

**IMMANENT METAPHYSICS, PRACTICAL ATTITUDES AND
CONSTITUTIONAL DEMOCRACY IN NIGERIA**

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DOI: 10.13140/RG.2.2.18801.43362

Abstract

This paper displays the applied nature of metaphysics to our daily lives, and in this case to democracy, especially in Nigeria. The paper argues that the best way to approach the desire for a democratic polity is to develop a practical attitude. Taking its point of departure from the idea of immanent metaphysics, the paper argues that the relationship between attitudes and behavior, though a fundamental issue in the social sciences, takes a philosophical detour once attitudes are conceived in practical terms. Employing expository, historical, analytic and hermeneutic methods, the paper posits that practical attitude is the best framework to be used in motivating the kind of action required to bounce Nigeria out of her democratic lethargy. It observes that the most important area where this action-motivating practical attitude is needed is on the attitude we have towards the constitution on the basis of which we are democratizing. In conclusion, The paper sees this application of practical attitudes to our democracy as evaluative, and therefore, considers this as ultimately a supreme moral one, which stimulates us to act in ways that would make our leaders respond rather than react to the demands of the people for freedom, justice, equity and greater accountability in governance.

Keywords: Metaphysics, Constitution, Democracy, Nigeria

Introduction

The background of metaphysics that provides a theoretical anchor for this paper is deliberate. I want to remind those who are already aware, but much more importantly inform those who fret or feel the gitters whenever the word “metaphysics” is mentioned, that its subject matter is not “other worldly”. This paper wants to show that we are all metaphysicians “from the professor in the ivory tower to the vulcanizer by the roadside” (Agbo and Ogoko). The position is made here with a consideration of the idea of immanent metaphysics thus, one

would not be out of place if this essay is regarded as an exercise in the metaphysics of politic.

This paper agrees with stephan Korner, in his *Metaphysics-its Structures And Functions*, that thinking about social phenomena can become a veritable source of immanent metaphysics. And since democracy is a socio-political phenomenon, thinking about it has led to our conclusion that the immanent metaphysical position of our citizens must transit from *pure* to *practical* attitudes if democratic experiment and experience would survive in Nigeria.

The metaphysical look at democracy is expected to serve the purpose of pointing out that the mere creation of certain democratic institutions and the completion of certain levels of democratic processes have conspired to deceive many a Nigerian into the democratic *uhuru* (*freedom*) which most politicians in Africa claim. Furthermore, the creation of a practical attitude among the citizenry would spur the Nigerian into "doing something" tangible in the face of the crisis of legitimacy and the monster of corruption bedeviling virtually all those managing public affairs in Nigeria.

In his *Integrative Personhood: A Communalist Metaphysical Anthropology*, Ike Odimegwu considers the ironical and paradoxical parody of an early-2004 Cable News Network (CNN) report that considered Nigerians as the happiest people on earth. According to Odimegwu, the report says that "... Africans are the most patriotic citizens on earth, judging, from the conduct of our leaders and the general disposal of state duties and responsibilities towards the citizens"⁽¹⁰¹⁾. This paper is expected to jerk the African (Nigeria) out of this inverted and fugitive notion of patriotism

Nigeria's chequered attempt to survive and develop as a nation, nay state, provides another veritable background for this essay. Corruption, a culture of impunity and a ravaging poverty in the midst of plenty have combined to make Nigeria one of the most-puzzling and perhaps, enigmatic countries on planet earth. And when there is an obvious lack of political will to move the country beyond this level since independence, our responsibility as philosophers is not just to provide an explanation for "why" the status-quo is so, but equally to suggest a "how" we can get out of what Patrick Wilmot called a "nightmare scenario".

Why has Nigeria, despite her gigantic material and human endowments (and the expectations of her citizens and the entire comity of nations), remained in

political, social and economic comatose? Why is the fight against corruption such a huge joke? Why dose a large majority move around ignorantly without seeing the fundamental and significant, fraud-infested content of the 1999 constitution of the federal republic of Nigeria, the basis of our democratic experience? What can an immanent (practical) metaphysical attitude bring to actively confront (to solve) these challenges? These questions (and similar ones) constitute the basic problems that stimulates this attempt to apply the idea of immanent metaphysics to our democracy.

The thesis that this essay hopes to prove is that an immanent metaphysical (practical) attitude is required to motivate the type of action necessary to transform Nigeria's constitutional democracy, especially our attitude to the 1999 Constitution, the basis upon which we are democratizing.

This essay hopes to significantly stimulate the interest of scholars, especially those engaged in the philosophical reflection on both the Nigerian State and the state of Nigeria, on the Constitution (the document) on the basis of which Nigeria exists as the so-called "largest democracy in Africa". This essay also hopes to draw attention to the fact that attitudes (especially practical ones) are the possibility of the overthrow of impossibility and that with it man changes the world.

This essay is basically an application of thinking on metaphysics, especially immanent metaphysics, on our democracy. However, this application is not on all facets of our democracy. It draws on the value of practical attitude as a part of immanent metaphysics, on the constitution (1999) that grounds our democracy.

The applicatory nature of the paper limits the scope of works to be consulted as well as where the paper would cover. The Literatures consulted, therefore, reflect the concern with constitutional democracy as well as the significance and nature of metaphysics.

It argues that a moral attitude is the supreme practical attitude to adopt in order to salvage our democracy. This supreme moral attitude requires the evaluative supremacy similar to the cognitive supremacy which supreme metaphysical beliefs require, with a view to explaining how it would affect our current democratic lethargy. The paper would paint a brief picture of the situation in Nigeria, especially as it regards the constitution, and also discuss the state of affairs in Nigeria's experience of liberal democracy which has made the development of practical attitude a necessary one.

What Is Metaphysics

To be able to understand the concept “immanent metaphysics” it is necessary to explicate the meaning of metaphysics first - for only then would the idea of an immanent one make any sense. Of course, as the central branch of philosophy, “metaphysics” has countless definitions, descriptions, conceptions, perception, many doctrines, modes , theories, applications imperatives implications interpretations , etc. of course, the etymological meaning of “ metaphysics” as “meta tar physika” (“beyond the physical”) would neither be necessary nor useful for us here.

It is, perhaps, the comprehensive, holistic and permeating nature of metaphysics that made Aristotle refer to it as “first philosophy” no wonder Fredrick ferre, in “The Practicality of Metaphysics”, states that metaphysics has “ the capacity to encompass and devour other disciplines”, illustrates its “unlimited comprehensiveness”, which for him is” dangerous.” (33)

In his 1929 inaugural lecture presented to the freiburg faculties on July 24th, Martin Heidegger about what he calls the “two-fold character of metaphysical” enquiries:

Every metaphysical question always encompasses the whole range of metaphysical problem, each question is itself always the whole, therefore, second, every metaphysical question can be asked, every metaphysical question can be asked only in such a way that the questioner as such presented together with the question; that is ,is placed in question. (95-6)

It is this conception that in questioning existence or reality, humans put themselves in question, that led Heidegger to focus on *Dasein* or human existence. *Dasein*, thus, become the answer to the fundamental question that preoccupied Heidegger for about seventy years: what is being

If Heideggers view above is on the nature of “metaphysical” enquiry, we would call on Forest Landry to provide us a broad characterization of the meaning of metaphysics itself. In his book, *AN IMMANENT METAPHYSICS*, he writes:

Metaphysics is an inquiry into the nature of the relation between self and reality. Metaphysics is the common aspects of the relationship between self and reality. The basic questions of metaphysics include: what is the nature of existence , creation and interaction? What is the nature of the unknown,

the knower and knowing or between the known, the unknown and the unknowable? What is the nature of the Causality, of choice and of change?..... what is the nature of value, purpose and meaning?(2).

The comprehensive and the integrative nature of metaphysical issue make epistemological, logical, ethical, aesthetic and even practical question to be involved therein. That is why forest states that physics deals with the why question, technology with the "how" question while metaphysics deals with the "what" question, noting that if physics explains, technology predicts, "a true metaphysics makes no predictions. Physics is the study of interactions within a given domain, metaphysics is the study of relations within the domains"(10). No wonder Matthew Chukwuelobe, in his *"thanatology: the Igbo/Africa metaphysical sense and value of death"* writes that generally, metaphysics as a science concerns itself with the ultimate understanding of reality"(85.)

There are basically two types of metaphysics: transcendent and immanent. In metaphysics: its structures and functions, Stephan Korner defines transcendent metaphysics in the following words: "A person's transcendent metaphysics comprises his speculative conjectures about the relation between the private and public world of experience and the world in itself or transcendent reality" (1). Investigations into transcendent realities, can, thus, go on independent of considerations of human experience or existence as would soon be explained in the next section we shall see that this focus on "speculative conjectures" is the major difference between transcendent metaphysics and immanent metaphysics"

On immanent metaphysics

To understand "immanent metaphysics", it would be necessary to explain the meaning of "immanence" within the context of that conception. Wikipedia: the free encyclopedia give one of the meaning of "immanence" that is useful for us here: "the quality of being contained within or remaining within the boundaries of a person, the world or the mind".

Stephan Korner gives a very clear definition of immanent metaphysics. According to him, "a person's immanent metaphysics comprises the principles to which every proposition about the public, world must conform if it is to be acceptable"(1). By virtue of immanent metaphysics, metaphysics is, as it were, demystified. It becomes a concern with concrete experience and existential realities.

A reflection on Korner's definition of immanent metaphysics above would indicate that principles, propositions, the world around us, etc are part of the concerns of metaphysics. People go through life holding on to one or two or more principles of life, and it does appear that no one can really exist meaningfully on earth without being in possession of any principles. And when these principles are internalized, they become the basis for judgment (acceptability or non acceptability). Agbo and Ogoko have analyzed these terms and shown how these results in attitude that give birth to practical beliefs and how the latter give rise to practical attitudes.

The world we dwell in is one where propositions (declarative statements that have the capacity to be true or false) are constantly made to describe it. An interpretation of one's attitude or other people's attitude towards the world requires the formulation of certain categorial frameworks without which that perception cannot even be conceived. The implication of this is that even the empiricist, who insists that there are no realities worth knowing outside those of our existential experiences, is also involved in metaphysical enquiry- an immanent metaphysical enquiry.

That explains why Zsuzsanne Kondor has argued that "rules and pattern of behavior crystallize from mundane practice" (4). In her paper, *Communication and the Metaphysics of Practice*, she argues that these patterns proceed to form an institutional framework, which then explains "how solidified structure could occur in a vivid, permanently changing framework of objective thoughts" (ibid). It means that the so called mundane, ordinary, and even irrelevant realities can be (and indeed are always) the concerns of metaphysics, and in this case immanent metaphysics. At this point, it is time to look at attitudes and behaviours and the relationship between them.

Attitudes and behaviours

Writing on the importance of attitudes, Victor C. Nweke and Stanley T. Enu, in their work, *Attitude: The Fundamental Key to Self-Actualization and Sustainable Development* discuss the overriding importance of attitude in our daily lives. They see attitudes as "the fundamental key to a worthwhile life" (31-32). For them, it is attitude that grounds and support everything that we do. They further explore the place of words in the expression of and the environment in the formation of attitude. For them, "attitude is acquired, formed, learned and developed from our environment than from our biological genes and personality traits. Attitude

is, therefore, dynamic”⁽³⁰⁾. They proceed to apply their discussions on attitudes to both self actualization and socio-political development.

In their essay, “Stephan Korner on immanent metaphysics: are we not all brother metaphysicians?” Joseph Agbo and Albert Ogoko writes that attitudes are by their very nature directed towards “something” and that it is “that towardness that externalizes it and make it other directed.”⁽⁹⁾ they agree with Korner that the shared beliefs and rules of conduct of people within a social group are not independent on each other.

In the essay “attitudes, behavior and social practice”, Harris Chaiklin has argued that the relationship between attitudes and behavior(action) is not symmetrical. Anchoring his analysis from a psychological and sociological considerations, he examines the relationship between attitudes and behavior especially as it relates to prejudices and discrimination. No doubt, prejudice and discrimination are very critical when one wants to act, these terms have become critical in political discourses. Chaiklin makes a distinction between the psychological and sociological definition of attitudes by saying that:

A psychological definition of attitudes identifies a verbal expression as behavior. Those who use a psychological definition of attitudes attempt to reduce prejudices and discrimination by changing attitudes. A sociological definition of attitudes looks at verbal expression as an intention to act...⁽³¹⁾.

The distinction between the two approaches is that psychology sees verbal expression as actual behavior but sociology sees it as intension to behave. Consequently, chaiklin goes on to ask what he calls a “practical question”, but which I believe, is more of a philosophical question: “is it necessary to change attitudes before behavior can change, is it enough just to change behavior, or must one deal with both simultaneously?”⁽³¹⁾.

This work philosophically examines the place of practical attitudes, not just mere attitudes in motivating political participation, especially in Nigeria, and particularly towards constitutional democracy. Agbo and Ogoko (in the paper earlier cited) have examine the relationship between practical beliefs and practical attitudes, as conceived by Stephan Korner.

In the next section I re-present some part of that reflection, with a view to establishing the symmetry between beliefs and attitudes.

Practical Beliefs and Practical Attitudes

According to Myles Munroe, in the *sprit of leadership* “Sow a thought, reap a belief. Sow a belief, reap an attitude. Sow an attitude, reap an action. Sow an action, reap a habit. Sow a habit, reap a character. Sow a character, reap a destiny.”(73)

The relationship between practical attitudes and beliefs is established when one realizes that one’s practical attitude is directed towards beliefs which one considers as practicable/realizable or impractical/unrealizable.

If belief is *cognitive*, attitude is *evaluative*. According to the *Oxford Dictionary of Philosophy*, attitude is “an evaluative response, usually contrasted with simple belief by its more direct connection with motivation and behavior. An attitude is a state whose essence is contentment or active discontent with some way the world is rather than a simple cognition of the way the world is”(28). the interest here is on “practical” attitude rather than its opposite: pure attitudes. According to Korner, practical attitudes are;

directed towards practical possibilities, that is to say, towards possibilities which he believes himself to be able to realize or to leave unrealized. A person’s pure attitudes are directed towards possibilities as such; i.e., independently of whether they are realizable or unrealized or realized(20).

When a practical attitude is directed towards a belief whose possibility is realizable, that belief becomes practical belief. To put it in Korner’s words, “... having a practical attitude logically implies having a practical belief, as one might call beliefs in the practicability of option”(21).

What the above means is that a practical attitude which is based on a false practical belief is different from a false belief as such. Practical attitudes can be composed of 3 basic parts: positive, negative and indifference. In order words, one can develop pro-attitudes, anti-attitudes or attitudes of indifference towards issues in reality or in our subjective/inter-subjective experiences. However, when cases of wavering between two practical attitudes occur, one then resorts to the phenomenon of “preference ordering”, which involves the stratification of our options to know which one to chose. Belief is, therefore, the foundation upon which attitudes are anchored. For example, for one to develop a practical attitude towards elections and political parties, one need must believe in one form or another of democracy. However, if one’s belief about a particular variant of democracy, liberal democracy for instance, is false, it does not imply

that one's practical attitudes towards election (or even other variants of democracy) would be false.

Korner identifies some logical, metaphysical, empirical, effective, etc reasons that can in particular make practical attitudes to become practically impossible. But I will not go into them here. Suffice it to be said that for him, "because practical attitudes are grounded in practical beliefs, they are, to the extent to which they involve such beliefs, subject to the principles of logic⁽²²⁾". Logic is crucial among the reasons because the logical impossibility of the realization of an option, implies its metaphysical, empirical, and effective impossibilities as well.

From Practical attitudes to actions

According to Aristotle (as quoted by Nweke and Enu), "in the arena of human life the honours and rewards fall to who show their good qualities in action"⁽²⁾. Our interest in practical attitudes is that it is the basis for action, and if there is anything our democracy needs today, it is guided, conscious, purposeful action. And it is argued that the kinds of attitudes we develop (which are grounded by our beliefs) are the practical motivations for actions. The things that we do (our actions) are, therefore, dependent on both our beliefs and our practical attitudes. We act in a world that other people also (inter-subjectively) act. The idea that we act "where" others act is the source of one of the fundamental *metaphysical perennis* of philosophy: the question whether human actions are free (to what extent) or determined. But we will not get into that debate here before we get lost in the legendary "Bermuda Triangle", that is why we agree that the supreme practical attitude is, in the final analysis, ultimately a moral attitude.

In initiating action or in being motivated to act, we need to observe that there are certain actions that may be based on beliefs common to many people within a particular social group, and other actions that may result from beliefs which some few people (agents) within a society may harbour. Sometimes, these few people are perceived as being mischievous when what the majority may be lacking is enough information that would enable them appreciate the point being made by the few. In other cases, it may just be ignorance and sheer laziness that make the majority treat the minority, who have opposing attitudes and beliefs (that encourage a certain course of action), with a certain amount of mis-trust, mis-giving or even disdain. This, I believe, is the reason behind the emotional outburst against the many Nigerians who ask, not for an *amendment* but for a

total change of the Constitution on the basis of which what we have baptized with “democracy” in Nigeria thrives. We shall dwell on it in the next section.

The fact that beliefs and attitudes are crucial in motivating actions should not blur the idea that actions are equally crucial in interpreting some other person’s and expressing one’s beliefs and attitudes. In an expression that appear (but not) circular, Korner says:

Just as one understands the belief and attitudes of others by interpreting their bodily conduct or its results as action or the results of action, so in turn one understands action by ascribing beliefs and attitudes to agents. For to perform an action is to choose bodily conduct in the light of certain beliefs and evaluations the absence of which would change the nature of the action realized by the chosen bodily conduct¹⁰⁷.

One, therefore, does not need to be a Freudian (psychoanalyst) to draw implications that would give us a conclusive interpretative understanding of the beliefs and attitudes of our so-called democrats. They have selfish, winner-takes-all attitudes. It is this development of practical attitudes that would free the masses from being mere observers to become participants/actors/activists in the democratic process. Just like in the game of football, spectators do not win matches; those who are mere observers in the theater of life, especially in the political sphere, do not bring about changes. William Sweet, in his essay “human rights, social responsibilities and the preservation of cultures” argues that “we have an obligation to contribute positively to our culture and tradition by engaging authentically with difference and novelty, so that culture can continue as a context in which human flourishing is possible. Thus, we have an obligation to participate in the construction of our communities, as far as we can ...”⁽²⁸⁾.

The reason why our practical attitudes need to be carefully and correctly conceived is because; one, certain inconsistencies and opposition within the conceived practical attitudes are capable of rendering actions impracticable in the sense of not being able to be seen as realizable or unrealizable. Two, there is the possibility of having practical attitude of practical attitude. In other words, what sort of attitude should one have towards a practicability that he has a practical attitude towards? Would it still be practical? This is a situation where one practical attitude dominates another practical attitude. Recall that we said earlier that practical attitudes have 3 dimensions of expression: positive (pro-), negative

(anti-) and indifference. It is at these dimensions that a practical attitude can be developed to either dominate or complement another practical attitude. For e.g., I can have a pro-attitude towards my anti-attitude towards the possibility of representation in politics. The former (pro-) attitude dominates the latter (anti-). But can I have a practical pro-attitude towards the activities of elected representatives and still have a practical anti-attitude towards this pro-attitude? The answer is, of course, "yes"! One just dominates the other.

However, the worst attitude that one can exhibit towards the polity or the society is the attitude of *indifference*, which creates a situation of docility and passivity in and towards what is happening within one's society. But one can have a positive practical attitude about a possibility towards which one holds a false belief concerning its realizability. There is a sense in which we can argue that some of the things we believe about democracy are anchored on *pure*, rather than *practical* attitudes. We believe, for e.g., that democracy is synonymous with economic development. But to what extent is this belief both *exclusive* to and *realizable* of democracy? In my paper, "The Crisis of Identity and the Quest for Development in Africa: The Place of Leadership in Creating a New Culture", I had addressed this claim, and shown that Japan and the Asian Tigers (South Korea, Malaysia, Singapore and Taiwan) were not democracies when they achieved what have made them the envy of both the developed and developing world. Francis Fukuyama appears to allude to this point. In his popular and controversial book, *The End of History and the Last Man*, Fukuyama, having defined democracy as "the [liberal] right held universally by all citizens to have a share of political power, that is, the right of all citizens to vote and participate in politics"⁽⁴³⁾, argues that the phenomenon of democracy cannot be adequately explained in economic terms. According to him there are many times in world history when modernization and industrialization, when

the option of prosperity without liberty existed - from the Tory planters who opposed the declaration of Independence in the United States, to the nineteenth century authoritarian modernizers in Germany and Japan, to contemporaries like Deng Xiaoping, who offered his country economic liberalization and modernization under the continued tutelage of a dictatorial Communist Party, and Lee Kuan Yew of Singapore, who has argued that democracy would be an obstacle to Singapore's spectacular economic success⁽¹³²⁾.

It is important to observe here that for Fukuyama, democracy is synonymous with liberty, while the “Last Man” that would be standing when all else have gone down is the “democratic man”!

This attitude of thinking that democracy and development are twins have led us to accepting it under any guise as long as we can give it the name “(liberal) democracy”.

Although attitudes appear internally domesticated, they are nonetheless formed from beliefs, which in turn are results of interaction with the external, social world around us. One may have an attitude that appears a little bit weird when someone else hears such attitudes expressed in a proposition, yet sometimes (if not many times) one can also develop an attitude which, when expressed, one discovers has also been brewing in someone else’s mind. What this means is that the ability, the capacity and capability to *influence* is a crucial factor in the translation of practical attitudes into actions that would affect society. This is why Korner opines that:

What distinguishes a social action from a solitary one (if indeed there are such actions) is that its constitutive beliefs and attitudes includes on the one hand beliefs and attitudes shared by the agent with other members of the social group and on the other hand beliefs about, and attitude towards, the way in which members of the social group will be effected by the action¹⁰⁸.

What we glean from the above is that action, if it must have a meaning, if it must be action, cannot be solitary or an internal concern of an individual in his own world. For indeed, that *his* world is actually and equally *our* world! To form a practical attitude is, therefore, to articulate a *response*, an *activity-prone* reaction to a particular situation, which is the resultant effect of beliefs formed via social thinking/interaction.

Confidence and Influence

The fact that we are discussing the place of practical attitudes in motivating the type of action that our democracy in particular, and socio-political environment, in general require, makes the demand for the exercise of influence a vital factor. However, one must first of all build the confidence that makes the exercise of influence possible. For Korner, “the scope within which such an attitude is practical depends on a person’s beliefs about his ability to influence others. It

will be wide in the case of a confident moral reformer and narrow in the case of a diffident recluse”²⁷.

Innocent Asouzu in his book *Ikwa Ogwe: Essential Readings In Complementary Reflection*, underscores the relevance of confidence-building when he links it up with rationality. Asouzu argues that:

...rationality is not something pre-given as such, it is rather something that has to be learnt and practiced. Within this framework, the role that confidence plays cannot be underestimated. One can say that learning and practicing rationality are founded on confidence, such that confidence-building can be seen as the foundation on which rational praxis is firmly erected. In other words, man’s rational action can be affirmed when we have confidence to do so⁴⁰⁴.

The implication of the above is that the idea of the rational is not only “not pre-given” but that it is discernable only in expression; that is, what is rational cannot be known “in the head” but can only be determined “by practice”, in action. We are only able to communicate whether we are rational or not when we act.

This question of *confidence-building* is the basis of our belief that we can *influence* others to accept our otherwise subjective immanent attitude towards constitutional democracy in Nigeria. Thus, in another work, “Confidence Building As Consummate Foundation of rational Praxis”., Asouzu takes off by looking at the contract theories of Hobbes, Locke and Rousseau, and how these theories justified the foundation of both civil governance and order in society against the backdrop of the barbarism and lawlessness in “the state of nature”. The author review what he calls “a thorough-going dogma of human rationality as the basis of human action”⁴⁰³. He argues that most human actions, if not entirely irrational, are not as rational as have been claimed. He, therefore, proceeds to articulate the role which confidence can play in encouraging rational and hindering irrational discussion, interaction and action. For him,

“Lack of confidence can, however, be a hindrance to rational discuss. For this reason, confidence has to be established as a condition for such rational discuss” (407).

He argues that without confidence, the individual would not have the foundation that would ground his actions. The stimulus to take a course of action would not be available, the “fundamental nature of confidence becomes evident

because the defence of our action is rooted on the confident approval of those whose interests are at stake"⁴⁰⁸. He argues that, although confidence is rooted in "self-confidence," it transcends the self to become externalized. Confidence "is consummated in participation through the participation of all stakeholders, it becomes possible to establish the most fundamental nature of confidence, which breaks the ambivalence of its subjectivity"⁴⁰⁸.

Practical Attitudes, Constitutionalism and Democracy in Nigeria

It is the contention of this whole essay that the state of Nigeria's democratic experiment portrays a lethargy that demands actions that can only be leveraged by practical attitudes. This Leviathan of democratic bureaucracy has grown right from the very structure of state organization via the institutions that ground and further-build that structure to the exhibition of authority (or better still, power). It would not be in the spirit of this essay (it would be impracticable) to imagine that we can address all the problems of Nigeria's democracy here and now. Not only will that be impossible, it will equally be unnecessary!

Consequently, we shall try to apply some of the things we have been saying to 3 broad concerns within the Nigerian socio-political (democratic) sphere. The first is the constitutional provision upon which the Nigerian State rests, the second is the electioneering process from where leaders emerge, and then, thirdly, the exercise of authority or execution of power. It is our belief that the application of practical attitudes in these areas of political evolution will go a long way in restoring hope in the democracy being practiced in Nigeria. It has been recognized that if Nigeria should realize her potentials, a lot of hope awaits the entire black race. About 60 years ago (around 1961) India, Brazil and Nigeria were conceived as countries with potential. Today, while India is a nuclear power and Brazil is manufacturing vehicles and aeroplanes, Nigeria's only achievement is perhaps, the inglorious title "Giant of Africa".

I argue that our attitude towards the Nigerian Constitution of 1999 should be that of active discontent with both its content and the manner of its imposition. The truth is that what we call "The Constitution of the Federal Republic of Nigeria, 1999" is actually decree No. 24 of 1999, Promulgated by General Abdulsalami Abubakar. Virtually all the legal egg-heads in Nigeria, dead and alive, from Rotimi Williams ("The Law"), Chief Abioye Bankole-Okun (who until the year, 2010, when he died was the oldest practicing lawyer in Nigeria), Prof. Ben. O. Nwabueze, well-know constitutional lawyer, Chief C.C. Onoh, Gani Fawehinmi, and many others all agree that the 1999 constitution tells a lie about

itself when it says “we the people of the Federal Republic of Nigeria, having firmly and solemnly resolved to live in Unity and Harmony as one indivisible and indissoluble sovereign nation under God... do hereby make, enact and give to ourselves the following constitution”. Following the above claim, Chief F.R.A. Williams on June 18, 1999, at a gathering of legal luminaries in Lagos, less than a month into the Obasanjo administration, declared: “From my early days as a student, I have been told to classify a document which tells a lie about itself as a forged document ... This is what the constitution says about itself. I will classify it as ... a lie” (Reported by Ise-Oluwa Ige, *Vanguard Newspaper*, 18/10/2008, p.35).

Now, the fact that the constitution of Nigeria (1999) was not authored by the people of Nigeria, through the representatives of the federating ethnic nationalities has very serious implication, both in terms of its content and whose interests are really protected therein and thereby. In his book, *The Constitution of Liberty*, Friedrich Hayek writes that “the constitution was thus conceived as a protection of the people against all arbitrary action on the part of the legislative as well as the other branches of government”¹⁸². But it is not difficult to notice that what we today call Nigeria’s Constitution, on the basis of which the structure of the federating units as well as the fiscal arrangements are constructed, protects the rich and the ex-military elites that have ruled the country since 1966. For e.g., the controversial section 308 of the 1999 Constitution was inserted to grant immunity to 74 Nigerians, at different times, against 200 million others (36 Governors, 36 Deputy Governors, the President and the vice-President!).

Tony Nnadi, General Secretary of Movement for New Nigeria (MNN), a group of eminent Nigerians who advocate for a complete restoration of Nigeria’s federal structure or (where this is impracticable) a dissolution of the Union, writes that the implication of a Federal Government that wants to control all the ethnic nationalities from Abuja has been the emergence of,

armed insurrection for resource-control (MEND), the flying of Biafran flags (MASSOB), armed interventions in the internal security arrangements (OPC) and other extreme acts of self-help towards self-emancipation in utter defiance of the so-called “1999 Constitution” bandied and brandished ... as the unquestionable bases, both of the Union and the absolute powers they wield over.

In the year 2020 what is going on in Nigeria has become worse than the picture painted above. OPC has given rise to amotekun (a security outfit for south west Nigeria), from MEND we letter had avengers, from MASSOB we now have IPOB; while in the north, apart from boko haram we have Fulani herds men terrorising the entire country, banditry, kidnapping, etc these are signs of a country under siege.

We believe and assume that we operate a Federation, yet every month, instead of the federating units contributing to the centre, they go, cap in hand, to the centre to collect allocations. Although constitutionalism generally has its own fundamental weakness, according to Dayo Oluoyemi-Kusa, the weakness of the Nigerian Constitution were deliberately inserted. In his paper, "Constitutionalism, Constitution-Making and Social Engineering in Nigeria", Oluoyemi-Kusa says that "Constitutionalism suffers from the defects inherent in its own merits. Because it cannot do some evil, it is precluded from doing some good. Shall we, then, forego the good to prevent the evil, or shall we submit to the evil to secure the good?"¹⁹.

There are several flaws observable in constitutionalism generally and the Nigerian Constitution in particular. But our real interest is in the attitude we should adopt to the issues raised. In an interview in *The Guardian* newspaper (October 5, 2010) James Ezike, an experienced constitutional lawyer, captures the issues in clear terms in the following words:

We need a brand new constitution. Unfortunately, the constitutional amendment we have seen is ridiculous. From it, you can see that the incumbent legislators are simply taking care of their own business, not the people's business ... we need fundamental amendment dealing with federalism itself. We don't have a federation. What we have is unitary system of government, allocation of revenue and the Federal Government takes most of the revenue. That is why Abuja has grown 5 times faster than Washington D.C. did for over two hundred years, because that is the headquarters of corruption. There is so much money there that it does not make sense being elsewhere⁷⁸.

The issues raised above are very fundamental to the Nigerian State. If the constitution that is supposed to carry the Nigerian State is flawed, then what is our attitude to such fundamental issue? Certainly, an attitude of indifference

would be the worst in this context. How can our country be pretending to be a federation, when the so-called “states” that make-up the federating units lack autonomy because they are creations of the central authority? This is where those who have come to understand the issues should rise-up with a pro-attitude towards a new federal constitution and an anti-attitude towards what we now use as the basis for the Nigerian Union. With the *confidence* they have in their capacity to *influence* others, and going by the fact that many people across all the ethnic communities *share* the same attitude, they should begin to set movements in motion towards *realizing this* goal. Unfortunately, the attitude of most Nigerians to this issue has been that of gross indifference occasioned by either ignorance or deception by our leaders - the group that the Constitution has served. Another legal scholar, Dakas C.J. Dakas discusses the criticisms usually laid on the 1999 Constitution even by the Presidential Committee set up by former President Obasanjo to review it. According to Dakas, the Committee’s Report of February, 2001 said that the constitution-makers, “sidetracked serious contentious issues in Nigerian politics and did not attempt to encourage Nigerians to see the document as their own constitution, to be owned, studied, defended, and used to defend democracy... the process that culminated in the Constitution ignored... the structural issues that bedeviled the country’s attempt to enthrone a truly accountable, transparent and democratic political order”¹⁶³. However, why Dakas would think that the people would “own” and “defend” a document they did not author beats me, hollow!

We appear to be dwelling much on the constitutional issue because it is the fountainhead from where all other problems flow. What we today call MEND (Movement for the Emancipation of the Niger-Delta), OPC (O, Odua People’s Congress), MASSOB (Movement for the Actualization of the Sovereign State of Biafra) and MOSOP (Movement for the Survival of Ogoni People) and others before them, are actually ways in which the ethnic nationalities within the Nigerian State are expressing their own immanent metaphysical view of what we call “Nigeria”. What they are simply saying is that “the *propositions* (proposals, if you like) put forward by the managers of the Nigerian Union do not *conform* to our *principles* of what we think the Nigerian Union should pursue”! The failure of these proposals with this inconsistent, even paradoxical state power becomes more of a way of life than an exception. Corruption has developed into a culture of some sort in Nigeria, and the constitution has become too weak to frontally address this matter, because the political elites who have used state power to acquire economic bases have turned-around to practically “buy-up” the country.

According to J.C.A. Agbakoba, in his book, *Philosophical Issues in Development*, “the elites do not act out of an intended or conscious motive of developing the whole of society. Rather, their motive is selfish, but all the same it turns out to be the wheel propelling the whole of society”⁵⁷. What we call government has become a class of people whose interests became more exalted beyond and against that of the citizens. As Agbakoba again declares: “...the state then turns into an alien power constraining the freedom of its citizens”⁴⁷.

Nigeria, for example, is a state, recognized as a subject of international law and a geo-political entity. But is what Tony Nnadi calls a “bedlam” (Nigeria) more of importance and relevance than the constituents or the citizens that dwell therein? In other words, is retaining the concept “Nigeria” of legitimate significance more than say, the Musas, Adebiyis, Okonkwos, Timipriyes, Okons, etc that make-up the state? This question is imperative because the way some people discuss the concept of “Nigeria” as an entity that must be kept together by hook or crook, even at the expense of the people that make her up, betrays both an element of desperation by those who are savouring the gains of the status-quo and ignorance by those whose blood and sweat provide the basis for the maintenance of that status quo! Now, the issue is not that it will be automatic *uhuru* for the citizens of Nigeria once the union is dismembered. The issue, rather, is that what we call “Nigeria” is resting on political, economic and constitutional falsehood. We cannot continue to run a “police state” and then call it a “democracy”, a democratic federation!

There are countries that are big both in terms of population and geographical mass, but they have defined the *basis* of their existence together. That is why in the United States of America (U.S.A), some states, within the union, still retain the death penalty for certain offences, even though it is outlawed by the United States Constitution. In another of his books, *State Building*, Francis Fukuyama, while ex-raying the consequences of weak and failed states for the international order, suggests that instead of weakening statesness, we should strengthen it by making it “smaller but stronger”. In his words:

The agenda of reducing the scope of nation-states still remains a live one in many parts of the world. The stagnation that emerged in Japan during the 1990s and the social security crisis that will emerge in many European welfare states in the twenty-first century is linked to an extensive degree of regulation and state intervention in the economies of these countries... A critical issue facing poor countries that block their possibility for economic

development is their inadequate level of institutional development. They do not need extensive states, but they do need strong and effective ones within the limited scope of necessary state functions¹⁶¹⁻¹⁷².

Of course, what Fukuyama is saying here is not that a state as populous as China or as vast as U.S.A is not desirable or is “extensive”. Here “extensive” relates to the functions of the state. In Nigeria, what remains is for the central government in Abuja to distribute air for us to breathe! I have discussed the extensiveness of the Nigerian State in one of my papers, “Robert Nozick on the Minimum State and an Entitlement Theory of Justice, and The Naija Delta Questions in Nigeria Is That Not What Nigeria’s Niger-Delta Needs”⁹.

The Realizability of a New Constitution

As we critically look at the Nigerian condition, it is important to reflect on the *realizability* of a new Constitution. This is important because, whatever attitude we consider as practical should be capable of being realized. Two basic perceptions have been exhibited towards the 1999 constitution: one, those who say that as “criminally flawed” as the document is, we should just keep amending it, and two, on the opposing side, those who argue, and practically necessary too, that we need to just shut down the constitution, either by an act of the National Assembly or by a court declaration, is an invitation to anarchy. None of the above attitudes is practically realizable within our context. The first option looks like an attempt to make the “devil” valuable by deleting the “d” or by adding “be”, leaving us with “evil” and “bedevil”, respectively. The truth is that the people that currently constitute the National Assembly in Nigeria, as well as the executive arm, cannot foster the kind of evaluative courage required to inject fundamental amendments. Infact, it would be an attempt to ask them to pull the carpet they are comfortably resting on, from under their feet! The second option, on the other hand is even, to borrow Patrick Wilmot’s catchy phrase, “a nightmare scenario”: a sudden and immediate annulment of the 1999 Constitution! What we advocate that is a practically realizable attitude is a deliberate transition period of between 18-24 months during which what we have now would wind-up and a new federal Constitution that would grant autonomy to the federating ethnic nationalities and drafted by them, would come into operation.

If we reject the above practical attitude, we shall be playing a *dangerous game* with the current fragile Union. Details of this option have been worked out by different groups and i do not have to bother about it here.

In my essay, “transforming the formless: the inevitability of a new constitution for the survival and development of Nigeria”, I have discussed in more details the historical evolution of constitutions and the circumstance surrounding the 1999 constitution of Nigeria. This paper takes that discussion further by positing that unless we adopt a practical pro attitude towards the necessity for that “new constitution”, there would never be any change in status quo.

If we fail to do what Ladipo Adamolekun calls “devolution... [or] the death of the federation”, if we continue to be what Reuben Abati calls “a nation of parasites”, then we can only be left with more MOSOPs, MASSOBs, OPCs, MENDs, AYCFs BOKO-HARAMs, Bauchi Talibans, etc, and of course, more “military-style centralism and uniformity”, and consequently, more crackdowns and more desperation by “the Nigerian ruling elite and their rent-collecting cabals...” (Abati), and we shall continue to be what Soyinka calls “... a gangland of unprecedented impurity” (In a “Foreword” to Patrick Wilmut’s book, *Nigeria: The Nightmare Scenario*) we will continue to witness a Mohammed Sani Yerima, who will defy “a Nigerian Constitution” that outlaws marriage to a minor (13 year old girl), and yet cannot do anything because the constitution cannot play-God over his Islamic religion that sees nothing wrong with it, especially from his Sharia-codified legal angle! We will continue to witness a Lagos State that would create 57 Local Government Areas, in defiance of the Federal Constitution that restricts it to only 20 (“Why not”, Lagos would say, “doesn’t old Kano State have 71 Local Government Areas -Kano, 44; Jigawa, 27-while Bayelsa State that produces the oil money that we share has only 8 Local Governments?”). All these people, these groups and these activities are simply re-asking the question that scholars, activists and compatriots have been asking for decades: Is Nigeria a nation? In the words of Abati; “the failure of this country [Nigeria] to transform into a nation in the real sense is what is responsible for the calls for self-determination and the proliferation of ethnic and tribal groups”

In agreement with Korner²⁵, we need to motivate and influence the masses of Nigeria to develop a “discordant” attitude to the “incongruous” one which her leaders, nay rulers, have developed towards the people and the society. We have to influence them to adopt this practical attitude because we believe that it is evaluative and because it is evaluative, it has a moral force behind it. The fraud

we call elections in Nigeria and the corruption that has become their fruits can only be confronted by the active mentality which a practical attitude can engender. That the principles which we are using to confront the propositions put forward or claimed by the Nigerian State as presently constituted, are shared principles, gives us the confidence that we can realize it, that it is practicable.

Conflicts may emerge from the categorization I have given and the system of logic with which I arrived at such categorizations, but the conflict would not lead to an abandonment of our principled position: that the Nigerian State needs fundamental constitutional alteration, otherwise, not only will our fledging democracy not survive, even the very idea of "Nigeria" may become part of history! Our framework and the principle embedded therein do not need to demonstrate a certain degree of uniqueness for it to be accepted. Rather, it only needs to demonstrate how it can be employed. This is why Korner argues that "... we need to grant the possibility of showing that some categorical frameworks must be employed in everybody's objective thinking ..."²⁴

Conclusion

Unfortunately, nothing is concluded here, except that we want to stop what you have been reading! For indeed, all we have tried to do here is to display an attitude of discontent with the way the Nigerian State has been run over the years by thinking about her history and the socio-political phenomenon called "democracy". Our argument has been that the possession of practical attitudes would help us to be motivated into the type of action that will engineer a constitutional change – the only hope through which a possible salvation of Nigeria from disintegration can be fostered. We have also noted that this expression of practical attitude is founded on the fact that it is ultimately a moral one, because it involves the evaluation of the propositions put toward by the principal managers of the Nigerian project. Our contention is that these propositions have failed to conform to the principles of justice, freedom, equity, resource-control, security, self-determination, etc, which most of the peoples within the Nigerian Union believe. This paper notes that most people in Nigeria hold this immanent metaphysical position, but do not know that they are metaphysicians.

To set up certain institutions for political partism, elections, etc cannot guarantee the freedom of and for the people. This call to re-federate the Nigerian State through drafting a new Constitution can be achieved only through actions

motivated by practical attitudes! However, since it is difficult to articulate this interest over and above the narrow interest of those who manage state resources, how then can we bring the entire society or at least the majority of people, to see this goal as something that should be pursued for its urgent significance? The current leaders of Nigeria must see this task and pursue a transitory agenda that would reduce collateral damage. Some of the frameworks now adopted by certain peoples and ethnic communities have resulted in the formulation of practical attitudes leading to activities (actions) that appear violent. Indeed, as it is said "those who make peaceful changes impossible make violent ones inevitable". In the words of Tony Nnadi, "a Sovereign National Conference (SNC) is now absolutely inevitable if we still fancy any Nigeria. Failure to act quickly leaves the door wide open for all kinds of possibilities. There is only one choice now; either we re-federate or the union goes into dissolution". If we develop a practical attitude towards this call, then we would inevitably perform actions that would make it a realizable possibility! This is a supreme moral demand necessary for evaluating our judgments and decision-making processes!

The various Constitution review and amendment committees are desperate attempts by the proponents of the *status quo* to deceitfully respond to the genuine demand of the Nigerian people to draw a charter of existence. How long shall we continue like this?

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Journal of African Studies and Sustainable Development. ISSN: 2630-7065
(Print) 2630-7073 (e). Vol. 3 No. 2. 2020
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