Corruption, Injustice, and Under-Development in Africa: The Poverty of 'Oath'

By

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Abstract

Corruption, injustice, and underdevelopment are inter-connected vices with some definite capacity to destroy, thwart or abhor any approach to social progress. The reality of these infamies in our contemporary world, especially the Third World, is not only vivid but appalling. If not checked, these nasty social viruses threaten the very existence human (and even animal) societies. Hence the answer to many questions as to why most (if not all) of Africa and the Third World have not been integral part of newer progressive developments elsewhere around the world. Though any schemes and strategies are being evolved elsewhere in the world to mitigate the sufferings and agonies of man and uphold his dignity, yet in almost all of Africa, there is still groveling hunger, crime, corruption, injustice, conflicts, and wars. So why is there still the seemingly chronic underdevelopment in Africa? Why have past or extant schemes and mechanisms failed to take in hand these 'evils' and the channels through which they occur? This paper, in some lateral thinking, analyzed the issues and traced the origination of these infamies to faithlessness in, infidelity and inconstancy to, and the poverty of *oaths*.

Keywords: Corruption, oath, justice/injustice, development/underdevelopment

Introduction

In this milieu of rapid inter-cultural, political and economic developments within and among the nations and continents of the world, many questions arise (and answers to them are overlapping) as to why most (if not all) of Africa has not been integral part of these developments. Though any schemes and strategies are being

evolved elsewhere in the world to mitigate the sufferings and agonies of man and uphold his dignity, yet in almost all of Africa, there is still groveling hunger, crime, corruption, injustice, conflicts, and wars. Taking seriously Marx's admonition, we must realize that the philosophy of knowledge and society should concern itself not merely with the ideas and modes of thinking that happen to flourish at some point, but with the social and economic (and , I dare to add, cultural) setting in which these occur. Also, wisdom expects us to take account of the factors that are responsible for the acceptance and rejection of certain ideas by certain groups in the society, and of the motives and interests that prompt certain groups consciously to promote these ideas and to disseminate them among wider sections. Thus some African philosophers, like Kolawole Owolabi, have admonished that philosophy, philosophizing, ideas and applicative principles should and ought to reflect the very social and cultural milieu, in which they flourish, and "...contribute to the challenge of social transformation..." (Owolabi, 1993) So, l am asking: Why is there still the seemingly chronic underdevelopment in Africa? Why have the present schemes and mechanisms failed to take in hand these 'evils' and the channels through which they occur? Thus I traced all these to faithlessness in, infidelity and inconstancy to, and the poverty of *oaths*. And this is what I intend here to demonstrate.

Corruption and Injustice in Africa: The Poverty of Oaths

First, this essay holds that the devastating corruption, injustice, underdevelopment, and several other social vices in Africa today, are a manifestation of the alien cultural values and norms brought about by her contact with especially the West; and second, that 'oath taking' as a mode of securing and assuring conformity, as is presently practiced in African juristic or procedural rules (evidence, to be specific), and 'swearing-in', has neither been effective nor efficacious, and thus has failed. In other words, this essay tries to show that though skirmishes of deviant and criminally behaviors are often associated with, and found in, every society/social organization, there exist, nonetheless, variations in scope and intensity from one society to another, depending on the social, economic, technological, and complexity of the founding modes and schemes on which such society is anchored, viz, its culture. The growing prevalence and intensity of these vices in Africa has been compounded by her continuing contacts with European and American civilizations, whereas, however, the corresponding

modes of regulating individual and social behaviour, also acculturated from them, have not yielded any useful dividend. This view is based on three related maxims. One, that, given that man is not only gregarious, he is also a social and political being, and he needs to interact, even far and wide. Therefore, Africa's contact with the outside world is healthy; two, that certain cultural practices, such as effective mode of social control, could still be retained and employed to deal with emergent nasty, repressive, deviant, criminal, and other forms of unhealthy political, administrative, legalistic, and social behaviours; three, that the test principle for the tenability of any mode of social control ought to, and should, be effectiveness or efficacy. This essay historicizes some of these related features in Africa's civilization in touch with modernity in a historical matrix, and, judging from the efficacy test, concludes that African states should, and ought to, do away with their present mode of oath taking, because it has failed, and fashion out, from their cultural modes and practices, new schemes which can effectively rescue them from the present woes and social degradation. Yet this decadence is not new to man, it was also associated, according to Hobbes, with pre-civil society which was very primitive.

But man did not desire the disorder, chaos and disharmony in primitive society where might was right and life was "short, nasty and brutish."[2] He then decided to form a society under a definite and contracted political authority. This accounts for the emergence of civil society as man's desire, reason, and will, and thereby assuring the ground for political obligation. The emergent society, though was devoid of the macabre picture of man in the *state of nature*, also had its own short falls. At least, it was primitive, communalistic and uncivilized. Yet emergent social problems and deviance were effectively dealt with by leaning on the forces of communal institutions, elders, ancestors, and God (or gods?). At this stage, obligation and authority, in cases of intercultural conflict, were subjects of primordial sentiments. So, relative order and peace was achieved in earlier states/societies, though the level of this attachment and the degree of success of social control vary from one society to another. In Benin kingdom, for example, social order was maintained through a gerontocratic and hierarchical social/political structure of family heads, council of elders, the council of chiefs, and the Oba of Benin.[3] These wielded varieties of both natural and spiritual powers fortified and sustained by their ancestors and gods. One might argue that

early societies where devoid of scientific and technological complexities associated with modern ones. But those societies achieved a modicum of order, peace, and morality. Yet the cultural, social, and political structures developed in earlier societies, and which sustained that order, still persist in modern societies, though allegiance to them has depreciated. A number of reasons account for this.

However, marked differences between the primitive and modern societies are abounding. In modern societies, human rationality has become more developed and complex; human needs and desires have become wilder than ever; therefore, associated or emergent social problems have also risen. Population has risen tremendously, amorphous political associations and authorities have emerged, there is a great feat in transportation and communication technology; there is a great belief on, and expression for, individualism amidst larger social responsibility. All these have great implication for individual's, or a people's, world view. Though one might dispute that these features where not absent in earlier societies, but again, we must point out that even if such case is established, it was lacken in the degree of intensity and complexity which mark modern ones. And this development was consequent upon Africa's contact with the Western world.

Africa's contacts with the western world are traceable to the 12th century through notably the Tran Saharan trade, the multi-centennial slave trade, and the subsequent legitimate trade. All these were culminated in the setting up of colonial territories in Africa. Intensification of this contact ensured a gradual fading out of her (Africa's) traditional structures, norms and values. And this situation seemed palatable to Africans, though skirmishes of resistance were registered in some kingdoms---Jaja in Opobo, and Oba Ovoranmen in Benin--- which also was quashed by the European with superior weaponry. And this enabled the colonials to plunder and exploit Africa of its agricultural and other resources and suppress its culture.

On the face value, it's as if one is arguing that Europe and the West underdeveloped Africa as argued by Walter Rodney.[4] No, there is the good side of the contact. For example, it brought about modern education, new technologies, new modes of communication and transportation and, more especially, new

modes of political structure and governance. But all these affected the mentality and orientation of Africans, that is, their abilities and capabilities, aspirations and expectations and changed Africans' communal orientation. Though this situation uphold till date, it might be worth while to say that this order replaced traditional norms, values, customs and social responsibility, with legal responsibility and individuality, replacing it not with an efficacious mode of social control. And this deficiency has had enormous consequences in several ways.

The manifestations of this state of affairs are multidimensional and obvious in religious, political, social and individual circles. At the religious level, for example, both leaders and their followership of religious groups, at 'baptism' or indoctrination, swear and promise not to violate or act contrary to canonical, biblical or divine/sacred laws. But alas, this promise is merely verbal but ineffectual. There has not only been a commoditization of the church, it has also become a centre for crime, corruption, and immoralities. Religious leaders are no longer preachers of hope, they have become unassailable agents of concealed cheat, corruption, adultery, and fornication. What they vociferously condemn, they surreptitiously practice. Criminals, corrupt politicians, and other successful *evil* practitioners, after successful plundering, now come to the church for charity, succour and 'reinvestment'. Here again, the oath fails. This could explain the thrive in churches today, there couldn't have been any more compelling reason; otherwise, the growth in religiosity, especially in Africa today, is enough to pull down even the most docile of gods!

In politics and society, while the nations of Africa are embracing or celebrating democracy, beneficiaries of the system are also celebrating recourse to legalized embezzlement, pabendalism, ringing; corruption, and other anti-people practices, after all, what can the people do if laws and gods "can understand"? But again, are all these acts or behaviors not against the oath of office at swearing in? Yet once one is not legally culpable, the oath is ineffectual. This is why Hobbes's *Leviathan* is rather disabling than enabling in considering the people's rights and the terms of the social contract; and even the gods are also disabled since the contract was not binding on them. So, occupants of positions, family heads, community leaders, administrators, teachers, lecturers, and all now operate and behave freely without fear or restraint as if we are back to the Hobbesian *state of nature*; boys and girls

now uphold 'next to nudity', and the inordinate pursuit of money, power, and influences, as expedience. The reason is not far fetched: to satisfy a voracious self and ego and to care for large extended familial/primordial responsibilities.[5] But as ASUU (Academic Staff Union of *Nigerian* Universities) has argued,

> …it is matter of ordinary human psychology that those who have benefited immensely and who derive political power from fraud are morally, politically and otherwise too weakened and too compromised to deal ruthlessly with corruption. Unfortunately in Nigeria …compromised leaders determine who is accused and punished and who is not, and this has created severe credibility problems and handicaps in the struggle to defeat the cancer of corruption… They have made corruption in Nigeria an inevitable feature of the political culture…into an art and a political industry …the abandonment of social welfare by a government that was sworn in to protect the people. …Corruption is so systematic that superficial, occasional arrests and dismissals will not make a dent in fighting it**. A major problem is that the processes/mechanisms and organs established to address corruption are, themselves, suspect…** (emphasis mine). No public investigation has been established…. Public support for any anti-corruption campaign depends on the public perception of the institutions involved and the credibility of such institutions.[6]

The ASUU conception concludes by calling on the organized Labour and all concerned to work out an agenda for a sustained anti-corruption campaign, "to establish anti- corruption agencies not open to manipulation and control by any government, not compromised by their own history and by private interests. This is feasible, however difficult, with positive patriotic creativity and will".[7] I would like my contribution to be seen in this light because corruption has become so pervasive in all of African polity in a vicious cycle in political, legal, and social spheres.

At the judicial sphere, Judges and Solicitors are no longer harbingers of justice; they have become collaborators and accomplices in crime. To worsen the situation,

persons are, on oath, sworn into offices or admitted to the evidence duck, and yet, convinced that they are dealing with either a powerless/docile *constitution* or a patient *God*, especially the Christian God, but, contrary to their vows or oath, lie. Oath is "a ritualistic declaration, as by appeal to God, that one will speak the truth, keep a promise…".[8] Going against this is perjury and is punishable under the law.[9] By virtue of the Seventh schedule of the Nigerian 1999 Constitution,[10] oath-taking/oath of allegiance is provided for, and once sworn to any, it's a promise not to act contrary. Once the court discovers a deliberate mislead, appropriate reprisals could be applied. But such oath-taking seems to have only legal implication. Yet it is the contention of this essay that there ought to be more to it than legality or logical considerations, it involves also social and spiritual connotations. And if there is efficacy, the justice would be instant, and the role of the jurist would be to administer the oath and apply the law. Do I need to remind the reader of the effectiveness of the power of the early Christians in the case of Ananais and Saphira? Since oath is conducted via a sacred symbol, a holy book, or a constitution, each then, is believed, has some level of spiritual force. It is administered based on the *belief on empirical evidence, that it is only the external that man can appreciate and the rest left for conscience, posterity, or God, to judge.* There couldn't have been more compelling reason; otherwise the oath could have been just a verbal promise. A Judge's basic premise for his judgment "…*by the evidence before me*…" buttresses this point. For the phrase, itself alludes to the possibility of other evidences (but which are not before the court!) Yet the *Christian God* postpones His judgment till 'judgment-day', and He sticks to this programme, while the *African god* is capable and known for instant justice where applicable. In formal settings, oath, as it is presently administered, is predicated on the *Christian (or Muslim) God;* and the people, knowing the nature of their God and His plans, take advantage of it. Thus there ought to be two aspects of securing justice: the role of the jurist and that of the object of the oath, and both roles ought to be complementary in the execution of justice. We can only appreciate their worth in output, and then efficacy is the crucial test. And judging by this efficacy test, and seeing all the corruption, injustice and underdevelopment in Africa today, the police, the courts, the constitutions, the Qu'ran, and the Bible, have all failed (though the Bible condemns oath-taking and all forms of swearing, and may thus not be held responsible for its seeming laxity; even swearing to the Bible therefore is not only paradoxical but also sinful and immoral); they lack the present,

practical force necessary and needed to assure justice, which man, left alone as mortal, cannot ensure. And this is a vital role. Hence there are two considerations in the contemplation of justice, legal and moral/ethical considerations. Legality itself is or ought to be a fortification or enforcer of moral codes, to enhance conformity and sanction deviance. So legality though is an aspect of it, complements morality. Hence one could be both legally or morally wanting. Yet again, one could be morally and not legally wanting. Let us consider the following example. Jones was arraigned for the murder of Smith. During the trial, Jones, in his evidence on oath, was able to defend himself, extricating himself from all legal and logical culpability, say on *alibi.* Convinced by this defense and the inability of the prosecution to prove its contrary, the court acquitted Jones. Now, the perplexing question is: if Jones actually killed Smith, (but could not legally be established) is the judgment not morally wrong? Prosecution and defense are matters of logical argumentation, validity; they hardly can be predicated on *actual truth, soundness.* And the concept of truth is a contentious philosophical issue. But whatever it is, the courts only appreciate logical truths and since there is more to truth than logicality, there must be a way of determining the whole truth. This, I think, is the idea behind oath-taking. In the present dispensation, some truth is suppressed in the face of logical superiority and this is not healthy. Determining this aspect of truth ought to be the sole goal of oath. This is because oath and justifications are like a game of football where the judges are the referee and the Football Association (while the spectators go away with the final scores). The referee, like a judge, spots infringements and award penalties instantly. Yes, rightly or wrongly, the referee officiates the game but his decisions could be overturned by the Association on closer examination. The Board then is like the oath. The decision of the Board is uppermost. This is a good example of efficacy. Following this analogy, *oath* needs to be more efficacious.

From the foregoing, it is clear that efficacy should be the sole test for usefulness and relevance in the need for oath-taking, and administration of justice. Oath, as it is presently administered, is fashioned by the West to deal with emergent problems in areas of justice, and, though alien to Africa, it has not proved its desired relevance. People have learnt to evade the law, and they carefree about a probabilistic distant judgment. One might, however, argue in favour of *Sharia* in this circumstance, (a vote for instant justice or dessert you might call it.) But be it

as it may, *Sharia* only asks, "by what part of the body was the crime committed?" and satisfies the Biblical expectation that it "is better to enter into the kingdom of God … than with the whole body thrown into hell fire…".[11] The perplexing question is: why are people afraid of the spiritual product of the Qu'ran, or the Bible, and not the Qu'ran or the Bible itself? The answer is obvious: lack of efficacy in the latter. Need I add that the African gods, and other ancestral powers, reserve a modicum of efficacy? A prompt recourse to them could be wise and appropriate.

The preceding argument seems susceptible to several criticisms. In the first place, it portrays primitivism and projects degeneration to pre-civilized society where life was simple and unsophisticated, and rationality still crude. Yes, much of our dress, dance, communal, music, and etc culture have gone extinct as a result of westernization and individuation. But I maintain that it is possible to retain and absolve what is useful and desirable from antiquities to modern society. Is the present fact of ethnicity and primordial identity not itself an ancient phenomenon and therefore historical? Even ancestor-spiritual powers are ethnically and culturally efficacious. So we can modify our position to accommodate inter ethnic cooperation in respect of oath-taking in a multi-ethnic or multi-national dimension. Thus if cultural and linguistic boundaries are not primitive or a replica of antiquity, then, our argument for efficacious oath taking at ethnic, inter-ethnic and cross-cultural levels cannot be considered such. It rather has a modicum of force necessary for eliciting justice from recalcitrant individuals.

The argument also seems to denigrate, diminish and undermine the power of the *Muslim/Christian God*. In particular, the patience of the Christian God seems to portray Him as docile, ineffective and inefficient. But one must admit that from the outset, God, in His master plan for the governing of the universe, had set aside some time in the future for judgment, where all men shall account for all their deeds while on earth. Yet, our belief is that the time set that that judgment is expected is too long and seemingly indefinite, it would have been healthier if *God* could conduct judgment at frequent intervals, say every twenty years. And this is not likely for it does not cohere in God's plan. Thus, that arrangement is not good enough.

Again, the argument seems to ignore the enormousness of human freedom and freewill. For individuals would be edged into cooperation and conformity in fear of spiritual forces. Then, if force and coercion can be useful, then all absolute regimes and authoritarian governments, such as Nigeria's late former dictator, Abacha's, are also useful. We must, however, realize that human nature is replete with pride, deceit, and unpredictability, amidst love for freedom. By taking oath, man exercises his freedom and power; but by deviating from the promise and terms of the oath, there is a need to bring him back on track for a superior to "force him to be free",[12] and performing this act is what defines the efficacy of oath, a quality which the present mode of oath-taking lacks. Science and technology is trying in this respect, especially in the area of robotics, genetic engineering, and neuro-psychological devices where the workings of a human's brains could now be configured. Again, this is an attestation to the limitation of man's capacity to grasp true or all of reality. But if science and technology could do it, why not allow an efficacious oath to do same? Accordingly, Obafemi Awolowo's admonition here is instructive:

> Our enslavement today is the outcome of our weakness... as well as in the effective application of our spiritual power...we have much in the fullest measure, because we are images of God just as the whitemen are. I have no doubt that if we apply our spiritual power, we shall be free; and by God's grace we will the put an end to this type of infamy.[13]

Conclusion

Thus far, the argument of this essay is simple: that corruption, immorality and social irresponsibility in Africa is partly a result of Africa's wholesome acceptance of Western culture, which ways of tackling the emergent social problems are insufficient to deal with them (particularly in Africa) owing to the inalienable primordial sentiments on the continent; we have also posited that oath-taking, as an example of such modes, has failed, for the objects of the oath lack the necessary force for eliciting conformity. We therefore conclude that this conformity-eliciting force could be found in Africa's traditional schemes and practices. Fashioning ways of harnessing this resource is a desideratum; and this should, and ought to, be the proper focus of contemporary academia and social theorists.

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