patterns of human behaviour which are perfectly explicable. Cornwell himself denies healings and miracles because nowadays (unlike the situation in the apostolic and medieval times) there are no "real miracles," and he takes miracles to be cases, "for example, the appearance of a new eye or a new leg." But he concludes on the other hand that for the most part, miracles of healing tend to involve illnesses that may well have had a

Jude Okalia Mbukanma OP.

psychosomatic cause and are therefore amendable to psychological suggestion. Here again, my answer to Cornwell is this: First, the logic in the assertion that there are no “real” miracles today is false. In any case, how can Cornwell’s assertion be proved? It would take a divine mind to know that there has not been any ‘real’ miracle all over the world from the medieval times till today.

Second, with reference to “illness which are amendable to psychological suggestion”, it would seem that for Cornwell, for a healing to be ascribed to a divine intervention, it would have to be done without involving any form of human action (say prayer). The question needs to be asked: what prevents God from using psychological means known to him alone to effect healing? In inviting God to heal, how can we do it without word (prayer) or any form of human communicative device-verbal or non-verbal? God, who could heal without even uttering a word, sometimes makes use of natural elements in his healing ministry. We see Jesus using saliva, mud, laying of hands in his healing ministry.

Admittedly, if there is any human involvement or the use of natural elements, involved in healing exercises, there can always be natural explanations when healing takes place. In its final analysis, the argument of the psychologist seems to say that God should operate without nature if his actions are to be recognised as divine: He should brush nature aside and act directly. I think that to refuse God the use of natural means (which he himself created) in healing, amounts to asking a medical doctor who knows the roots and herbs that cure a disease not to use them because the doctor deals with orthodox medicines. Such an attempt to restrict the doctor from using the means he knows to effect a healing, reveals the erroneous theological belief that God has no real concern with the universe which he made. Such a position reflects “the doctrine of transcendence in its extreme form”.

(ii) A Question of Interest

A question now arises: When can healing (cure) be attributed to God and therefore be a miracle? From what I could gather from opponents of divine healing like Cornwell, a cure is miraculous if

Dominican University Journal of Humanities

it can be shown in medical science that it is “scientifically inexplicable.” So, the logic of some psychologists and medical scientists runs thus:

- (i) If ‘X’ (cure) is ‘P’ (explicable), then ‘X’ (cure) is not ‘S’ (supernaturally caused). ‘X’ is ‘P’; then ‘X’ is not ‘S.’
- (ii) Or a cure (‘X’) is ‘P’ (inexplicable), then ‘X’ is S supernaturally caused; ‘X’ (a cure) is ‘P’ (inexplicable), therefore ‘X’ is ‘S’ (supernaturally caused.”).

So, God is out of a healing if science can say something about it, i.e. explain. What some Medical Scientists and Psychologists are saying (by implication) is that God does not do the explicable. In other words, if it can be explained how a healing happened, then God is out of it, for God does not do that which is possible to explain. Thus, the definition of a miracle both in medical science and psychology is: that sort of healing which is scientifically inexplicable. This view is partly true in the sense that a miracle is the sort of healing that we cannot say how it happens even though we know who makes it happen; but there is no contradiction if God makes use of certain physical elements (say water) in effecting the healing. In a miraculous healing there is always an immediate cure where it would have taken medicine a longer time. This immediate or accelerated healing due to prayer offered characterises divine healing which saves a patient from protracted illness.

On the basis of scientific methodology, we must admit that if some miraculous healings are clearly inexplicable now, we have no reason to believe that it would not be possible to explain them in future. However, my argument still is that there is no rational justification now for believing that a particular healing which is inexplicable now can be explained in future. It is forbidden to bring religious mentality (faith and hope) into scientific investigation. That is just what psychology does when it cannot explain certain religious phenomenon and when it concludes: “perhaps in future, this or that can be explained.”

Jude Okalia Mbukanma OP.

Conclusion

Medicine heals. God heals. However, when medicine lacks the needed potency to effect healing when it is required, Almighty God can be called upon to do the healing so as to save his child from protracted illness. However, divine healing is uncalled for where it is within the power of a secondary means which nature provides, for to resort to prayer in such a situation is to ignore what Einstein in his *The World As I See It* calls “the universal operation of the law of causation”. It is unreasonable to do this for it is not clear whether God will listen to the petitions of such a person, who rejects all the provisions made in nature for the healing of the sick in preference for prayer for divine healing.

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**Interrogating the Nexus Between Human Resources
and Economic Growth: Reflections and Notes on the
Nigerian Economy in the 21st Century**

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Abstract

Existing studies have established that there is a correlation between harnessed human resources and economic growth. In the case of most developing economy like Nigeria, this is most manifested in a meaningful interaction between man and the natural environment (fauna and flora), the high level of production (agricultural raw materials/ manufacturing) and exchange which takes place between the various peoples on the one hand and the people and the neighbouring states on the other. With this, the various peoples are able to develop and maintain structures that ensure economic growth. In this case, the main drivers of such economy are the people (with specific reference to the youths) with support of the state, which must ensure conducive environment for their mass participation to grow the economy. It is thus the relationship between this human resource managing the

Dominican University Journal of Humanities

natural resources and economic growth that the paper intend to interrogate, as well as why this seems not to be the case in Nigeria despite the abundance of such human and other resources (fauna and flora). The qualitative method is used for this particular research. Data obtained from primary and secondary sources were deployed to carry out the study with an analytical and narrative historical approach. This includes historical, descriptive and analytical approaches based on gathered evidence. The primary source for this research is based on field investigations conducted in the area and surrounding territories. Among other things, the data collection process includes semi-structured interviews with individuals. The research also uses historical documents from the national archives, relying on previous research conducted on issues of human resources, production and economic growth, in addition to documentary data taken from newspaper accounts, diaries, letters and verbal reports. Findings indicate that the present socio- economic situation the people of the present day Nigeria area find themselves particularly as it relates to constant decline in economic growth are evident of the long neglect of those features that sustained her before the colonial period and the inability to retrace her steps toward attaining self-sufficiency. The paper thus argues that unless the people and government make that conscious effort to put things right, she may never recover from the recession that has gripped the nation

Keywords: Economic growth, Human resources, Nigeria, Trade and agriculture.

Introduction

Historians as well as their counterparts in the field of Economics have argued that Economic growth is an increase in the production of economic goods and services, compared from one period of time to another. It can be measured in nominal or real (adjusted for inflation) terms. Traditionally, aggregate economic growth is measured in terms of gross national product (GNP) or gross domestic product (GDP), although alternative metrics are

Emmanuel Osewe Akubor and Ensa Touray

sometimes used. In simplest terms, Oxford Business Group 2020, defines it thus:

Economic growth refers to an increase in aggregate production in an economy. Often, but not necessarily, aggregate gains in production correlate with increased average marginal productivity. That leads to an increase in incomes, inspiring consumers to open up their wallets and buy more, which means a higher material quality of life or standard of living. In economics, growth is commonly modeled as a function of physical capital, human capital, labor force, and technology. Simply put, increasing the quantity or quality of the working age population, the tools that they have to work with, and the recipes that they have available to combine labor, capital, and raw materials, will lead to increased economic output.¹

Available historical documents as well as researches of economic historians have been able to establish the fact that there is a correlation between harnessed human resources and economic growth. In the case of most developing economy like Nigeria (before her entry into the world capitalist economy in the 19th century), this is most manifested in a meaningful interaction between man and the natural environment (fauna and flora), the high level of production (agricultural raw materials/manufacturing) and exchange which took place within the various peoples on the one hand and the people and the neighboring states on the other. With this the various people were able to develop and maintain structure that ensures Economic growth. In this case, the main drivers of such economy are the youths with support of the state, which most ensure conducive environment for their mass participation to grow the economy.

¹ What Is Economic Growth? <https://oxfordbusinessgroup.com/overview/>. Updated Aug 19, 2020. Accessed 4/12/2020

The above argument is hinged on the indexes of economic growth and development which existed in the area and support by the various theory of economic development as put forward by scholars. For example Rodney in his analysis was able to draw a splendid correlation between the environment, a well harnessed human power of those he described as being at the prime of life (youth) and economic growth². As far as the scholar is concerned every human society develops economically as its members increase jointly their capacity for dealing with the environment. He went on to opine that this capacity for dealing with the environment is dependent on the extent to which they understand the laws of nature (science), on the extent to which they put that understanding into practice by devising tools (technology), and on the manner in which work is organized. On the issue of the drivers of such development he was quick to point to the youths. He puts this thus:

The connection between Africa and Europe from the 15th century onwards served to block this spirit of technological innovation both directly and indirectly. The European slave trade was a direct block, in removing millions of youth and young adults who are the human: agents from whom inventiveness springs. Those who remained in areas badly hit by slave-capturing were preoccupied about their freedom rather than with improvements in production. Besides, even the busiest African in West, Central, or East Africa was concerned more with trade than with production, because of the nature of the contacts with Europe; and that situation was not conducive to the introduction of technological advances.³

² Rodney Walter, *How Europe Underdeveloped Africa*. Walter Rodney 1973, [http //www.marx|sts org/subject/africa/rodney-walker/how-europe/ch04.htm](http://www.marxists.org/subject/africa/rodney-walker/how-europe/ch04.htm) (4 of 88) [8/22/05 11:06:22 AM]

³ *Ibid* 17-18

Emmanuel Osewe Akubor and Ensa Touray

Relating how these were stolen way from Africa and used in the growth of foreign economy during the age of slavery, Rodney continued thus:

... the massive loss to the African labour force was made more critical because it was composed of able-bodied young men and young women. This was because the European Slave buyers preferred their victims between the ages of 15 and 35, and preferably in the early twenties; the sex ratio being about two men to one woman. This meant that Europeans often accepted younger African children, but rarely any older person. In this way, they shipped the healthiest wherever possible, taking the trouble to get those who had already survived an attack of smallpox, and who were therefore immune from further attacks of that disease, which was then one of the world's great killer diseases.⁴

From the above, it is thus logical to argue that population loss as such is highly relevant to the question of socio-economic development especially when seen in the light of the fact that these population taken away from Africa during this period growth played a major role in preparing Europe for both Agricultural and Scientific Revolution which at the end of the day led to Industrial Revolution. This was because it provided the necessary background to European development especially in the area of providing labour, markets, and the pressures which led to further advance. This has been summarized thus

So long as the population density was low, then human beings viewed as units of labour were far more important than other factors of production such as land. From one end of the continent to the other, it is easy to

⁴ Ibid

find examples that African people were conscious that population was in their circumstances the most important factor of production. Among the Bemba, for instance, numbers of subjects were held to be more important than land. Among the Shambala of Tanzania, the same feeling was expressed in the saying 'a king is people'. Among the Balanta of Guinea-Bissau, the family's strength is represented by the number of hands there are to cultivate the land.⁵

Thus, African economic development activities were adversely affected both directly and indirectly by population loss during this period, when they transferred such to the development of Europe under duress. The immediate effect was that African energies that would otherwise have gone towards their own self-improvement and economic development of the continent as a whole, was channelled towards the development of Europe. This, thus, became obvious in the food and agriculture sector in particular as various areas in the continent experience food shortage and starvation up to the eve of colonial rule. This was evident in the fact that Dahomey, which in the 16th century was known for exporting food to parts of what is now Togo, suffered from famines in the 19th century. This was because activities associated with this migration prevented the remaining population from effectively engaging in agriculture and industry, while those that would have otherwise done the job were employed as professional slave hunters and warriors to destroy rather than build.

⁵ Ibid

Emmanuel Osewe Akubor and Ensa Touray

Nigeria: Geographical Clarification and Peoples

Historical evidence in and around the Nigerian area have shown that the area from pre-colonial times have been one which is well endowed with rich human and natural resources. Summarising these resources as well as its importance for development, Scholars⁶ have observed that although the dominant geographical feature of the area are Savannah on the one side and the Forest on the other, however, there is this compactness about the Nigerian geographical environment which encouraged greater movement and interaction of peoples within it than with peoples outside it. This compactness comes principally from two factors. According to this school of thought, the first is the complementarity of the Sudan belt and the forest zone with the intervening transitional Middle Belt dominated by the Jos Plateau.⁷ This complementarity has encouraged the movement of people goods and ideas north and south across the zone. On the other hand, there has also been movement from south to north in mere historical times. The trans-Saharan trade of many Sudanic states had been based in part on products from the forest zone or Middle Belt. The second factor engendering compactness has been the essential unity of the river systems. These river networks provided routes of contact between people cutting across the north and south axis and supplementing it. Given such a geographical environment, there existed a good deal of interaction among different peoples in Nigeria from early times.⁸

Even in the 21st century, Nigeria which is regarded as the most populous country in Africa and the seventh most populous country in the world, is located in West Africa. Administratively, it

⁶ J. F. Ade Ajayi and E. J. Alagoa, "Nigeria Before 1800: Aspects of Economic Development and Inter Group Relations" in Obaro Ikime (ed.) *Groundwork of Nigerian History*, Heinemann Educational Books, Nigeria Plc, 1999, P.125, Ade Obafemi, "States and Peoples of the Niger-Benue Confluence Area" in Obaro Ikime (ed.), *Groundwork of Nigerian History*: 144.

⁷ Ibid

⁸ Ibid

Dominican University Journal of Humanities

is a federal constitutional republic comprising 36 states and its Federal Capital Territory, Abuja. It shares land borders with the Republic of Benin in the west, Chad and Cameroon in the east, and Niger in the north. Its coast in the south lies on the Gulf of Guinea on the Atlantic Ocean. It has been established that there are over 500 ethnic groups in Nigeria of which the three largest ethnic groups are the Hausa, Igbo and Yoruba. The country's oil reserves have brought great revenues to the country. Nigeria is a member of both the Commonwealth of Nations, and the African Union. Describing her people and population as great strength, Oxford Business Group (2020) opined thus

The country's other major resource is its people. With an estimated 184m people in 2015, according to the IMF, Nigeria ranks as the seventh-most-populous country in the world. Furthermore, it is predicted to rapidly climb through these rankings in the coming decades. With a current population growth rate of 2.7%, Nigeria is forecast to reach 440m people by 2050, ranking it as the third-largest country globally by demographic size (see Economy chapter). Given these trends, it is unsurprising that Nigeria is also a young country, with a median age of just 19. It is also increasingly urban. With the urban population growing at 3.75% a year, the share of Nigerians living in towns and cities will soon surpass 50% of the total population;... The most populous country and arguably the largest economy on the continent, Nigeria is widely regarded as an African powerhouse. With abundant natural resources and a young, dynamic population, the country has long played an important

Emmanuel Osewe Akubor and Ensa Touray

role on the continent and it has the potential to be a wider global player in the coming decades.⁹

In term of resources, the Nigerian area is richly endowed with human resources, biodiversity and diverse ecosystem suitable for the cultivation of different crops and rearing of livestock. It was also discovered that Nigeria's diverse climate, from the tropical areas of the coast to the arid zone of the north, make it possible to produce virtually all agricultural products that are grown in the tropical and semitropical areas of the world. In the case of the Jos area, it has been established that as early as 1910 about 120 pound of pure tin was obtained from a furnace receiving 280 pound of black tin. In this way one furnace could produce 20 tons per annum. It has also been established that the total annual production of tin before 1910 was about 40 tons which contrasted with 66.5 tonnes produced in Britain between 1156 and 1160. There were seven furnaces running day and night in 1910. The melted tin was shaped in the form of tin straw, each about nine inches long. Sixty six of the tin straws weighed about one pound and they were marketed in bundles of one hundred.

To ensure that there was maximal exploitation of the Tin resources during the colonial period, more hands were recruited from the people. In this way, at the peak of mining activity during the Second World War, the mine labour force which was as many as 120,000 workers became the largest concentration of industrial workers. But instead of constituting a militant force for the advancement of labour and the working class, the mine workers, concentrated their efforts on developing the European industries. This represented the beginning of the death of independence in Africa, and the beginning of dependence on the external world for survival.

⁹ Nigeria has great economic potential and abundant resources <https://oxfordbusinessgroup.com/overview/emerging-giant-its-rich-history-great-economic-potential-and-abundant-resources-nigeria-looks-future>

There was also the maximisation of tropical agricultural produce of the area for the European industries. Nigerians were lured into the production of cash crops, which they succeeded in, so much so that the northern part of the country became well known for the production of groundnut and the emergence of the famous groundnut pyramid. In the southern part of the country, cocoa, palm produce and rubber production thrived. Precious minerals include precious stones, Diamond, Emerald, Garnet, Opal and Sapphire, while precious metallic minerals include Gold, Iridium, Silver, Platinum, Iron ores, Lead and Zinc.¹⁰ This was as a result of not an advancement in technology, but rather the ability of the people to meaningful interact with the environment to produce that which is needed for survival.

The Nigeria Niger Delta is Africa's largest delta; with over $\frac{1}{3}$ made-up of wetlands. It has been established that the total area is 25,640 km², as follows; Low Land Area 7,400km², Fresh Water Swamp 11,700 km², Salt Water Swamp 5,400 km² and Sand Barrier Islands 1,140 km². These harbour natural environments of crucial ecological importance; rainforest, mangrove swamp forest that harbours many endemic species of diverse faunal and floral groups. Nigeria's mangrove forest ranked third largest in the world, has 95% (504, 800 hectares) are in the Niger Delta and 5.0% (95,000 hectares) in Akwa-Ibom state. These forests, due to their ecological functions and myriads resources - medicines, fisheries, wood for fuel and shelter, tannins and dyes, and critical wildlife habitats, provide sustenance for sustaining local communities.¹¹ The region is also endowed with substantial hydrocarbon deposits. Proven oil reserves as at January 2007 are estimated at 36.2 billion barrels (RWI, 2010) but the NNPC 2009 report puts the figures at 40 billion barrels. Also, natural gas reserves estimated at 159 trillion cubic feet (Tcf), and 182 Tcf are

¹⁰ National Archives Ibadan, NAI, 0094/196

¹¹ Crosdel O. Emuedo, Michael Abam, Blessing Oligbi, Environmental Insecurity and Erosion of Women Socio-economic Status in the Niger Delta, Nigeria. *International Journal of Science*, Volume 6:9, September 2017

Emmanuel Osewe Akubor and Ensa Touray

present in the region. This explains why the region is regarded as the twelfth richest area in hydrocarbon resources world-wide. The region presently accounts for over 90% of onshore and about 85% of off-shore oil production and also hosts the massive oil fields, technological and administrative infrastructure of the oil industry.

Generally, Nigeria is richly endowed. It is home to significant deposits of coal, iron ore, lead, limestone, tin and zinc. It has rich land and water resources that are ripe for further agricultural exploitation. Indeed, the agricultural industry remains a mainstay of the economy, accounting for 23.9% of GDP and upwards of 70% of the country's workforce (see Agriculture chapter). Approximately 83.7% of Nigeria's land area is agricultural, although only 40% is arable. Substantial water resources also assist the agricultural sector. The country has 230bn cu metres of total renewable water resources. This should help expand productivity through irrigation. As of 2012, only 0.3% (or 2930 sq km) of Nigeria's total land area was irrigated.¹² It was these massive resources as well as evidence of the human intelligence to manage them that attracted the early European powers to scramble as well as partition the country into economic blocs for maximum exploitation

Researches have shown that part of the problem of the Nigerian state is her inability to channel the human resources for meaningful development. This is because while policies are put in place by the government to enhance development, it is clear that the political class acts to the contrary. For example, while it is expected that government at various levels should create the enabling environment as well as establish different initiatives to empower people at the lowest ebb of the society, as part of efforts to empower them and alleviate poverty; it has however been established that some of these empowerments could best be described as funny and bizarre. Constitutionally, both the Federal and state governments often earmark certain amounts of money for

¹² Nigeria has great economic potential and abundant resources
<https://oxfordbusinessgroup...Op.cit>.

zonal intervention projects (ZIPs), otherwise called constituency projects, which are meant to spread development to the grassroots through the intervention of the people's representatives in the legislature. While some of these projects have had meaningful impact on the lives of the beneficiaries, others are bizarre and leave much to be desired.

The State, Human Resources and Economic Growth: Empowerment or Enslavement?

Presently, there are clear evidences of underutilization of human resources in the country especially though in their prime of life. This refers to those between ages 18 and 35, who ordinarily would constitute the active labour force. This is so because the government have not actively engaged them directly or indirectly. For example, in the area of Unemployment, the figures from the Nigeria Bureau of Statistics, shows that in 2017, specifically, during the third quarter of that year, 21.2 per cent of women within the labor force that were between the ages of 15 years and 64 years and willing, able, and actively seeking work were unemployed, compared with 16.5 per cent of men within the same period¹³. Similarly, the 2020 figure released by The National Bureau of Statistics shows that the unemployment rate rose to 27.1 per cent in the second quarter of 2020 from the 23.1 per cent recorded in the third quarter of 2018. The figures says that "For the period under review, Q2 2020, the unemployment rate among young people (15-34 years) was 34.9 per cent, up from 29.7 per cent, while the rate of underemployment for the same age group rose to 28.2 per cent from 25.7 per cent in Q3 2018. Most of these are women and girls,

¹³ National Bureau of Statistics, 2017; Akubor, E.O and Akubor, B.A (2021) Women, Rise against Economic Depression and State Repression: The Nigeria Example, , Misriqiya Journal, Faculty of Women, Ain Shams University, Egypt

Emmanuel Osewe Akubor and Ensa Touray

who would have contributed to the meaningful development of the society.¹⁴

Instead of making efforts to utilise the human resources described above by creating the enabling environment to engage them in meaningful economic production, the government decided to enslave them by giving them handouts. For example, in what has been described as empowering the youths for economic growth, the Wife of Bauchi State Governor, Hajiya (Dr) Aisha Bala Mohammed, organised an elaborate ceremony in July 2020 to unveil her empowerment package – bags of sachet water for rural women in Futuk community of Alkaleri Local Government Area. The sachet water empowerment generated controversy within and outside the state. But the spokesperson of the first lady, Murjanatu Musa Maidawa, argued that “Her Excellency and the Founder of Almuhibbah Foundation, while at Futuk, trained 250 women and youths of the area in various economic skills and empowered them with starter packages. These starter packs include Spaghetti making machines, flour, money and bags of sachet water.¹⁵

Similarly, Mr. Daniel Msughter Ukpera, a local politician in Benue State, empowered his people by donating bundles of ropes to Imande Akpu and Tse-Chagu communities in Makurdi to tie their goats. According to Ukpera, the initiative was in support of the state anti-open grazing and ranches establishment law introduced by Samuel Ortom, the state governor. He opined that the donation would further help in the ongoing campaign against open grazing and prevent animals from roaming the streets. In his view, if used correctly, the ropes are capable of reducing goat rustling by 70 percent and other cases of missing goats by as much as 65 percent.¹⁶

¹⁴ National Bureau of Statistics, 2020; Akubor, and Akubor, (2021) Women, Rise against Economic...Ibid

¹⁵ Polish, Cassava Stems, Ropes, Donkey: Politicians’ Bizarre Empowerment Schemes <https://dailytrust.com/politicians-bizarre-empowerment-schemes>

¹⁶ Ibid

Dominican University Journal of Humanities

Before now, the state governor had once distributed branded wheelbarrows (manual trucks) for which he was heavily criticised. However, the governor was quick to disassociate himself and his administration from such, arguing that his administration had numerous laudable empowerment schemes for youths but the wheelbarrow empowerment was not among. The administration had responded thus:

“The attention of Benue State Governor, Samuel Ortom has been drawn to pictures of wheelbarrows bearing his name and posted on social media suggesting that he plans to empower youths of the state with the carts. We wish to make it clear that the consent of the governor was not sought and he did not give approval for anyone to inscribe his name on the said wheelbarrows.”¹⁷

During the last dispensation, the lawmaker representing Kaduna Central in the 8th Senate, Senator Shehu Sani, stunned Nigerians when he distributed 100,000 transistor radio sets to communities in seven local government areas under his zone as Empowerment Project. The radio sets were shared in 2016 to members of communities in Kaduna North, Kaduna South, Birnin Gwari, Chikun, Giwa, Igabi and Kajuru local government areas. This in the view of the lawmaker was his way of contributing towards the political consciousness of his people since radio is the major source of information dissemination in the region with or without electricity.

In 2018, Borno State Commissioner for Higher Education and House of Representatives aspirant, Usman Jaha (Babawo), unveiled his youths empowerment package in what was referred to as Shoe polish kits for 5,000 Borno youths. This included a row of kitted shoe-shine boxes and bags of oranges donated to 5,000 beneficiaries in Gwoza. While the males were given “new

¹⁷ Ibid

Emmanuel Osewe Akubor and Ensa Touray

improved shoe shining kit” fully equipped with bucket, polish and brush, the women were empowered with wooden basket and bags of oranges. In a response to criticisms, Babawo responded thus:

The programme is my personal effort and it is based on the peculiar needs of the beneficiaries in Gwoza. All communities have their needs and these needs change from time to time. In my years as a politician who served at the Borno State Assembly before becoming a commissioner, I have always interacted with constituents before making any welfare intervention. I make interventions based on their peculiar needs.¹⁸

In the adjoining Kano state, Murtala Gwarmai, Senior Special Assistant to Governor Abdullahi Umar Ganduje of Kano State on Youth Development, organised a colourful ceremony at the state’s Ministry of Youth and Sports to distribute donkeys and other items to empower young people. Gwarmai also distributed motorcycles, bicycles, cash prizes worth N100,000, building blocks and roofing sheets among others. The governor’s aide said the decision to include the donkey in the list of items distributed followed the request made by one of the beneficiaries, who uses it to transport sand, gravel and blocks. The donkey empowerment, in his view would help improve the business of the beneficiary.

In Anambra state, a member of the Anambra State House of Assembly, Patrick Obalum Udoba, distributed bundles of cassava stems to his constituents. The lawmaker distributed the high yielding cassava stems so that his constituents can make up for what they lost in the 2020 flood disaster which affected their communities and their crops. The distribution of cassava stem was his best way to contributing to the lives of the youths and people of his area. The lawmaker had, in 2019, distributed two truckloads of cassava stems to his constituents.

¹⁸ Ibid

In the riverine Ijo territory, the member representing Southern Ijaw Federal Constituency in the House of Representatives, Preye Influence Oseke, distributed canoes and fishing nets to his constituents in 2020. The items were distributed to the beneficiaries after undergoing an intensive course (training with requisite skills to manage small and medium scale businesses effectively) organized in collaboration with Small and Medium Enterprises Agency of Nigeria (SMEDAN). The lawmaker's 2020 Zonal Intervention Project (ZIP) for youths and women also featured Conditional Cash Transfer to the indigent, distribution of cars, sewing machines, cyber cafe equipment, hairdressing, barbing, GSM repairs and welding tools amongst others.

These are some of the programs the political elites and government officials have often tagged Empowerment Projects, to which the country allocates billions of the country's currency under the Constituency Project. Through this, a large chunk of the Nigerian population have become tools in the hands of the politicians, who now use this as bait to lure them into doing their bids. In this way, human resources that would have been harnessed for Economic growth are being wasted on political rascality and thuggery.

Human Political Enslavement and Impact on Economic Growth and Development

An analysis of the supposed empowerment projects of the government shows that they are really not serious about developing human capacity for development and as such intend to enslave the youths whom they often employ as thugs during elections.

This has continually impacted negatively on the people and economy. For instance in 2020, Nigeria's inflation rate rose by 14.23% (year-on-year) in October 2020 as against 13.71% recorded in September 2020. This was contained in the consumer price index report, recently released by the National Bureau of Statistics (NBS). According to the report, the October figures indicates a persistent increase in 14 months and the highest

Emmanuel Osewe Akubor and Ensa Touray

recorded since March 2018. Also, on a month-on-month basis, the Headline index increased by 1.54% in October 2020, this is 0.06% rate higher than the rate recorded in September 2020 (1.48%). Specifically emphasizing Food inflation, the report continued thus:

... on the composite food index, a closely watched component rose by 17.38% in October 2020 compared to 16.66% recorded in September 2020. On month-on-month basis, the food sub-index increased by 1.96% in October 2020, up by 0.08% points from 1.88% recorded in September 2020. The major drivers of food inflation were increases recorded in the prices of Bread and cereals, Potatoes, Yam and other tubers, Meat, Fish, Fruits, Vegetable, alcoholic and food beverages and Oils and Fats.¹⁹

On what it described as Core inflation, it goes on thus:

The “All items less farm produce” or Core inflation, which excludes the prices of volatile agricultural produce stood at 11.14% in October 2020, up by 0.56% when compared with 10.58% recorded in September 2020. The highest increases were recorded in prices of Passenger transport by air, Hospital and Medical services, Passenger transport by road, Pharmaceutical products, Motor cars, Vehicle spare parts, maintenance and repair of personal transport equipment, Hairdressing salons and personal grooming establishments, Miscellaneous services relating to the dwelling, Paramedical services and shoes and other footwear.²⁰

An analysis of States with highest inflation, indicates that Zamfara State recorded the highest rate in the month of October

¹⁹ National Bureau of Statistics (NBS), September, 2020

²⁰ Ibid

with a 17.69% increase (year-on-year), followed by Sokoto State (17%), Ebonyi (16.91%), Bauchi (16.73%), and Plateau State (16.69%). On the flip side, Cross River recorded 11.5%, followed by the federal capital, Abuja (11.84%), Lagos (11.95%), Ondo (12.33%) and Kwara State (12.5%). In terms of the food index, Edo State led the list with 21.65% followed by Zamfara (20.88%), Kogi (20.58%), Sokoto (20.5%), and Plateau State (20.26%) while Ondo State recorded the lowest inflation rate with 14.23% followed by Ogun, Lagos, Bauchi and Gombe with 14.47%, 14.57%, 14.85% and 14.88% respectively.

The implication of the above is that the rise in inflationary pressure indicates a persistent decrease in the purchasing power of consumers especially at a time when the economy is on the verge of recession, characterized by increases in price of major food items and service fees. The irony of this is that while Nigeria's inflation rate hits 13.71% as food prices soar, neighbouring Ghanaian inflation rate drops for the 3rd straight month to 10.1%. This is occurring almost the same time Nigeria's food Inflation rises by 110.5% in five years²¹

The situation as described above have become so terribly that it has been established that citizens (Nigerians) taking loans to buy food as 68% of households suffer food insecurity²². This was revealed from figures obtained from The National Bureau of Statistics (NBS), which opined that 68 percent of Nigerian households experienced moderate or severe food insecurity in August as a result of the COVID-19 pandemic. According to the national longitudinal survey on the socio-economic effects of COVID-19 on Nigerian households, conducted by the bureau in August, 51 percent of households used loans taken after the pandemic began to pay for food items. In detail, the Report reads:

²¹ Samuel Oyekanmi (2020), Despite billions on agriculture, food inflation up by 108% since 2015.. ECONOMY & POLITICS, Nairametrics, November 16, 2020

²² <https://www.thecable.ng/nigerians-now-taking-loans-to-buy-food-as-68-of-households-suffer-food-insecurity>

Emmanuel Osewe Akubor and Ensa Touray

About one in four households were already indebted prior to the pandemic while nearly one-third have taken out new loans since the onset of the pandemic. The food security situation in Nigeria remains precarious, even as the lockdown restrictions continue to be loosened. The share of households experiencing moderate or severe food insecurity remained high at 68% in August 2020. Indebted households reported that 55 percent of the loans were obtained from friends or relatives. Loans obtained from more formal sources were far less frequent with only 9 percent of respondents reporting loans obtained from banks and microfinance institutions and 16 percent from cooperatives and savings associations.²³

According to the Report, the above could reflect barriers faced by Nigerian households to obtain formal loans in the face of a crisis and that many households instead must turn to friends and relatives for loans. The NBS reported that the overall share of respondents who are working is back to pre-pandemic levels. However, six percent of the respondents have not worked at all since the pandemic began while 60 percent have experienced periods without work; which according to the NBS indicates instability in the job market.²⁴

²³ Ibid

²⁴ Ibid

Economy Recession

Due to the nation's inability to develop her human resources to take advantage of the numerous natural resources scattered all over the nation, there is sole depend on the oil economy. With this, Nigeria can be referred to as mono-economy. In this way, it is also possible that any effect on world oil price will negatively affect the economy. It is therefore not surprising that the Nigerian economy in 2020 slipped into its second recession in five years, as the gross domestic product contracted for the second consecutive quarter. Statistics from The National Bureau of Statistics indicates that the nation's GDP recorded a negative growth of 3.62 per cent in the third quarter of 2020.²⁵ The country had earlier recorded a 6.10 per cent contraction in the second quarter. This has been described as the nation's second recession since 2016, and the worst economic decline in almost four decades.²⁶

According to Analysts, this is the impact of global market force on the price of crude oil. Crude oil accounts for nearly 90 per cent of Nigeria's foreign exchange earnings although it contributes less than 10 per cent to the GDP. It contributed just 8.73 per cent to the economy in the latest report. Oil production fell to 1.67 million barrels a day from 1.81 million barrels in the previous quarter, the lowest since the third quarter in 2016 when the economy last experienced a recession. The World Bank forecast the Nigerian economy will contract by 3.2 per cent in 2020, assuming the spread of COVID-19 is contained by the third quarter. The International Monetary Fund forecast a contraction of 4.3 per cent.²⁷ Before the pandemic and its attendant disruption, the Nigerian economy was expected to grow by 2.1% in 2020.

²⁵ The National Bureau of Statistics, November, 2020

²⁶ Ini Ekott (2020), Nigerian economy enters second recession in five years, Premium Times Nigeria November 21, 2020.

²⁷ Ini Ekott...Ibid

Emmanuel Osewe Akubor and Ensa Touray

Restiveness and Economic Decline

Researches have shown that one immediate impact of the non-engagement of her human resources in meaningful economic activities in Nigeria is the involvement of a large number of the youth in crime. This has impacted the economy negatively, especially with the involvement of the able-bodied men and women in kidnapping, as a result of its lucrative nature. For example it is on record that no fewer than 1,570 Nigerians were kidnapped between January and November 2020 in 366 reported cases by the Daily Trust. Investigations show that during this period, the kidnapping venture raked in over N311 million from payment of ransom by relatives of their victims, though they demanded over N6.9 billion from their victims. It has been established that the money paid did not include millions of naira paid by some families who chose to keep quiet because of threats or simply to have their peace. According to Adeniyi, T. et. al (2020), in November 2020 alone, over forty one cases were reported. On the frequency, Adeniyi, T. et. al reported thus:

...there has been an upsurge in kidnapping in Nigeria with 41 cases reported in November. The trend has spread to some tertiary institutions in Kaduna State while the Federal Capital Territory was also not spared with 31 reported cases in 11 months. Major arteries including the Abuja-Kaduna and Abuja-Lokoja roads have turned to kidnapers' hotspots, raising fears in commuters. The young and old have been victims. From the seven-year-old boy kidnapped in Katsina for which N3m ransom was demanded, to the 60-year-old Zainab Musa kidnapped in Niger State, many Nigerians are living in fear of the unknown.²⁸

²⁸ Adeniyi Taiwi, Haruna Ibrahim and Idowu Isamotu (2020), 1,570 Nigerians Abducted In 11 Months; Daily Trust, November 28. <https://dailytrust.com/1570-people-abducted-in-11-months>

The situation is even becoming more embarrassing considering the fact that even the nation's security outfits are not left out of the siege. Security operatives were also kidnapped within the year 2020. Among the victims were 12 Assistant Superintendents of Police (ASPs) who were seized and taken to an unknown destination in November. There is also the case of 10 Federal Road Safety Corps (FRSC) officials and four officers of the Nigeria Security and Civil Defence Corps (NSCDC) who were also kidnapped in September and February, respectively. An officer of the Department of State Security (DSS) was also kidnapped in September.²⁹

The frequency and danger of this to the nation has led to a situation in which the Sultan of Sokoto, Alhaji Sa'ad Abubakar, lamented the high rate of insecurity in the country especially Northern Nigeria, which is the food basket of the nation. The view of the leader is that the activities of the kidnappers is made the people unsafe for both the people and the farmers. Sultan of Sokoto, Alhaji Sa'ad Abubakar was quoted thus

.... bandits are fast overrunning the North as residents slept with their eyes open;.. they moved from house to house, village to village, market to market, with AK-47 rifles openly, purchasing foodstuffs and other items and even collecting change without any challenge from the security agencies...Security situation in Northern Nigeria has assumed a worrisome situation. Few weeks ago, over 76 persons were killed in a community in Sokoto in a day. I was there with the governor to commiserate with the affected community. Unfortunately, you don't hear these stories in the media because it's in the North. We have accepted the fact that the North does not have strong media to report the atrocities of these bandits. People think North is

²⁹ Adeniyi Taiwi, Haruna Ibrahim and Idowu Isamotu (2020), 1,570 Nigerians...Ibid

Emmanuel Osewe Akubor and Ensa Touray

safe but that assumption is not true. In fact, it's the worst place to be in this country because bandits go around in the villages, households and markets with their AK 47 and nobody is challenging them.³⁰

The manifestation of the above is the fact that days after this testimony was given, over 44 rice farmers were killed by suspected members of the Boko Haram while harvesting their crops in Zabarmari, a Borno community known for rice farming.³¹ The farmers were attacked as they were working on a rice field at Garin Kwashebe. Although the United Nations put the figure at 110, the Nigerian government completely denied this. However, about 39 other bodies were later discovered around the area.

Before this incident of slitting the throats of the Rice Farmers, it had been reported that bandits in northern Nigeria were demanding statutory "harvest fees" from farmers to access their farms at the beginning of the season and at the end of the growing season. It was reported that the few farmers who manage to cultivate are denied harvesting until they pay between N300,000 (about \$800) and N900,000 (about 2,400) per village.³² According to the BBC Report peasant farmers in Zamfara, Kaduna and Katsina states sometimes pay up to one million naira to harvest their crops. In some cases the gangs come back, kidnap some of the farmers and demand for more ransom. Some of the farmers have openly cried out to the government to come to their rescue. For instance, instance, resident/ Farmers of Dankurmi Village in Maru Local Government Area of Zamfara State pay as much as N800,000 as tax and N900,000 as harvest fees. This did not guarantee their security as they are also sometimes abducted and their farms invaded after payment. In the case of Sabuwa Local Government Area of Katsina, farmers would have to negotiate with

³⁰ <https://punchng.com/north-worst-place-to-live-bandits-operate-freely-sultan/>

³¹ <https://www.premiumtimesng.com/news/headlines/428527-breaking-over-40-farmers-killed-in-borno-officials.html>

³² British Broadcasting Corporation Hausa News Reports, November 2020

Dominican University Journal of Humanities

bandits before they are allowed to harvest their crops as several farmers have been killed by bandits in the local government area in 2020. The activities of these kidnapers and bandits have become so popular that they send messages of attack to communities or tax them large amounts of money before they allow us to go to farm. The same goes to farmers in Yankara in Faskari LGA, Katsina state along with several communities around, who were also asked to pay to allow them a grace period of four weeks to harvest. Some state governors have also been accused of giving tax payers money as ransoms to bandits. Recently residents of Dan Aji community in Faskari Local Government Area of Katsina State the Governor of Zamfara State, Bello Matawalle, had secured the release of 26 kidnapped girls, after paying N6.6 million (about \$!7,000).³³

Although the case so far mentioned are specific to the northern region, it is however important to note the impact is felt all over the country, as the price of foodstuff and other related farm products have continued to soar. For instance, The National Bureau of Statistics in November 2020, released a report on Food Price Watch for October 2020. From the report of the Bureau, the prices of poultry products, such as eggs, as well as other commodities, increased in price during the month under review. According to the Report, selected food price watch data for October 2020 reflected that the average price of one dozen of high breed eggs medium size increased year-on-year by 5.48 per cent and month-on-month by 1.47 per cent to N487.81 in October 2020 from N480.76 in September 2020. It further stated that the average price of piece of high breed eggs medium size (price of one) increased year-on-year by 7.92 per cent and month-on-month by 1.92 per cent to N43.72 in October 2020 from N42.90 in September 2020. Also, the average price of 1kg of tomato increased year-on-year by 31.81 per cent and month-on-month by 7.22 per cent to N307.63 in October 2020 from N286.92 in

³³ Abel Ejikeme (2020), 'Harvest Fees' the New Norm as Bandits Terrorise Farmers in Northern Nigeria, November 13, 2020 © 2020 Arise News - Part of the Arise Media Group

Emmanuel Osewe Akubor and Ensa Touray

September 2020. It further stated that the average price of 1kg of rice (imported high quality sold loose) increased year-on-year by 38.62 per cent and month-on-month by 2.75 per cent to N530.32 in October 2020 from N516.13 in September 2020. Similarly, the NBS stated that the average price of 1kg of yam tuber increased year-on-year by 35.11 per cent. The price, however, decreased month on month by -1.12 per cent to N242.87 in October 2020 from N245.62 in September 2020.³⁴

Similarly, Nigeria that was once a major producer, has become mass importer of all her consumable, even tropical produce. For example, up to the end of 1970s, Nigeria was a major producer of palm produce. Presently, despite the restriction placed by the Federal Government on palm oil importation, the inflow of the edible product has soared by 24.5 per cent. Findings revealed that the country imported 1.2million tons of crude palm oil valued at N368.8billion between 2018 and October 2020. According to the United States Department of Trade (USDT) data, the country imported 397, 000 tons in 2018 and 400,000 tons last year. Between January and September 2020, a total of 420, 000 tons was imported, leading to an increase of 14.29 per cent from the shipment last year. Also as at 2019, it was established that about \$500 million was spent by importers to ship 600,000 tons of palm oil into the country from top global producer.³⁵

With the above and the inability of the country to fund much of its budgets and projects, she has resulted to borrowing, leading to increase and rise in her debit profile. According to Aljazeera (2020), Nigeria has seen its debt stock rise sharply in recent years as the country tries to fund infrastructure projects and boost her fragile economy, which has been in and out of recession. The country's economy has been projected to fall into recession again,

³⁴ Okechukwu Nnodim (2020), Food prices increased in October –NBS, Punch Newspapers, Abuja

³⁵ Oluwakemi Dauda, Nigeria spends over N370b on palm oil importation, November 30, 2020. Copyright © 2020. All Rights Reserved. Vintage Press Limited.

due to the adverse impact of COVID-19 that has seen crude oil prices crash globally. Reports from the Debt Management Office, DMO have shown that Nigeria's total public debt stock increased by about N2.38 trillion, or \$6.593 billion, as of June 30, 2020. DMO in a statement noted that the country's total debt portfolio grew from about N28.628 trillion, or \$79.303 billion as of March 31 to over N31.009 trillion, or \$85.897 billion recently. Details of the increment, the DMO said, showed about \$3.36 billion came from Budget Support Loan from the International Monetary Fund (IMF), while the balance are new domestic borrowings to finance the revised 2020 Appropriation Act. The total external debt stands at about N11.363 trillion, or \$31.477 billion, about 35.65% of the overall outlay, against total domestic debt of about N19.945 trillion, or \$54.419 billion, about 63.35% of the total portfolio. Of the total external debt stock, the Federal Government accounted for N9.824 trillion, or \$27.214 billion (about 31.6%) of external debts; and N15.456 trillion, or \$42.814 billion (about 49.84%) of the domestic debts. The states and the FCT owe about N1.539 trillion, or \$4.263 billion (about 4.96%) of the total external debt figure, and about N4.190 trillion, or \$11.606 billion, (13.51%) of the total domestic debt figure.³⁶

The breakdown of the debt to World Bank's affiliate institutions showed the International Development Association (IDA) \$10.05 billion; and the International Bank for Reconstruction and Development (IBRD) \$409.51 million. Similarly, the debt to African Development Bank stands at about \$1.326 billion; Africa Growing Together Fund \$0.14 million; African Development Fund \$921.91 million; Arab Bank for Economic Development in Africa \$5.88 million; European Development Fund \$52.52 million; Islamic Development Bank \$30.22 million, and International Fund For Agricultural Development \$201.68 million. Going further, the Report Reads:

³⁶ Aljazeera NIGERIA (2020), Editorial on Nigeria's Rising Debt Profile, November 16 – Nov. 22, 2020 N200 ...first in breaking the news www.aljazeera.com Vol. 2 No. 157

Emmanuel Osewe Akubor and Ensa Touray

The fundamentals and benchmarks in the 2020 Appropriation Act were revised following the adverse impact of COVID-19 pandemic on government's revenues amid increased expenditure on health and economic emergency stimulus among others. The DMO said additional promissory notes would be issued in the course of the year, along with new borrowings by state governments which would further increase the public debt stock. Details of the debts stock, showed that the multilateral loans category consisted IMF \$3.359 billion, while the World Bank Group and African Development Bank (AfDB) Group is \$16.36 billion. The three financial institutions accounted for about 52% of the country's total \$31.477.14 billion debt stock.³⁷

It continued thus

Despite facing economic downturn caused by the COVID-19 pandemic, and characterized by contraction in economic activities, reduced capital inflows, trade decline across international borders, coupled with reduced government revenue as a result of decline in global crude oil price; Nigeria spent a sum of N1.21 trillion to service both domestic and foreign debts between January and June 2020. Notwithstanding these gloomy scenarios, there are indications that the nation is set to borrow fresh funds to fund part of its exigent domestic needs. It is even disturbing that states are not relenting to add up to this debt profile as we see some going behind the scene to get loans to fund so-called important projects. They should be critically verified and necessarily stopped. Again, it is worrisome that debt servicing in the budget of N1.21 trillion represents 11.2% of the total revised budget of

³⁷ Aljazirah NIGERIA (2020),..Ibid

Dominican University Journal of Humanities

N10.8 trillion for the year 2020, an indication that over 11% of this year's budget has been expended on debt servicing just half-year.³⁸

This report is indeed not an impressive one for a nation which was up till the end of 2019 described as the fastest growing economy in the world. What is even more worrisome is the fact that the country has gone cap in hand to a least expected source for funds. Nigeria became even alarmed when it was announced that the government is now focused on borrowing from Brazil with a fresh request for \$1.2bn to enhance the nation's functionality.

Unfortunately, while the country is declining in production, the industries remaining are fast folding up, while others are relocating to surrounding countries due to the inability of the state to create conducive atmosphere for the industries. For instance, a recent World Bank Enterprise survey reported that between 2009 and 2014, 322 private firms closed down in Nigeria due to stifling business regulations, corruption, and political environment.³⁹ In the same vein, over 196 manufacturing companies shut down their operations between 2015 and 2017 due to the biting recession. Prominent among the long list of manufacturing companies and factories that have folded up in Nigeria include: Berek Batteries; Exide Batteries; Okin Biscuits; Osogbo Steel Rolling Mills; Nigeria Sugar Company; Bacita; Tate and Lyle Sugar Company; Matches Manufacturing Company, Ilorin; Nigeria Paper Mill Limited located in Jebba, Kwara State; Nigerian Newsprint Manufacturing Company Limited, Oku-Iboku, Akwa Ibom State; and the Nigerian National Paper Manufacturing Company Limited in Ogun State. Others include Nigeria's six automobile assembly plants, namely Peugeot Automobile Nigeria Limited, Kaduna, set up in 1975; Volkswagen of Nigeria Limited, Lagos, established in

³⁸ Ibid

³⁹ Babatope Babalobi (2020), Of Nigeria's dying factories and exodus to Ghana. Punch Newspapers January 22.

Emmanuel Osewe Akubor and Ensa Touray

1978; Anambra Motor Manufacturing Limited, Emene, Enugu, set up in 1980; Steyr Nigeria Limited Bauchi; National Truck Manufacturers, Kano; Fiat Production; and LeyLand Nigeria Limited Ibadan.⁴⁰

Earlier between 1990 and 2009, about Thirty eight major textile companies closed down business in Nigeria, according to the Nigerian Textile Manufacturers' Association.⁴¹ These firms include Afprint Nigeria Plc; President Industries Nigeria Ltd; Aswani Industries Nigeria Limited; Nigerian Synthetic Fabrics Limited; and First Spinner Plc all in Lagos State. Others are United Nigeria Textile Limited; Arewa Textiles; Kaduna Textile Limited; Unitex Limited; Supertex Limited all in Kaduna State; Kano Textile Printers Limited; Asaba Textiles Mills; Aba Textile Mills Limited, Aba; Edo Textiles Mills Limited Benin, and Odua Textile Industries Limited, Ado Ekiti.

It is indeed not easy to comprehend that due to the bad situation in the country, these industries have all relocated to neighbouring West African states. Unfortunately, the sites and warehouses of most of these industries have been turned either to automobile sale stands and/or religious centers all over the country.

Conclusion

In this paper, an attempt has been made to interrogate the nexus between prudent management of human resources, meaningful interaction with the natural resources and economic growth. The paper is of the view that with the index displayed so far, the Nigerian state is yet to really focus on meaningful economic growth. The fact that it has refused to develop its human resources as well as diversify her economy, is a major issue. The government is not bothered about meaningful industrialisation as it seems to be contented with giving handout to the youths, as a way of enslaving them for political patronage. The role played by massive corruption in government places and the diversion of funds meant

⁴⁰ Ibid

⁴¹ Ibid

for development is also alarming. The country cannot boast of genuine increase in the production of goods and services, neither can it point to increases in capital goods, labour force, technology, and human capital. It does not reckon with increase in aggregated market value of additional goods and services produced, using estimates such as GDP. All these are completely absent in the Nigerian economic circle/system, thus indicating absence of economic growth. While the paper is aware that the dwindling fortune is not exclusively a Nigerian situation, it is of the view that an inward looking approach should have been adopted to fill the gaps rather than this embarrassing recourse to borrowing from countries that are already impoverished as in the case of Brazil, and other countries that ordinarily would depend on Nigeria for aids. There is, therefore, the need to focus on real industrialisation, diversification of the economy as well as provide the conducive atmosphere to develop the small and medium scale businesses.

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A Philosophical Appraisal of Absolute Claims in the Meta-Phenomenological Thoughts of Jean Luc Marion

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Abstract

This paper aims at a philosophical appraisal of absolute claims in the metaphysical and phenomenological thoughts of Jean Luc Marion. The paper proposes the position that making of absolute claims is neither a sign of weakness of reasoning or illogicality nor peculiar to metaphysics alone; it is a phenomenon that can be found in phenomenology as well. The essay then explores the idea of absolute claims in the phenomenological thoughts of Jean Luc Marion. Four concepts in Marion were discussed in the course of appraising his issues against metaphysics namely: icon and idol, gift and givenness, saturated phenomena and revelation. A careful analysis of the concepts shows that while Marion successfully purged himself from metaphysical phenomena, his phenomenological assertions are laden with absolute claims.

Keywords: Absolute claims, Metaphysical and Phenomenological assertions, Jean Luc Marion

Introduction

Almost every independent thinker in the history of human thought wants, if not to start afresh, at least to make a breakthrough that will convince the listeners of the insufficiency of the intellectual answers prior to

this particular contribution. Are we going to say that all our predecessors were wrong?¹

We have chosen the above quotation to introduce this paper because of its relevance to the topic of discourse. From Friedrich Nietzsche, the popularly acclaimed philosopher who proclaimed the death of metaphysics to Edmund Husserl and Heidegger who were the leading proponents of phenomenology; to latter thinkers such as Derrida, Emmanuel Levinas and Jean Luc Marion who “smuggled” theology into phenomenology or at best who attempted to use phenomenological methods to speak about theological issues, we have one unmistakable point running through their ideas - the desire to make a breakthrough in the intellectual world and of course the presumption that the intellectual heritage prior to them with its deep root in metaphysics was grossly insufficient and as a matter of fact a dead system of thought.

In this paper we argue for the position that making of absolute claims which is one of the reasons why phenomenology considers metaphysics out-dated is not an exclusive peculiarity of metaphysics alone but also a phenomenon of strong influence in phenomenology especially in the thought of Jean Luc Marion. This paper defines what “absolute claims” is; it looks at absolute claims in metaphysics and phenomenology. It examines Jean Luc Marion’s deconstruction of metaphysics, what Marion understands by phenomenology, discusses some concepts suggestive of absolute claims in Marion’s thought, and offers a critique of Marion as done by some scholars and finally, evaluation and conclusion.

A General Conceptualisation of Absolute Claims.

By “absolute claims” we mean any categorical statement or assertion that forecloses any possibility of negotiation or dialogue with opposing ideas. Absolute claims tend to look down on similar

¹ Raimundo Panikkar, “Religious Pluralism: The Metaphysical Challenge” in *Religious Pluralism* vol 5, ed. Leroy S. Rounner, (Notre Dame: University of Notre Dame Press, 1984), 109.

Lucy Happiness Ohanuma DHS

ideas and dismiss other alternate ideas as being inferior or outdated. This can equally apply to any system of thought or set of ideas that are not ready to let vanquished alternate ideas to thrive. John Hick asserts that "...the term *absolute* is not ...being used as a precision instrument. Its operative meanings are revealed in its uses, which are in fact various."² Although John Hick discusses absolute claims within religious pluralism context, his definition of the concept makes it applicable to the topic of this paper. According to him, absolute "strongly suggests uniqueness and the impossibility of being surpassed or even equalled..."³ The insight provided by Hick makes it clear that we can discuss absolute claims in metaphysics and phenomenology in the context of Jean Luc Marion's submissions.

Absolute claims come in different forms, conceptual, religious dogmas, scientific theories and political ideologies. One common denominator is the rigid, unyielding presumption that other viewpoints are not right or below standard.

While Marion displaces metaphysical way of addressing theological concepts, he replaces metaphysical concepts with new phenomenological concepts: such as idol and icon, saturated phenomenon, givenness, intentionality and distance, etc. The extent to which his discussions of some of the concepts chosen for analysis are addressed in terms of absoluteness is the direct aim and objective of this paper.

Absolute Claims in Metaphysics and Phenomenology.

That metaphysics makes absolute claims is not in doubt, even the etymology of the subject matter gives it away as such. The word is from the Greek words *meta ta physika* meaning beyond the physical. William L. Reese describes it succinctly:" The term thus meant 'the book beyond the physics.' In a conceptual sense, the

² John Hick, "Religious Pluralism and Absolute Claims" in *Religious Pluralism.*(Notre Dame: Notre Dame Univeristy Press,1984), 193.

³ Hick, " Religious Pluralism and Absolute Claims" in *Religious Pluralism,* 193-194.

description of metaphysics is, then, thought of as a study of ultimate, of first and last things, its content going beyond physics, or any other discipline.”⁴ Marie Baird⁵ gives us a broad insight to some of the absolute presuppositions of metaphysics. She describes metaphysics as a systematic understanding of what is. Metaphysics ultimately aims to uncover the ultimate ground of things, provide exhaustive analysis of what is. It has its roots in Aristotle’s Science of Being in general and ultimately the unchanging Being. The Being of metaphysics is the ground of other Beings. Metaphysics also assumes to be the correlation of Being and rationality. The problem of Being remains the central concern of metaphysics. That is the reason why most scholars define it in relation to Being; as a matter of fact it is generally regarded as the science of Being qua Being. Margrit Shildrick describes this point thus: “Metaphysics asks what it means for a being to be and understands the answer to this question as ‘Being.’ This Heidegger took to be “the Being of Beings.” This fundamental metaphysical position- endeavour to establish a truth about the totality of beings as such.”⁶

Attempts to portray metaphysics from a positive perspective cannot escape its absolute stance to issues phenomenology disagrees with. For instance John Sallis avers that: “Metaphysics...would have nothing to do with airy nothing; it wants to know nothing about the nothing. Nor would it have anything to do with such illicit trafficking back and forth between heaven and earth. Accordingly, metaphysics has always been suspicious of imagination.”⁷ This claim readily portrays

⁴ William L. Reese (ed), *Dictionary of Philosophy and Religion* (Expanded Edition), New York: Humanity Books,1998), 476.

⁵ The ideas expressed here are my understanding of the class note of Dr. Marie Baird,(PhD) a renowned phenomenology scholar on seminar on Theology 677-01 Special topics for spring semester 2010.

⁶ Margrit Shildrick, *Queer Phenomenology: Orientations, Objects, Others*” in *International Journal of Philosophical Studies* 17, no. 4 (October,2009) :300.

⁷ John Sallis, *Delimitations Phenomenology and the end of Metaphysics*, (Indianapolis: Indiana University Press,1995), 2.

Lucy Happiness Ohanuma DHS

metaphysics making absolute claim, since it wants to know nothing about nothing. There is no general agreement among phenomenologists about what the discipline is. There are many phenomenologies, one point however is clear: it is multidisciplinary. Phenomenology intersects with philosophy, psychology, theology and anthropology. The word phenomenology is from two Greek words: *phainomenon* meaning appearance and *logos* meaning study of, it can therefore be described as the study of phenomenon. Edmund Husserl and later his student Martin Heidegger have been generally credited to be the founding proponents of phenomenology though the history of the discipline predates them. While Husserl's phenomenology follows the trajectory of transcendental idealism otherwise known as constitutive phenomenology, Heidegger is considered to be the founder of existential school of phenomenology on which hermeneutical trajectory built on later. Both have profound influence on the thought of Jean Luc Marion, the scholar of interest in this paper.

Paul Gerner in his article titled, "Heidegger's Phenomenology as Transcendental Philosophy" offers a coherent definition of what phenomenology is. He writes: "As the name suggests, phenomenology is the study of Phenomena. But it all depends on what is understood by 'phenomenon.' By phenomenon Heidegger understands 'that which shows itself (*das sich-an-ihm-selbst-zeigende*)...Phenomenology in the formal sense is the letting be seen (*shenlassen*) of that which shows itself."⁸ Robyn Horner describes it succinctly as the "study of what gives itself to consciousness and how it is given."⁹ The definition proffered by Horner would seem to suggest that phenomenology is about physical objects and the way they are perceived by the sensory organs; Horner debunked such simplistic understanding in these

⁸ Paul Gerner, "Heidegger's Phenomenology as Transcendental Philosophy" in *International Journal of Philosophical Studies* 10 (1),17-33, (April 2002) :18

⁹ Robyn Horner, *Rethinking God as Gift: Marion, Derrida and Limits of Phenomenology*,(New York: Fordham University Press,2001) , 94.

words: “Phenomenology is not simply a means of examining that which is manifest as present, but also that which is unapparent. In fact, it is because phenomena are sometimes not readily given that phenomenology is necessary.”¹⁰

Our immediate concern at this stage is to find out if phenomenology makes absolute claims like metaphysics. While it is dangerous to make general statements or to isolate ideas and concepts expressed by phenomenologists, one is scarcely left with any other choice but cite relevant examples from scholars in this regard. First, there is no better scholar to begin with than Husserl himself. Paul Gerner has this to say about his phenomenology that is highly suggestive of absolute claim.

Phenomenology is the study of essences and relations between essences by means of *Wesensschau*, a kind of non-sensory seeing or intuiting of essences. The essential truths which phenomenology lays bare are a priori and because everything has its essence the a priori is not restricted to the merely formal but can pertain to literally anything e.g. there are a priori truths about sensation...¹¹

One cannot talk of essences without falling into metaphysical error of absolute claim. Moreover, the concept of *a priori* is absolute claim that whatever one is saying is self-evident truth.

Second, *Encyclopaedia of Phenomenology* asserts that, “From its inception, phenomenology shared the anti-metaphysical spirit of analytic philosophy, shared a belief in the importance of logic and mathematics for philosophy, and inspired a sort of minute, careful, ground level fieldwork avoiding generalisations.”¹² The above

¹⁰ Horner, *Rethinking God as Gift : Marion, Derrida and Limits of Phenomenology*, 85-86.

¹¹ Gerner, “Heidegger’s”, .20.

¹² Lester Embree, et al,(Eds), *Encyclopaedia of Phenomenology*,(London: Kluwer Academic Publishers,1997), 7-8.

Lucy Happiness Ohanuma DHS

statement obviously attempts to absolve phenomenology of absolute claims since it avoids “generalisations,” but its anti-metaphysical posture is no less an absolute claim than metaphysical absolute claim about Being. We need not look too far for evidence than the proclamation of the end of metaphysics by phenomenology. Jean Luc Marion himself makes this statement on metaphysics, “The end of metaphysics is thus in no way an optional opinion; it is a fact of reason, whether we accept it or not, it inevitably holds sway over us as an event that has arisen.”¹³ The statement is unambiguously clear on its absolute claim in favour of phenomenology against metaphysics. In the same write up, Marion attempts to exonerate phenomenology when he posits that: “Phenomenology is instituted by a tautological principle, the principle of non-presupposition...”¹⁴ The statement that follows does not seem to support that conclusion. He asserts: “There is phenomenology when and only when a statement gives a phenomenon to be seen; what does not appear in one fashion or another does not enter into consideration.”¹⁵ The double affirmation about phenomenon mentioned above sounds absolute in terms of reference. As a matter of principle, “Phenomenology demands of phenomenologists that they shall forgo particular closed systems of philosophy, and share decisive work with others toward persistent philosophy.”¹⁶ This attitude to scholarship as mentioned by Forrest Baird and Walter Kaufmann is a distinctive characteristic of absolute claim in relation to the systems of philosophy black-listed by phenomenology.

This paper has gone to some level to argue for the position that absolute claims are common to both metaphysics and phenomenology. The concepts, context and manner of expression

¹³ Jean Luc Marion and Thomas A. Carlson, “Metaphysics and Phenomenology: A Relief for Theology, ”*Critical Inquiry* , 20,no 4,Symposium on God, (Chicago: University of Chicago Press,1994), 578.

¹⁴ Luc Marion and Carlson, *Metaphysics and Phenomenology*, 580.

¹⁵ Luc Marion and Carlson, *Metaphysics and Phenomenology*, 580.

¹⁶ Forrest E. Baird and Walter Kaufmann, *From Plato to Derrida* (Fourth Edition),(New Jersey: Prentice Hall,2003), 1077.

may differ, but the problem is not peculiar to metaphysics alone. With this we have been able to set the background for Marion's deconstruction of metaphysics and his subsequent attempt to embark on phenomenology outside of metaphysics.

Jean Luc Marion's Deconstruction of Metaphysics.

For ages, the philosophical and theological question of God has been joined to the question of Being in metaphysics. As the prospect of metaphysics as the first philosophy ran aground, its failure also seemed to indicate that the notion of God shared similar fate; at least to some philosophers.¹⁷ Marie Baird situates the issue in contention in her commentary on Gianni Vattimo's philosophy of secularization that identified "a 'generative' kind of relationship, so to speak, between the Judeo-Christian religious tradition of Western culture and the decline of the metaphysical tradition evinced in the philosophies of Nietzsche and Heidegger."¹⁸ Nietzsche was the first philosopher that forcefully proclaimed the death of metaphysics. He declared the death of God, for him being is a fallacy and a vapour, the last smoke of evaporating reality. Iain Thomson asserts that, Martin Heidegger on his part embarked on a "ruthless critique of metaphysics."¹⁹ His destruction of metaphysical tradition leads him to the view that all western metaphysical systems make foundational claims best understood as "onto-theological." Metaphysics establishes the conceptual parameters of intelligibility by ontologically grounding and theologically legitimating our changing historical sense of what is. His labelling of metaphysics as onto theology helped turn

¹⁷ Luc Marion, *Metaphysics and Phenomenology*, 572.

¹⁸ Marie L. Baird, "Whose Kenosis? An Analysis of Levinas, Derrida, and Vattimo on God's Self-Emptying and the Secularization of the West," in *The Heythrop Journal* XLVIII, 48, no 3, (May 2007): 423.

¹⁹ Iain Thomson, "Ontotheology? Understanding Heidegger's Destruction of Metaphysics" in *International Journal of Philosophical Studies*, 8, no. 3, (October 2000): 297.

Lucy Happiness Ohanuma DHS

a generation of post-Heideggerian thinkers into anti-metaphysicians.²⁰

It is against this background that we can best understand Luc Marion's attitude to metaphysics. As a postmodern thinker, he shares the general resentment of the scholars of his era against metaphysics. But as a Christian who holds his faith in esteem Marion does not subscribe to the idea that with the death of metaphysics, the absolute Being (God) that metaphysics helped conceptualised died along with metaphysics. That is why most of his critics see him as dogmatic onto-theologian rather than a versatile phenomenologist that he is. His attachment to the God of metaphysics, even though under a different name other than Being, is in our opinion in this paper responsible for some of the absolute claims he made in his discussion of issues which we shall point out in our exposition of some of his concepts in the next sub section.

Marion attempts to recover a philosophical way of thinking about God beyond ontological categorisation; he holds that since philosophy has been deeply involved with metaphysics, thoughts about God can also go the same way. With Heidegger as the starting point Marion notes that the major problem confronting metaphysics is how it can claim intellectual authority over two different things: common being and the being per excellence. Metaphysics attempts to bridge the gap by intersecting a "ground" that combine the two poles (common being and being per-excellence) in a reciprocal relationship. In his words: "Common Being grounds beings, even the Being per excellence; in return, the being per excellence, in the mode of causality, grounds common being..."²¹ If one understands Marion very well, he seems to be of the opinion with the statement credited to him that "Being" is the creation of man, the "Being" created by man in turn created all beings and set the ground of all beings. In short the idea of being is a metaphysical idol. This he stated clearly in his work, *God Without Being*:

²⁰ Thompson, "Ontotheology" 298.

²¹ Luc Marion, *Metaphysics and Phenomenology: A Relief for Theology*, 576.

Being says nothing about God that God cannot immediately reject. Being, even and especially in Exo.3:14, says nothing about God, or says nothing determining about him. One therefore must recognise the impossibility, or at least the extreme difficulty, of thinking outside of ontological difference, in some way, directly suit the impossibility –indisputable and definitive-of thinking God as such.²²

In postulating a ground that links common being to the Being per excellence, metaphysics opens itself for its own downfall. Nietzsche actually aimed at that weak link in the armour of metaphysics to deal it a devastating intellectual blow that eventually crippled metaphysics. Marion in another writing of his built on the fact with his declaration that: “Metaphysics no longer provides a reason for Being, nor does Being have a place in metaphysics.”²³ The argument as crafted by Nietzsche is that while the absolute ground of Being confers legitimacy on metaphysics itself, the absolute ground cannot ensure its own ground. This metaphysics cannot shrug off. As metaphysics collapsed, its God known as the Being per excellence went down with it. As stated earlier Marion’s critique of metaphysics does not affect his faith in the Judeo - Christian God whose existence is based on Revelation because; “The question of God cannot be said to begin with metaphysics. But it seems - or at least it might once have appeared - that the question of God began to be closed from the moment when metaphysics was reaching its conclusion and started to appear.”²⁴

It is pertinent for us to point out that attempt by phenomenology to debunk metaphysics has not been left unchallenged. John Sallis for

²² Jean Luc Marion ,*God Without Being*, translated by Thomas A. Carlson, Chicago: The University of Chicago Press,1991.45

²³ Jean –Luc Marion, “Metaphysics and Phenomenology: A Summary for Theologies,” in *The Post Modern God: A Theological Reader*(ed) by Graham Ward, Massachusetts: Blackwell Publishers, 2002, 283.

²⁴ Luc Marion, 1991, 279.

Lucy Happiness Ohanuma DHS

example avers that the idea about the end of metaphysics is simply misleading, indicating almost nothing of the immense complexity of that phenomenon that the proponents pretend to name. For him “metaphysics cannot simply terminate. It cannot simply disappear, leaving everything else intact.”²⁵ Since Marion is the major scholar of interest in this paper, we shall briefly consider his reaction to the idea that metaphysics cannot end. First, Marion admits that the mere mention of the concept of the “end of metaphysics” arouses controversy.²⁶ He therefore embarks on a comprehensive answer to the problem in his work titled: *In Excess Studies of Saturated Phenomena*. Marion accepts the fact that there will be a continuous struggle between metaphysics and phenomenology. He writes:

For phenomenology which - claims to be a “breakthrough,” “a new start,” even one of the dominant figures of all contemporary philosophy—must inevitably recognize a primacy, or at least agree to have a primacy attributed to it. But has this primacy been sufficiently explicated? Its rupture with the metaphysical face of philosophy, a rupture always to be re-conquered and consolidated, demands that it define anew its new primacy- and in terms that repeat nothing of the three metaphysical definitions of primacy.²⁷

From the above Marion certainly concedes the fact that metaphysics is not completely vanquished. Since the establishment of the primacy of phenomenology is dependent on the continuous need to re-conquer and consolidate “ground” in the battle against metaphysics. Marie L. Baird introduced two concepts namely “kenosis” and “secularization” which we think clearly explained

²⁵ Sallis, *Delimitations Phenomenology and the end of metaphysics*, 18.

²⁶ Luc –Marion, *Metaphysics and Phenomenology: A Summary for Theologies*, 280.

²⁷ Jean –Luc Marion, *In Excess Studies of Saturated Phenomena*, translated by Robyn Horner and Vincent Berraud, (New York: Fordham University Press,2002).15.

phenomenological understanding of the end of metaphysics in her words:

Kenosis and secularization participate in the same refusal: the self –emptying event of kenosis presages a rejection of God as the absolute metaphysical structure of reality and points rather to Being as event-ful and as such, structurally debilitated. If we add the proliferation of competitive world views that have challenged the formerly’ self-evident’ hegemony of western culture, traditional western metaphysics has been cast into the dustbin of obsolete meta narratives.²⁸

The above submission of Baird clearly explained what Marion meant by phenomenological rupture with metaphysics. After debunking metaphysics, Marion proposes phenomenology as the first philosophy. The extent to which he succeeds in that enterprise is beyond the scope of this paper. Our effort so far is to set an adequate background for some of the phenomenological concepts of Marion which we shall analyse to determine if they can be regarded as absolute claims. It is pertinent to point out that his claim of primacy for phenomenology quoted above is an absolute claim in itself.

²⁸ Marie L. Baird, *Whose Kenosis? An Analysis of Levinas, Derrida, and Vattimo on God’s Self-Emptying and the Secularization of the West*, in *Heythrop Journal*, (June): 423.

Selected Concepts in Jean- Luc Marion's Thought.

This section will focus on the following selected themes in Marion's thought namely: the Icon, the Idol, the Gift, Saturated Phenomenon and Revelation. It is very difficult in a single paper to exhaust the ideas discussed by Marion in relation to each concept; this section however, intends to state as clearly as possible his understanding of the concepts chosen and find out if each has the characteristic of absolute claim.

The Idol and the Icon

The above heading is from the first chapter of *God Without Being* by Luc Marion. He claims that the two concepts belong to two distinct, and in many ways competing historical moments. "The idol does not indicate, any more than the icon, a particular being or even class of beings. Icon and idol indicate a manner of being for beings, or at least for some of them."²⁹ Marion obviously used the two concepts to denote a way of knowing or rather a way to understand phenomenality as it presents itself to consciousness. He holds that some certain beings can change from icon to idol and vice versa, such only change status when venerated but not all beings are capable of such a change.

For Marion the idol functions as a mirror, it does not allow the viewer to see beyond himself. Every time we attempt to conceptualise divinity in our own image, we embark on idolatry, an idol would be an image of God which leads the worshippers to a human experience of divinity. Moreover, whatever concept that limits God to the idea of the human is idolatrous. Despite the harsh description of idol by Marion, he believes that, "The idol never deserves to be denounced as illusory since, by definition, it is seen as – *eidolon*, that which is seen (*eido*, *video*). It even consists only in the fact that it can be seen, that one cannot but see it."³⁰ The

²⁹ Luc Marion, 1991, *God Without Being*,.7

³⁰ Luc Marion. 1991,9

idol is meaningful only when it is gazed at, without the human gaze the idol lacks meaning and is useless. The gaze makes the idol, not the other way round, Marion insists. In his words:

The idol depends on the gaze that it satisfies, since if the gaze did not desire to satisfy itself in the idol, the idol would have no dignity for it. The most common criticism of the idol asks with amazement how one can adore as a divinity that which the hands that pray have just forged, sculpted, decorated - in a word fabricated.³¹

Any attempt to have divinity within our grasp, or to be brought down to our level so as to be understood is also idolatrous. In the idol, the divine comes into visibility for which human gazes watch, but this advent is measured by what the scope of particular eyes can support, by what each aim can require of visibility in order to admit itself fulfilled....Thus the idol consigns the divine to the measure of a human gaze.³²

After addressing idol in relation to divinity, Marion turns his attention to conceptual idol which he could not discuss outside religious context. According to him, "When a philosophical thought expresses a concept of what it names "God," this concept functions exactly as an idol...The conceptual idols of metaphysics culminate in the *causa sui* (as Heidegger indicates)."³³ For him, attempts by Plato, Aristotle, to describe Being in terms of ontology, the attempt of Kant from a rational perspective, Heidegger's "*moralischer Gott*, the God of morality" and Nietzsche's declaration of the death of God of metaphysics are all conceptual idols and they constitute a lower mark of divinity.

The Icon however allows us to see beyond the self, it opens out to the invisibility; it does not reduce invisibility to the visible.

³¹ Luc Mario, 1991,10

³² Luc Mario 1991,14.

³³ Luc Marior 1991,16

Lucy Happiness Ohanuma DHS

The icon does not contain the visible, it does not contain God, it opens the horizon of the invisible other, the divine other. It provides a door way to the other. Icon does not fall into the problem of fixation to the self. The route that is travelled is the route of love not being. Marion brilliantly expresses the point thus:

The icon summons the gaze to surpass itself by never freezing on a visible, since the visible only presents itself here in view of the invisible. The gaze can never rest or settle if it looks at an icon; it always must rebound upon the visible, in order to go back in it up the infinite stream of the invisible. In this sense, the icon makes visible only by giving rise to an infinite gaze.³⁴

When I gaze at the icon, it is the gaze of God that looks back to me, giving me back to myself. The gaze takes in both the idol and the icon; however, while the gaze constitutes the idol as idol, the gaze is constituted by the icon in a reverse intentionality. When we gaze at the icon we find a gaze gazing back at us. The gaze precedes idol but does not precedes the icon, because when it gazes at the icon, it finds itself already gazed at. This is the basis for the reverse intentionality. A man by his gaze renders the idol possible in reverent contemplation of the icon; on the contrary, the gaze of the invisible, in person, aims at man. “The icon opens in a face, where man’s sight envisages nothing, but goes back infinitely from the visible to the invisible by the grace of the visible itself: instead of the invisible mirror, which sent the human gaze back to itself alone and censured the invisible, the icon opens in a face that gazes at our gazes in order to summon them to its depth.”³⁵

Marion attempts a comparative analysis of the idol and the icon. According to him, the icon allows itself to be traversed by an infinite depth. However, whereas the idol is always determined as

³⁴ Luc Marion.18

³⁵ Luc Marion 19.

a reflex, which allows it to come from a fixed point, an original from which, fundamentally, it returns...the icon is defined by an origin without original: an origin itself infinite, which pours itself out or gives itself throughout the infinite depth of the icon .The icon recognises no other measure than its own, an infinite excessiveness (*demesure*); whereas the idol measures the divine to the scope of the gaze of he who then sculpts it, the icon accords in the visible only a face whose invisibility is given all the more to be envisaged that its revelation offers an abyss that the eyes of men never finish probing...Thus, the accomplishment of the icon inverts, with a confounding phenomenological precision, the essential moments of the idol.³⁶

The idol and the icon provide the hermeneutic key through which one can best understand Marion's phenomenology as it intersects with theology. Marion leaves no one in doubt that metaphysical concepts and categories that theology depends on, no longer function as a "doors to the sacred" but have turned themselves to idols both in religious context and at the conceptual level. Metaphysical concepts ought to serve iconically in the human understanding of the divine but they have turned themselves to the end in themselves. Mankind therefore finds himself at the cross road of idolatry in many spheres of live and Marion makes no pretence about the matter. Idolatry must be consigned to the dustbin of history and we must begin to talk about God in new categories that will serve as icons rather than idols. The assertions credited to Marion above are definitive statements in their conceptualisation and expression. In the absence of an alternative to "icon" - the paradigm of phenomenology advanced by Marion - one is left with no option than to declare his "icon" as highly suggestive of an absolute claim, after all, Marion is convinced beyond reasonable doubt that "icon" has successfully displaced the absolute being of metaphysics which was hitherto a conceptual idol . In its place we have the absolute icon of Marion (as gift).

³⁶ Luc Marion, 1991, 20-21.

Gift and Givenness.

In his work titled, *Being Given: Towards a Phenomenology of Givenness*, Marion embarks on the task of disproving the metaphysics of “the real,” or what he calls the given in relation to givenness, and to give credence to its phenomenological formulation. Without mincing words Marion declares, “What shows itself first gives itself - this is my one and only theme.”³⁷ The givenness of a phenomenon is how it appears to the intuition and the way it makes itself known to the intention is epiphenomenal. Givenness is the bedrock of phenomenality. Marion argues against the metaphysical system in which the giver must give and the givee must receive. An example is onto-theology’s conception of the being *per excellence* who gives being to all other beings as the *causa sui*. He proffers four arguments to lay bare his thesis. First, he asserts that there should not be reciprocity of givenness, once an exchange takes place, the gift vanishes, as a matter of fact, true givenness demands no exchange. Second, he avers that, no repayment is due from the givee, not out of ingratitude by the givee but because God gives consciously and freely. Reciprocity is not necessary because unreciprocated gift is a gift even when unrecognised.³⁸ His third argument condemns givenness informed by ego. When ego is the motivating factor, givenness is not possible. The God of onto-theology that is “event-full” in the words Marie L. Baird, will readily fit in to Marion’s ego giver. The fourth argument posits that the notion of gift as gift must remain invisible in order to prevent the objectification of the gift by the giver. It is in non-appearance of the gift that givenness remains. This does not in any way hinder the potential of phenomenality of givenness.

³⁷ Marion Jean –Luc, *Being Given: Toward a Phenomenology of Givenness*, translated by Jeffrey L. Kosky, California: Stanford University Press,2002),p.5

³⁸ Luc Marion,2002,75-76.

For Marion, the gift does not need to subsist in presence in order to give itself. Gift is an alternative to being. He therefore refused to ground his concept of givenness in causality, instead he premised it on phenomenological grounds. According to him:

Givenness does not indicate so much here the origin of the given as its phenomenological status. Better, most often, givenness characterises the given as without cause, origin, and identifiable antecedent, far from assigning them to it. And it is sufficient that the given – the given phenomenon - gives itself starting from itself alone (and not from a foreseeing and constituting subject) in order that the fold of givenness is witnessed.³⁹

The effort of Marion here is to release givenness from the influence of being. For him, the gift does not become gift at the moment of reception from the giver. “The gift is given as such, in pure immanence, and without objective transcendence, when the potential giver feels the burden of givability.”⁴⁰ Horner clarifies that the gift must be “irreducible to my consciousness, and for this reason, what is important is not so much the reduction of the transcendence but the maintenance of undecidability in that very reduction.”⁴¹ In *Being Given*, Marion further elaborates his thesis about gift thus:

I have established that the description of the phenomenon of the gift does not govern that of givenness but depends on it, because the phenomenality of pure givenness destroys and is free of the reversibility of the exchange model that restrains

³⁹ Jean Luc Marion, *In Excess Studies of Saturated Phenomena*, 2002, 25.

⁴⁰ Jean Luc Marion, *Being Given: Toward a Phenomenology of Givenness*, 2002, 107.

⁴¹ Luc Marion, 2002, 181.

Lucy Happiness Ohanuma DHS

and warps the economy of the gift (and it alone). More precisely, if the gift can, by abstraction from commerce, be described from the perspective of the giver (without givee) as well as from the perspective of the givee (without giver), as soon as it is finally completely grasped in terms of the given phenomenon and as one of its (optional) derivatives, it must, in rigorous phenomenology, be described resolutely and essentially from a precise situation — that of the givee (possibly without giver or gift given) receiving the phenomenon.⁴²

In normal day to day economic activities, there is the presupposition that there must be a buyer as well as a seller but in phenomenology, there can be a giver without a givee, since the idea of gift is not an economic exchange but that of intentionality. Marion suggests that the gift does not depend on the recipient; as a matter of fact, the recipient can be phenomenologically suspended.⁴³ With this, Marion believes he has achieved a phenomenology of gift which avoids the loopholes of causality and reciprocity which is capable of opening the way in thinking of God as a gift. As a gift is given, so is phenomenon. And according to this reading of phenomenology, it becomes possible to be open to any type of phenomenon that may give itself.

This brief exposition of Marion gift and givenness is to enable us see if he makes absolute claim as far as the concept is concerned. One cannot but suspect absolute claim since his idea of gift cancels out being. His ideas of gift and givenness came under criticism by Deridda and Levinas. However, the arguments and

⁴² Luc Marion. 2002,251

⁴³ Robyn Horner, *Rethinking God as Gift*,(New York: Fordham University Press,2001),pp 125-126.

counter arguments between Marion and these other scholars is not necessary in this paper. What we have done so far is to offer an exposition of his concepts in relation to metaphysics and phenomenology, we shall in the next section attempt an evaluation of the work.

Evaluation and Conclusion

We began the paper with the presupposition that making of absolute claims is a phenomenon that is common to both metaphysics and phenomenology. The nature of metaphysics as an intellectual endeavor leaves no one in doubt that it makes absolute presuppositions, its claim to be the first philosophy and the science of Being that is the ground of all other beings is an absolute presupposition the proponents make no pretense about. Phenomenologists have since debunked that idea in strong terms. The deconstruction of metaphysics has ushered in its replacement with phenomenology as the first philosophy which holds that what gives itself to the consciousness has *a priori* phenomenality i.e. it is an object of study that is self-evident.

Most phenomenologists will not agree with the claim that the discipline makes absolute presuppositions. While phenomenology does not lay claim to absolute knowledge or solution to issues, scholars in the field in their attempt to argue for a position do make absolute claims and Jean Luc Marion is not an exemption in this regard despite his claim in *God Without Being* that: “Every pretension to absolute knowledge...belongs to the domain of the idol.”⁴⁴ It is interesting how Marion turns around in his work, In *Excess Studies of Saturated Phenomena*, to make the following declaration:

According to phenomenology, absolute certitude

⁴⁴ Jean Luc Marion, *God Without Being*, 1982.23.

Lucy Happiness Ohanuma DHS

resides in the affectedness of consciousness by lived experiences from every origin, not only, or even entirely, by thought of self, on the express condition, nevertheless, that these lived experiences accomplish a givenness -that they give themselves completely and irremediably and, in certain case, they also engage intentional objects on each occasion involved.⁴⁵

The statement quoted above is obviously not just suggestive of absolute claim but absolute presupposition in every sense of the word “absolute.” That Marion makes absolute claims is no longer a subject of argument but fact as shown above.

It is pertinent for us to point out that making of absolute presupposition does not imply weakness of reasoning or illogicality in presentation of ideas. It does mean that a scholar, no matter how cerebral he/she may be in his/her attempt to make a point, can argue to the point of exaggeration or resorting to the use of concepts that make sweeping generalisations or foreclose the possibility of any alternative claim. It is precisely from this perspective that we consider Marion’s use of the concepts such as: icon and idol, gift and givenness, saturated phenomena and revelation as absolute claims. Marion argues articulately and passionately for the position that these concepts provide an alternative to metaphysical presuppositions about Being and reality in general.

The next question we have to address is, if we can reasonably apply the framework mentioned above to the concepts of Marion discussed so far in this paper. We must take cognisance of the fact that there is a “distinction between the absolute and the effective content of an assertion. The distinction is meant to explain how some of our assertions can engage with the world and actually be true even if they involve a wrong, or even incoherent,

⁴⁵ Jean Luc Marion, *In Excess Studies of Saturated Phenomena*, 2002s.20

conception of things.”⁴⁶ The effective content of Marion’s concepts is reasonable and coherent, however, each concept makes absolute claim in opposition to a metaphysical phenomenon. We can only absolve Marion’s concept of absolute claims if and only if they are presented as another way of looking at issues addressed and not as replacements for them.

His icon and idol provides an epistemological framework for the perception (which he called gaze) and assessment of whatever gives itself to consciousness. His discussion of icon and idol restricts phenomenological assessment of what gives itself to consciousness to empirical level; an opposing view to idealism and rationalism in the stake on how to understand what gives itself to consciousness. It has been rightly argued by phenomenologists that Marion’s epistemological framework is eidetic reduction through which any phenomenon is stripped of any natural and metaphysical presuppositions until only its essential structure remains. Nevertheless, the manner of presentation of idol and icon by Marion leaves no room for dialogue. Something is either an idol or icon, or a phenomenon can be both icon and idol at different times depending on the gaze of the human person involved. The eidetic hermeneutic does not absolve “idol and icon” from absolute presupposition it represents. For Marion, “gift” cancelled or crossed out being, it is an absolute which Marion articulates in chapter three of *God Without Being*. His position on those concepts is clearly absolute presupposition about the phenomenality of the event, flesh, icon and idol and revelation.

In conclusion, the idea of conceptual absolute claims in metaphysics and phenomenology in the thought of Jean Luc Marion is an assumption made for the objective analysis of his stake in phenomenology as against metaphysics. Since Marion introduced new concepts to replace metaphysical concepts, it is

⁴⁶ Tobies Grimaltos and Carlos J. Moya, “Content, meaning and Truth” in *International Journal of Philosophical Studies*, 17,(no 2),299-305,2009.

Lucy Happiness Ohanuma DHS

imperative for us to look for a framework to assess his claim that metaphysics has ended and phenomenology has taken over as the first philosophy. We have to be sure that Marion is not “white washing” metaphysical concepts by presenting them as phenomenology. The stability of the contents and the coherence of his assertions in his commendable effort to isolate them from metaphysics offer us the ground needed for a critical evaluation of his work. Marion no doubt was able to make a break from metaphysics to phenomenology but his ideas discussed are laden with absolute presuppositions which make metaphysics odious to phenomenology.

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Dominican University Journal of Humanities

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Human Nature and the Challenge of Security: Toward the Attainment of The Common Good

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Abstract

Human nature, in its essence, consists in the ability of man to interrogate his condition and those of its environment through the faculty of ratiocination. However human nature per-excellence is substantially misrepresented by the demands of societal collectivity in the process of natural sociality. By natural sociality, it is meant a condition imposed upon us, especially in Africa, wherein incalculable dogmas, through the endorsement of adherence to social values and ethos are being ingested. The thesis of natural sociality which thrives on the principle of common good requires that individuals, as members of a community acquire the values and ethos which are believed to form a blue print for achieving common good. To this extent, there are two possibilities which define the experience so far. The first is that the idea of common good is no longer common. Second is that the idea of common good is transformed from being that which represents the mind of

Dominican University Journal of Humanities

the group (or at least its majority) into that which represents the mind of a powerful minority. This experience awakens a feeling of insecurity in the individual, after all, he is part of a community where he thinks his right will be protected, and goals, aspirations, destiny and dreams, achieved; hence the challenge of security. The point being made is that the basis of security challenges in a society is a misrepresentation of common good and is consequently an indication of a failed society. Thus, the paper argues that addressing the challenges of security in a society will require a reenactment of the society's idea of common good; and this can be initiated through a reawakening of rationality (which is a core principle of human nature), one that is inextricably tied with a critical outlook through which traditions and values, and more importantly the idea of common good can be subjected to further strictures, for the purpose of disbanding the challenges posed to security.

Key word: Human nature, Security, Common good, Natural sociality, Social ordering.

Introduction

Security is a fundamental human need and social necessity, so much so that it stands as a pillar for determining the success of any given society. In previous and recent times, there have been conventional and unconventional approaches employed in tackling challenges to security which have only led to little short lived progresses. Human nature, though not a product of society in some sense, has become a construct of it owing to its being subjected to the principle of common good (an embodiment of principles which can be identified as the traditions that form the core of natural sociality). The common good is a derivative of communality, a principle of social ordering, that provides the platform upon which people can flourish and live securely together, realizing their full potentials and achieving a genuinely human life. It would seem then that such principle of social ordering which is construed as capable of engendering commonality involving solidarity would be

John Olubunmi Thomas and Precious Iyogun

that which first recognizes the autonomy of the individual, especially the capacity to interrogate the conditions of his being and those of his world. However, the reality of natural sociality in Africa ignores the very foundation of such autonomy, especially with the heavy reliance on unquestionable traditions which have deterministic tendencies, thereby posing threats to development, and consequently the security which every individual hopes to achieve. Humans, societies are dynamic even to the extent of determining what the common good should be. Hence the relationship between society and security grows more complex and dynamic, opening us up to several new threats to security, ranging from chronic poverty, ethnic violence, economic and financial downturn, and unresolved aggression to mention a few. It is therefore argued that since security is a human need and a social necessity, humans should have ingrained within the core of their nature the potentials needed for addressing the challenge of security. At the core of human nature is rationality, identified as the defining principle of man by which he is distinguished from every other being. The purpose is not to deny the relevance of other perspectives that have been employed but to emphasise that since rationality forms a base for our ideas, there is need for a reconstitution of the rational and critical outlook with respect to the values, ethos, traditions and policies that embody the common good. This should serve as a catalyst for the progress of any perspective we hope to employ in addressing the challenge of security.

Society and the Good of Security

Talk about security naturally both in its normative and descriptive sense gives the impression that there is something that needs to be protected. It refers to measures that are taken to protect, a feeling of being protected, a pledge or promise of protection, a state of being secure, a precaution and defense against attack. Thus, the question we may want to ask is, what is being protected or what

ought to be protected, to what end is this protection geared and against what?

In answering the question of what is being protected and what ought to be protected, there is focus on what security does to the extent that reference is made to several entities eligible to be objects of security, ranging from land, properties, values and the like. If values, properties and the likes are to be protected, to what end? These entities are viewed as eligible for protection on the basis of utility to a certain entity of priority; human. As such, there is no dimension of security that doesn't have consequence whether direct or indirect on the human person.¹ Hence security can be said to be first of all a human need and this puts human security at the top of any other type of security.

The talk of security naturally imposes a consideration of its corollary, insecurity. Insecurity as a state of affair indicates the presence of challenge to security, necessarily the absence of protection which engenders certain conditions which may hinder individuals or group of people from attaining their full potentials.² As such, security serves the need to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life.³

Society refers to a group of humans who share common values and ethos and interact in a definable territory. The concept of society embodies, common civilization, culture, communities, social order to mention a few but has its root in the expression of the needs of humanity. This explains why human social life is ridden with traditions, cultures, morals, norms and values which, though impressing on essential human nature, is summed up as a means of adaptation to their natural environment.

¹ Boeckman, M.V, Schetter, C. 2009. Security; what is it, what does it do? Think piece. www.library.fes.de accessed 20-12-2019. 7:46. 5

² The ideas presented here are contained in www.yourdictionary.com

³ Baldwin, D.1997. the concept of security. *British International Studies Association*. 23. 1.

John Olubunmi Thomas and Precious Iyogun

From the classical age to the modern age, up until now, the concept of good human life has been inferred from an overarching idea of a universal good which is somewhat construed to transcend fallible human opinions; where humans are vested with the main task of understanding themselves and their own nature in relation to this universal goodness.⁴ This universal goodness embodies the assurance of the security of the goals and achievements of every member of the society. Thus it can be said that society owes its very existence to the basic human need for collective security, to the extent that security and society become synonymous because one presupposes the other.⁵ Even though the relationship between society and security is somewhat dynamic, it is often gauged with development. There appears to be a causal link between security and development so much so that one is seen to presuppose the other. Hence, the idea that security, as a basic human need, is a foundation for establishing a mutually constitutive nexus between development and security. In short, where there is security, there is bound to be development and where there is development, security exists. This explains why security and insecurity have been hot topics in relation to the dynamics of change and development in any society; especially Africa. It is however suggested that given the socio-political and cultural specifications of the African region, as well as the complex nature of conflicts experienced, there is need to develop a concept and vision of security tailored to African realities. And this will entail, not just designing frameworks for action but, a re-examination of the African mental outlook

The idea of security derives its foundation from both humanistic and social perspectives. Security is both a human and social need; as such the absence of it indicates a human and social problem. It is as much a problem as unemployment, poverty, ethno-religious intolerance and violence, terrorism, corruption, lack of specialized skills and unresolved agitations. Since security is as much a human need and a social necessity, it is imperative

⁴ Noonan, J. 2013. P3

⁵ Dinotrio, N. 2008. Security and society. *Global innovation outlook. 1*

that the quest for solving the problem of security be located in humanistic perspective and brought to bear on the social. It is from this perspective that this paper subscribes to the potentialities that are inherent in human nature as a viable tool for executing this task.

On Human Nature, Rationality and the Society

The notion of rationality seems to act as a binding factor in the relationship between the society and the nature of humans. Hence, it may suffice to acknowledge that human nature will seem unrelatable with the idea of society. This thesis presupposes just like Philosophers from Aristotle to Marx to Martha Nussbaum that humans share some nature in common across their differences of culture, ethnicity, gender, geographical location, age, and socio-economic status.⁶ Thus validating the idea of human nature invariably endorses the existence of non-human nature. This explains why the discourse on human nature seems to be divided into the traditional or standard perspective and the counter traditional perspective. By way of explanation, the traditional perspective argues that the fundamental difference between human nature and the non-human nature is the characteristic of rationality. Non-human nature is in most cases descriptive of non-human entities, particularly animals, which can act but are not rationally determined in their activity; while human nature is descriptive of humans, who can act and are rationally determined in their activity.⁷ Although there are disputations concerning the rational status of animals in contemporary scholarship, this is not the aim of this current study. However, it can be said that the traditional "standard account" of human nature claims that we have something which other animals lack; rationality.⁸ This view which was inaugurated by Plato and Aristotle claims that human beings are

⁶ Noonan, J. 2013. Human nature a life-grounding perspective. 1

⁷ Noonan, J. 2005. *Philosophy, human nature and society*. Philosophy and world problems. 3. 4

⁸ Zwart, H. 2014. *Human nature*. Berlin:Springer reference. 1

John Olubunmi Thomas and Precious Iyogun

basically rational animals; even though we share some characteristics with other animals, such as a natural inclination towards self-preservation and reproduction.⁹ The characteristic of rationality which is essential to human nature allows us to realize our goals in a conscious, considerate manner, relying on our knowledge of the world, rather than on preprogrammed instincts, like other animals tend to do.¹⁰ Thus, it may suffice to say that rationality allows us to systematically explore the world for the sake of using the knowledge acquired in a prudent way. However, rationality as well, as its correlate prudence is not simply a given but rather an obligation and capacity that requires development and refining through experience, training and education through a whole life time.¹¹ It is therefore seen as the ability to realize our goals in a conscious and evidence-based way, which allows us to devise and develop effective channels for achieving our goals. In this regard, human nature is not seen as some defined set of predicates or behaviors but a range of capabilities which, given just social conditions, human beings can develop according to their own interest and talents.¹²

Rationality with regards to human goals and experience therefore involves a critical approach to any phenomenon involving the progress and development of human and social life. A counter approach to the traditional perspective of human nature claims that human being lack something which other animals happen to have; the ability to adapt to and live up to the challenges of their natural environment through the use of their specialized body parts.¹³ However, to make up for this inadequacy, they engage in the formation and maintenance of social life as well as employ certain technologies which are products of their rationality. This underscores a common thread that runs through the argument

⁹ Zwart, H. 2014. *Human nature*. 2

¹⁰ Zwart, H. 2014. *Human nature*. 2

¹¹ Zwart, H. 2014. *Human nature*. 3

¹² Noonan, J. human nature from a life-grounded perspective. *Philosophy and world problems*. 3. 1

¹³ Zwart, H. 2014. *Human nature*. 3

Dominican University Journal of Humanities

on the origin of society ranging from historical, philosophical, sociological as well as biological theories of the origins of society; that society may have been instituted for the purpose of prohibiting dominance and violence for the sake of ensuring security on the route toward achieving development. All, these are achieved within the ambits of rationality.

Concerning the importance of Human nature on the discourse of security, the rational tradition best describes the goal of this paper. Popper identifies two attitudes which are usually employed toward human experiences; especially tradition. The first is an uncritical acceptance which is descriptive of a situation where one is naturally enmeshed in certain practices without even being aware of or having reasons for it. In such situations, ethos and values are seen as routine, or an unquestionable part of life with little or no examination of why they are accepted as such. The second is a critical attitude involving an acceptance, rejection of, or even a compromise on certain ethos and values; in which case, acceptance or rejection must be on good grounds, informed by reason.¹⁴ With respect to the idea of rationality, this paper is more concerned with the later. The intention of this critical attitude is not to reject tradition itself for no one could, according to Popper but to uphold a commitment towards it. The point being made is that rationality, which is a characteristic of human nature, requires or is inextricably tied to the adoption of a critical attitude if it is to make any meaning in the interrogation of human experiences. The understanding of taboos derives from Popper's reference to a tradition which provides for a rigorous, deterministic and inexorable interpretation of tradition as a conspiracy theory of society (CTS) which assumes that society would run according to certain predetermined force and blind designs.¹⁵ However, the continuous existence of any society requires an understanding, involving persistence of institutions and collectives which seems to

¹⁴ Popper, K. 1963. *Conjectures and Refutations: The Growth of Scientific Knowledge*. New York: Harper Touchbooks. 122

¹⁵ Popper, K. *Conjectures*, 125

John Olubunmi Thomas and Precious Iyogun

create a problem in terms of the analysis of individual social action.¹⁶

Critical attitude as deriving from the rational nature of man, is akin to skepticism. It is a condition, imposed upon us by not just nature but experience, which provides the capacity for man to constantly interrogate beliefs, conclusions and judgments in order to reduce self-deception or deception by others. We avoid deception when we constantly examine the basis or grounds for which we hold our beliefs. Critical attitude, as a form of skepticism, does not imply closeness to the external world in such a way an individual becomes an impenetrable windowless monad. It is the capacity for individual to hold a belief tentatively and to be open to new evidence about them such that judgment about the world and our experience of it is not immune to revision. By this assumption, nothing is apodictic or dogmatic¹⁷

Tradition on its own, implies not only telling a myth, but more importantly, the possibility of being challenged by the individual to whom it is told¹⁸. Thus, Popper maintains that the process of telling a myth in form of handing tradition down to posterity should necessarily be accompanied by an interface between the progenitors of such myth and its hearers in order to provide a fertile ground for the possibility of, perhaps, a better explanation and interpretation of them than the progenitors did.¹⁹ Consequently, there is then comparison between the role theories play in structuring natural environment and tradition which serves as tool for predicting the consequences of our actions in social environment. In social science, just as it is the case in natural science, tradition, under rigorous test of consistent pressure of criticism changes its character from being less qualitative to being more qualitative just as theories and myths when handed down. As

¹⁶ Popper, K. 125

¹⁷ Schafersman, S., 1994. "An Introduction to Scientific thinking and Scientific Method". 8

¹⁸ Popper, K., *Conjectures* 126

¹⁹ Popper, K., *Conjectures*, 127

such they are always accompanied by a second order tradition of critical examination²⁰.

Thesis of Natural Sociality and the Principle of Common Good

The sort of relationship that exists between an individual and the society continues to form the focus of scholarship in the discourse of Person and the Community. Kwame Gyekye beautifully captures the essence of this relationship in his defense of moderate communitarianism which presupposes the existence of communitarianism in its radical form. The expression of this relationship is reflected in the sort of social structure which gives effect to certain conception of human nature in the society. It is an attempt to give meaning to the existence of a mechanism involving the realization of hopes, aspirations, potentials etc. of individual members of the community on the one hand, and the continuous existence of the community itself on the other. This analysis is mostly represented in the disputations of its intellectuals²¹. What sort of social arrangement, therefore, is subscribed to by Africa?

At the core of Africa's moral and political experience is a communitarian social arrangement, the discourse of which has occupied a crucial place in scholarship, and is brought to bear on the question of community/individual relationship in Africa as this arrangement presents defining characteristic of African condition. The communitarian features of the structure of African societies are usually understood to present certain questions concerning ontological balance between the realization of goals, hopes, aspirations and potentials of individual members and the continuous existence of the community. Considerable scholarship, especially in the area of social consciousness in Africa, have continued to examine the relationship existing among, on the one hand, individuals who live in a society, and the community on the other. Whereas the radical communitarians such as Mbiti,

²⁰ Popper, K., *Conjectures*, 127

²¹ Gyekye, K.1997. *Tradition and Modernity: Philosophical reflections on the African Experience*, New York: Oxford University Press, 55

John Olubunmi Thomas and Precious Iyogun

Turnbull, Ruch, Kenyatta, Nyerere, Menkiti, Anyiam-Osigwe, Omoyajowo, and a few others argue for a unitive outlook to a theory of development for Africa in which her experience is characterized by a certain union and harmony dictated by communal values and practices; - a system that underscores idea of belongingness which places certain moral requisition upon the individual, the moderate communitarians such as Gyekye, Gbadegesin, Ogungbemi, Akinwowo, Oyeshile, et. al. assume that rational individuals belonging to human community are necessarily free and creative beings whose self-realization is made possible within the communal space. This latter position assumes that there is no such incompatibility between notions of “belongingness” and “Individual worth and Freedom” arguing that although the human person is a moral and social being, he is equally a rational and autonomous individual with the capacity to make choices, and so requires some minimalist level of consideration. To scholars like Oladipo, moderate communitarianism is no more than a version of radical communitarianism since it unnecessarily rejects a limit to moral responsibility of individuals²². The metaphysical question that surrounds the relationship which ought to exist between individuals who make up the society, and the community is that which examines the personhood of individual as to whether he is atomistic, self-sufficient, ‘impenetrable windowless monad’ and a non-relational being with an ontological priority over the community, or a communal entity with an ontological derivativeness.

Deriving from all of these therefore is the conclusion that seems to suggest a process in which human individuals are born into existing human society/culture over which they possess little or no control, and that human persons are essentially communal beings. Thesis of natural sociality is then revealed in the consideration of the fact that the communal nature of human person requires them to necessarily exist in a community, not as

²² Olusegun Oladipo, 2009, Philosophy and social Reconstruction in Africa. 121

isolated beings but as having natural inclinations toward others and must have relationships with them²³.

Gyekye aptly identifies the implication of a communitarian conception of a person in Africa.

That the human being does not voluntarily choose to enter into human community, that is, that community life is not optional for any individual person; That the human person is at once a cultural being; That the human person cannot- perhaps must not-live in isolation from other persons; That the human person is naturally oriented toward other persons and must have relationships with them; That social relations are not contingent, but necessary...²⁴

From these, the ontological derivativeness of individuals is naturally suggested and thus, the community is said to be logically prior to the individual. This is the position of the communitarians. However, it is a fact that individuals are born into community and so would be assumed that without individuals, there could be no community. Upon this assumption, it might be maintained that individuals are logically prior to community and thus, an ontological derivativeness of the community could be inferred. But this would be an absurd conclusion according to the communitarians. This, for them, only makes relationship between individuals and the community merely contingent and possible and thus trivializes the essence of a community. This arrangement, at best, may define aggregate of individuals whose interests are contingently symmetrical. In this sense, there can be no community for the reason of lack of shared meaning, values and bonding. The ontological derivativeness of the individual therefore is better appreciated in the sense in which the individual person is perceived to fully realize himself in terms of his aspirations, hopes,

²³ Gyekye, K., Tradition and Modernity, 38

²⁴ Gyekye, K., "Person and Community" 104

John Olubunmi Thomas and Precious Iyogun

decisions, goals, potentials, etc. within the context of the cultural community. This is in line with the understanding that the system of values a person inherits, the sort of choices he makes, the person he becomes, and the goals he pursues are all functions of the social structure. Gyekye maintains that these parameters are posterior to, and products of the cultural community²⁵. It is therefore in this sense that the logical priority of the community is deduced. Firmly represented in the cliché of the communitarians (Mbiti, Menkiti, etc.) namely; “I am because we are; and since we are, therefore I am”²⁶ are that the community is ontologically superior to the individual, that the natural sociality of the human person is a given, that the organic character or connection which is descriptive of individual persons in the community are all testaments to the superordinate status of the community.

Gyekye, a profound apostle of moderate communitarianism, seems to have concluded that the conception of human person is essentially communal in the sense in which the community defines the personhood of the individual. However, this seems inconsistent with our experience of certain quality of rationality or will which is also a fundamental aspects of human nature. Gyekye seems to recognize this but ignores its persuasiveness in fierce argumentation. Beyond sociality, an individual is also a rational, autonomous person with the capacity for moral worth. The thought initiated here concerns the fact that the idea of belongingness presumably articulated by the non-restricted form of communitarianism should not be misconstrued as stifling or suffocating the autonomy, dignity and intrinsic worth of the individual person. As a corollary of principle of natural sociality associated with the human person is the recognition of individuality and individual responsibility owing to his capacity

²⁵ Gyekye, K., 1992, “Person and Community in African Thought” in *Person and Community: Ghanaian Philosophical Studies*, 1, Kwasi Wiredu and Kwame Gyekye (Eds.), Washington D.C. The Council for Research and Values in Philosophy, 105-106

²⁶ This proposition was retrieved from the work of Gyekye, K., “Person and Community in African Thought” 102

to make choice and to initiate actions with consequences. Gyekye seems to argue that the individuality of the individual person, in spite of his community, imposes a necessary condition upon him for fulfilling his needs, goals and potentials within the competitive and intricate environment in which he finds himself. Failure to be responsible for situation of life makes an individual to become a burden to the community which then impinges on his personhood. A human person truly attains personhood, according to Menkiti, in the process of communality and incorporations. He maintains that the

The various societies found in traditional Africa routinely accept this fact that personhood is the sort of thing which has to be attained, and is attained in direct proportion as one participates in communal life through the discharge of the various obligations defined by one's stations. It is the carrying out of these obligations that transforms one from the it-status of the early childhood, marked by an absence of moral function, into the person-status of the later years, marked by a widened maturity of ethical sense-an ethical maturity without which personhood is conceived as eluding one.²⁷

Although Gyekye rejects Menkiti's view of incorporation, he nevertheless avers that it is by process of communality that individuals are integrated into the community. This is to suggest that whereas the community provides the fertile ground and enabling environment in form of ground norms and values, individuals reserve the right to flourish within such environment. In the defense of his moderate communitarianism, Gyekye aptly describes the status of individuality and communality of any society as that which is not absolute. The status of a society as

²⁷ This position of Menkiti was retrieved from the work of Gyekye Kwame, *Tradition and Modernity* 48 with the italicized portion appended by Gyekye

John Olubunmi Thomas and Precious Iyogun

either communal or individualistic, especially within the interpretation of social arrangement, is a matter of degree. Neither of the two may flourish nor develop without the other. Gyekye concludes therefore that the appropriate status between them should be that of equal moral standing.²⁸ However, Oladipo thinks Gyekye moderate communitarianism is not different from the ideological temperament of the radicals. This is perhaps due to Gyekye's conclusion that "the scope of our moral responsibility should not be circumscribed". He writes.

That the field of our moral acts should be left open: the scope of our moral responsibilities should not be circumscribed. The moral life which essentially involves paying regard to the needs, interests, and the well-being of others, already implies self-sacrifice and loss...there is, in my view, no need therefore, to place limits on the form of self-sacrifice and, hence, the extent to our moral responsibilities.²⁹

The Common Good

The principle of natural sociality, as clearly stated in literature, is a natural consequence of definition of human person's identity. But there is more to it. The desire to participate in community life presupposes that individuals seek to attain the development of his well-being and the full realisation of his potentials. By this token, every individual seeks access to the good and basic needs the community provides irrespective of religion or language affiliation.

The Common Good, literarily and according to Gyekye, is a good that is common to all human persons embraced within the context of a community. It is that sought by virtue of our common humanity and its attainment is essential for the proper functioning of the human community. It should not be a surrogate for the preferences of individuals who live in a society, for by such

²⁸ Gyekye, K., *Tradition and Modernity*, 41

²⁹ Gyekye, K., *Tradition and Modernity*, 73

understanding, it ceases to be common. The common Good, in its broad interpretation, is akin to human good and will usually not generate controversy as to what constitutes its content. In all cases, there is no disputation as to human desire for peace, happiness, prosperity, dignity, freedom and most importantly, security. These desires are imposed upon us by nature and we would almost always not be in doubt of them. This is what everyone in the community would desire to have access to since they are commonly shared values and therefore is referred to as common good.³⁰

This common good embodies the dignity of human person and the importance of solidarity. It refers to what belongs to all by virtue of our common humanity. It is “a sum total of social conditions which allow people either as groups or individual to reach their fulfillment more fully and easily”³¹. The common good provides the platform under which people can flourish and live together realizing their full potentials and achieving a genuinely human life. It seeks to define the integral human development which requires that people are emancipated from hunger, poverty, hardship and illiteracy. It calls for opportunity for education, creating vision of true partnership and solidarity amongst people. It provides for active participation in economic and political processes while recognising the spiritual embodiment of everyone.³²

The social condition of man involves the understanding that we are essentially relational beings – social beings – by virtue of which human universal concern is attained subject to those conditions readily available to all men. In realizing common good, therefore, the ideas of isolation, individualism and self-sufficiency of individual are counter intuitive for they seem to distort the

³⁰ Gyekye, K., *Tradition and Modernity*, 44-47

³¹ This text is the summary of the position of Bishops’ Conference of England and Wales, (2010), on *Choosing the Common Good*. London: Alive Publishing

³² Bishops’ Conference of England and Wales, (2010), *Choosing the Common Good*. London: Alive Publishing

John Olubunmi Thomas and Precious Iyogun

condition necessary for humanistic account of rationality. Jeremy Bentham sees the common good as the sum total of the interests of all that live in a society. For Jean-Jacques Rousseau, the General Will, signifying the will of the sovereign, represents the single will expressed by the sum total of the wills of all citizens who have entered into social contract for the purpose of the common good.³³ Will Kymlicka identifies a subtle difference of the conception of common good in a libertarian or individualist structure and that of communitarian. In the former, the common good is a product of the combining preferences of individuals in leading a good life so far as such preferences are not given consideration from a public space. This is what it means for preferences of individuals to have equal weight. He however agrees with eminent communitarians in maintaining that common good, for a communitarian structure, implies recognition of good life defined by the community. It does not adjust itself to the preferences of the individual members but provides a framework by which diverse preferences are evaluated. The community's ethos and values form the parameter for the principle of the common good and an individual is adjudged a person to the extent to which he complies with these principles.³⁴ Marcus Ruskin avers that the common good can only be achieved through an exercise of rational device. This is to suggest that the respect for common good begins with the freedom possessed by individuals to act according to his/her purpose without interference from others. This is somewhat reflective of the libertarian conception of the common good. However, Ruskin makes a difference in his thinking which we suppose differentiates him from his associates. According to him, acting independently therefore derives from norm of conscience and this defines a condition necessary for the development of the human person. This norm of conscience serves as the universal criterion without which

³³ Stumpf, S., and Fieser, J., 2008, *Philosophy: History and Problems*. 7th ed. New York: McGraw-Hill, 264

³⁴ Kymlicka, Will, 2002, *Contemporary Political Philosophy*, Oxford: Oxford University Press, 220

no one, by their criterion, can live a meaningful and fulfilling life.³⁵

Human Nature and the Challenge of Security: Toward the Attainment of Common Good

The challenge of security in society can only begin to be resolved when we begin to understand the nature and goals of the society in question. The African social consciousness is undergirded by a certain reverence for tradition through which social activities are structured. This veneration of tradition is so imbued in the core of the African society to the extent that there is lack of respect and relevance for, and among individuals. In literature, scholars have reacted to such social structure specified by the tenets of communalism as ignoring the crucial exercise of the individual's capacity for reasoning and willing. Deriving from Gyekye's analysis is the fact that individuals are accommodated, socialized or communalized, incorporated (Menkiti) and thus seen as human person in so far as he/she is willing to forgo his/her individuality and be subsumed under the group mind.³⁶ The idea of group mind has overtime been discovered to contain some elements of falsity. The Popperian idea of Conspiracy Theory of Society (CTS) brings our knowledge to this. The society's heavy reliance on tradition has necessitated its being opened up to conspiracy on all levels, with the domain of security bearing grievous consequences. The group mind of a society is usually construed as being borne out of the traditions and cultures that inform their thinking, as well as the common goal that binds them together. Reference is made to Rousseau's 'general will' Bentham's idea of common good, and also Kymlicka's understanding of common good, which endorse the impression of sum total of will and interest of all individuals

³⁵ Marcus Ruskin, 1986, *The Common Good: Its Politics, Policies and Philosophy*, USA: CRC Press Books, 33

³⁶ Olufemi Taiwo, 2014, *Africa must be Modern: A manifesto*, Bloomington: Indiana University Press, 36

John Olubunmi Thomas and Precious Iyogun

who are a part of the said social setting.³⁷ This sum total of will and interest implies a recognition of good life defined by the society in question. However, Olufemi Taiwo thinks there are certain individual's attributes such as mine and yours which tend to make such communalizing pseudo. He writes.

in societies marked by high levels of social differentiation sometimes manifested in hierarchies marked by superordinate/subordinate relationships, it rings less true to speak only of horizontal relations marked by mutual concern and coordinate or complementary status. In such situations, we must expect some relationships characterised by inequality, marked by exploitation of some by others, whereby many produced surplus enough to enable some to live without having to work, and so on³⁸.

The position of Taiwo only shows that it cannot be maintained that "I am because we are". The sort of social structure in which communalist cliché would work is that of a small, size undifferentiated population with unanimity of opinions³⁹; a feature which defines a homogeneous traditional society. Experience in contemporary African society, has shown that what we call common good, general will, and or group mind has invariably gone through some twists; such that there is a form of hijack, misrepresentation of it. Social differentiation has afforded some persons with immensely great social power that enables them to influence the group mind in such a way that the powerless majority are subjugated under the conquest of the minority in the guise that they are propagating the group mind in a bid to achieve a common good. To this extent, it is argued that the challenges of the

³⁷ Stumpf, S., and Fieser, J., 2008, *Philosophy: History and Problems*. 7th ed. New York: McGraw-Hill, 264

³⁸ Olufemi Taiwo, 39

³⁹ Olufemi Taiwo, 38

contemporary world require that individuals are imbued with the capacity to engage their existential realities such as the challenge of security in Africa, and especially in Nigeria. It has been earlier explained that the idea of the common good of a society is a definition of its citizen's idea of a good life, which invariably is a marker of progress and development. Thus, when the citizens perceive the society, its leadership, actions and policy taking a faraway position from its originally planned goal, they feel threatened, resulting in some form of alienation. This condition of being threatened leads to a shortfall in the level of security stemming from the psychological level, moving into other levels of reality, ranging from economic, to political and so on. In this regard, it may suffice to say that when there is a genuine feeling of security, a foundation for development is laid and healthy development invariably builds up security. It may then be inferred that the idea of security and development are inextricably tied to each other. The realisation that on the basis of social differentiation, the common good which was once a product of a unitary alignment of expectations in the community is prone to possible hijack, sets a foundation for a critical look into the supposed individual/community relationship.

In spite of the intricate analysis emerging from the on-going discourse, Emile Durkheim, a French sociologist seems to provide a better understanding to the individual/community relationship especially in a contemporary world marked with complex social realities. His focus is more on how society can still maintain its integrity and coherence in a world where such instruments of cohesion have been eroded and can no longer be assumed. In the traditional societies, social structure was mechanical such that there were ground norms which held everyone together in a communal system which provided for collective consciousness. Although there were individuals who were deviant, laws were repressive to restrict people's freedom since solidarity was mechanical. Modern societies marked with heterogeneity are characterized by complex division of labour that provides for organic solidarity amongst individuals. This is because

John Olubunmi Thomas and Precious Iyogun

specialization in economic and social roles necessarily creates a condition of dependency in which people are tied together for the fulfilments of their needs since no one could do it alone. Whereas laws are repressive in societies with mechanical solidarity, they are restitutive in those with organic solidarity involving correction and restoration rather than punishment. This, for Durkheim, is the hallmark of complex civilization characteristic of the contemporary world. Durkheim thought that rapid change in society, due to the increasing division of labour, produces confusion regarding social norms, thereby increasing impersonality in social life. This state of affairs leads eventually to relative normlessness—that is, the breakdown of the social norms regulating behaviour, or what Durkheim calls “anomie” (alienation). It is then from the condition of anomie that deviant behaviours, such as suicide, terrorism, murder, banditry and host of other criminalities capable of threatening the security of a nation emerge. His resolution to this challenge consists not in the motivations and actions of individuals, in what he refers to as methodological individualism, but in social facts which are greater and significantly more objective than individual’s. Durkheim advocates the use of education in modern societies to achieve organic solidarity in such a way as to make individuals reasonably involved in the community without which he is likely to be alienated and thus deviant.⁴⁰

Conclusion

From the foregoing, the point being made is that the heavy reliance on traditions hampers individual’s ability for a critical outlook, thereby ushering us into culture that is less preventive with regards to the social vices we encounter, especially with regards to

⁴⁰ The position of Emile Durkheim as published in his edited book Durkheim, E.,(Ed.) 1983. *The Division of Labour in Society*, New York: Free Press, was retrieved from Richard Peet and Elaine Hartwick, 2009, *Theories of Development: Contentions, Arguments, Alternatives. Second Edition*, London: The Guilford Press. 113-114

security. What is then the place of critical attitude in all these? Without attempting to subscribe to the priority of the individual, and by implication, the ontological derivativeness of the community, the space of the individual must be forthwith considered with absolute urgency. The perceived attitude of silence on the part of individuals in Africa creates a condition which promotes a consciousness of mechanical solidarity that suffocates individual's freedom of expression. It is not in doubt that community is constituted by individuals and so, its legitimacy must be derived from individuals.

This paper, however, does not propose a dethronement of communalism by advocating for its converse. Rather, it attempts to bring to the lime light the reality of the 'individualness' of the human person involving a condition of 'separateness'. Decisions and judgements are made most times under this condition with little or even no recognition for social values. Actions and behaviours under such independent guise ought to be informed by what Marcus Ruskin refers to as 'norm of conscience' which serves as universal criterion without which no one, by their criterion, could live a meaningful and fulfilling life. This is the point, to our mind, where Popperian idea of critical attitude becomes an exigency. In the acquisition of values and ethos of a community, it is important to consider another very salient tradition of interrogating them. Popper advocates a process in which another account of traditions, and perhaps a better one, which has been handed down to us, could be produced. It is the condition imposed upon individuals by human rational nature, located at the sphere of natural humanity, that readily gives credence to the universal norm of conscience necessary for individual's action which ultimately aligns with the communal consciousness. By this, the emotional intolerance which characterises traditionalism would gradually fizzle out and a tradition which imbues in the individual person the background and certainty of purpose which makes him resist actions constituting threats to society is gradually on its way. This process we have described so far could therefore and presumably make a

John Olubunmi Thomas and Precious Iyogun

community a prototype of one in which challenges of insecurities are perceived as dissoluble or at least drastically reduced.

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Dominican University Journal of Humanities

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Philosophy and the Restoration of Public Trust in Governance

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Abstract

Philosophers the world over are the guardians of society. They dream up ideas and initiate principles useful for the regeneration of society and for advancement to a higher mode of consciousness for the enhancement of the comfort and happiness of humanity. This is why Plato pontificated that, “Until philosophers become kings or kings become philosophers, the society would know no peace”. The statement underscores the importance of philosophy and philosophers in the ordering of public affairs and in the survival of the human race. The restoration of public trust in governance especially in a society where greed and corruption have eaten deep into the mental fabric of society is a task not infrequently largely performed by philosophers (Momoh, 1986; Kant, 1998; Mwalimu, 2016). This paper aims to address the problem of mistrust in governance occasioned by corruption, mediocre performance and the regime of impunity by state actors. It identifies trust as the over-arching principle that bonds leaders and followers together in the delivery of public good; thus, establishing the thesis that trust is sacrosanct and sustainable if rooted in the fear of consequences and well cultivated moral character. In common parlance, “show me what a man fears and I will show you what he trusts”. The objective is to restore trust and confidence in governance and in the ordering of public affairs. It is

Dominican University Journal of Humanities

significant in the fight against corruption, the regime of impunity and the drift towards anarchy in governance. Campbell Shittu Momoh's theorizing on the principle of moralism and active oath-taking is a pioneering effort in this regard. The phenomenological methodology of going "back to the things themselves" and of letting issues speak for themselves will be explored in this intervention.

Keywords: Philosophy, Governance, Public trust, corruption, Moralism.

Introduction

Beginning with the Greeks of antiquity, some philosophical traditions have been emphatic on the need for abstract theoretical endeavours to be downloaded to address the concrete problems of human existence; even though a Universalist doctrine insists that philosophy deals with perennial issues and not about man's moral and ethical predicaments. Whether the latter perspective is correct or incorrect is beyond the scope of this paper. What is of interest here is that the patrimony of philosophy warehouses temperaments that are conducive to the paying of attention to practical matters, and it is this tradition that can be leveraged to reinvigorate the social order and restore confidence in the enterprise of governance.

Liberal social contract theories presuppose a triangle of trust between the government, owners of business and the people for order, peace and civilized progress to subsist in political societies. Whenever and wherever this triangle is breached or broken civil society becomes more and more restive; less and less supportive of government policies and programmes, and manifests a greater tendency and drift towards anarchy¹. This is why public trust is something not to be taken lightly or treated with levity and nonchalance by those who happen to be in control. Governance is

¹ Richard Bolden, 'The Shadow Side of leadership' *Effective Leadership*, 9 (2), 42-43 [Feb.2007] Available at:<https://business-school.exeter.uk/documents/papers/leadership/343.pdf> Retrieved on June 2006.

Jim Ijenwa Unah

about the delivery of public good, public well-being and public safety. It is the human machinery for executing or operationalizing government programmes and policies for the good and well-being of members of the society.

But quite often, as with the experience of several African States, real governance eludes society because state actors end up pursuing parochial, self-serving interests, at the expense of the people. The consequence of this state of affairs is that there is deficit in every aspect of the people's life. Budgetary allocations are made every year for the provision of basic infrastructure; with evidence of the funds being appropriated, and yet no infrastructure is provided. This is outright looting of public treasury by state actors and their private sector and multinational collaborators. A situation like this completely alienates and disconnects the people from government as corruption, bad governance and poverty ravage several states in black Africa. Thus, corruption, bad governance and abject poverty, which it heralds, take the centre stage and completely destroys public trust in the business of governance.

When a situation like the scenario painted above develops, as it has in several African countries including Nigeria, what should be done? How can public trust be restored? How can philosophy come to the rescue, and prevent a drift toward normlessness and anarchy? How can philosophy point the way concretely out of the malaise threatening the fabric of African states?

Phenomenology as a philosophical theory and methodology is a creation of the Western European continental intellectual tradition. That is no news. What is news is that phenomenology as a practice and way of life is basically African. As a theory, phenomenology invites us to look backwards as we head for the future. Its maxim is *Zu da sachen*²—"back to the things themselves". It simply means that one who is in a quagmire of any

² Jim Unah & Chris Osegenwune, *Phenomenology and Existentialism* (Lagos: Fadec Publishers, 2010), P.41.

kind must step backwards in order to move successfully forward into the future.

The Restorative Role of Philosophy

A very vital role which philosophy plays is the need to continuously interrogate or go back to the origin or foundation, at any point a problem is encountered. Human society is founded on trust and by trust it is sustained. Whenever this foundation appears threatened, it is the duty of philosophy to champion a return 'to the things themselves'. There is no doubt that most modern societies are threatened by an epidemic of moral turpitude. This epidemic has to do with an increasing mistrust in governance mainly occasioned by corruption, mediocre leadership and the reign of impunity, thus leaving no one in doubt of the collapse of the moral capital of the world. From individuals and families and to body corporate and state institutions, the reports make the rounds everywhere that a Niagara of moral swamp is cascading across the globe.

Akrasia-weakness of the will; knowing what is right to do because it promotes the good, without having the will or moral stamina to do it, seems to have afflicted mankind all over, especially in the developing societies of the world. The culprit in this scenario is usually the government for its inability to create adequate opportunities for economic activities to prosper and flourish. This has engendered lack of trust in the actions and policies of the government by the people. First, this expression of mistrust, comes as a demonstration of the feeling of alienation by the people in the way and manner the societies were imperially constituted. For this reason, a restoration of public trust would mean a reordering of the structures of the society. Secondly, there would be an overarching need for a return to moral building and character training. Thirdly, in rebuilding the people's trust in governance, active oath taking mechanism should have to be reinstated.

Jim Ijenwa Unah

The Problem of Identities and Collectivities

In the first instance, it is evident that many African societies, with Nigeria as a case study, had been structured on imperialist, colonialist and neo-colonialist arrangement. Thus, it requires no prophetic talent to prognosticate that any country structured in this manner could never attain the height of its potentiality, both within itself and within the comity of nations. Sadly, as if to add insult to injury, the near salvation of providing a regional power structure in Nigeria's Independence Constitution of 1960 which could have evolved and developed into a viable and competitive federal system was killed by the short-lived regime of military neo-colonial forces headed by the first military leader—General J.T.U. Aguiyi-Ironsi-- after the coup d' tat of 1966. More distressing still is that after the final return of the military to the barracks in 1999, the civilian politicians who had all decried the amorphous, confused unitary-federalist structure that makes a mockery of everything revered in political thought reneged in restructuring the country and returning power to the constituent, federating units; preferring to retain the fraudulent, exploitative power structure, bequeathed by Britain, that makes greed, corruption, treasury looting, tribalism and nepotism more attractive to state actors than the culture of political decency and sanity recognizable and enviable in the comity of nations³.

The Nigerian State is a classic example of a collectivity warehousing diverse and disparate identities. Identities are groups that are bound together by common languages, cultures, customs, traditions, mores, socio-psychological experiences and economic realities. Identities in modern African societies are nationalities that once existed as distinct groups with well-developed systems of social organization; enjoyed autonomy and determined the way they wanted to live, and even where they were conquered by stronger groups, they retained their autonomy, were allowed to keep their religion, their customs and traditions, and merely paid

³ C. S. Momoh, *Philosophy of a New Past and an Old Future*, (Auchi: African Philosophy Projects Publications, 1991), P.121.

tributes as vassal states to the imperial power; before the coming of British imperialism and colonialism.

When the British arrived at the territory now known as Nigeria, they proceeded to join uneasy bird fellows that once existed as separate autonomous kingdoms for administrative convenience and exploitation of material resources. The north had existed separately from the south, and neither the north nor the south desired or lobbied to be joined together as a geo-political entity. Even when the British made the effort to join what was then known as the northern and southern protectorates together, the identities resented and resisted the very idea of being put together, because such a union would erode their identity and autonomy and imperil their capacity for self-determination. After the Lord Lugard amalgamation of 1914, there followed several orchestrated constitutional conferences to produce working documents or operation manuals definitive of the power structure, the relationship of one group to the other, and preparatory to political independence.

In 1960, the colonial government emerged with an independent constitution that harboured three semi-autonomous regions namely the Northern, the Western and the Eastern regions, each with its own powers and spheres of influence. By 1963, a new constitution which created an additional Mid-Western region emerged; bringing the total number of regions to four. Both the 1960 independence constitution and the 1963 constitution set the pace for healthy economic competition amongst the regions; as each region generated its own resources and contributed fifty percent (50%) of all incomes generated to the Federal central government principally for the maintenance of External affairs and Defense. The regions were doing quite well economically; but political squabbles amongst the political parties and the manipulations of the central government in a way that arrogates undue influence to the Centre at the expense of the regions, generated so much heat and tension that culminated in a military coup d' tat; within which period, the country was turned into

Jim Ijenwa Unah

unitary-federal system at the Centre; thus, making the outbreak a thirty-month civil war in 1966, inevitable.

Evidently, since the unsolicited joining of autonomous identities or nationalities into an amorphous federation, the socio-cultural, political, economic and the moral life of the people has been pigeon-holed in a state of arrested development. The British have come and gone; although it could be shown that they are still lurking around, manipulating the country's leadership elite, and further and further alienating the people from governance. It stands to reason that a con-federal power structure in which the identities or nationalities could repossess their once cherished autonomy and capacity to determine and control their destinies compels attention.

The nationalistic desire of identities to regroup as distinct entities for greater capacity building of their people and to stimulate and promote greater impetus to social, economic, scientific, industrial and technological development of their kits and kins is not a peculiarly African or Nigerian phenomenon. It is rather a global phenomenon. Examples of collectivities that allowed identities to declare their independence of their unions, without needless blood-letting, are legion. The old Soviet Union dismembered into 15 independent republics, without needless bloodletting in 1991. Czechoslovakia broke up, no too long ago, into two independent countries. And the right to self-determination by distinct identities is now being recognized by international treaties and conventions to which many nations are signatories. The Nigerian State has been cited in international circles as one of the countries that have supported the struggle for self-determination by aggrieved identities. It supported the self-determination of the republic of Palestine against the State of Israel as well as the Saharawi republic against Morocco. Such a country cannot, in good conscience, be denying its aggrieved constituents their own right to self-determination.

Fortunately, in Nigeria the nationality question need not necessarily result in dismemberment if political actors have been socially disciplined and committed enough to restructure the country along the lines already provided for in its operations

manuals at the birth of nationhood in 1960 and that of 1963. To make the nationalities comprising the federation to have a sense of belonging and contribute with passion and commitment to over-all national development, a redefinition of the power structure to incentivize competitive growth is a compelling imperative. The earlier it is executed the better for the health and survival of the collectivity. It is also the quickest route to the return of public trust in governance.

Moral Principles and Character Training

The second vital point is that this moral collapse of public office holders is partly due to character deficiency; hence the question of moral character training comes into the front burner. First, character training should begin with childhood education. Education at the family, primary and secondary school levels should aim at character building to inculcate the eight pillars of character, six of which was originally identified by the American moral educator, Michael Josephson. Now, what are the eight pillars of character, and how can they be inculcated in young learners in the family and in the school system?

The first six pillars of character identified in character-count⁴ include the following; Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship. The seventh and eighth principles of character, which I think are critical, are Temporality and Discipline. These principles or pillars cut across political affiliations, religious persuasions and are not culturally and racially biased. So, they can be taught to all young learners, because they are the principles that bind humanity together; differences in culture, religion and language notwithstanding. In addition to this, there are other trans-cultural and trans-historical moral precepts by

⁴ Character Count: "The Six Pillars of Character" Available at: <https://character-counts.org/program-overview/sixpillars/> Retrieved July 3, 2017

Jim Ijenwa Unah

which traditional Nigerian communities inculcated the right social conduct and moral character in young people.⁵

For instance, the concepts of ‘omoluabi’, ‘iwa rere’ or iwa lewa, amongst the Yoruba,⁶ signifying that there is beauty in character far more important and valuable than physical beauty which fades away with time and bad conditions of living, and the concepts of ‘ezigbo ihia’, ‘onye-obi oma’ or ‘onye-obi ocha’ literally meaning ‘a good person’, ‘a person of good heart’ or ‘a person of white heart’ respectively, amongst the Ika people of Delta State. All of these could be harnessed to inculcate character in a systematic and sustained manner in the school system from early primary through secondary to tertiary education with the objective of producing human populations that are law-abiding and could co-habit peacefully with their neighbours in a democratic society and relate well with other human beings in a globalized world order.

I am quite aware that stakeholders are complaining already that there are too many subjects in the syllabi of the schools, and proposing a new subject of instruction altogether would be an over-kill. But if we, as Africans, cannot get it right because we have bred populations of young people that cannot feel remorse for wrong doing, that cannot distinguish what is right from what is wrong, that revel in impunity because they are bereft every iota of admirable moral character and humanistic values and virtues, how could we ever hope to produce responsible and ethically fortified and disciplined young adults who would run corporations and institutions of society with proficiency and professionalism? How could we, as teachers and minders of society, be eager and happy to be producing brilliant pastors, smart accountants, engineers, physicians and politicians who are totally lacking in morals and enduring human values and hope to midwife a peaceful, law

⁵ E.M.O. Anyiam-Osigwe, *Towards a Better World Order: The Family as its Basic Building Blocks*, (Lagos: Anyiam-Osigwe Foundation, 2013)

⁶ Timothy Awoniyi, ‘Omoluabi: The Fundamental Basis of Yoruba Education’ in W. Abimbola (ed.), *Yoruba Oral Tradition: Poetry in Music, Dance, and Drama* (Ibadan: University of Ibadan Press, 1975), pp. 357-388.

abiding citizenry who would run organizations and institutions of society efficiently and dispense social goods equitably?

Unarguably, knowledge, skills and competencies of theoretical, professional and vocational disciplines are critical in the scientific, industrial and technological transformation of society. Unfortunately, however, sound knowledge of theoretical, professional and vocational subjects, all by themselves, have not produced the desired objective of the scientific, industrial and technological transformation of African societies. Why is it so? The moral foundation of the architecture of society has not been provided. Until such a moral foundation is provided by the minders of society in the school system in a sustained and systematic manner no construction of the, scientific, industrial and technological edifice of society can be executed successfully.

Campbell Shittu Momoh argues that to restore public trust in Governance, there must be full enforcement of the ideology of moralism which is founded on the principle of self-preservation.⁷ It is the failure to achieve this that is fundamentally and largely the major reason why African states have not evolved disciplined citizenry that can be upstanding against the alluring blandishments of official graft, nepotism and sectionalism which destroys public trust in the activities of governance. Likewise, George Ngwane Mwalimu avers that the restoration of public trust in governance is dependent on how state actors promote meritocracy; whilst simultaneously building capacity of the entire citizenry in a holistic, inclusive manner. In other words, capacity building that results in professionalism, competences and skills for the citizenry should also ensure the survival of the weakly; but never in such a way that national creativity and talents are destroyed, in the bid to cater for those lacking in capacity, as that would be counter-productive and self-destruct.

All of these go to say that for public trust to be restored in governance, government must create adequate opportunities for human achievements of all sorts; not constraining every citizen to

⁷ Momoh, op. cit. p.130.

Jim Ijenwa Unah

be subjected to the same mode of competition and evaluation, as it is currently practiced in a host of African societies. There is no good reason, for instance, why young Nigerians in the North-eastern part of the country should be required to write the same kind of concessional examinations for entry into schools at all levels. It would not be out of place for some regions in the Nigerian State, for instance, to throw the school system open to children to acquire general instructions on a wide variety of subjects in human values; the essence and importance of the preservation of life, and the need for tolerance and respect for the other, and of course, the arts and sciences and vocational studies for skill acquisition. They need not be subjected to entry and graduation examinations; using only age and class attendance as the qualifications for certification, and issued *agrotat* certificates and degrees at the end of primary, secondary and tertiary education, respectively.

How Other Civilisations Inculcated Character

It is on account of the overarching importance of character in human capacity development which, in turn, propels the engine of scientific, industrial and technological transformation of societies that the broad theme selected for the twenty-fourth (xxiv) World Congress of Philosophy that held in 2018 in Beijing, China is: 'Learning to be Human'. Right from antiquity, the Chinese teach character to their young ones in their formative years with six literatures called the 'Six Classics'. Even now, the Chinese education system provides character training and general instructions in culture and human relations for the first six years of a child's life; thus, providing the child with moral and value orientation necessarily for the proper disposition to imbibe scientific, industrial, technological and vocational training for the transformation of the Chinese society. They have come out better for it in spite of their staggering population!

In the United States of America, pre-college philosophy with emphasis on creative, logical thinking and moral character training

is mandatory in the early education of the child. France, the leading European country that propelled the overthrow of feudalism and primordialism associated with the *Ancien Regime* in the eighteenth century, had developed philosophy for children in the Institute of Philosophical Practice in Burgundy; where it holds annual workshops on how to teach practical philosophy that inculcates character; after a long history of teaching philosophy in the secondary schools. In Israel, the Jews had been teaching their children with the principles laid out in the book of Proverbs, among other literatures. The Hausa-Fulani, the Yoruba, the Igbo, the Ika and legions of other ethnic nationalities in Nigeria have character training principles that are not harnessed for the Nigerian child's character education because they got confused and relegated in the scramble to teach the dogmas of prefabricated and imported religions that promote inter-faith hatred and stoke the fire of divisiveness and anarchy.

Evidently, colonial interruption in African life has stunted the moral development of Africans. And we cannot be going back to the colonial master for guidance if we truly wish to reorder the modern African life-world to recapture our historical essence⁸. The British do not go to a foreign land to find solutions to their problems. They go back to their roots—to their culture and traditions. The Jews, the Germans and the French do not scamper to other nations to seek for remedies when they find themselves in a social and moral dilemma. They go back to their roots. And that is what the phenomenological discipline promotes as the natural corrective for a people's spiritual and moral predicaments.

⁸ Chiedozie B. Okoro, 'Virtue in Politics: Towards an Afro-Ontological Analysis of the Common Good' in *Politics and the Common Good* (ed.) Joseph Ekong, (Ibadan: MP Publishers, 2017), p.72.

Jim Ijenwa Unah

Harnessing the Humanities

Thus, the redemption of Africa would not necessarily lie in the ground breaking achievements of Africans in the mathematical, scientific and technological disciplines; though they have their own uses and fantastic contributions to make for the comfort and happiness of Africans. The redemption of Africans lies in creating a valuable society⁹. It lies in the multi-disciplinary harnessing of the historical, linguistic and moral values of Africans – a task achievable by a radical repositioning of the Humanities¹⁰.

Without knowing where you are coming from, where you are going becomes indistinct and clouded, and under the circumstances nothing tangible can be achieved. The teaching of history, especially African history, from primary through secondary school to tertiary education is imperative if Africans must get their bearing right. In addition to national and cultural consciousness which historical knowledge furnishes, historical tourism, when properly harnessed could yield handsome revenue for African States. Similarly, if the Hausa-Fulani, the Yoruba, the Igbo and any nationality in Nigeria, for instance, could, by law, be prevented from using the official language when we have foreigners at whatever level, income could be earned by our local language teachers and experts functioning in such occasions as interpreters.

I should probably mention, by way of digression, that using African languages to conduct official business when hosting state actors and business leaders from European countries does not necessarily suggest that African languages should become the official languages or the languages of instruction in schools in multi-linguistic African societies such as Nigeria. The use of local languages in international transactions is targeted to provide

⁹ Bertrand Russell, *The Problem of Philosophy*, (Oxford: Oxford University Press, 1985), p89.

¹⁰ Olatunji Oyeshile, 'Idealism versus Pragmatism in the Production of Knowledge in Nigerian Universities' in *The Idea of an African University: The Nigerian Experience: Nigerian Philosophical Studies*, 11, (Washington DC: Council for Research in Values and Philosophy, 2007), p.95.

employment for indigenous interpreters and help in promoting and concretizing African identities and authenticity.

The main point of interest here is that Africa needs a conscious and concerted harnessing of its history, indigenous languages and moral values to get Africans out of the social, economic, political and moral debacles in which they are enmeshed today, with a view to driving the engine of scientific, industrial and technological development in the socially and culturally desirable and beneficial direction.

Active Oath Taking

The third approach in restoring public trust in governance has to do with the process through which people swear an oath of allegiance to assume public office. It has been contended that a home grown active oath taking mechanism would help in restoring public trust in governance. What is generally regarded as home grown mechanism here is the pre-colonial mechanism. It is home grown because it is built on the original African theory of being which is in tandem with the attitude of care, love for peace and the need for societal harmony. This is why there is efficacy in the active oath.

All over the world, when collectivities created by a coercive fusion of disparate identities find themselves in social, economic and political debacle and moral quagmire, such as Nigeria of today, they do not wish away the problem or pretend that all is well and head inexorably for the guillotine. They take a step backward to their root and cultural heritage to decipher where they derailed and recast their destiny to recapture their historical essence as a people.

Corruption as a Destroyer of Opportunities and Nations

The major source of worry and distrust of public officers is the embarrassing level of corruption in leading African countries, such as Nigeria. At the beginning when corruption in public office was rearing up its ugly head in the country's landscape, especially in the early 1970s shortly after the civil war and well into the 1980s,

Jim Ijenwa Unah

it manifested as the demand and the collection of ten percent of the total value of the contract awarded by the contract awarding and processing officers. At that time, contracts for road construction and rehabilitation; for the provision of urban housing and transportation; for the construction and maintenance of public hospitals and health care delivery institutions, and other basic social amenities were still executed.

Incrementally, however, corruption of public officers in Nigeria began to assume such an alarming proportion that it threatens to cripple the nation's economy; as funds appropriated and disbursed for the provision of basic infrastructure and amenities are completely squandered, with absolutely nothing to show for it. Every year, funds are appropriated, contracts are awarded for specified projects, and the funds are collected and expended, without the contract being executed at all. So, gradually, infrastructures such as roads and railways, electricity, hospitals, educational institutions, and opportunities for self-advancement of school age people came to be destroyed owing to the diversion and unavailability of funds.

Political parties make electioneering promises for the delivery of public good, public welfare and public safety that they have no intention of fulfilling at all. Years of failed promises by state actors and public functionaries, including an exploitative and extortionate private sector that are never really regulated and supervised, because they have bought over and compromised the regulators to look the other way, have not only increased the distrust of the members of the public for government programmes and policies, corruption experiences and perceptions have made the youths, the nation's active population, to be restive. Brigandage, hostage taking, kidnapping, and dare devil armed robbery have become commonplace occurrences. Worse still, bands of ethnic militias perpetrating acts of criminality challenge state authority and threaten open anarchy; with the authorities doing practically nothing to rein in impunity; thus, allowing the situation to degenerate to outright insurgency and foisting a state of siege and insecurity on the civil order.

The African Way of Instituting Public Trust

In pre-colonial African societies and in modern post-colonial African communities, there are ways of instituting public trust or restoring public trust where it has been breached. When the truth of an issue could not be determined, traditional communities always returned to the first principles. This agrees with the Aristotelian thesis that the best way to resolve knotty issues is to return to first principles. The phenomenologists say, you should go back to the things themselves; not a consultation with your erstwhile colonial masters or a frolic with extortionate and exploitative multinational cronies who always want to steal a huge chunk of your unprotected resources. When you find yourself in a confused state of affairs, you go back to your root, to the life-world, to your pre-reflective consciousness, in order to recapture your authentic historical being. That is what thinking people do.

Now, we return to the crux of the matter. When the truth of a matter could not be determined, what is to be done? When contending parties make conflicting claims, how is such a conflict to be resolved? How could we determine who is making the right claim? Why is knowing the truth so important?

Knowing the truth is important for justice to happen. In order to get justice, the truth must be told. How can you get the truth out of a person who is unwilling to disclose the truth, especially where the truth is disadvantageous to him? Where self-preservation is in issue, where life is threatened, where there is fear of consequences, the truth can be made to surface or come into light. When you have truth, you have justice. The revelation of the truth by King Solomon of ancient Israel in the matter involving two female prostitutes claiming the maternity of a child brought about justice to the actual mother; whilst the impostor was disgraced. So, truth begets justice. And justice binds society together.

The fear of consequences, the instinct of self-preservation, and life threatening circumstances force the truth out of recalcitrant people. And once the truth emerges, justice reigns like a well-

Jim Ijenwa Unah

appointed king. It is important for those who regulate motives and preside over the affairs of men to seek after truth at all times; for if there is no truth, there can be no justice. If truth and justice eludes a king, his empire would collapse like a pack of cards. Wise rulers should ensure that truth prevails and that justice reigns supreme.

Evidently, truth and justice are the tools for the institution of public trust in society, and where the necessary virtues have decayed and roguery and impunity have taken the centre-stage, it is also truth and justice that are essential in the restoration of public trust. But, again, how can you get the truth out of somebody who is unwilling to speak the truth? Like the impostor woman of ancient Israel, the wise king only needed to paint a life threatening situation to elicit the truth.

The Efficacy of Active Oath Taking

The autochthonous African way of instituting public trust or restoring trust where it has been breached, is to get the disputants to subscribe to active oath taking. When the greedy and the malevolent steals the land of his neighbor, the way the communal African gets to the truth of the matter to deliver justice is to subscribe to active oath. The average African fears and takes the shrine seriously. Swearing to an oath before the community shrine is a way of proving innocence when people are falsely accused. But when a culprit stubbornly refuses to own up to his crime or insists that a stolen article actually belongs to him, he is required to swear to an oath to either establish his innocence or affirm the veracity of his claim.

Oath taking is a recognized and acceptable way of establishing the truth in a communal African setting, and truth is important because it yields justice to aggrieved members of society and justice makes social peace possible. It is the most effective way of getting to the root of knotty social disagreements in black Africa. It should therefore be enshrined in the constitutions of modern African States in order to restore the trust of the average person in governance.

Objections to Active Oath Taking

It is, however, noteworthy to mention that there are objections to the use of active oath in modern African states. One of the major objections is that it could be neutralized and rendered inefficacious with the collusion of the culprits and the priests—the custodians of the shrines. Another objection is that majority of Africans who vie for public offices have embraced foreign religions that do not allow members to swear to an active oath in the shrines because it is barbaric and anti-scripture. These major objections could easily be disposed of as essentially frivolous. For the first objection, it could be shown that the lacuna which used to be explored to neutralize active oaths after they had been administered has been taken care of with practice. The lacuna is now infused into the oath. The second objection to the effect that it is anti-scripture is the most banal and frivolous because the active oath instituted to ensure public trust is not applicable to everyone. It is only to be applied to those who wish to serve in public office. It is not mandatory to serve in public office if you cannot take the oath of integrity in office.

The African public officers, who object to traditional active oath taking because it is barbaric and anti-scripture, have not demonstrated that they could be trusted. Those who prefer to swear to the Bible and the Quran have been responsible for the mind bugging looting of public treasury in African States. They know that swearing to the Bible or the Quran is absolutely harmless, especially with the assurance that forgiveness for sins is guaranteed provided that the sinner confesses his sins to their pastors or officiating ministers. From experience, the Christians and Muslims who scramble for public office are not the true exemplars of their faith. They are the ones who rig elections, who steal ballot boxes and buy votes from the poor electorates to loot public treasury on assumption of office. More disgusting still is that they swear to secret active oath in shrines to get the blessing and sponsorship of political godfathers and contractors. It is only

Jim Ijenwa Unah

when it comes to swearing publicly in the shrines to protect public treasury that active oath taking becomes anti-scripture.

Active oath taking is for the African who wishes to serve his kinsmen with integrity and to protect public treasury and the commonwealth for the good of all. Active oath is not for treasury looters because they will vehemently oppose it. They know they will be harmed if they take the oath and loot the treasury. That is why they oppose it. And if for genuine reasons of strict obedience to the scripture is in issue, the answer is that it is not mandatory to serve in public office if you cannot take the oath of integrity. You simply opt for other professions or vocations and allow Africans of integrity who can subscribe to the active oath to serve Africans with honesty, integrity and transparency.

Conclusion

The contributions of philosophy as a member of the humanities to the institution and restoration of public trust in governance in African States, in this intervention, are broadly three. First, African States, such as Nigeria, that became a geo-political collectivity by imperialist machinations, should reorder its identities and nationalities in ways that would make self-determination, competitive growth and prosperity, and egalitarian republicanism flourish. Secondly, the culture of moral miasma and impunity that have pervaded several African societies now making collective prosperity impossible should be corrected with the introduction of the teaching of African moral values and character training principles in a sustained and systematic manner, in the school system, to make good social habits second nature for Africans. And thirdly, for the adults of today who are already formed in crookedness, African States should enshrine active oath taking, which they really fear, into their constitutions to transform public officers into responsible, ethically fortified custodians of public wealth for the development and collective prosperity of modern African societies.

Let Africa go into the world to compete and contribute, not just to borrow.

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