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# The Nigerian Journal of Philosophy

*Journal of  
the Department of Philosophy  
University of Lagos, Lagos, Nigeria*

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This Journal is not an organ of any particular Philosophical School of thought. Its aim is to be an outlet through which the results of scholarly researches in philosophy are made available to professional philosophers both within and outside Africa, and a forum for the exchange of philosophical ideas. The Journal therefore encourages and welcomes scholarly research in any branch of philosophy. Book reviews and advertisement are also welcome.

Articles intended for publication in the Journal must be strictly philosophical and should be between 15 and 25 pages (quarto size) long, typed double spaced and should be sent in duplicate. All correspondence should be addressed to the Editor, The Nigerian Journal of Philosophy, Department of Philosophy, Faculty of Arts, University of Lagos, Nigeria.

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#### NOTES ON CONTRIBUTORS

**Chiedozie Okoro** is an Assistant Lecturer, Department of Philosophy,  
University of Lagos.

**Dr.G.E.Azenabor** is a Senior Lecturer, Department of Philosophy,  
University of Lagos.

**Dr O.A Falaiye** is the Ag. Head Department of Philosophy,  
University Lagos.

**Prof Oladejo Okediji** formerly, Professor of Sociology, Department of  
Sociology, University of Lagos.

**Dr. J. G. Nkem Onyekpe** is a Lecturer, Department of History ,  
University of Lagos.

**Ekwealo Chigbo Joseph** is a Lecturer, Department of Philosophy,  
University of Lagos.

**Dr. Kolawole A. Owolabi** is a Senior Lecturer, Department of Philosophy,  
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**Jim. I. Unah's 'GODIANISM: PHILOSOPHICAL  
PROFILE' A REJOINDER**

**By**

**Prof Oladejo Okediji**

Formerly, Department of Sociology  
University of Lagos.

**Introduction**

The recurrent concepts and themes which appeared in Dr. Unah's article (The Nigerian Journal of Philosophy, Vol.17, Nos.1 and 2, 1998/99, pp1-9) are 'Godianism,' 'Nareto,' 'pacifism,' 'spiritual balance and harmony,' 'religious tolerance and peaceful co-existence,' 'phenomenological ontology,' and, more, which he has systematically strung together in a cunning (philosophically creative) way as to portray any contradiction of his series of theses as betrayal of patriotism or pan-Africanism.

What do these concepts mean? Why are their operationalization into a web of theses focussed on African religions (nature worship) and their assumed inherent contributions to 'spiritual harmony, world peace and stability'? Why has the advent of Christianity and Islam on the continent and their evangelistic 'belligerence' considered to have endangered 'the religiously serene environment of [African] Godianism' thus making it imperative to have a 'natural peace-maker [Naretist]' to mediate between Christianity and Islam for the restoration of 'religious harmony to Africa, in particular and the world in general so as to save mother earth from 'total annihilation.'

According to my understanding of Dr. Unah's conceptualization, Godianism is an all-inclusive term, which collectively refers to all forms of African religions. It conveys an all-pervasive primacy of God in the affairs of man in Africa and an idea of absolute religious accommodation with other existing

religions. To the Godian, God manifests himself in every religion and, so, every form of worship is legitimate. This is because God does not discriminate or order a hierarchy of preferences as avenues to worship him.

Nareto is a philosophical declaration of unfettered religious freedom. Its banner is peaceful co-existence impliedly among religions that are not hierarchically ordered at the individual and institutional levels. The Naretist is the pacifist Godian practitioner who is a facilitator or enabler of Godianism. It is this context that spiritual 'balance and harmony' are assumed to exist, in pristine times, among different African religions to further tolerance and co-existence. This view is more of a conceptual tool rather than an empirical spiritual state especially when we consider some well known religions such as Oro, Ogun, Yemoja, Songo or other indigenous forms which incorporate elements of magic, witchcraft, necromancy; ogbanje, mammy water, emere and dada spirits.

Inherent in the nature of these African ( and other world) religions is the use or the threat of the use of ritual violence as preventive or offensive weapon against real and imaginary enemies. They do not always seek peace or pursue it. Neither are they always resolutely committed to tolerance in co-existing with other religions or in maintaining the boundaries of their physical space. Indeed, the reality in many of these religions with their religious practices is an approach or strategy based on carnal revenge. So, Dr. Unah should not corner his readers into collective amnesia in this regard. Rather, it is better to be forthright enough to call a spade a spade.

Finally, a 'genuine pacifist [is] one... who recognizes the inalienable right of everyone to practice his politics, economics, or religion in any way that he deems fit without molestation.' This definition is problematic because it seems to elevate an individual's rights above institutional values and norms in a society. If so, this



can only result in atomistic behavior and, hence, anarchy unless society, *ab initio*, regulates such behaviour. Perhaps, one should see a pacifist more in a conventional sense as someone who is actively opposed to war or the use of violence to settle disputes.

#### 'The Task' of Godianism

Dr. Unah's central thesis about Christianity and Islam in Africa is that, as 'imperial' religions, they use 'belligerence' to win souls. Consequently, according to him, both religions have imported to the African continent 'religious strife' which is contrary to the message of phenomenological ontology. The latter accords recognition to the assumption that 'since religion... through which God discloses Himself to man has various manifestations, man should not disparage any of them.' Thus, one of the goals of Godianism is to umpire religious squabbles between Christianity and Islam so that they may not act in ways which will bring about 'religious inferno' in Africa and the rest of the world.

It is my view that Dr. Unah's conclusions are limited and invalid in some significant respects. One is his use of 'philosophical paradigm' to make sweeping generalizations about what are essentially religious phenomena. Another is his random choice of two of the major world religions for comparative analysis to the exclusion of the dynamics of several micro traditional religions in Africa. Then, there is his primary dependence on phenomenological ontology as an empirical tool without the input, direct or inferred, of relevant social theories like functional or change theories in presenting his viewpoints. Finally, he seemed to have misled himself by the assumption that 'pre-colonial Africa was famous' for 'religious peace and spiritual harmony.'

An attempt will be made to bridge as much as possible, these lacunas in my own discussion, which will center on Christianity in the context of Godianism. I will skip any consideration of Islam not because of belligerence or intolerance but because I lack specialist competence to handle it.



### Profiling Christianity

I must preface this section by stating, at the personal level, that I have no complex about the fact that my paternal lineage worshipped Ogun, the god of iron and war. Neither do I have apologies concerning Christianity in to which I was born and raised as a Baptist. I derive spiritual fulfilment from the discovery and nurture of divine truth, through Christianity, which has provided a liberating force for my spirit, soul and body especially since I became a new man in Christ. It is this divine truth about Christianity, which will discuss to mirror the prejudices of Godianism against this world religion, which has one third of mankind as members. I will set aside any *apriori* considerations about the secular roles, which Christianity might have been made to play in world history as a political instrument in the hands of opportunists. Rather, I will focus attention on the fact that Christianity has always been a religion of peace whose faithful adherents have suffered persecution, violence and martyrdom since its inception until the present time. In fact, there has been more persecution of Christians in the 20th century than throughout the whole period of Christian history.

Since Nareto's accusation centers around alleged belligerence of Christianity in evangelization, which negates tolerance, co-existence and peace. The following topics will be addressed to shed a better and more informed light on the accusation. These are: Who is Jesus Christ whose ministry on earth gave birth to Christianity? What concerns occupied his ministry? What was the core of his teaching preaching and healing ministry? What was his command to his disciples before his ascension to heaven (and after his crucifixion and resurrection)? Who are the 'spokesmen' of Christianity and how faithfully have they performed their roles throughout history with particular reference to the last command of Jesus Christ?

In the conclusion, we will evaluate, in the context of infallible proofs, if Christianity is a religion of peace, harmony and stability or whether it is a religion of belligerence, intolerance and instability.

**Who is Jesus Christ?**

Jesus Christ means, in Hebrew language, 'the anointed one'. He is the only begotten Son of God who was affirmed in the Old Testament through the Psalmist who said:

*I will declare the decree: The Lord hath said unto me,  
Thou art my Son; this day have I begotten thee  
(Psa 2:7)*

Hundreds of years before his birth, Isaiah, the greatest Old Testament Prophets, on account of his concern with the redemption of fallen mankind, predicted his birth with uncanny accuracy. In Isaiah chapter 7 verse 14 he said:

*Therefore the Lord himself shall give you a sign;  
Behold a virgin shall conceive, and bear a son, and shall  
call his name Immanuel.*

This was in reference to the miraculous conception and birth of Jesus Christ recorded in the gospels according to Saints Matthew and Luke. In Isaiah chapter 9 verse 6, the birth of the Prince of Peace was predicted as follows:

*For unto us a child is born; unto us a son is given; and  
the government shall be upon His shoulder: and his name  
shall be called, Wonderful, Counsellor, The Might God,  
The Everlasting Father, The Prince of Peace.*

Other prophecies by Isaiah concerning Jesus Christ are found in Isa 11:1-5; Isa 53:3,4,5,7 and 12. In the gospel of Saint John chapter 1 verse 1, the pre-incarnate term for Jesus Christ is the Word, which in Greek, is *Logos*. The meaning of the latter is 'first immaterial intelligence and then, the expression of that intelligence in speech that humans could understand'. John chapter 1

verse 14 states that 'The Word was made flesh, and dwelt among us...' The Greek term for Word is 'Sarx'. In the context of John 1:14 this means that Jesus Christ 'became man or took human nature upon himself and became subject to suffering and mortality.' In other words, Christ's redemptive mission to the earth was a voluntary act on his part.

Having manifested Himself physically in this foreordained role to regain the paradise which mankind lost through Adam and Eve in the Garden of Eden, Jesus Christ began his three and a half-year ministry after his baptism in River Jordan by John the Baptise, his Herald. That was when the heavens were opened with the Spirit of God descending upon him like a dove.

*And lo a voice from heaven saying, This is my beloved son in whom I am well pleased (Ma 3:17).*

This was the first direct confirmation of God of the deity of His only begotten Son, Jesus Christ.

#### **The Earthly Ministry of Jesus Christ**

The ministry of Jesus Christ centered on preaching, teaching in the synagogues and temples and healing. The essentials which informed this Ministry and revealed its supernatural direction was the *beatitudes* which he taught in his sermon on the Mount. So important are they to the character of Jesus Christ and the spiritual legacy which he finally gave the Church that it is reproduced as follows:

*Blessed are the poor in spirit: for theirs is the kingdom of heaven.*

*Blessed are they that mourn: for they shall be comforted.*

*Blessed are the meek: for they shall inherit the earth.*

*Blessed are they which do hunger and thirst after*



*righteousness: for they shall be filled.*  
*Blessed are the merciful: for they shall obtain mercy.*  
*Blessed are the pure in heart: for they shall see God.*  
*Blessed are the peacemakers: for they shall be called*  
*the children of God.*  
*Blessed are they which are persecuted for*  
*righteousness sake: for theirs is the kingdom of*  
*heaven.*  
*Blessed are ye when men shall revile you, and*  
*persecute you, and shall say all manner of evil*  
*against you falsely, for my sake.*  
*Rejoice and be exceeding glad: for great is your reward*  
*in heaven: for so persecute they the prophets which*  
*were before you (Ma 5: 1-12) - emphasis added.*  
 His 'similitudes of believers' were also prophetic of the right standing  
 which he expected of all his disciples when he said:

*Ye are the salt of the earth: but if the salt have lost his*  
*savour, wherewith shall it be salted? It is thenceforth*  
*good for nothing, but to be cast out, and to be trodden*  
*under foot of men. Ye are the light of the World. A city*  
*that is set on an hill cannot be hid. Neither do men light*  
*a candle, and put it under a bushel, but on a*  
*candlestick; and it giveth light unto all that are in the*  
*house. Let your light so shine before men, that they may*  
*see your good works, and glorify your Father which is*  
*in heaven (Ma 5: 13-16)-emphasis added.*

As the future Chief Cornerstone of the local and spiritual  
 Church, Jesus Christ was inspired and driven by his love and  
 compassion for humanity whether they be Jews or Gentiles, rich  
 or poor, etc., in carrying out his healing ministry. He turned one  
 hundred and sixty two gallons of water into wine in his first ever  
 miracle recorded in Cana of Galilee. He cleansed lepers; cured  
 the paralytic, the blind, the infirm, the deaf and dumb as well as

those with palsy and dropsy. He raised the dead, cast out devils, restored withered hand, stopped the flow of the issue of blood and stilled the storm. He supernaturally fed five thousand and three thousand people respectively. He walked on the sea (thus not being subject to the natural law of gravity); stuck back severed ear and passed unseen through a hostile crowd. He raised the dead. Then, as he promised his disciples, the Jews, high priests, Pharisees and all those who were privileged to hear his teachings and sermons, he voluntarily gave his life to be crucified in the hands of the Jews and Gentiles. On the third day, he resurrected and made ten separate historic appearances to his disciples and to other people before his ascension to heaven.

#### **The Farewell Command of Jesus Christ to His Disciples**

After the resurrection of Jesus Christ and shortly before his ascension to heaven, he charged his disciples to continue His Ministry. This charge is always referred to as the Great Commission. This was what Saint Matthew recorded about what Jesus Christ said:

*All power is given unto me in heaven and in earth. Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost. Teaching them to observe all things whatsoever I have commanded you: and lo, I am with you always, even unto the end of the world. Amen (Ma 28: 18-20).*

Saint Mark's account of the Great Commission was stated thus:

*Go ye into all the world, and preach the gospel to every creature. He that believeth and is baptized shall be saved; but he that believeth not shall be damned. All these signs shall follow them that believe; in my name they shall cast out devils; they shall speak with new tongues. They shall take up serpents; and if they drink any deadly thing, it shall not hurt them; they shall lay hands on the sick,*



*any they shall recover (Mk 16: 15-18).*

This command was about empowerment, commitment to universal evangelization, water baptism, healing, and the working of miracles with a guarantee of everlasting support for faithfulness to the command. There was nothing in it to suggest a 'holier-than-thou' attitude, intolerance or belligerence. This fact should be noted in the secular agenda of Godianism.

#### **Who Are the Real 'Spokesmen' of Christianity?**

It is the contention of Dr Unah that the 'utterances and actions of the chief spokesmen of [Christianity] constitute the greatest obstacle to spiritual harmony, world peace and stability. For he who conquers, threatens and seeks to dominate his fellowmen cannot achieve spiritual balance least of all save the earth from total collapse.' It is not clear here if reference is being made to actors in a secular or theocratic state or if there is a universal earthly leader who speaks for all Christians. Some clarification is, thus, necessary.

Jesus Christ is the head of the Universal Church [the Chief Shepherd] and, by implication, the Chief spokesman for all Christian all over the world. The reason for this is simple. Since his disciples were 'called Christians first in Antioch' (Ac 11:26), 'Christianity is Christ [because] the person and the work of Christ are the rock upon which the christian religion is built' (Stott, 1958, p.21) So, anything that cannot be proved to have been said or done by him cannot be appropriately attributed to him. He is the reference point for all things Christian. As the Chief Shepherd, he has given power to all his disciples (followers) to evangelize. In this capacity, those who want to assume leadership role so as to authoritatively and more effectively work for him have the chooice of filling any of the five major ministry offices. These are preachers, teachers, evangelists, apostles and prophets. They are the ones who are absolutely committed to the commands of Jesus

Christ in terms of obedience (Jn 14:15); humility (Ma 10:24,25); total surrender (Lk 14:26,33), love (Jn 13:35), faithfulness (Jn 15:8); perseverance (Jn 8:31) and, like the Master Jesus Christ, the need to bear their cross daily (Ma 16: 24,25).

To be a spokesman for Jesus Christ is, therefore, an awesome responsibility because he is the ultimate leader, model and mentor for all his followers worldwide. Any Christian who exercises the choice to be his spokesman and sub-shepherd must know and renew his mind by constantly reading and meditating on the teachings, preaching and commands of Jesus Christ. So, the Godianist or Naretist should be more discriminating in designating people as spokesmen for Christian religion so as to avert attributing of Christianity what may be primarily secular (in terms of motivation) or false and fraudulent (in terms of intention). All spiritual and religious declarations by Christian spokesmen must be consistent with what the Word, which Jesus Christ represents or stands for, to be considered legitimate or valid. In fact, Christian spokesmen and all disciples of Jesus Christ are restricted in their behaviour and utterances in their every day life. What they are to God through Jesus Christ in terms of virtues has been stated by Saint Peter when he said:

*But ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people; that ye should shew forth the praises of him who hath called you out of darkness into his marvellous light: Which in time past were not a people, but we now the people of God: which had not obtained mercy, but now have obtained mercy (1Pe 2:9).*

This declaration is not to disturb the social equilibrium of Christians with their communities but, rather, to surround them with the virtues of righteousness and mercy in their relationship with others in carrying out the Great Commission.

### Conclusion

What, then, can we conclude about the nature of the role of Christianity in Africa and the world from the perspective of Godianism? The first observation is that Christianity is not an 'imperial' but a world religion. God, through Jesus Christ, has bestowed it to Africa not by an imperial or colonial government *per se* but through them, to the world. Since God uses people and things to accomplish his divine purpose, a colonial or an imperial government thus becomes a channel through which Christianity diffused to Africa. If the channels, which have been used for diffusion of Christianity, had created the religion, the allegation by Godianism would have been justified.

It is interesting in this regard that Christian leaders from Africa nations are now actively involved in missionary work in former colonial metropolises and other imperial nations. There are also a number of African religions, specifically those Yoruba origin such as Yemoja, Sango, Ogun, etc., which have spread to many parts of the new world like the USA, Brazil, Cuba, Haiti, etc. Could this diffusion be attributed to colonialism or imperialism from the African continent? Or could we legitimately claim that because these religions have spread to the new world through slave trade and slavery, they are to be identified primarily as slave religions in spite of the abolition of slavery and slave trade and the fact that their contemporary worship is not bound by race, geography or socio-economic status? The point being stressed here is that once an idea or an institution has become universally adopted, the concepts of intellectual property rights or patents by an individual, corporate body or nation no longer applies. It belongs to humanity. The process is called globalization in the secular domain; but it is foreordination in the sacred realm.

So, Christianity remains God's free universal gift to the world through Jesus Christ. Mankind has the power of choice to receive or reject it with the accompanying respective consequences. Jesus



Christ, through whom the free gift was given to the world, never advocated its acceptance by force, the threat of the use of force, coercion or deception. As the Prince and Peace, He did not require violence or belligerence to win souls. He was too busy in His packed earthly ministry preaching, teaching and healing the sick. When He sent original twelve disciples on their first evangelistic mission, His command to them was to:

*Heal the sick, cleanse the lepers, raise the dead, cast out devils: freely ye have received, freely give (Ma 10:8).*

Also, in his First sermon in his hometown Nazareth when the book of Isaiah was delivered to him on Sabbath day in the synagogue to read, the part which Jesus Christ opened and read concerned Isaiah's prophecy of his fivefold ministry which says:

*The Spirit of the Lord is upon me, because the hath anointed me to preach the gospel to the poor; he hath sent me to heal the broken hearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord (Lk 4:18,19; See Isa 61:1,2).*

Having read the passage with the eyes of everyone in the synagogue 'fastened' on him, he concluded, 'This day is this scripture fulfilled in your ears' (Lk 4:21). Yet, it is this man of peace that the Jews, Chief Priest and Pharisees of the Judaist tradition persistently plotted to kill during his three and a half year ministry. The gospel according to Saint John chapter eight recorded eleven such attempts to kill Jesus Christ for frivolous reasons such as healing on the Sabbath, working many miracles or giving proof of his deity. On a number of occasions, he was even accused of madness for stating simple spiritual truths to which his opponents were blinded by sectarian prejudices or lack of knowledge. He was finally arrested, subjected to a mock trial and crucified. But, as already

pointed out, he arose from the grave on the third day and ascended to heaven making Christianity the only living religion in the World.

His disciples also suffered persecution and martyrdom as he warned them. Of the original twelve disciples, one, Judas Iscariot, committed suicide as traitor. Andrew was crucified on an X-shaped cross; Bartholomew was flayed with knives; James the Elder was the first martyr while James the Lesser had his body sawed in pieces. Saint John was poisoned but he survived it. Jude was killed with arrows in Ararat while Peter was crucified with head downward. Hanging killed Philip and Thomas died by spearing.

In light of the above, Godianism needs to redefine its self-assigned task to umpire the relationship between Christianity and Islam. From the Christian standpoint, there is virtually nothing to umpire unless they are dealing with those whose behaviours and utterances betray them as false followers and disciples of Christ. A redefinition of perspective by Godianism will require a paradigmatic shift based on a sound knowledge of Christianity which is the religion of one third of mankind. Fortunately, there is a compact book from which such knowledge could be obtained in search of truth. It is the Bible, the best-selling book in the world. A diligent, deliberate and objective search of it, not as conventional literature, but as the inspired Word of God, will have a humbling and supernaturally transforming effect on the life of any interested adherent of Godianism.

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J.G. Nkem Onyekpe, Ph.D  
Department of History,  
University of Lagos.

### Introduction

Social-Economic Crisis in Africa has continued to deepen more and more inspite of efforts and measures employed so far, especially Structural Adjustment and related programmes.

It is the conviction of progressive intellectuals and political activists that African States will continue to grope in the dark unless planning is embraced, along popular democratic and socialist lines.

However, they are always reminded by those on the other side, that socialism has collapsed as an economic system.

The present paper, *Understanding the World Socialist Problem*, is prepared as a preliminary attempt to explain the crisis in the socialist economic system. It is hoped that the paper would initiate a discussion on the subject, thereby contributing to the development of some perspectives on the problem of socialism.

-I-

By 1992,<sup>1</sup> virtually all the socialist states or centrally planned economies of the Eastern bloc had 'radically' metamorphosed, abandoning-or, to put it somewhat euphemistically, reforming-their socialist economic system, and embracing some form of the free market enterprise or capitalist economic system.<sup>2</sup> This metamorphosis is yet incomplete, as it is a historical process.<sup>3</sup> But the incomplete nature (which is only natural) cannot play down its significance.

On the other hand, revolutionary scholars and progressive political activists and movements in Africa, as elsewhere in the rest of the Less Developed World, have continued to advocate the reconstruction of their economies along socialist line. Their main conviction remains: for the Less Developed Countries, LDCs, the choice is not really between capitalism and socialism, but between imperialist and national-comprador bourgeois exploitation, permanent crisis and underdevelopment on the one hand, and liberation, unfettered transformation and development and social-economic progress on the other.

Doubtless, bourgeois and imperialist ideologues in Africa will contend that the socialist system or "experiment" has failed both in the advanced socialist economies of Eastern and Central Europe and states of socialist orientation and, therefore, the economic system cannot work in Africa and, indeed, in other areas of the world where the system is yet to be adopted. It must be granted that the socialist system has experienced a critical setback unprecedented in its history, especially with the dismemberment of the leading socialist state, the Union of Soviet Socialist Republics (USSR or Soviet Union). The increasing reversion in most of the former socialist states in Europe to bourgeois and multiparty politics, or democratisation so called, and more basically to the free enterprise economic system, and the growing political instability and military conflict in the African States of socialist orientation such as Angola and Mozambique are also major problems within the world socialist system.

But while the true nature of the problem in the advanced socialist states of Europe is yet to be established, it is important to be clear about one basic fact, that the 'world socialist problem' cannot be properly interpreted as the failure of the socialist economic system. The problem was largely political

and the weight of it bordered on autocratic centralism and the bureaucratic rigidities of the state and its operators.<sup>4</sup> It is very important for critics of the socialist system to refer to the original ideas of the founders of scientific socialism and their philosophy of leadership and administration. They will discover, surely, that there is nothing in Marxist-Leninist theory that says leaders of the Communist or Socialist Party and Government should be praetorian and suppress the views and will of the people.

Indeed, their inquiries will reveal to them that the free participation of the people in policy-making and administration and their unfettered access to and control of the state and its central organs and local agencies constitute the whole essence and life blood of Socialist (and Communist) politics and economics as originally formulated.<sup>5</sup> The dictatorship of the Socialist State as originally defined was not to be directed at the people but at the minority class of oppressors and exploiters of the people.<sup>6</sup> Thus, the antidemocratic tendencies of the State which emerged under Josef Stalin and his autocratic leadership, which were exported to the rest of Socialist Europe,<sup>7</sup> and which rapidly developed against society and the people were not founded on any doctrinaire idea of Marxist-Leninist Socialist theory. On the very contrary, it was a reflection of an 'undocrinaire' application of the original Socialist theory and practice. It was this deviation, this revisionistic tendency in the Socialist States which created the fertile ground for the reactionary forces within the States and especially for the Western Capitalist States to penetrate and midwife the fall of the Socialist and Communist Parties and their governments.



## -II-

In the area of economic growth and development, there were problems which bordered also on deviationistic disposition. For example, while in the Soviet Union Lenin himself, one of the founders of scientific socialism, had emphasised the need for a gradual approach to cooperativization through the force of example of State farms and initial efforts at cooperativization.<sup>8</sup> his successor, Stalin, aimed at, and actually implemented a full blown cooperativization and collectivisation.<sup>9</sup> Under Stalinist hegemonic influence, total or near-total cooperativization and collectivisation were enforced in the rest of Socialist Europe.<sup>10</sup> It must be stressed that the traditional attachment of the individual peasants to their private holdings had fostered the evolution and sustenance of petty bourgeois outlook and orientation among the peasantry. Thus, the failure during the Stalinist era to recognise that any dogmatic and compulsory programme of cooperativization and collectivisation would generate problems was a criminal deviation.<sup>11</sup>

Apart from the sweeping cooperativization and collectivisation policies, most of the states, in their bid to achieve rapid industrialism and (in their judgement) thereby strengthen their independence and viability, placed greater emphasis on industrialisation than on any other sectors.<sup>12</sup> The hasty industrialization drive created distortions and imbalance within the socialist economy. For example, the industrialization drive embarked on as it was without adequate preparation created enormous problem of capacity underutilization resulting from raw material and spare parts shortages.<sup>13</sup> This problem was most critically experienced by those Socialist States such as Albania and Yugoslavia which depended on the Soviet Union for machinery.<sup>14</sup> For, in the event of any rift between the Soviet Union and any 'dependent'



allied or fraternal states the economic programmes of the latter were thrown into serious problems. It is important to note that the hasty industrialization drive which sought to achieve full scale industrialism within the shortest possible period and which was pursued to the detriment of other key sectors such as agriculture was against two cardinal goals of State economic planning, viz., sectoral interdependence and macroeconomic stability.<sup>15</sup>

Another economic problem bordering on 'deviationism' was the rigid approach to nationalization of the means of production. Although public ownership of the means of production is the principal condition for centralised Socialist planning of the economy, the hasty and total nationalization drive pursued by most of the states was a gross miscalculation. Indeed, the founders of the scientific socialist economic system did not recommend a swift approach to nationalization. On the contrary, they recommended a gradual and transitional approach to the nationalization of private property, although they recognised the need to control and limit its (i.e. private property) growth during the transitional period by economic, credit, fiscal, legal and other measures. It should be noted that the hasty cooperativization and collectivization of agriculture pursued in the socialist States were influenced by, if not a logical result of the extremist or 'ultra-radical' approach to the abolition of private property; it was not in line with the formulations of the founders of Socialist economic thought.

A further manifestation of deviationism and ultra-radicalism was the somewhat mechanistic approach to planning and development employed under Stalin in the Soviet Union and also extended to the rest of the Socialist bloc, against the practice under Lenin. As a mark of their dynamic approach to economic planning and management, Lenin and N. Bukharin

instituted the New Economic Policy (N.E.P) in place of 'war communism' which was the state economic policy during the counter-revolutionary civil war period, 1917-21. Under 'War Communism' a rigid system of state command was adopted to coordinate and manage the economy.<sup>16</sup> Wages were paid in kind, while commodity-money relations were negated. Also, agricultural surpluses were appropriated through compulsory produce requisition. As state economic policy, 'War Communism' alienated the mass of the peasantry and resulted in low productivity.

With the institution of NEP, aspects of free enterprise economic system were adopted.<sup>17</sup> For example, the industrial complexes were placed under trusts which planned and managed production according to commercial and profit and loss accounting of the typical capitalist firm. Also, wages were paid in money, while remuneration became generally dependent on productivity. This gave a fillip to production as it motivated the labour force. Moreover, in place of surplus appropriation through produce requisition, taxation in kind was introduced. This was an encouragement to the peasantry and it boosted productivity, for once they had paid their tax in kind they had no fear of losing their produce to the state.

The reforms introduced under NEP all combined to revamp an economy that had been devastated during the civil war. The reforms promoted industrialization, productivity and the quality of life. In particular, NEP was a radical break with the rigid bureaucracy of the command system. It was a practical actualization of Lenin's idea of democratic planning which emphasises the mobilization of the people and their initiatives in the formulation and implementation of development programmes and in which there is no room for dogmatic, centralist formulation and execution of plans and programmes.

NEP thus ensured flexibility in management process, while the reforms introduced under it enabled the young socialist State to tap the managerial experience of capitalist managers and professionals. Their freedom under NEP enabled them to employ their discretion in the solution of practical problems of plan implementation.

As is to be expected, however, NEP was criticised by the 'hardliners' as "a right wing concession" to the bourgeois class.<sup>18</sup> Thus, under Stalinist autocracy it was discontinued. The result, of course, was the rapid growth and institutionalization of State economic command and the accompanying problem of bureaucratism. This was, again, a deviation from, rather than a doctrinaire approach to Socialist economic management.

### -III-

But apart from these deviations, there were other fundamental economic problems. First, the imperative of protecting and defending the Socialist State against internal and external counter-revolutionary forces compelled huge allocation of resources to the expansion of defence and war technology.<sup>19</sup> It is particularly noteworthy even, that the Soviet economy experienced a near-total destruction during the war. Witness the calamitous impact of the war:

*During the Great Patriotic War, the Nazi invaders destroyed and buried 1,710 Soviet cities and towns, over 70,000 villages, 32,009 industrial enterprises, and almost 100,000 collective and state farms. The total material damage sustained by the Soviet Union amounted to 2,569,000 million roubles (in pre-war prices); that is, one-third of the country's national wealth.<sup>20</sup>*



Needless to stress, this was a limitation on the capacity of the State to build and develop the real economic sectors. Second, within the global political system, socialist states provided military and economic support for liberation struggle in dependent areas of Africa, Asia and Latin America against colonial and neo-colonial systems of imperialism.<sup>21</sup> Beyond that, the Socialist State also provided significant and disinterested economic and technical assistance to emergent States in their struggle to build solid foundation for their economies.<sup>22</sup>

More particularly, in the spirit of proletarian internationalism, newly free and liberated states of socialist and noncapitalist orientation such as Algeria, Guinea, Angola, Mozambique and Ethiopia were provided with preferential and disinterested economic, financial and technological support to build their economies along democratic lines.<sup>23</sup> Apart from economic support, defence and military support was provided from time to time towards liquidating counter-revolutionary and pro-imperialist attacks and movements against the new popular-democratic states. The internationalist socialist support to Cuba against the United States and its allies is a typical example.<sup>24</sup> Other examples of internationalist support are those to Angola, Mozambique and Ethiopia.<sup>25</sup> It must be noted that such assistance and support as enumerated above affected the economic capacity of the giver-or benefactor-Socialist States to develop their individual economies. This is better appreciated if it is realised that such assistance and support were provided without any exploitative calculations whatever.

With regard to the new states of Socialist construction, the principal problem has been the combination of political and economic isolation by the West, and internal counter-



revolutionary forces operating with the full support of the Western capitalist and imperialist powers. The experiences of Angola, Mozambique and Ethiopia provide very classic examples. While counter-revolutionary activities and the so-called nationalist movements (such as Western Somali Liberation Front, Tigre People's Liberation Front, Oromo Liberation Front and, especially, Eritrean People's Liberation Front) had led to the fall of the Socialist State in Ethiopia,<sup>26</sup> in Angola and Mozambique, counter-revolutionary forces have made the task of economic liberation and socialist reconstruction impossible.<sup>27</sup>

#### -IV-

But in spite of the economic problems of the Socialist States it cannot be said that Socialism as an economic system was a failure. Public ownership of the principal means and instruments of production released resources for national planning and development. Public ownership also made centralized planning possible. Through centralized planning and management, commitment of the State to expansion and transformation of productive forces, and abolition of relations of exploitation and private accumulation of capital, the socialist economies achieved rapid growth and even outstripped most economies of the West in major sectors and areas of production. This is of fundamental significance considering the fact that the (Socialist) economy in each case depended on its resources.<sup>28</sup> More significantly, growth and development in the socialist states were not an end in themselves, but were pursued as a means of transforming the quality of human life. As Brezhnev (a former head of the USSR) put it, "everything for the sake of man, for the benefit of man"; consequently, there is "concrete concern for the

concrete person, for his needs and requirements", a concern that is "the alpha and omega of the Party's economic policy".<sup>29</sup>

The states were largely successful in the areas of employment of labour, infrastructural development and the provision and progressive expansion of basic needs of housing, food, education, health, etc. Undoubtedly, the rapid expansion in the basic needs sector affected the accumulation of capital for other sectors, especially the productive sectors of the economies. But the expansion in the basic needs industrial was not bad economics, in view of the people-oriented essence of socialist planning and in view also of the fact that labour must be developed first before it can make its impact on production. In the case of the new states of Socialist and noncapitalist orientation, although counter-revolutionary forces were, and have remained a major obstacle to the transformation of the economy, bold efforts were made initially and what little quantitative expansion registered was reflected in the transformation of the quality of life through emphasis on basic infrastructure and social amenities.

There can be no doubt, whatever, that in some of the Western economies remarkable progress was also made in some areas of basic human needs. But expansion and development in the Western capitalist economies occurred mostly, if not only in quantitative and aggregate terms. In terms of real distribution and disaggregation of quantitative achievements the class factor ensured that the dominant, bourgeois exploiters appropriated the benefits of expansion through private capitalist accumulation, while the mass of the people remained largely unaffected by the said expansion. For four other reasons at least, there is really no basis for comparing growth and expansion in both economic systems. First of all, whereas Western capitalism had existed for over three centuries by the

time of "collapse" of socialism (and Communism), socialism itself had existed for barely five decades. Given the fact that the first socialist state, the Soviet Union, was for several years, involved in war with the counter-revolutionary West and its allies and agents within the new Socialist State, the year 1917 could not be regarded as the birth year of Socialism. Strictly speaking, the economic history of the world socialist system can be dated or traced from the first Soviet Five-Year National Economic Development Plan, 1928/29 to 1932/33. It is noteworthy also that for most of the Socialist States economic construction along the new line commenced after the second World War in 1945.

Second, while the socialist economies in Europe developed independent of imperialist exploitation of other areas, the growth and development of western capitalism rested, and have continued to rest, on colonial and neo-colonial exploitation of Africa, Asia and Latin America. Moreover, it must be stressed that the only objective way to assess the performance of socialism is to compare the situation in each socialist state diachronically, that is before and after the introduction of the socialist economic system in the state concerned. In other words, the situation is better appreciated if, for example, the living standards and socio-economic conditions in Czarist Russia and Soviet Russia are compared, than when standards and socio-economic conditions in Soviet Russia are compared against those in contemporary United States or in any capitalist economy for that matter.

Finally, it is important to bear in mind that socialism is not the ultimate goal of scientific socialist reconstruction of society as formulated by the founders of the new system. In Marxist-Leninist theory, socialism is a transitional period of reconstruction leading to a classless, communist society.<sup>30</sup> As



a period in transition, it naturally develops against the vestiges of the old order. A major falsification of Marxologists has been their refusal to recognize the objective distinction between the transitional and difficult first stage of the new society (i.e. socialism) and the advanced stage which is communism. By the time their problem reached the critical point none of the socialist states had attained communism, not even the Soviet Union. Yet, to Western ideologues, and critics of the socialist system, "This is where communism has led them (i.e., the socialist states)! It is unworkable!! It has failed!!!"

-V-

Overall, socialism ran into fundamental problems on account of deviationistic and revisionistic tendencies and the rigid command system fostered by the tendencies. There was also the additional problem of bearing the burden and demands of proletarian internationalism in competition against the exploitative western imperialist system. In the new states of socialist orientation, the main problem was that of counter revolution. In the case of the socialist states of Eastern and Central Europe, the problem of state communism and bureaucratism remained unsolved until the fall of the States. For example, in the post-Stalin era in the Soviet Union, all talks about reforms and decentralization did not really end the practice of rigid and command control by the central bureaucracy.<sup>31</sup>

One factor against reforms was the fear of loss of authority by party officials. There was also the fear that decentralization would encourage nationalism in the Soviet Republics. Furthermore, there was the growing tide of dissent among various categories and groups of people in society. The "hardliners" or "hard core" within the Communist Party were



apprehensive that decentralization might threaten the status quo and the system at large by playing into the hands of dissenters. For the same reasons 'de-Stalinization' in the rest of Socialist Europe did not produce any radical change within the states. Indeed, until the problem of the states finally led to the fall or overthrow of the socialist Governments the main organs of State and economic planning and management remained in the hands of the hardline bureaucrats.

When eventually reforms were introduced under Mikhail Gorbachev's Perestroika and Glasnot (or "reforms" and "openness"), the class approach within a socialist framework was jettisoned. This played into the hands of internal separatist, ethnic-chauvinist, anti-socialist and "free market" economy forces on the one hand, and the international capitalist system on the other. The ultimate result had been the overthrow of the Communist Party and its Government, and the dismemberment of the State. In the rest of Eastern and Central Europe reforms oriented on market economy and the rise of separatist and anti-socialist movements also led to the fall of socialist (and Communist) Party-led Governments. Cashing in on these developments, the international capitalist system came up with the propagandistic (and neo-imperial) plan to 'revamp' and 'develop' the economies of the erstwhile socialist states.<sup>32</sup>

It is very instructive to note that while hostility to reforms, formulation of reactionary reforms and reactionary implementation of progressive reforms all led to the fall and collapse of socialism in Eastern and Central Europe, in the People's Republic of China, a dynamic and creative approach to socialist economic planning and construction and the constant reform and liberalization of the system within the same socialist framework have ensured that the economy is not

only stable but is today the fastest growing in the world<sup>33</sup>. Thus, as Eskor Toyo has rightly noted, "what happened in the Soviet Union and Eastern Europe in the 1970s and 1980s was not a failure of socialism but a failure of leadership"<sup>34</sup>. But even if it is granted that what happened in the Soviet Union and Eastern and Central Europe was a failure of socialism as an economic system, it cannot be said that because it failed in Europe, it will necessarily fail in African States or in any other areas where the system may be adopted. No, it cannot. It is *non sequitur*. First of all, it must be pointed out that failure is not exportable. Moreover, it is important to note the basic fact that what matters most is the orientation and ability to construct the socialist system creatively with "self-criticism" and "constant analysis of the concrete situation" as useful ingredients. More fundamentally, the accumulated historical experience of problems, or what bourgeois and imperialist ideologues would term failure, in the socialist world provides some essential lessons not only for the "yet-to-fail" socialist and socialist-orientated economies, but also for new socialist movements and states, for a better approach to socialism, its practice and construction.

#### -VI-

We have tried to locate the crisis in the world socialist/communist system in the context of the failure of the leadership to organize the socialist economies creatively. The doctrinaire approach and methods adopted by the leadership were aggravated by the problem of revisionism and deviationism which amounted practically to outright abandonment of the guiding principles of organizing the socialist economy and society as formulated by the founders of scientific socialist world views. The crisis which developed in

the world socialist system was the logical result of these fundamental problems.

These related issues do not provide all the explanation. The battle for survival against counter-revolutionary actions denied the socialist states of the resources needed for reconstruction and development. This is valid both for the advanced socialist states and the former dependent areas in the struggle for liberation from capitalism and imperialism. The commitment of higher and higher percentages of state resources to defence and military technology was a demonstration of this denial.

It must be noted, however, that inspite of the fundamental problems of the socialist system, its achievements cannot be expunged from world history and civilization. The socialist value system and world views which emphasize the welfare of the people and public good; which is committed to the self-determination and liberation of oppressed areas of the world; which have midwifed and developed proletarian internationalism in inter-state relations; etc, have remained the top priority on the agenda and programmes of the struggle of all oppressed peoples and nations.

### Endnotes and References

1. The process began essentially in 1988-89.
2. Of course, economic change has progressed *pari passu* with political change; in the main the latter involved the substitution, with a rabid spirit, of a multi-party system for the one communist-party system.
3. As a process, this metamorphosis should be viewed diachronically, rather than synchronically.
4. See especially L. Kolakowski, *Main Currents of Marxism. The Breakdown. Trans. By P.S. Falla* (Oxford: Oxford University Press, 1978). See also M. Dobb, *Socialist Planning: Some Problems* (London: Lawrence and Wishart Ltd, 1970). L. Schapiro, *The Government and Politics of the Soviet Union* 6<sup>th</sup> edition (London: Hutchinson and Co. Ltd, 1977), Chapter 2, R. Silverman and T. Grant, *Bureaucratism or Workers' Power* 4<sup>th</sup> edition (Mentmore Terrace, London: Militant, 1982), Introduction, pp. 1-25.
5. K. Marx, 'The Civil War in France' in K. Marx and F. Engels *Selected Works* (Moscow: Progress Publishers, 1965), pp. 248-309; Marx, 'Critique of the Gotha Programme' in Marx and Engels, *Selected Works*, pp. 311-331; Marx and Engels, *Manifesto of the Communist Party* 2<sup>nd</sup> Revised edition (Moscow: Progress 1977); F. Engels, *Anti-Duhring* (Moscow: Progress 1978 Reprint), V.I. Lenin *The State and Revolution: The Marxist Theory of the State and the Tasks of the Proletariat in the Revolution* (Moscow: Progress 1977), especially Chapter V.



6.K. Marx, 'Critique of the Gotha Programme', op. cit., esp. pp. 326-328. Marx and Engels, *Manifesto of the Communist Party*. Lenin *The State and Revolution*, Chapter V.

7.Kolakowski, *Main Currents of Marxism*, pp. 166-182.

8.V.I. Lenin, *The Land Question and the Fight for Freedom* (Moscow: Progress, 1978), pp. 60-98, Schapiro, *The Government and Politics*, pp. 48-50, J. William, *The Soviet Peasantry* (Moscow: Progress, 1975) pp. 44-50, 131-134.

9.Schapiro, *The Government and Politics*, pp. 49-50; J. Stalin, *The Problems of Leninism* (Peking: Foreign Languages Press, 1976), pp. 477-482, 604-612; Y. Polyakov *et al A Short History of Soviet Society* (Moscow: Progress, 1977), pp. 203-213, 263-272; J.S. Prybyla, *The Political Economy of Communist China* (Scranton, Pennsylvania: International Textbook Company, 1970), pp. 146-168.

10. Kolakowski, *The Main Currents of Marxism*, pp. 168-182.

11. Collectivization involved bloody suppression of petty bourgeois middle peasantry and rural *kulaks*. This was deviationistic as it amounted practically to the abandonment of the Marxist-Leninist idea of gradualism and voluntary participation in collective agriculture. See the following: Stalin, *The Problems of Leninism*, pp. 477-482; Schapiro *The Government and Politics*, pp. 48-50; Prybyla, *The Political Economy*, pp. 146-168.

12. R.F. Staar, *The Communist Regimes in Eastern Europe*. Revised 2<sup>nd</sup> edition (Stanford: Hoover Institution

Publications, 1971); R. Marmullaku, *Albania and the Albanians*. Trans. By M. and B. Milosajevic (London: C. Hurst and Company, 1975), Chapter 8.

13. Ibid; the relevant sections of Staar's work are those on the Economy and Domestic Affairs, and Chapter 10.

14. As in note 13.

15. Engles, *Anti-Duhring*, Part III. See also G.A. Kozlov (ed) *Political Economy: Socialism* (Moscow: Progress 1977); L. Ya Berri (ed) *Planning a Socialist Economy In Two Volumes* (Moscow: Progress, 1977).

16. Y. Polyakov *et al A Short History of Soviet Society*, pp. 103-105; M.P. Kim *et al History of the USSR in the era of Socialism* (Moscow: Progress, 1982), pp. 132-135.

17. Polyakov *et al A Short History*, Chapter III; Kim *et al. History of the USSR*, Chapter Three; Kolakowski, *The Main Currents*, pp. 25-27; Dobb, *Socialist Planning*, pp. 15-16.

18. Stalin, *The Problem of Leninism*, pp. 367-373.

19. See, for example, Soviet Preparation for the "Great Patriotic War" Polyakov *et al. A Short History*, pp. 344-351 and Chapter IX, pp. 352-403.

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23. Ibid.
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25. D.E. Albright, (ed) *Africa and International Communism*; F. Soremekun, *Angola: The Road to Independence* (Ile-Ife: University of Ife Press, 1983); R.E. Egemonye, 'Crisis Management and the O.A.U. (1963-80)', Ph.D Dissertation, University of Lagos, 1983, pp. 124-128.
26. The Dergue, *The Programme of the National Democratic Revolution of Ethiopia*, April 1976; M. Chege, 'The Revolution Betrayed, Ethiopia: 1974-79', *Journal of Modern African Studies*, Volume 17, Number 3, 1979, pp. 359-380.

27. K. Brown, 'Angola Socialism' in C.G. Rosberg and T.M. Callaghy (eds) *Socialism in Sub-Saharan Africa. A New Assessment* (University of California, Berkeley: Institute of International Studies, 1979), pp. 296-321. D. Hecht, 'UN battles to bring relief to War-Torn Angola', *Africa Recovery-Briefing Note on Angola*, January, 1994; T. Hodges, 'Mozambique emergency plan highlights rehabilitation' *Africa Recovery*, Vol.2, No 2, June 1988, pp. 6-9, 31; Hodges, 'Angola on the road to reconstruction. Far-reaching economic reforms and substantial international assistance needed', *Africa Recovery*, Vol. 9, No.4, December 1995, pp. 22-28; Y. Bochkaryav, 'South Africa-Angola: Massive Aggression' *New Times. A Soviet Weekly of World Affairs*, January 1984, p. 7; J. Hanlon, *Mozambique: The Revolution Under Fire* (London: Zed Press, 1984, 1990).

28. Economic relationships between the centrally planned economies and the Less Developed Countries (LDCs), have been based on interdependence, rather than dependence and exploitation which are the driving spirits in all Western capitalist involvement in the LDCs. The centrally planned economies depend solely on their resources, and on effective and *economical* management rather than the hegemonic plunder of dependent areas and peripheries.

29. See L.I. Brezhnev, *Report of the Central Committee of the CPSU to the XXVI Congress of the Communist Party of the Soviet Union and the Immediate Tasks of the Party in Home and Foreign Policy* (Moscow: Novosti Press Agency Publishing House, 1981), pp. 42 and 65. See also G.S. Sarkisyan (ed) *Soviet Economy. Results and Prospects* (Moscow: Progress, 1980), Chapter 2.



30. Lenin, *The State and Revolution*, Chapter 5.
31. The following discussion of the failure to reform and de-bureaucratize is based on Dobb, *Socialist Planning*; Schapiro, *The Government and Politics of the Soviet Union*, Chapters 6 and 9.
32. See, for example, *The Economist*, 'A Survey of Eastern Europe'. *The Economist*, March 13<sup>th</sup>-19<sup>th</sup>, 1993, after page 64.
33. Beijing Review, *China: Changes in 40 Years* (Beijing: New Stars Publishers, 1989); Eskor Toyo, 'The World's Fastest Economy' *The Guardian*, Monday, January 24, 1994, p. 29.
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J.G. Nkem Onyekpe.  
Department of History,  
University of Lagos.

**MORALIZING DEMOCRACY  
IN A PLURAL SOCIETY**

BY

**O.A. Falaiye, PhD**

Department of Philosophy  
University of Lagos.

**INTRODUCTION**

In moralizing democracy in a plural society, it is important to differentiate between two senses of 'moral society'. If a moral society is taken to be one in which a large proportion of its citizens behave in accordance with their moral obligations most of the time, then the democratic society is only in need of determining what is morally permissible. Given that it is logically possible that it is morally permissible for people to run their affairs in a democratic fashion, then we are left with the notion of 'moral' as opposed to 'amoral'. Shall we then say the democratic system in Nigeria is 'amoral'? Do we then need to moralize it in order for it to have meaning in a plural society such as Nigeria?

To behave amorally is to behave without having moral considerations as part of one's motivations. Behaving amorally is not to be confused with behaving immorally. Mark Twain's Huckleberry Finn is portrayed as acting amorally but not immorally when he is helping Jim to escape from slavery. Again, David Hume argues with some plausibility that 'the first virtuous motive which bestows a merit on any action, can never be a regard to the virtue of that action' (A Treatise on Human Nature Bk III, Pt II, Sect I) so if Hume is right, the first virtuous motive which bestow merit on any action must be an amoral motive.

Again, one can behave immorally with out behaving ammorally. Regardless of how immoral one believes today's ethnic clashes in Nigeria are, it would be a grave mistake to think of

these activities as being unmotivated by moral belief, no matter how mistaken those beliefs may be.

Call someone who acts in accord with their actual obligations a moral (x) person; and call someone who endeavours to act in a way which they believe to be moral (x) a moral (a) person. The question I wish to address is whether a plural society of moral (a) people can be democratic?

Again the answer would appear trivially to be 'yes' if the 'can' in that question is taken as referring to logical possibility. Allow that society S is a moral (x) and democratic society. Allow further that the moral (x) behaviour of members of S is a result of their having correct moral beliefs and the motivation to behave in conforming with those beliefs. There seems to be nothing inconsistent in these assumptions. But logical possibilities are sociologically and politically uninteresting. So let us constrain our possibilities with some plausible sociology and see whether the possibility of a moral (a) democratic plural society can be retained.

Before we begin this investigation, however, it is necessary to raise one more semantic point about the word 'moral'. Let us call the criteria operative within a society for rewarding and punishing behaviour the mores of that society. This is what many anthropologists are talking about when they take themselves to be talking of the morality of the society. But it could not have been what the Ogonis were talking about when they were condemning Shell for being immoral in continuing to degrade Ogoni land. Moral suasion is commonly used in an endeavour to change the mores of society. That would hardly be possible if morality were simply to be equated with those mores.

Again, it is common among moral philosophers to use 'moral' in a subjective sense; that is, they take moral values to be some function of personal preferences and approvals. It is common

behaviour that one does not like and to reward behaviour that one does like.

This relativist, subjectivist sense of 'moral' is widespread. But what is far more widespread according to F.E.Trainer (1982) is a more absolute and objective sense of 'moral'. It is in this absolute, objective sense of 'moral' that I wish to dwell, not only because it is what most people mean by 'moral', but because I believe that beliefs in such absolute, objective moral values and obligations are central to an understanding of political behaviour, not only in Nigeria but throughout the world. Note in passing that to have such a view of politics, it is not necessary to believe in absolute objective moral values and obligations oneself. One can adopt the limited ontology of relativists, without being constrained by their impoverished ideology.

So much for "moral", but what about 'democracy'? For my purpose in this paper, 'democracy' will be taken to mean 'government of the people by the people'. This is what Lincoln was talking about in the Gettysburg address. It also accords with the etymology of the term.

To turn, then, to our problem whether the moral (a) society can be democratic in that sense, let us examine the mechanism which perpetuate the moral (a) society and dictate its structure.

#### **The Perpetuation of the Moral (a) Society**

##### **( a) The Moral upbringing**

Most children have many of their actions rewarded by smiles, hugs, sweet foods or other gifts in association with words which translate into 'good' or one of its cognates. They are told that they are good or that they have done well. Other actions are punished with frowns, withdrawals, angry shouts or physical violence accompanied by words which translate into 'bad' or one of its cognates. The child is told that it is naughty, that it has failed in its duty or even that it has sinned.



The end result of this training is a person who wants to be good and who has an aversion to being bad. When people reach this condition, they will usually have quite a few beliefs about which sort of acts are good and which bad. It little matters for the perpetuation and operation of the moral (a) society, what these moral beliefs are. What does matter is that these morally trained people are now in a position to be morally propagandised by those who they feel know more about what is right and what is wrong than they do.

Carl Rogers (1967) gives a similar picture to the moral upbringing of children he says:

"The infant needs love, wants it, tends to behave in ways which will bring a repetition of this wanted experience. But this brings complications. He pulls baby sister's hair, and finds it satisfying to hear her wails and protests. He then hears that he is a 'naughty bad boy' and this may be reinforced with a slap on the hand. He is cut off from affection. As this experience is repeated, and many others like it, he gradually learns that what 'feels good' is often 'bad' in the eyes of others. Then the next step occurs, in which he comes to take the same attitude towards himself which these others have taken. Now, as he pulls his sister's hair, he solemnly intones, 'Bad, bad boy'. He is introjecting the value of another taking it as his own. He has deserted the wisdom of this organism, giving up the locus of evaluation, and is trying to behave in terms of values set by another, in order to hold love

There may be more going on here than Rogers allows, however. It is not just that the infant is introjecting other people's values, if all that amounts to is introjecting other people's desires

and preferences. The infant is introjecting moral beliefs and attitudes also. There is a difference. If the parent had acted just the same except for telling the child, however angrily, that she did not like that behaviour, rather than calling him a 'naughty, bad boy', then the child would not be intoning 'bad, bad boy' to himself when he pulled his sister's hair, next time. Rather he would be reminding himself of his mother's dislike of that behavior. True he would probably come to introject that dislike, but he would not come to believe that he is bad.

The moralization process is more than a mere socialization process. Moralizing tends to generate people whose concern to be good and to avoid being bad overrides their other concerns-including any concerns to satisfy the wishes of themselves and others, where these are inconsistent with their moral introjections.

The morally trained person is very anxious not to be morally bad: Morally trained people of all ages work for moral guidance in the same way as morally trained children do. They look for and receive injunctions from their elders, priests, imams, newspaper editors, television commentators, radio announcers, doctors, lawyers, magistrates, university lecturers, union organizers, people in uniforms(?) or perhaps even their mates down at the public house. Almost all people will be candidates for moral leadership provided that they bear themselves with sufficient pride and dignity and self-esteem to encourage the respect and confidence of their followers.

(b) The Moral Hierarchy

The occurrence of moral leadership generates a moral hierarchy-a hierarchy of authority in matters moral. At the pinnacle will be those whose moral injunctions spread furthest: the controllers of the mass media, be that the pulpit, the press, radio or television. Some of these leaders may not be known to the majority of the population, but it matters only that they are known

and respected by the succeeding tier of the elite. Often, too, the heroines and heroes of society, the leading politicians or journalists may at best be puppets well removed from the centres of power. Even though they may believe themselves to be autonomous and uninfluenced, their positions as mouthpieces in the moral society may rest in the hands of relatively unknown people who nevertheless have sufficient influence at an appropriate level to control the occupation of those positions if not the charismatic occupiers themselves.

This is not to deny the possibility of a society's hero or heroine being at the peak of a moral hierarchy. Nor is it to deny that there may be tensions, even dangerous conflicts, between members of a moral elite vying for prestige and its accompanying power. Nor is it to deny that there may be value-laden ideological feedback via various societal structure from the common people to the controllers and operators of the mass media. It is being suggested, however, that the more moral(a) a society is, the more it is that power and moral authority are to be equated. How would this hierarchy of moral authority arise, and how would it be perpetuated?

Remember that our morally well brought up people desperately want to do what is right. Hence they will be anxious to know what is right and what is wrong and that there are no moral obligations in any absolute, objective sense of 'moral'. Our moral agents, of course, will not be acting on those assumption. They will believe that there are absolute, objective moral obligations to be known. They may not be able to see or otherwise sense or rationally calculate these obligations. Consistent with our story so far there are may not be any moral obligations to see, sense or calculate. Since this remains a possibility, our moral agents will not be able to deduce possibly non-existent moral obligations from any truths that they have come to know. Hume's is-ought dichotomy will remain.



Now when there is something we wish to know and we do not know how to discover the truth for ourselves, we usually look for an authority on the matter. There are physicists, medicos, lawyers and accountants who not only have knowledge of physics, medicine, law and tax evasion, but who are trained to discover truths in these areas for themselves. Their ways of coming to know what they know are often a mystery to we lay people, but we trust in their expertises. So likewise, the moral person, not knowing the answer to his or her moral dilemma, nor knowing any way of finding out for himself, may seek out an authority in whose moral expertise he or she feels confident. The authority, in turn, may sometimes feel the need to appeal to a still higher authority and so on.

If this were the only explanation of moral belief, it would lead to an infinite regress of moral authorities, in which case the moral society could not exist. So if moral nihilism and hence moral scepticism were correct, there must be at least one other mechanism for the production of beliefs in moral values and obligations.

David Hume has given us an insight into the mechanism required in his *Treatise of Human Nature*. Hume claimed that morality 'consists not in any relations that are the objects of science'; and "that it consists not in any matter of fact, which can be discovered by the understanding' He says (III-I-I):

Take any action allowed to be vicious; wilful murder for instance. Examine it in all lights, and see if you can find that matter of fact, or real existence, which you call vice. In whichever way you take it, you find only certain passions, motives, volitions, and thoughts. There is no other matter of fact in the case. The vice entirely escapes you, as long as you consider the object. You never can find it, till you



turn your reflection into your own breast, and find a sentiment of disapprobation, which arises in you, towards this action there is a matter of fact; but it is the object of feeling, not of reason. It lies in yourself, not the object.

Thus Hume is claiming that belief in objective moral values is a mistake. The mistake can occur if one takes one's personal sentiments for perceptions of objective reality.

Be that as it may, there is nevertheless a way in which it may be moderately reasonable for moral agents to take their personal sentiments as an indication of objective moral fact, if not for the direct result of the application of their moral conscience. I shall explain.

Moral people who believe themselves to be less than virtuous are those who endure the annoyance, if not the psychological stress, of having some of their natural tendencies inconsistent with what they believe their moral obligations to be. On the other hand, those who believe themselves to be virtuous are those who believe their natural tendencies and moral obligations to be in accord. They are able to equate their natural preference and inclinations with what is morally acceptable, and such injunctions that they wish everyone to abide by, they can equate with moral obligations. Thus they can believe themselves to have a sound moral judgement or a good conscience and can feel confident enough in their moral beliefs to pass their moral judgements to others. Sometimes, perhaps often, this confidence in their own valuations and their lack of confidence in other people's valuations, combined with a fear that society is headed down the morally wrong tracks, taking them and their loved ones with it, can lead them to give their moral advice whether solicited or not. This, I conjecture, is the mechanism behind the priests and their pulpits, the newspaper editors and their editorials, the politicians and their

platforms, the propagandists and their mass media.

How then does a moral society generate its Pharisees, its magistrates, its priests and cardinals, its charismatic leaders—its moral elite? Several mechanisms could be responsible, but I shall describe one which seems plausible. Again, the needed training takes place at an early age.

Children will vary in the way they react to condemnation and praise, and the quantities of condemnation and of praise will vary from child to child. One child will be held up to others as an example—good or bad—thus giving some children a moral boost at the expense of others. The children who receive most moral boost from their parents or guardians are likely to believe what they are continually told, namely that they are very good. These will be the children who succeed in pleasing their moral mentors most. Other children get the inverse treatment and go into adulthood with an inferiority complex and a tendency to seek continual moral guidance and leadership from their 'betters'. Most people end up somewhere on the spectrum in between.

But those who are convinced of their own goodness will be those likely to become the moral leaders of a plural society. In fact, such moral self-confidence is a necessary condition for entry into the moral elite. For with such moral self-confidence, it is easy to believe that what one wishes for one self is morally permissible, and how one wants others to behave is morally obligatory. A part of what we mean by someone being a good person is that it is unlikely that the person will want what is morally wrong.

#### **Moral Deserts**

The moral training of children involves reward and punishment for being what their moral superior regard as good and bad respectively. But the training does not end at childhood. It extends throughout life. If adults stop worrying about doing their

duty they may cease to train their children to do so and the moral(a) society may fall rapidly into disrepair. If a moral(a) society is to keep going as a moral(a) society, the moral carrot and stick must be displayed or applied continually to most people throughout their lives. The punishment include frowns, snubs, deprivation of income, deprivation of possessions, imprisonment and physical violence. the rewards include smiles, honours, property, economic security, power and privilege. This is the system of moral deserts. Again it is the trainers, not the trinees, who determine who deserves what.

Further, many of those low on the moral scale will be content or even eager to see that the privileged elite, loaded as they are with wealth and power, are rewarded still further. This is because they will be trained to assent to the proposition that people should get what they deserve-and of course better people derserves more.

So another reason which will influence the moral trainers to keep up some sort of system of moral deserts is that, being higher up the moral pyramid, they are believed to 'deserve' more than would otherwise be their 'fair' share. So their speeches and editorials will be heavily laden with their views on the 'importance' of morality with the presupposition, often made explicit, that in making any decision, moral considerations outweigh any other considerations. To sum up, it is suggested that the moral(a) society prepetuates itself in the following way:

- (1) Moral trainers apply the doctrine of deserts to condition most of the populace into being moral.
- (2) The training program generates a moral elite who have a vested interest in preserving the system and whose rewards include the power to see that the training program is preserved.



### The Elitism and Authoritarianism of the Moral(a) Society

The moral society as it has so far been described is clearly elitist. That is to say, there is a widespread belief throughout the society that some people are morally better than others and there is a widespread desire that those morally better people ought to dominate or actually rule the society. It will also be an authoritarian society in the sense that obedience to what is regarded as the authority of the moral elite will be preferred to freedom. In a moral(a) society it is not freedom itself which is valued highly. On the contrary, it is a basic function of morality to place restraints on human behaviour. Freedom to do what is right is regarded as holy, but freedom to do what is wrong is regarded as a positive evil and warrants a special label - 'licence'. Of course, the very people who most insist on the perpetuation of these attitudes towards freedom to do right and freedom to do wrong are the same people who invent right and wrong in the first place. They enjoin us, not only to do what is right and refrain from doing what is wrong but also to help them to force others into their moral mould.

Edmund Burke's pride in British society in his *Reflections on the Revolution in France* typifies this elitist authoritarian attitude:

We fear God: we look up with awe to kings: with affection to parliament: with duty to magistrate; with reverence to priests: and with respect to nobility.

Such elitist attitudes are clearly inimical to democracy in a plural society.

The elitism of the moral(a) society explains why, despite the advent of universal suffrage, parliaments continue to be representative of a ruling class-lawyers, doctors and academics - people who are far from representative of the constituencies that elect them. This comment applies equally to preselection of



political candidates of so-called left wing political parties. Traditional supporters of left wing parties have insisted upon equality of power in the election of their society's political leadership. Few have suggested that such leadership itself be abolished.

Note that democratic elections for a governing elite do not make a democracy in our sense. Government by an elite is not government by the people. The principles of democracy cannot include 'the gaming of power to govern via free, competitive elections on the basis of universal and equal suffrage' as Eva Etzioni-Halevy would have it [1993, p. 103]. A democratic parliament could govern only as the proxy of the people it represents. Parliamentarians would not in themselves be powerful. In a democracy they would be no more than conduits for the power of the people. They would not constitute an elite; they would be the servants of the people.

The idea that elitism is consistent with democracy, if not implied by it, goes back to at least Mosca's *Elementi Di Scienza Politica* (1986), but according to Peter Bachrach [1980, ch2], the principal revisionist in this regard was Joseph Schumpeter in his *Capitalism, Socialism and Democracy* [1942], who, believing that democracy is consistent with mob rule and majority tyranny, redefined 'democracy' as government approved by the people as indicated in regular elections. However, I choose, in this paper, to continue to speak in the language of the people, rather than accept Schumpeter's semantic revisions as have generations of political scientists and their students since 1942.

Schumpeter's fear was that democracy in its original sense did not guarantee liberty for the individual. Some would be keen to add a moral dimension to this. This will claim that a group decision can violate the moral rights of somebody who may be affected by, but who does not partake in, that decision.

Some so-called 'liberal' individualists like Nozick (1979) will claim further that group decisions may also violate the moral rights if those rights are inalienable as Nozick believes some rights to be

Some may be misled by the universalizability of Nozick's moralizing, that it be applied to every person in the same way, that it is quite consistent with democratic decision making in all circumstances. Nozick himself would be under no such illusions. Let us first be clear that in so far as moral beliefs were effective in constraining group agency, they would be a denial of the freedom of such a group. Were such a morality imposed upon it, a group would not be free to act in a way in which it would otherwise be free to act. Many self-styled 'liberals' often stress the increase in freedom that would accrue to the individual with the constraining rights. But we do not talk of a group being free, let alone more democratic, because some individual's wishes hold sway regardless of the wishes of all other individuals in the group. An individual's rights against the group comprise an obligation, a constraint, on all the other individuals of the group, to act in accord with that right. The freedoms to which some individual has a right, therefore, are but one side of the coin. On the other side are the obligatory constraints on other individual. Moralizing may or may not justify this reduction in liberty within the society. It does not dissolve the chains of constraint which it imposes.

Nozick would have us believe that all people have certain moral (x) rights that are in need of defence against depredations of people engaged in democratic decision. From the point of view of this paper, Nozick is not so much a person to be reckoned with philosophically or ethically, but is rather phenomenon of the moral(a) society to be observed. The rights he wishes to defend first and foremost are what he deems to be property rights. Our moral training would have us believe that everyone has property rights. Nevertheless, some have more property than others. In a moral(a) society, there will be correlation between those with more

than average property and the moral elite. To allow such a thing as a utilitarian redistribution of wealth would wreak havoc with the doctrine of deserts, and the moral (a) society would fall into disrepair. Even if that benefited the majority, it would not benefit the moral elite, so the moral elite of any moral(a) society will provide mechanisms to ensure that does not happen.

Through their control of the mass media, be it the pulpit, newspapers, radio or television, the moral elite will emphasize the alleged importance for politicians of authoritarian moral leadership over the representation of the will of their constituents. For we constituents, they will emphasize the importance of doing as those who know best what we should do would have us do. Should it be the case that despite all, we are inclined to wax sceptical about the moral wisdom of our leaders, and as a result, their defences against democracy look shaky, there is always the doctrine of separation of powers, by virtue of which an executive or the judiciary, backed by police or military power, can overrule parliamentary decisions. There is probably no government in the world that comes close to being democratic in the original sense of that term-government by the people. Nor can that be expected while most of us are moral (a) people, believing in absolute objective values and wishing to conform our behaviour to such values. But since the moral elite have control of the education system and the mass media, that situation is unlikely to change for a considerable time. Shall we then say the plural society has no hope of evolving a truly moral democratic institution? Only time can tell.

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## LEGAL POSITIVISM AND THE VALIDITY OF LAW

By

G.E. AZENABOR, Ph.D.  
Dept. of Philosophy  
University of Lagos

### INTRODUCTION:

It is our intention in this paper to examine the grounds for the validity of Law. This issue shall be examined from the point of view of the Legal Positivist and Naturalist Schools of Thought in Jurisprudential philosophy.

We show how it is factually unsound to build an accurate and elaborate theoretical doctrine of the concept of law without giving adequate and satisfactory basis for the validity of Law, within the context of Natural Law doctrine.

The pivotal thesis is to show that the ultimate grounds for the validity of law, in legal realism, are not based on just 'facts' only, but also on values. To achieve our task we shall sketch, in broad but systematic outline, the general and particular theories or claims of the Legal Positivists side by side with the Natural Law doctrine. This paper shall also provide the grounds for objections, inconsistencies and limitations to and within the theses of Legal Positivism. For the sake of methodological approach, the paper shall be divided into four aspects, namely: Etymology/historical background of Legal Positivism, claims or central theses, sub-schools/Different stance, and finally the evaluation and limitations of the positions of both the Legal Positivists and Natural Law theorists, especially as regard the validity of Law.

#### Etymology/Historical Background

Legal Positivism, although a contemporary theory, has its roots anchored firmly in historical antecedent-it can be traced back to the classical Positivism of August Comte; the 18th Century Philosopher and founder of sociology. August Comte was the

founder of the first system to be called 'Positivism'. In this sense, a 'Positivist' doctrine is that nothing can be truthfully and meaningfully be said to exist unless it is in principle observable by human beings. 'Positivism' connotes the restriction of the object of scientific knowledge to matters that can be verified by observation and this excludes from its domain all matters of apriori, metaphysical nature. Comte had argued that there were three stages in the development of man's approach to the world; the religious, the metaphysical and the Positivist stages. Comte maintained that man has passed through the first two stages, we are now in the Positive stage, which has scientific footing, where propositions are based on facts. He writes:

*Any proposition which is not strictly reducible to the simple statement of fact, whether particular or general cannot offer any real or intelligible meaning.<sup>1</sup>*

Legal Positivists then transfer this restriction into the sphere of law. The point is that the use of the expression 'Legal Positivism' has been coloured by the philosophical sense of 'positivism'.

A starting-point for the philosophy of Legal Positivism was provided by David Hume; the greatest fore-runner of Legal Positivism. An excellent statement of Legal Positivists' position could be found in Hume's *Treatise of Human Nature*, where he holds the doctrine of 'non-cognitivism' - "the view that there is no rational procedure by which we can objectively know what is morally right and wrong. We cannot derive an 'ought' from an 'is'. No amount of information about the facts of the world or of human nature provides proof that any thing ought to be done or not done".<sup>2</sup> Thus, Hume's firm distinction between 'is' and 'ought' sowed the seed that much of later harvest of Legal Positivists was reaped. Hume's philosophy provided the appropriate climate for the move towards Legal Positivism.

Legal Positivism therefore maintains that where there is no

Law enacted by human beings to be seen and interpreted, then law does not exist. Legal Positivists' endeavour to save the scientific character of jurisprudence by eliminating from it all metaphysical elements thus, separating it from the "discredited" doctrine of Natural Law.

#### Central Theses Or Claims

In spite of its diversity of forms, Legal Positivism has some unified central theses. All legal Positivists claim to study law as a fact not as value; as the law is not as it ought to be. They claim that the criteria for studying law is within and not without. So, Legal Positivists advocate for a strict separation of what the law *is* from what it *ought* to be. They also advocate the separation of Laws from morals.

In sum, Legal Positivists in their central theses assert that;

1. Legal provisions are identified by empirically observable criteria, such as; legislation, decided cases and custom.
2. What the law is, is one thing, what it ought to be is another. There is no law except what the law *defacto*-is that is; Positive law.
3. No element of moral value enters into the definition of Laws. Law is Law, whether or not it conflicts with morality. Whether Law is moral or immoral, has nothing to do with its validity. Hence Austin said; "the existence of law is one thing, its merit or demerit another"<sup>4</sup> There is no possibility of finding an absolute standard or norm outside the legal system itself, by which the validity of a rule may be tested and, if necessary found wanting.
4. Although the development of the law has in fact been influenced by morality or moral considerations is at times taken into account by legislators and by judges in choosing and interpreting what the law is, the important thing is that the connection between law and morals are not necessary.<sup>5</sup> "For there is an absolute moral obligation to obey the law, however morally iniquitous it may be",<sup>6</sup> and that even if a



matter how good and upright a moral norm is, it does not make it a rule of law. And that if lawyers are to justify an assertion, about the law, they cite authority not reason: precedents and statutes, not treatise about morality or the good life. So, law should be separated from morals, the test of what is legal cannot be submitted to evaluative criteria.

This, in a nutshell, is Legal Positivists declared intention of what the law is. Enough for the harmonious views of the Legal Positivists, now, let us see some of the dissensions among them, that is the sub-schools/ Different stance.

#### Sub-Schools/Different Stance

In spite of some elements of unity in the theses of Legal Positivists, there are still diversity of opinions as regard certain issues. Legal Positivism is not a homogenous school-different members stress different aspects of law, especially with regards to the validity of law. Basically however, the legal Positivists could be categorised into two sub-schools in terms of their relationship and nearness of their views. On the one hand, we have Jeremy Bentham, John Austin, and Justice Holmes. And on the other, we have Hans Kelsen and H.L.A. Hart.

Jeremy Bentham was the founder of the English Legal Positivism. He was a utilitarian who considered that the standard for validity of law is not "the principle of morality", but "the principle of utility", that the validity of law could be rationally established by the application of the test of utility; that is the greatest happiness of the greatest number.

John Austin, also a utilitarian and Bentham's disciple, popularise the command theory of law. In his book: *Province of Jurisprudence Determined*, Austin sees law as the command of the sovereign, backed with sanction. The purpose of the sanction is to enforce obedience by the threat of evil consequences for disobedience.<sup>7</sup> To Austin, the validity of law simply lies with the motion of "habitual obedience" to the sovereign backed with sanctions. The sovereign is a person or body of persons who



receives habitual obedience within a political society and who renders habitual obedience to no one else. Austin excludes everything which was not deliberately laid down, everything which was not a command of the sovereign from the province of law. On this ground, international and constitutional laws were excluded as laws.

Austin maintains that since there was no commander issuing commands to the international community, there was no international law. In his view, international law is not positive law, because there is no determinate sovereign who is to be obeyed by the actions of the world, as a matter of habit. This was the first consideration for rejecting the existence of international law. The second consideration relates to the impossibility or difficulty of enforcing sanctions on independent Nations.<sup>8</sup>

Finally, Austin excludes from the province of jurisprudence all those laws which were laid down by someone other than the sovereign and his subordinates. These include divine law, laws laid down by private individuals (such as the general commands of an employer).

On his own part, justice Holmes, of the supreme Judicial Court of Massachusetts, in his article: "The Part of the Law", maintains that "the prophecies of what the courts will do in fact and nothing more pretentious are what I mean by law".<sup>9</sup> Holmes asserted that the best way to understand law is to see it from the point of view of an immoral man or badman, who cares only for the consequences of breaking the law.<sup>10</sup> This therefore led Holmes to see the validity of law in terms of sanctions of the court.

Now, at the other extreme, we have the second sub-school, where we can classify Kelsen and Hart as belonging, though with different stance too. But both of them criticise the views of the first sub-school.

Hans Kelsen, is usually regarded as the most uncompromising of modern Legal Positivists. In his book; *Pure Theory of Law*, Kelsen, like Austin, stresses the significance of sanction. He maintained that a criminal is punished not because

he has overstepped the moral law, but because a rule of law attaches a penalty to his behaviour. Positive Law realizes the fact that a norm may not be observed, to prevent such violation, sanctions are attached and every rule of law must include the compulsive act. So he maintained that laws are coercive orders, that is, they react against certain events regarded as undesirable, because they are detrimental to the society.<sup>11</sup>

To the extent that the provision of Sanction is regarded as being a crucial feature of law, the theories of Austin and Kelsen agree, but they differ in the elaboration of this idea. Unlike Austin, it is not part of Kelsen's theory that Sanctions provide a motive for compliance. Thus, Kelsen rejects the idea of command which introduces psychological element into a theory of law which should, in his view, be 'pure'.

Secondly, to Austin, the Sanction was something outside the law which imparted validity to it. To Kelsen, Sanction is itself an integral part of the hierarchy of norms. For, in the first place, the operation of the sanction supporting a rule resolves itself into the operation of other rules, and in the second place, the validity of rule has nothing to do with its sanctions, since the operation of the sanction itself depends on the operation of other rules of Law. So that, even if Sanction does not follow a law, it is still valid. Thus sanction is not essential to law; it is only an appendage attached to law.

For Kelsen, law then, is essentially a *norm* not a *command*. He distinguishes between *moral* and *legal* norm. While a legal norm stipulates Sanctions, a moral norm does not. They also differ in their formulation. (I have already indicated this above). Law, according to Kelsen, is hypothetical not imperative.<sup>12</sup> Kelsen then rejects Austin's characterization of Legal rule as an imperative to which a Sanction, a threat of compulsive action, is attached in the case of failure to comply.

Another area of disagreement between Austin and Kelsen is in the condition of validity and the foundation of legal system. To Austin, the condition of validity and foundation of a legal

system is the "habitual obedience" of a sovereign by the social group, due to fear of Sanction. This is both a necessary and sufficient condition for the existence of law. To Kelsen, however, the criteria of validity and foundation of a legal system are 'effectiveness' and 'the basic norm'. The basic norm, according to Kelsen, is the highest factor for the foundation and validity of the Legal norm. Kelsen argued that for a legal norm to be described as really valid it must also be a member of the system. The reason for the validity of a norm was always another "higher" norm, and eventually, we shall get to a historical starting-point for norm-creation, beyond which we cannot go. At this point, it becomes necessary to presuppose a basic norm, where all other legal rules derive their authority and validity; on which all conflicts between rules are resolved.<sup>13</sup>

H.L.A. Hart in his article "Positivism and the Separation of Laws and Morals", like Kelsen, disagrees with Bentham, Austin and Holmes, and emphatically rejects the "command theory of law". Hart argues that the concept of law as command by Bentham and Austin "Seems breath-taking in its simplicity and quite inadequate. There is much, even in the simplest legal system, that is distorted if presented as a command".<sup>14</sup> Hart then demonstrates how the concept of command, sovereignty and obedience of both Bentham and Austin are deficient in aim and unsatisfactory in scope. He puts it more succinctly when he writes:

*It is easy to see that this account of legal system is threadbare. One also sees why it might seem that its inadequacy is due to the omission of some essential connection with morality. The situation which the simple trilogy of command, Sanction and Sovereign avails to describe, if you take these notions at all precisely, is like that of a gunman saying to his victim "Give me your money or your life". The only difference is that in the case of a legal system the gunman says it to a large number of people, who are accustomed to the racket, and habitually surrender to it. Law surely, is not the gunman situation, - and legal order is surely not to be thus simply identified with compulsion.<sup>15</sup>*



Hart further points out that the command theory of law fails to distinguish between types of legal rules, which are radically different.

Just as Bentham sees the validity of the Legal system in his theory of "utility" and Austin in his theory of "habitual obedience", Kelsen in "effectiveness" and "basic norm", Hart also propounds the criterion for validity of a Legal system. In his book: *The Concept of Law*, Hart maintains that Laws are essentially system of rules and a legal system is a system of two kinds of rules; the primary and secondary rules. The primary rules are the rules that order people to do certain things; they are duty-imposing rules. Whereas, the secondary rules are the rules that confer validity on primary rules. So, the primary rules derives from the secondary rules. These secondary rules, Hart calls "rules of recognition", and they do not impose duties; they are 'power-conferring' rules. Hart stresses that power-conferring rules do not comply with the command model, since they do not require people to do things, rather they only enable them to do things.

To Hart, the "rule of recognition" is the ultimate rule of foundation of the legal system; beyond it you can not go. It regulates the making of laws. Thus, to say that a given rule of a system is valid, according to Hart, is to recognize it as passing all the test provided by the rule of recognition.<sup>16</sup>

At this junction, it is pertinent to put across the stand point of Natural Law doctrine with regards to the validity of law, before we examine in details the afore-mentioned claims of Legal Positivism. This has become necessary and important because Legal Positivism has been used as a rival theory and opposition to Natural Law doctrine.

#### Natural Law Doctrine

Natural Law has been regarded as something not *made* but *discovered* by men. From time immemorial, the idea of Natural Law is said to have featured in thought and in history. Man's



awareness of the existence of Natural Law is said to have been old as man's sense of right and wrong. In every society, certain things are commended as good because they are natural, we also find that certain things are condemned because they are unnatural, for example, if a legislative body were to pass a law that all marriages in its territory are to be between people of the same sex; people will unhesitatingly condemn it, because it is unnatural; it is demanding what is against nature.

The Natural law doctrine, is however, better examined within the context of Ancient and modern periods. With regards to the Ancient period, Natural Law doctrine derives from the 6th.<sup>c</sup> B.C., when Aristotelian doctrine regarded man as part of nature, but endowed with the Faculty of reason, which makes him of higher strata. So in Ancient period, Natural Law was said to be the law of nature as opposed to civil law. Natural law is based on the rational nature of man, on his capacity to reason, not just reason, but right reason.

A new impetus was given to Natural law doctrine with the emergency of stoicism, when the element of religion was added. Here, "the way man ought naturally to behave was to be found not in man's individual reason, but in divine reason".<sup>17</sup>

And with the religious doctrine of Thomas Aquinas, Christian philosophers gave another twist to the Natural law doctrine by particularising the religious element and identifying God as the source of the divine. In sum, Natural Law in the ancient period, was regarded as the moral Law.

The advent of Legal Positivism in the modern period, has been the cause of a re-thinking in the Natural law doctrine, bringing about a modern attitude to Natural law doctrine. A leading modern exponent to Natural law doctrine is said to be D'entreves. In the modern period, a distinction is made between 'fact' and 'value' 'is' and 'ought' and later on emphasis was laid on Natural rights.

Thus, Natural law doctrine in its modern conception is not transcendental, it is expected to be incorporated into Positive

laws. Positive laws are expected to fall in line with Natural law. Laws which are contrary to Natural law are said to be immoral and ought not to be obeyed because they are not just. Natural law is seen as a higher or superior law by which Positive law can be judged.

Whether in its ancient or modern conception, the main features or central theses of Natural law doctrine, can be summed up as that which;

1. gives primacy to morality in law
2. upholds the presence of the element of the divine and supra-legal
3. is self-evident and discoverable by reason and based on human conscience.
4. is drawn from human nature
5. is universal and immutable
6. is the basis of natural rights and international laws.

The manifestation of Natural law in any society, therefore, is simply the appeal to anything outside the legal system proper for justice. The validity of law here, depends upon *justice* and the justice of any law derives from Natural law, which is simply the morality of law. Hence, the question of obedience to law cannot be successfully tackled without recourse to Natural law/justice. The point is that the power of any law to bind in conscience derives from its validity and the validity has its roots and basis in Natural law.

#### **Objections. Inadequacies and Limitations**

From the above exposition and analysis, it is clear that Legal Positivists' claims on the question of the validity of law is not sustainable when put in juxtaposition to the position of Natural law doctrine. This position is buttressed on the grounds that legal positivists have a narrower concept of law. The very treatment by Legal Positivists of other modes of human behaviour, such as, emotion, morality, religion etc, as trivial and aberrant shows the limitation of Legal Positivism. The Legal Positivists' notion of law

contradicts the facts and it is idealistically subjective. Their drastic step of eliminating morality, metaphysics, international law and Natural law from the sphere of law is intellectually castrating.

The central theses of Legal Positivism, with the basic assumption of "Legal self-sufficiency" is a false assumption and a staggering limitation of the concept of law. It is contrary to the exigencies of the reality of things and hence a blatant misconception of what law really is. On the issue of separating what the law is from what it ought to be, J.E.Harris observes that "---It is systematically part of the function of lawyers, and especially of judges; to answer two questions in one: "What is the Law?" and "what does justice require?"<sup>18</sup> Since justice is the judges' prime concern, they do not only look at the *letter* of the law, they also look at the *spirit* of the law.

The spirit of the law is intended to achieve the aim, the purpose the ultimate objective of the law. Whereas the letter of the law is the literal formulation of the law, that is, the law as it is or as it is actually expressed. Now, when legal Positivists talk of law, they take the letter of the law for the whole of law, leaving the spirit of the law, but it is obvious that we can never understand law if we exclude the spirit and concentrate exclusively on the letter, for it is in the light of the spirit of the law that the letter can be understood and assessed as to its adequacy or inadequacy. Judges, in fact, can only deliver their judgements with reference to the spirit of the law- by asking themselves the question; "what was the intention of the law maker (s) in making this law?" In so doing, they are asking themselves what the law ought to be, and not what it is. This distinction between the letter and the spirit of the law enables us to see the law in a dynamic way rather than the static way implied in Legal Positivism. This distinction enables us to see that there is room for constant correction, reforms, development or improvement in law. In fact, "a complete theory of law, writes Ronald Dworkin, tells us what law is and what it ought to be".<sup>19</sup> Thus, between the two realms of what the law is and what it ought to be, there are



manifest factual links, which have factual support, sufficient to render the separationist theory by Legal Positivists, more or less irrelevant. What the law is and what the law ought to be are always in constant interactions, they reinforce and supplement each other as part of the fabric of social life. In the practice of law no separation is maintained between the 'is' and 'ought' - both are largely complementary.

Also the issue of morals, as regard the validity of law, cannot be separated from legal science in the way legal Positivists suggest. Professor Lon L. Fuller in his article; "Positivism and Fidelity to law- A Reply to Professor Hart", maintains that the separation of law from morality advocated by Legal Positivists, if put to practice leads to tyranny, inhumanity and cruelty. Even in the most perverted regimes there is a certain hesitancy about writing cruelties, intolerance and inhumanities into law, and this hesitancy derives, not from a separation of law and moral, but precisely from an identification of law with these demands of morality, that are the most urgent and the most obviously justifiable. Fuller further argued that when we talk of the ideal of Fidelity to law, Legal Positivism becomes incapacitated, because this entails looking at what the law ought to be. Fuller then distinguishes between 'internal' and 'external' morality of law. He points out that Legal Positivism neglects internal morality of law which makes law possible. In other words, that both internal and external moralities of law influence one another in a reciprocal manner. Thus, Fuller concludes that the connection between law and morality is a necessary one.<sup>20</sup>

Law and morals are always in tandem and, although they can be distinguished, they can never really be separated. There is a moral or ethical limit beyond which law cannot go. Lord Devlin has subsequently "argued that there is a public morality which provides the cement of any human society, and that the law, must regard it as its primary function to maintain this public morality".<sup>21</sup> And Harris, on his own part observes with insight: "When we describe the law on his many questions, we have to

of Sanction and the imposition of Sanction. Imposition of Sanction can take different forms, moral, social, economic or military. Surely, a legal system requires some form of Sanctions (actual or threatened) to make it effective, but it is demonstrably fallacious to suppose that every single rule of law must necessarily have attached to it a Sanction. What Sanction is there to a rule that confers rights, privileges and immunities? What of a law that merely provides facilities for bringing about certain legal relations? What of declaratory and repealing statutes? Obedience to law cannot be wholly explained in terms of Sanctions in the Austinian or Holmean sense. The promise of good things to come may be important as Sanction in compelling obedience to law. Sanction is not essential to the concept of law. The "concept of law which revolves around Sanctions cannot be a complete reflection of law as it actually is."<sup>26</sup> Also Austin's opinion about the non-existence not only of Natural law but also international law, really shows the limitation of his idea of law

Hans Kelsen, on his own part, with the introduction of the 'basic norm' to his theory of law, makes his theory to cease to be "pure". Kelsen's theory, therefore, meets its own limit in the basic norm, which is itself not Positive law - it is extra-legal, since it does not rest on another legal norm. Thus, Kelsen's hypothesis is fictitious, his claim to purity appears absurdly unreal. If indeed law can only be product of the law-making activity of a 'competent' authority, there is clearly a vicious circle from which Kelsen cannot escape. This vicious circle is no less evident when, Kelsen delves into a normative sphere: outside Positive law. "Hence, the Legal Positivist's concept of the normative sphere itself reveals a metaphysical attitude, a kind of negative metaphysics which plainly contradicts the very assumptions of a Positive Science".<sup>27</sup> Kelsen has gone outside the legal framework into metaphysical frame work. Legal Positivism has never been able to live up to its legalistic and anti-metaphysical assumptions. The very nature of its subject-matter has compelled it time and again to violate its own assumptions and make use of fundamental principles not revealed by Positive Law".<sup>28</sup> Thus, Kelsen cannot reject metaphysics and morality without

taking arms against himself.

Attacking Hart, Professor Ronald Dworkin in his book; *Taking Rights Seriously*, argued that laws are not solely comprised of rules. According to him, rules are part of the law, but they are not enough or sufficient to describe law, since in 'hard cases' judges are guided in their decisions by standards which are not rules. Such standards include policies and principles.<sup>29</sup> Dworkin points out that "principles and policies offer a more flexible and sensitive approach to the adjudication of cases than a rigid uncompromising system of rule."<sup>30</sup> In "hard cases", says Dworkin, a judge searches for applicable rules. "In fact, it consists of a weighing of many standards other than rules, either because there is no applicable rule, or because what makes the case like an applicable rule is not subject to some relevant exception."<sup>31</sup> Thus, Dworkin's critique of Legal Positivism (especially that of Hart) rests on a distinction between 'Legal rules' and 'legal principles'.

As for the Natural Law doctrine position on the validity of law, critics have argued that it is devoid of any scientific or empirical basis and that it ignored the vital role of historical processes in the development of law.<sup>32</sup> The Natural Law doctrine is said to be too flexible and like a harlot, says Ross, Natural Law is at the disposal of everyone.<sup>33</sup>

The rise of Nazi and Fascist dictatorships and the spread of totalitarianism have, however, led to the emergence of the principle of Natural Law, which tries to tailor law within Civilised standard and moral conduct. But then, Natural Law is said to be static and rigid instead of being dynamic. The idea of an immutable human nature and unchanging structure of human ends has been rejected for its immobilism. Moreover, it has been argued that since Natural Law is not enforceable, it is really at a disadvantage.

Existentialism, especially that of J.P.Sartre, stands as modern opposition to Natural Law doctrine. According to Sartre, in *Existentialism is Humanism*, there is no human nature, any appeal to human nature is "bad faith". There is no transcendental



appeal to human nature is "bad faith". There is no transcendental or absolute values.

But we all know that there is a human nature, everything or Being has its adaptation to life, its essence. This is why it is not in our character or nature to fly like birds, for example.

#### CONCLUSION

The above short-comings in both Legal Positivism and Natural Law doctrines notwithstanding, we can still maintain the position that Natural Law has had formidable influence on Positive and international Law and that moral issues cannot be disregarded in Law. In fact the yard stick for determining the validity of law in legal practice is within the context of both Natural Law and Positive Law doctrines. What this implies is that nature intends man to behave in certain ways, and any law must take cognizance of this fact. In modern time, this implies that Civil Law must fall in line with international law and morality, and that value judgements also come into the facts of law. Consequently, what makes a law valid in legal realism is both the *fact* and *value* of the law. A law must conform to the shared morality of a society in which it is embedded for it to have validity, otherwise, the law shall perish for its lack of being enforceable and acceptable. The point therefore is that no extreme position can be maintained by either side on the validity of law, without recourse to a middle-man-position, resulting in give and take, as in actual legal practice.

To rigidly hold tight to the position of Legal Positivism, as explicated above, only portrays that one is unable to account for the ultimate foundation or validity of law. Neither Bentham's 'utility' nor Austin's 'habitual obedience' on the one hand, and neither Kelsen's 'basic norm' nor Hart's 'rule of recognition' on the other, account for the ultimate foundation of Law or its obligatory force. To account for it Austin unconsciously fell into the pit of extra-legal rules, Kelsen felt obliged to go beyond legal Positivism, to postulate a metaphysical entity, while Hart who decided to stay within Positivism ended up telling us that the

ultimate foundation of a legal system-the rule of recognition, is the ultimate foundation of the system by the mere fact of its being accepted as such. Thus the rule of recognition could after all be an evil, iniquitous, inhuman, cruel rule, emanating from a tyrant, once it is acquiesced to by the law-officials, it becomes the foundation and ultimate criterion of validity for the legal system. Since Legal Positivism is unable to account for the ultimate justification and foundation of civil law, it is not surprising that it fails even more hopelessly to account for that of international law which is more directly derived from the Natural Law than civil law.

In fact the idea of Natural Rights which has become part and parcel of modern civilization shows that morals and law go hand-in-hand. For example, abortion, euthanasia, suicide, slavery etc. all create acute moral controversy. These exceedingly difficult and delicate moral problems impose severe strains on any legal system. So, Laws get their validity from general moral norms. Positive law must keep broadly in line with current views of morality. Thus, the pivotal thesis of Legal Positivism of separating laws from morals amounts to lack of largeness of aim, for law has many close and ultimate relations with other aspects of human activities. Consequently, the lawyer needs to come to grips with the value system inherent in his society and wrestle with many moral problems which arise in developing the legal system as machinery for achieving justice within the framework of that value system. Law is a social institution and its study and practice should not be divorced from its social milieu.

#### ENDNOTES AND REFERENCES

1. Quoted by H.B. Action: "*Comte's Positivism and the Science of Society*", *Philosophy*, (the Journal of the Royal Institute of Philosophy), (Vol.26, 1951), p. 294.
2. J.W. Harris; *Legal Philosophies*, (London: Butterworths, 1980), p.12
3. Some of the leading Legal Positivists are: Jeremy Bentham, John Austin, Hans Kelsen, H.L.A. Hart and Justice Holmes.

4. Quoted by H.L.A. Hart; "Legal Positivism", *Encyclopedia of Philosophy*, Paul Edward (ed) Vol.4, (New York Macmillian Publishing Co., Inc. and the Free Press, 1967), p. 419.
5. Such a denial of a necessary connection between law and morality is perhaps the principal point of conflict between Legal Positivism and the Natural law doctrine.
6. *Ibid.*, p.418.
7. John Austin; *Province of Jurisprudence Determined*, H.L.A. Hart(ed) ( Weidenfold and Nicolson), pp. 77and 78.
8. It can be pointed out that even as regards Municipal law there is often a problem of enforcement and a flagrant disregard of accepted rules in time of grave issues. Other wise, there would be no meaning to revolutions, unrests, and riots that form the mainstay of the history of many nations. In other words, Municipal law is never denied because of any of these putative limitations. If the existence of Municipal Law is not denied on this account, the existence of international law cannot be denied on that basis too.
9. Holmes, "The Path of the Law" *Harvard Law Review*. (Vol.10. No.8, March 1897), p. 461.
10. *Ibid.* ,p.459.
11. Hans Kelsen; *Pure Theory of Law*, trans. by Max Knight, ( Los Angeles: University of California Press, Berkeley 1967),p.34.
12. Kant was the first to formulate this idea of the hypothetical character of legal rule. In his theory of imperatives, Kant had distinguished between 'hypothetical' imperatives. The former commands a behaviour with respect to a certain end. The later



on the other hand, commands a behaviour as good in itself."And since categorical imperatives are possible only in the realm of autonomous morals and not in that of heteronomous law, only the moral law, in Kant's view, has categorical obligation; Legal rules have only hypothetical obligation". (See William Ebenstein; *The Pure theory of law*, (New York: Augustus, M. Kelley Publisher, 1969 ),p.87.

- 13 *Ibid.*, pp. 193-195.
14. H.L.A.Hart, "Positivism and the Separation of law & Morals", *Harvard Law Review*, (Vol. 71, No. 4, February 1958, 602.
15. *Ibid.*, 603.
16. H.L.A. Hart; *The concept of Law*, (London: Oxford University Press, 1961),pp. 103 and 104.
17. John D. Finch: *Introduction to Legal Theory* 3rd ed ), (London: Sweet and Maxwell, 1979),p.32.
18. J.W. Harris; *op.cit.*, p. 17.
19. Davide Lyons; "Taking Rights seriously" (AA Review of Dworkin's Book), *Yale Law Journal*, (Vol.87,1977-78 ),p.415.
20. See Lon L. Fuller: "Positivism and Fidelity to Law- A reply to Professor Hart", *Harvard Law Review*, Vol. 71, Feb. 1958.
21. Lord Lloyd of Hampstead; *op. cit.*, p.55.
22. J.W. Harris; *Op. Cit.*, p. 17.
23. For example an autocratic ruler could legislate unthinkable immoral and oppressive laws usurping individual

Freedom and Private life, and maintain that the Laws are valid, since there are no limitations outside the law.

24. Samuel I. Shuman; *Legal Positivism: its scope and Limitations*, (Detroit, Wayne State University Press 1963 ),p.188
25. A.P.D'entreves; *Natural Law: An Introduction to legal Philosophy* (London: Hutchinson and. Co Ltd.,1970), p. 9.
26. R.W.M.Dias; *Jurisprudence*;(London; Butterworths,1970),p.409.
27. Hans, Y. Morgenthau, "Positivism, Functionalism and international Law", *The American Journal of International law*, (Vol.34, 1940) pp. 268-269.
28. Ibid., p.269.
29. A policy according to Dworkin is that kind of standard that sets out a community's goal, generally an improvement in some economic, political or social feature of the community's life. An example is the policy that; 'automobile accidents are to be decreased'. A principle on the other hand is a standard to be observed, because is a requirement of justice or fairness or some other dimension of morality. For example "no man may profit by his own wrong".(See J.W. Harris; *op.cit.*, p.173.
30. Russell, L. Caplan: " Professor Dworkin's Jurisprudence", *The American Journal of Jurisprudence*. (An international Forum for Legal Philosophy), (Vol. 22.1977), p.119.
31. J.W.Harris; *op.cit.*,p.174.
32. Dennis Lloyd: *The Idea of Law*; ( Harmondsworth, Penguin Books Ltd.,1979) p. 86.
33. John D. Finch; *op.cit.*, p.40.

**WISDOM IS MIGHTIER THAN MIGHT: FAGUNWA'S NARRATIVE  
AND YORUBA COMMUNAL PHILOSOPHY**

By  
**KOLAWOLE A. OWOLABI**  
Dept. of Philosophy  
University of Ibadan  
Ibadan.

**ABSTRACT**

This paper is a critical analysis of the Yoruba communal thought and personal philosophy contained in the narratives of the pioneering Yoruba novelist, Daniel Olorunfemi Fagunwa. Fagunwa's mission is to present the communal thinking of this people and to employ the axiomatic principle embedded in the folk thought: 'wisdom is mightier than might' as a foundation for his personal philosophy. This paper critically examines Fagunwa's project. We evaluate his positions on the basis of his axiom about the primacy of wisdom to other values-rejecting those that are inconsistent with this rationality principle. Yoruba communal philosophy, and also venerated by Western modernity is adopted, the dual project of liberation and transformation of all humans may not be effected.

**INTRODUCTION**

Two issues will be of paramount importance to us in this paper. The first is the issue of the relationship between communal philosophy of a traditional African society and the contemporary effort of attaining an authentic African philosophy. The second issue is whether or not literature can be an effective medium of discourse for philosophy in Africa or elsewhere. These two interrelated issues are already generating serious polemics in the enterprise of African philosophy presently. It is within this context, that we shall be discussing the philosophical import of the narratives of Daniel Fagunwa, the pioneer Yoruba writer.



This essay shall discuss the Yoruba communal world-views and personal philosophy inherent in the narratives of Daniel Olorunfemi Fagunwa. <sup>1</sup> Fagunwa's name may not be familiar to the non-Yoruba people because of the medium he chose for writing, which is the local language. But his writings manifest the traditional essence of the Yoruba culture through the manipulation of the language to serve both literary and philosophical purposes. In this respect one can say that, the classical novels of Fagunwa serve a dual purpose-the conventional one of presenting a story and that of presenting his people's Weltanschauung to the rest of the world. Fagunwa therefore has been credited for not only translating the Yoruba imaginative tradition into the modern form ( Irele 1982:105 ), but also for transmitting the traditional Yoruba world views into the consciousness of the contemporary generation. ( Bomgbose, 1974; Isola, 1978, Oke & Mojola 1981). The writer is therefore acknowledged as the master by those who understand his medium of expression because of his ability to transmit completely the ethos and values of the Yoruba culture.

Against this backdrop, the present paper seeks to make a rigorous analysis of the philosophical vision at the base of Fagunwa's writings. We shall strive to unfold the traditional communal philosophies of the Yoruba as he presents them. This will also include a detailed interrogation of the rationality and logic of these beliefs. The fundamental principle at the base of the Yoruba communal philosophy is the aphorism: "wisdom is mightier than might". It is the same principle that Fagunwa adopted as the guiding principle behind his personal philosophy. Indeed the entirety of Yoruba world-view can be subsumed under this principle. In the conflicts and tension between cultures and beliefs in the modern world, the position of Yoruba philosophy and that which Fagunwa adopts and further develops is that victory goes to the one who clearly understands and effectively appreciates the principle that 'wisdom is mightier than might'.

AFRICAN PHILOSOPHY, LITERATURE  
AND COMMUNAL WORLD-VIEW

The issue of whether or not authentic African philosophy can be developed from the traditional world-view of Africans has been debated in the early years of the inception of African philosophy in the modern form. Paulin Hountondji who without any doubt, is the arrowhead of the critique of African philosophy in the communal sense affirms that the desire to present the world-view of a certain community as an instance of African philosophy cannot survive serious critical scrutiny. (Hountondji 1983:63) African philosophy in this form to him is more of a myth than a reality.

Hountondji in the book: *African Philosophy: Myth and Reality* that we have just cited, also questions the attempt to rely on oral literature as a means of producing contemporary African philosophy. His argument is that philosophy, cannot realise its full essence in the oral form, because orality has its intrinsic limitations, which makes the whole enterprise of oral retention committed to the goal of remission rather than interrogation. For this, Hountondji concludes that orality renders philosophy incapable of attaining its critical essence. (Ibid, 1983:103 ). He does not stop at this, he argues further on why literature-whether oral or written-can not be an instrument of philosophy. To him the two belong to different and distinct cultures. While the literary belongs to the artistic literature, philosophy belongs to the scientific literature. (Ibid 1983:83).

This tension between literature and philosophy which the professional philosophers revived in the early days of the modern discourse of African philosophy, has its origin in Plato's disdain for the poet in: *The Republic*. This mutual hostility between philosophy and literature seems to be waning in contemporary Western philosophy, with the appearance of Existentialism and the argument of this orientation about the potency of literary genres to serve philosophical ends. Perhaps it needs be said that

it is the outright denouncement of any hegemonic paradigm of intellectual investigation by the *avant garde* scholars within post-modernism, that properly ushered in this new regime of cooperation and interaction between the literary and the philosophical.

The need for literature to engage philosophy in the quest for an indigenously based African Philosophy is expedient because of the mutual relationship between all segments of ideas within the traditional African culture. The holistic nature of ideas in traditional Africa demands that the oral literary heritage, the only remaining reservoir of indigenous intellectual tradition should be investigated.

In recent times, there have been credible challenges to the argument that literary medium cannot be a vehicle of philosophical production in Africa. In this respect we can identify the positions of Isidore Okpewho in the work: "Myth and Rationality in Africa" (1981)<sup>2</sup> and Richard Bell in his essay: "Narratives in African Philosophy" (1989). Okpewho argues that philosophy in the strict sense exists in traditional African culture because the two basic ingredients of philosophy, rationality and speculation are present in the culture. These attributes, he says are obvious in the mythological narratives that have become the heritage of contemporary Africa.

Bell in his own essay challenges Hountondji's argument that African philosophy in the traditional form is lost, because it was not recorded. Bell says: "In fiction and drama, as in the oral narratives of traditional communities can be found the 'memoirs' and 'diaries' that Hountondji calls for as a prerequisite for philosophy" (Ibid: 378). Bell's argument is that the mythological narratives in the African traditional culture contain discursive practices that can be developed to attain a philosophical tradition that is critical and rigorous. These practices, Bell argues further,



include what Soyinka calls the iconic tradition- a culture of reflection and articulation on the challenges facing an individual or community. (Ibid: 376). It also includes the deliberative culture of the traditional Village Square in Africa, the palaver.

Bell's position in a nutshell, is that traditional Africa possessed a culture of deliberative and critical practices necessary for the development of philosophy and the culture is still retained in our contemporary narratives such as drama, fiction, poetry, oratory, iconic tradition etc. All these, he says are potentials that can be explored for the development of African philosophy in the contemporary world.

We need to mention that the tendency of accepting traditional culture as a viable material for the development of contemporary African philosophical system in the modern world is becoming popular in recent times. This new tendency challenges the spirit of the past, when professionally trained philosophers influenced by the Western practices *do* not see any need for a return to our past.<sup>8</sup> These days, the phrase 'ethno-philosophy' or 'communal thought' is no more employed in the pejorative sense. Rather they are use with all sense of seriousness and veneration. The debate on whether or not African philosophy can progress with or without its antecedent seems to be closed. All practitioners of African philosophy seem to be in agreement today that the communal philosophy can be a good starting point for our effort at formulating a tradition of philosophy in Africa. Hence, the present effort to analyse the Yoruba communal philosophy in the literary writings of Fagunwa is not out of place.

#### FAGUNWA'S NARRATIVE AND THE YORUBA WELTANSCHAUUNG

There is a peculiar irony surrounding the literary career of Fagunwa. It is that Fagunwa remains unappreciated by the outside world despite the recognition that he is not only a trail blazer, but the real father of systematic creative writing within the

Yoruba society ( Olubunmmo 1963:26 ). Irele expresses the tragedy of the fact that while the disciples of Fagunwa such as Tutuola and Soyinka are being acknowledged and celebrated, the master himself remains in relative obscurity. (Irele1981: 76) The predicament of Fagunwa has been complicated today by the fact that his sacred and institutional status "consigns him to the status of ancestral background.." (George 1997:78 ) Yet Fagunwa's narratives, classics as they are perennially relevant.

Fagunwa's greatness lies not only in his literary capacity, but also in his sense of mission to transmit the traditional Yoruba world-view to the modern world. In his faithfulness to the indigenous philosophy, he strives to present his serious mission using the medium of art. This is in conformity with the nature of intellectual discourse in the Yoruba traditional community. According to Adesanya in his short but inspiring essay on Yoruba metaphysics, there is mutual cooperation among the various disciplines within the traditional Yoruba system, such that the mythological narratives can be a medium of presenting a philosophical idea. ( Adesanya 1958) Adesanya argues further that '... the mythological stories are a device to bridge the gap between thinkers and the rest of men. Myths, in fact were a device to teach the generality of men to understand pictorially what they could not comprehend" (Adesanya 1958:41). Fagunwa therefore adopts this peculiar tradition by employing the narrative medium to execute his philosophical mandate.

In the first narrative work of Fagunwa now translated by Wole Soyinka as: *The Forest of a Thousand Daemons*, he proclaims his philosophical interests by enjoining readers to reflect along with him. He says: " the story which follows is a veritable agidigbo; it is who will drum it, and you the wise heeeds will interpret it." (Fagunwa/ Soyinka 1968:1). This statement in Fagunwa's first novel is an explicit affirmation of the philosophical essence of his creative art. It is also a tacit invitation to the

professional philosophers to present the ideas in the proper mode. This task is what we will be performing in this essay. Fagunwa's collection of metaphors, allegories and myths are products of the Yoruba *Weltanschauung*. The myths within the Yoruba thought system, which Fagunwa appropriates as a mode of narrating his stories are means of "making intelligible to the market place conclusions arrived at the ivory tower" (Adesanya 1958:41)

Fagunwa's five novels have a uniform pattern. Each of the novels tells a story of a brave hunter, whose bravery, exposure, perseverance, wit and other qualities demonstrated at the personal level, qualify him to be chosen among others, to go on an expedition to acquire more experience, knowledge and wisdom for the overall benefit of the community. The story introduced the element of the supernatural at this level. The hunters are confronted with obstacles natural and supernatural. They are meant to contend with the strange beings; ghomids, daemons, gnoms etc. These creatures which may appear fictional and a product of wild imagination to the modern mind, are aspects of the reality of the traditional African world. In the end some of the hunters, due to their overall mental capacity, survive to become richer materially and mentally; while some falter and pay the supreme price. Without any doubt Fagunwa's stories are metaphors that ought not to be taken literally. As a writer says;

The real meaning of the stories they tell lies in the correct understanding of the right associations. Characters in Fagunwa's novels represent types and philosophically illustrated essences and concepts. The way the stories constitute a particular idiom is clearly understood by the people. (Isola, 1978, 305-306).

From our discussion so far, it becomes very clear that the project of Fagunwa is to present and reflect on Yoruba



*Weltanschauung* in a critical manner with the goal of transcending the aspects of the Yoruba philosophy that are unjustified and inadequate for the contemporary challenges. Without any doubt, literary critics who have been analysing Fagunwa's narratives for so long appreciate his effort in presenting the Yoruba world-view in particular and African traditional beliefs in general to the rest of the world. Fagunwa's novels present an idea of the Yoruba belief system and metaphysics in his narration of the existential crisis of the heroes. Fagunwa's world is one that establishes a relationship between the physical and the spiritual; between the natural and the supernatural. The reality of the Yoruba world and by implication the African world extends beyond the material to the non-material. Indeed his belief, which is a product of the Yoruba world view is that existence is a continuum, which makes the human person capable of criss-crossing the natural, the supernatural, the animal and the ancestral worlds.

He has created the universe of his novel directly out of the African, and specifically Yoruba, conception which sees the supernatural not merely as a prolongation of the natural world, but as co-existing actively with it. (Irele 1981:179)

Fagunwa therefore presents a peculiar cosmology of the Yorubas and one which readers from the rest of Africa can understand, appreciate and accept not merely as a metaphor but as a literal reality. So the spirits and beings of Fagunwa's narratives are not only imaginations of Fagunwa to explain metaphorically the existential crisis of man as Irele says (Ibid:180), they are also ideas that are real in the Yoruba world and one which Fagunwa feels can be adequately justified. Fagunwa's ontology and epistemology are essentially adopted from the Yoruba thought system. The writer does not see himself disagreeing with these beliefs. He therefore takes it for granted that even the Western mind should be capable of understanding it, being a product of the christian philosophy that accepts the reality of the spiritual world.

Indeed, in this, Fagunwa demonstrates naivete that is not expected of a philosopher. Fagunwa does not deem it necessary to question the possibility of animals transforming to humans at will; angels appearing to humans at random, ghost getting married to humans without breaking down the ontological structure. The supernaturalism within Yoruba world-view and one which Fagunwa subscribes to can not survive critical interrogation. One can ask, what is the essence of holding on to such belief in this scientific minded world? Fagunwa's philosophical project fails in this respect. The philosopher does not merely accept and present the view of his community. He ought to question it and demand rational explanation for the perceived irrational and inconsistent aspect of the belief-system. Mere presentation of communal beliefs not sufficient to make one a philosopher. The critical attitude is necessary before a discourse can be philosophical in the real sense of the idea.

Let us again examine another aspect of Yoruba world-view that attracts the attention of Fagunwa, which is the idea of predestination. The question whether man is free or pre-determined is a perennial philosophical issue. The position prominent in Yoruba world-view is that humans are predestined. According to the Yoruba, predestination occurs when an individual decides before coming to this world the particular 'ori' that he will have. The concept 'ori' literally means physical head. But it means more than this. It also refers to the personality traits or principle of individuation. The belief is that the choice of 'ori' determines the personality and future performance of the individual. This belief generates serious questions such as this: how can rational humans be allowed to decide their destinies and some people will choose inauspicious ones? Is the choice of destiny free or not? Are the humans at this point of choice rational? Will a rational human deliberately bring suffering on himself by choosing a forlorn fate? What roles will the human instinct of self-interests and preservation play at this point of

determining one's destiny? Are the Yorubas saying that the people at this stage do not possess these qualities of preserving and protecting their self-interest? Also we can say that if the choice is not free, can the people be made responsible for their actions?

Without doubt, the Yoruba position on pre-determinism can not be sustained, due to the critical questions that we have raised. Perhaps it is due to this that Fagunwa merely presents this belief without subscribing to it. In fact, Fagunwa subtly criticises this position by bringing out the ridiculous consequences of it. He questions the possibility of choosing an inauspicious destiny with the story of a man called 'Iragbeje' who not only made the best available choice, but also decides for eternal immortality. (Fagunwa/Soyinka 1968:99) Fagunwa's story is merely to maintain that no rational and free person will condemn himself to serious suffering.

The correct interpretation of Fagunwa's position is that he is in the midway between libertarianism and determinism. If he is seen as a determinist, he is really a moderate determinist in the sense that he does not regard situations as completely closed even when one is predestined. We can defend this with the action of the protagonist of his novel: *The Forest of a Thousand Daemons*. Having through divination, realise that he is destined to face hardship on a particular day, he through his will, change the situation saying: "With his own two hands does a man mend his fortune; if you kola pieces will not predict good, I will predict that for you." (Fagunwa/Soyinka 1968:37) The message here is that man can not always resign to fate, he needs his will in order to overcome his precarious situation. This is the purpose of 'ogbon', wisdom which Fagunwa considers to be the most important human faculty for coping with all the challenges and inhibitions that confront humans.

What then is the purpose of wisdom if we are already determined? The importance of the idea of wisdom in Yoruba



communal philosophy makes it more important and superior to any other opposing belief including that of human predestination. The basic axiomatic principle behind the entire communal Weltanschauung of the Yoruba people is the dictum 'wisdom is mightier than might'. And as we have said it is the same principle that consistently guides the personal vision of Fagunwa. The Yoruba idea of wisdom is more encompassing than the English word; wisdom. When the Yoruba sage says that: '*Ogbon ju agbara lo*', '*Wisdom is mightier than might*' he means something more than the word 'wisdom' can translate. Indeed the word 'Ogbon' as the Yoruba usually employ it, denotes a collection of ideas and values. It is a 'compound of spell' to borrow Soyinka's translation of the hero of Fagunwa's first novel. Ogbon can only be translated to mean wisdom because of the absence of an appropriate word in English. 'Ogbon' in a sense will convey the capacity to make a rational decision. It also implies exposure, experience, bravery and fortitude when the need arises. The man with 'ogbon' is a man of discerning as well as a man who is patient and calm in the face of tribulations and provocation. In essence, 'ogbon' is to the Yoruba a synthesis of values and positive attributes that can make an individual or a community excel in the competition that nature has made inevitable.

Let us illustrate the point that we are making about the comprehensive nature of the word 'ogbon' with some proverbs from the Yoruba language.

- (i) { *Omode gbon agba gbon la ti da ile ife* } which can be translated to mean: The combination of the wisdom of the old and the young explains the greatness of Ile-Ife
- (ii) { *Ogbon ologbon ni ki je ka pe agba ni were* } can be translated to mean: It is the wisdom of all that makes the old sage what he is.
- (iii) { *Ogbon odun yi were emi.* } this can be translated to mean: The wisdom of today is the foolishness of tomorrow.

In all the three proverbs, we can see clearly that the

concept 'ogbon' is used in a wider sense than we use the word wisdom in English. When you employ the word in the first proverb, we use it in reference to two different things: the wide experience associated with old age and the zeal and wild courage of the youth. But in the second, we are referring to the experience and discretion of the old; the capacity of the aged to manage ideas. 'Ogbon' here refers to the ability to recognise one's limits and limitations and make preparation for avoiding situations that can expose them. 'Ogbon' in this usage can be translated to mean the act of being discreet, rather than being wise. In the third proverb the idea means the capacity to choose the right attitude for situations. The third sense of 'ogbon' here emphasises the transient nature of knowledge. It is implying the dynamic essence of knowledge.

Indeed the concept 'ogbon' in the usage of it in Yoruba language refers to a multiple of ideas about how an individual can excel and how to manage a community for the benefit of all members of the society. Take as single concept 'ogbon' is more of an ideal that may not be attained, but can serve as a means of evaluating an individual or community. In relation to an individual, 'ogbon' means the capacity for self-understanding; the exposure and experience that can be associated with the old, who had experienced, suffered and therefore capable of managing any kind of situation. It is in this wide sense that the Yorubas employ this idea of 'ogbon', that Fagunwa seeks to use it. Indeed the real wise one according to him, are those who have demonstrated competence in all spheres of difficult things of life. They are people who have overcome many difficulties and have prevailed. It is in this respect that Fagunwa regards the hunter as the nearest realisation of this ideal-'ologbon'. As Irele earlier observed, the hunter in the Yoruba worldview is the apt realisation of the idea in the sense that the real hunter combines the physical and the spiritual energy. (Irele 1981:180). The characteristics manifested by 'imodoye', the real possessor of 'ogbon' in one of his novels



clearly demonstrates his conception of 'ogbon'.

Next stood Imodoye... When he was only ten he was snatched away by the Whirl-wind and he lived for seven years with him. In all those seven years he lived on a single alligator pepper everyday. He was well versed in charms, wise and very knowledgeable, he was also a highly titled hunter. These qualities earned him the name Imodoye that is knowledge fuses with understanding. (Fagunwa/Soyinka 1968:78-79).

At this point we should now begin to appreciate the idea of ogbon in the Yoruba/Fagunwa use of it. The character, 'Imodoye' that is seen as the epitome of ogbon suffers serious hardship and deprivation. He endured extreme hunger for seven years and he is also known to be a respected possessor of charms; which only the experienced can. As the situation of 'Imodoye' consistently demonstrates, he, out of all the other great hunters on the journey to mount Langbodo, possesses the capacity to know when to employ force and when not, when to cajole, when to resort to mere songs, and when to retreat. And it is this discretion that made him prevail and return safely from his very hazardous expedition; while the strongest, 'Kako' could not.

In a nutshell, the concept 'ogbon' in the real sense of it can only be applied to those who have been tested and found capable. It is in this sense that the hero of; *The Forest*, after all his encounters declares thus: "I have beheld the ocean and have known the sea, water holds no further terror for me! My eyes have witnessed much in this world." (Ibid:70) We can see here that the hero, Akara-Ogun becomes a wise man' indeed a sage after his numerous exposure, experience and indeed spiritual purgation and purification.

Now to the principle embedded in the aphorism 'wisdom



is mightier than might'. Our explication of the meaning of the concept 'ogbon' should now reveal the reason why the Yoruba and also Fagunwa celebrate the idea as the all-encompassing concept. From our discourse, we can see the idea as analogous to the concept of rationality, which is the ideal value and principle behind the feats of modernity. Fagunwa's idea and principle therefore envisaged the French thinker Foucault, who considers knowledge to be a means of engendering power.

Post-colonial studies today affirm this Foucaultian paradigm of the interface between knowledge and power and how this explains the phenomenon of colonialism in its many facets. Fagunwa/ Yorubas' philosophy of culture needs to be seen in this respect. To Fagunwa, culture ought to be seen as an instrument of emancipation and transformation. However physically developed a society or the individual is, he is susceptible to enslavement, if he is not mentally alert. Fagunwa demonstrates this fact with an episode in his first novel: "The hero, Akaro Ogun was captured by a powerful creature, who tortured and humiliated him. The hero through wit and persuasion made his captor to eat a cooked yam, which the creature finds to be far better than eating it uncooked. He sought to learn more from the captive. The captive turned teacher, deceived the captor into believing that honey flows from the barrel of the gun. In the bid to savour this juicy stuff, the captive kills the captor, and liberates himself.

The message of this allegory is very explicit. A culture established on rational principles and wisdom will always overcome that established on mere physical power. This is precisely the import of the aphorism: 'wisdom is mightier than might'. Fagunwa's interpretation of this communal philosophy is that human rationality remains his most important feature. The liberation or even transformation of the individual or society is only possible through the maximum use of this faculty. In essence, Fagunwa seems to be calling for a transition from the traditional society to a modern one. A modern society is to him one that has

fully recognise the potency of human reason; a scientific society guided by the rational spirit. The contradiction of this affirmation of rationality and the earlier adoption of supernaturalism is one which will always haunt any African who seeks to reconcile his culture with the modern ethos.

#### CONCLUSION

This essay is primarily a critical study of the Yoruba worldviews in the novels of Daniel Fagunwa. As a pioneer in the field of writing in the Yoruba language, the writer employs his narrative as a medium of presenting the communal *Weltanschauung* of his people to the rest of the world. Fagunwa adopted the principle in the Yoruba saying, "Wisdom is mightier than might" as the foundation of his personal philosophical project. Relying on this, Fagunwa made a critical interrogation of some of the beliefs of the Yorubas. He questions the belief in predestination for example: What is the basis of wisdom if man is completely determined to act in one way rather than in another? Wisdom is to him a necessary tool through which *humans* can determine *his line* of action. It is the means through which man can prevail over supernatural and natural inhibitions.

The summary of Fagunwa's project is precisely that the Yoruba worldview can be interpreted to suit the prevailing effort of transition from traditional culture to the modern in Africa. The affirmation of 'ogbon' as the primary value implies the acceptance of the rational faculty as a means of effecting this necessary transformation. It is by implication an acceptance of the need for the African society to embrace the scientific spirit and move along with the rest of the world in the project of employing human wisdom to liberate and transform humanity. The analysis of Yoruba communal philosophy in the narratives of Fagunwa does not confine African peoples to anachronistic tradition. Rather it is serving the reverse role of a compass through which we can successfully navigate the complex and complicated world of modernity.

#### NOTES

\* This paper was conceived during my numerous discussions with my late father: Chief Ezekiel Oludunni Owolabi (1934-1990). An accomplished writer and one who has been described as the most successful imitator of Fagunwa's motif. It is his commitment and belief that the academic profession is worthwhile that brought me into this trade and kept me there even when this seems to be outright foolishness in contemporary Nigeria. I dedicated this paper to his memory for leading me in what I have now seen to be the right direction. I also thank my friend : Dotun Saseyi for reading this essay and suggesting ways of improving it

(1) Daniel Olorunfemi Fagunwa pioneered the act of novel writing, employing the Yoruba language, with the publication of his first novel in 1938. Since then, his novels have been popular among the literate and the non-literate as the repertoire of the indigenous Yoruba philosophy. His published novels are:

- (1) Fagunwa, D.O. *Ogbaju Ode Ninu Igbo Irunmale*. London: Thomas Nelson & Sons, 1938.
- (2) Fagunwa, D.O., *Igbo Olodumare* London: Thomas Nelson & Sons, 1949
- (3) Fagunwa, D.O. *Ireke Onibudo* London: Thomas Nelson & Sons, 1949
- (4) Fagunwa, D. *O.Irinkerindo Ninu Igbo Elegbeje*, London: Thomas Nelson & Sons, 1954
- (5) Fagunwa, D.O. *Adiitu Olodumare*. London : Thomas Nelson & Sons, 1961.

(2) This essay by Okpewho generates extensive debate among some Nigerian scholars. Some opponents of this position argue that the narratives presented by this author are not instances of rational ideas in Africa rather they are indications of the absence of these attributes. See Bello 1993, Otubanjo 1983.

(3) The first generation of professionally trained philosophers who belong to this trend having influenced by Western philosophy



saw the effort to retrieve the indigenous philosophy from our culture as a diversion and a futile exercise. As one of them, Kwasi Wiredu for example says: 'The African Philosopher has no choice but to conduct his philosophical inquiries in relation to the philosophical writings of other people, for his own ancestors left him no heritage of philosophical writings' (Wiredu, 1981:48)

(4) Ile-Ife is the ancestral home of the Yorubas. It is even considered in the mythological narratives of the Yoruba as the cradle of human civilisation.

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BETWEEN THE PRO-ABORTIONIST'S AND  
THE ANTI-ABORTIONISTS

BY

Ekwealo, Chigbo Joseph  
Department of Philosophy  
Faculty of Arts,  
University of Lagos.

A CRITIQUE OF J.J THOMSON'S A DEFENCE OF ABORTION<sup>1</sup>

AND

J. FINNIS' "THE RIGHTS AND WRONGS OF ABORTION

J.J. Thomsons started the article with a thesis that most opposition to abortion relies on the premise that the foetus is a human being, a person, from the moment of conception. Though it could be argued against, she nevertheless conceded since other issues following from the premise are equally germane. She said

*"...on the other hand, I think that the premise is false, that the foetus is not a person from the moment of conception. A newly fertilized ovum, a newly im planted clump of cells is no more a person than an acorn is an oak tree.... But I shall not discuss any of this. For it seems to me to be of great interest to ask what happens if, for the sake of argument, we allow the premise..."<sup>2</sup>*

She further explained that the second premise of the anti-abortionist, following from the first is this:

*"... every person has a right to life. So the foetus has right to life."<sup>3</sup>*



She posed a rejoinder that no doubt, the mother has a right to decide what shall happen in and to her body which the anti-abortionist counters that

*"... a person's right to life is stronger and more stringent than the mother's right to decide what happens in and to her body and so out weight it. So, the foetus may not be killed, an abortion may not be performed..."<sup>4</sup>*

Drawing example from a case of a violinist who because his living depends on being plugged to someone else, he argued that though it would be nice and kind for one to accept to help, however, it is not an imperative that one must do it. Thus while it is a right of life for the foetus, it is not imperative for the mother to carry it.

She pointed out that anti-abortionist would also defend the case of rape or even if the mother would carry it for nine years, their defence is that it is a life therefore should be preserved, also; that even where the mothers life is in danger, the defence is that performing the abortion would be directly killing the child whereas doing nothing would not be killing the mother, but only letting her die.

J. Thomson disagreed with all these arguments by noting that *"...if directly killing an innocent person is murder, and thus is impermissible, then the mother's directly killing the innocent person inside her is murder and thus is impermissible. But it cannot seriously be thought to be murder if the mother performs an abortion on herself to save her life. It cannot seriously be said that she must refrain, that she must sit passively by and wait for her death..."<sup>5</sup>*

Further, she argued that a woman surely can defend her life against the threat to it posed by the unborn child, even if doing so involves its death.

As to the issue of the woman wanting an abortion for some less weighty reason than preserving her own life, Thomson defends this by saying again that though the infant may have a right not to be deprived of her life, she does not have a right against the mother nor a third party not to deprive her life. Thus her right does not impose an absolute duty on the other persons right such that other person negates his/her own right. Thus, where you forfeit you own right at the foetus expense, it is kindness on your part.

*"...but I would stress that I am not arguing that people do not have right to life... Quite to the contrary, it seems to me that the primary control we must place on the acceptability of an account of rights is that it should turn out in that... I am arguing only that having a right to life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person's body - even if one needs it for life itself."<sup>6</sup>*

Consequently, an emendation was made that the right to life consists not in the right not to be killed but rather of the right not to be killed unjustly. He says

*"I suppose we may take it as a datum that in a case of pregnancy due to rape, the mother has not given the use of her body for food and shelter."<sup>7</sup>*

On the issue of when a woman voluntarily indulges in intercourse knowing of the chance it will issue in pregnancy, if she voluntarily called it into existence, how can she now kill it, even in

self defence? Thomson argues on the contrary that it does not follow that because she indulges in intercourse, then, she should be liable otherwise, the same condemnation can also be visited on a rape victim which the anti-abortionist allows

*"...but this wont do - for by the same token, anyone can avoid a pregnancy due to rape by having a hysterectomy, or anyway by never leaving home without (reliable) army..."<sup>8</sup>*

He summed up that generally, there are cases where the foetus ought to be, have a right to the mothers body but this is not a totally exclusive demand.

*"... nobody is morally required to make large sacrifices of health, of all other interests and concerns of all other duties and commitments, for nine years, or even for nine months, in order to keep another person alive."<sup>9</sup>*

Thomson drew attention to the thesis of "Good Samaritanism" and criticised that while women are compelled by law to be not merely minimally Decent Samaritans but Good Samaritans to unborn persons inside them, in the United States, no man is compelled by law to be even a Minimally Decent Samaritan to any person no matter the circumstances. Therefore, those against abortion should not stop at that but proceed to a demand for an adoption of Good Samaritan laws generally, otherwise they would be criticized as being partisan in their so-called life and human ethical and moral argument. Thomson examined the third party factor which has also been criticised by the anti-abortionists. He argued that although it is a fact that the third party is not directly linked in the chain between the foetus and the woman.

*"... there are cases in which we can, cases in which a Good Samaritan would extricate him"<sup>10</sup>*



In other words, those like the Doctor et cetera can also be understood as morally and legally helpful in the abortion act.

To the argument that the foetus is a person for whom the woman has a special kind of responsibility issuing from the fact that she is its mother, besides another issue that men and women both are compelled by law to provide support for their children.

To this, Thomson explained that responsibility is something you assume based on certain demand, thus

*"...If a set of parents do not try to prevent pregnancy, not obtain an abortion and then at the time of birth of the child do not put it out for adoption but rather take it home with them, then, they have assumed responsibility for it, they have given it rights and they cannot now withdraw support from it at the cost of its life because they now find it difficult to go on providing for it. But if they have taken all reasonable precautions against having a child, they do not simply by virtue of their biological relationship to the child who comes into existence have a special relationship for it. They may wish to assume responsibility for it or they may not wish to. And I am suggesting that if assuming responsibility for it would require large sacrifices, then they may refuse..."*

Thomson concluded by drawing attention to the contextual nature of his argument which while defending abortion does not make it a natural case excluding any contrary opinion. Thus, a sick and desperately frightened fourteen-year-old school-girl, pregnant due to rape, may of course choose abortion and any law which rules this out is an insane law, however,

*"it would be indecent in the woman to request an abortion and indecent in a doctor to perform it, if she is in her seventh month and wants the abortion just to avoid the nuisance of postponing a trip abroad."*<sup>12</sup>

Lastly, Thomson explained that arguing for the permissibility of abortion in some cases should not be interpreted as outright arguing for the right to secure the death of the unborn child. If were possible to remove it without the child dying, then and okay otherwise, it is unfortunate. However, the direct killing of the child should not be understood as the basic aim of abortion. Having said all these, she concluded by pointing out again that the assumption is that the foetus is a human being, which is more of an assumption not a reality. Consequently,

*"... a very early abortion is surely not the killing of a person..."*<sup>13</sup>

*J. Finnis 'The right and Wrongs of Abortion: A Reply to Judith Thomson.'*<sup>14</sup>

J. Finnis argued that the issue of abortion ideally is not a matter of Rights. He says

*"...it is convenient and appropriate to speak of rights for purposes and in contexts which I shall try to identify, it is most inconvenient and inappropriate when one is debating the moral permissibility of types of action-type such as 'abortions performed without the desire to kill', which is the type of action Thomson wishes to defend as morally permissible under most circumstance."*<sup>15</sup>

J. Finnis in the first section argued that J. Thomson involved herself in problems when she started talking of abortion in the language of rights. He says

*"...this suggestion, quite apart from the dubious centrality it accords to ownership and property in the spectrum of rights, causes needless confusion in the presentation of Thomson's defence of abortion."<sup>16</sup>*

*"...Thomson would likewise have to rephrase claims she herself makes, such as that innocent persons certainly have a right to life... but if such rephrasing is possible (as indeed it is), then it is obvious that suggestions about the proper or best way to use the term 'a right' are irrelevant to the substantive moral defence or critique of abortion"<sup>17</sup>*

J. Finnis explained that Thomson later came to awareness of the needlessness of defending abortion based on rights. Drawing from Thomson's article, he wrote

*"Thomson's explicit recognition that her defence of abortion need not have turned on the assertion or denial of rights comes rather late in her paper when she says that there is no need to insist on her suggested reined in use of the term "Right."<sup>18</sup>*

Finnis summed up his aim in the first section by explaining that emphasis on Right by Thomson should not be used in abortion case otherwise one would involve herself in controversies or fallacious argument. He says in the end, most of the argument about rights was a red herring. I have bothered to track down this false trail, not merely to identify some very common sorts and sources of equivocation but also to show how Thomson's decision to conduct her defence in terms of rights makes it peculiarly easy to miss a most important weak point in her defence. This weak point is the connection or relation between one's **special responsibilities** and one's ordinary respon-



sibilities and one is enabled to miss it easily if one thinks.

- (a) that the whole problem is essentially dependent on grant, concession, assumption.
- (b) that rights typically or even essentially depend on grant, concession, assumption.
- (c) that special responsibilities likewise depend on grants, concessions, assumptions
- (d) that therefore the whole moral problem here concerns one's special responsibilities.

Such a train of thought is indeed an enthymeme, if not a downright fallacy.

In section II(two), Finnis outlined principles of moral characterisation and permissibility with which he argued the basis of condemnation of abortion. He started by underlining the injunction which is respected as divine and revealed thus "Do not kill the innocent and just. He argued that though circumstances, places, spaces and awareness may demand that this kind of concepts cannot have universalistic foundation, he argued that it should because the consequences of abuse of it shows that such divine and respected injunction have and demand universal application. He says,

*"...but concentration, specialization, particularization is one thing, it is quite another thing, rationally and thus morally speaking, to make a choice which cannot but be characterized as a choice against life (to kill), against communicable knowledge of truth (to lie, where truth is at stake in communication), against procreation, against friendship and the justice that is bound up with friendship..."<sup>19</sup>*

He explains that the general demand is that we remain adequately open to, attentive to, respectful of, and willing to pursue

human good in so far as it can be realized and respected in our choices and dispositions. Finnis argued that intended consequences cannot be used as proof to act in ways that are not in tune with good action. He says

*"in short, one's responsibility for the realization of human good, one's foisting of or respect for human flourishing in future states of affairs at some greater or lesser remove from one's present action does not override one's responsibility to respect each basic form of human good which comes directly in question in one's present action itself..."<sup>20</sup>*

J. Finnis used three hard-core cases to show that abortion or tampering with life cannot be justified. These are

- i. Suicide
- ii. D's killing an innocent V in order to escape at the hands of P, who has ordered D to kill V
- iii. Killing the mother to save the child

Thus,

"If someone threatens you with death unless you torture someone else to death..., you have not the right even to save your own life, to do so

*"The choice to abort here cannot but be characterized as a choice against life since its intended good-life or reputational saving effects are merely expected consequences, occurring if at all through the further acts of other persons..."<sup>21</sup>*

In section III, (three), J. Finnis elaborated extensively on the various meanings and actions involved in abortion and excused the practise of abortion so long as the intention behind it

is inevitable and honest. He started by showing the argument of Foot and other abortionists who argue that methods may not matter since in abortion, the intended effect is to kill the baby. Thus,

*"as foot has remarked, the distinction drawn between these and other death-dealing operations has evoked particularly bitter reactions on the part of non-Catholics. If you are permitted to bring about the death of the child, what does it matter how it is done?..."*<sup>22</sup>

J. Finnis reacted and negated this argument by making emphasis on intention. He reacted

*"...what does it matter how it is done?-seems here to miss the point. For what is in question, here, is not a mere matter of technique, of different ways of doing something. Rather, it is a matter of the very reason one has for acting in the way one does, and such reasons can be constitutive of the act as an intentional performance. One has no reason even to want to be rid of the foetus within the womb, let alone to want to kill it and so one's act; though certain, causally, to kill, is not intentionally, a choice against life."*<sup>23</sup>

J. Finnis also cautioned against the defence of abortion on the ground that the body is the woman's and has a right to decide about the body. Finnis argued that the same argument can be extended to the child's too and thus "the child's body is the child's body, not the woman's  
Thus Finnis thundered

*"..but it is vexing to find a philosophical Judith Thomson, in a cool hour, unable to see when an argument cuts both ways, and unaware that the casuists have seen the point before her and have, unlike her, allowed the argument to*



*cut both ways impartially. The child, like his mother, has a just prior claim to his own body, and abortion involves laying hands on, manipulating that body. And here, we have perhaps the decisive reason why abortion cannot be assimilated to the range of Samaritan problems and why Thomson's location of it within that range is a mere (ingenious) novelty."*<sup>24</sup>

Further, in defence of the child's right not to be killed, Finnis faulted the analogy drawn by Thomson whereby the foetus was shown like a burglar who have no right to enter a house but was found in it. He says

*...True, the child had no claim-right to be allowed to come into being within the mother. But it was not in breach of any duty in coming into being nor in remaining present within the mother..."*<sup>25</sup>

In Section IV (Four), J.Finnis brought his argument and thesis to a conclusion by showing reason in support of the fact that the unborn child is from conception a person who can assume all rights that are due to persons. He disagreed with Judith Thomson's argument that the child is not a person until a certain time and which Thomson had defended by drawing reference and analogy to the acorn and the oak tree. Finnis criticized this analogy as a slippery slope argument and painted a vivid sketch of the development of a foetus and the important fact that it was conceived of HUMAN PARENTS. He says

*"Two cells, each with only twenty-three chromosomes unite and more or less immediately fuse to become a new cell with forty-six chromosomes providing a unique genetic constitution (not the fathers not the mother's and not a mere juxtaposition of the parents) which thenceforth throughout its life, however long, will substantially determine the new individual's make up."*<sup>26</sup>

Finnis summed up by stating that arguing for the life of the foetus based on a certain moment in the general growth and development is disorderly, lacking of rhyme or reason.

Thus, a foetus from moment of conception assumes rights which it ought to have as person.

#### CRITIQUE

The base on which we would launch our critique is on whether the foetus is a human being, at what point is it a person whether it has a right of life to be protected above all other Rights and the extent such right imposes a duty on especially the mother et cetera.

Generally, there are many theories on when the foetus assumes life which are all summed up on the conception-birth continuum. According to R.C. Sproul,

*"there are some who maintain that the moment of birth is when a foetus becomes a person - there is a rather clear line of demarcation, indicating a new status, a new moment of independent existence with individuation beginning with the snipping of the umbilical cord.*

*Another view points to the moment of quickening (when the circulatory system is fully developed) others say that the principle of life in the old testament is the breath of life in man. Therefore, life would be present when the lungs develop and the foetus could breath on its own.*

*The moment of conception has been seen by many groups to be the beginning of life, since all the potentiality of personhood is then present..."<sup>27</sup>*

We would agree with the thesis of *moment of conception*, just like J. Finnis equally defended in his thesis already presented. This is based on grounds which are scientific, legal, religious et cetera.

Scientifically, we realise that life exists in a time continuum and even matter that we believe as inert is wrong for it contains life potentially as have been shown under micro-scientific postulates and laws. Thus, a protoplasm based on living egg and sperm cannot be taken as something else but as inherently and actively alive. This thesis, in recent times, has been corroborated in American tort law. In the book, the *Morality of Abortion*, it was explained that previously, based on the fact that children generally had little status independent of their parents, the foetus was also understood as a portion of the mother or her viscera and this view found support among great philosophers of law like Justice Holmes. However,

*in recent years, however, the tort cases have asked, in Justice Bok's phrase, if the foetus is a person and many courts have replied affirmatively. The change, a striking revolution in tort laws, came from the courts incorporating into their thought new biological data on the foetus as a living organism".<sup>28</sup>*

Again, evidence on how the foetus is now perceived is also provided by another kind of case where abortion though is not directly involved-the interpretation in wills and trust of gifts to children or issue. In these cases, the common understanding of people when they speak of children means to include a being who has been conceived but not born. Therefore,

*"Free from the distorting pressures of conflict over abortion, this evidence of the common understanding suggest that social experience has found the foetus to be within the family of man."<sup>29</sup>*

Religiously, the understanding of the foetus as having life and therefore deserving human respect is shown in the Christian bible. It is said



*if men strive and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow, he shall be surely punished, according as the woman's husband will lay upon him and he shall pay as the judges determine. And if any mischief follow, then thou shall give life for life, Eye for Eye, Tooth for Tooth, Hand for Hand, Foot for Foot. Burning for Burning, Wound for Wound, Stripe for Stripe...*<sup>30</sup>

Generally, it shows therefore that the foetus from moment of conception is a person and the implication which is of interest in this paper is that it has all the RIGHT of a person including the right to life and every community respects this right of life. Citing example with Igbo Nation on RIGHTS, F.U. Okafor explained that

*The Igbo holds that men are born with certain rights which they regard as inalienable. They hold that every individual is born with the right to life and the right to the means of preserving it... the Igbo strongly hold that life comes from God. It is the "Chi" alone who can interfere with life for it belongs to him. Thus no one has the authority to interfere with another persons life, not even the society for any reason whatsoever."*

In another passage, he says

*"... because the Igbo regard the right to life as natural and inalienable and because this is a God-given right, ABORTION is extremely intolerable in Igbo traditional society. There is though no specific sanction imposed for an act of abortion but a woman who commits abortion falls in status and reputation among women-folk. By the same token, a man who is known to be a habitual accomplice in abortion acts loses face with his menfolk and may never be called upon to hold any religious*

*office or lead any ritual ceremony.*<sup>32</sup>

Our thesis therefore is that the foetus from the moment of conception assumes a human personality and acquires all rights which are due it based on being a human being. "This includes the right to be inside the mother for as Finnis argued, it is the way it is made to be. The argument from the point of the mother does not hold much weight because another basic law which guides humanity and which underscores the meaning of SOCIETY is shared living with helps and support. Since society is a necessary aspect of our existence, then the philosophy of altruism, brotherhood and neighbourliness becomes a duty insofar as we want procreation, peace, order and progress in human existence. The pro-abortionist cannot demand that woman's body is theirs to decide with, in fact the demand cannot be entertained when we reflect that women's existence and living were based on a necessary concession by a parent to bring them to the world. Thus, the fact that the pro-abortionist were also born by somebody imposes a duty on him/her not to make a maxim that abortion would stay for he would end up promoting the demise of humanity. R.C. Sproul explained that the right for a woman's body does not cover the right to destroy nature's path or laws.

*"the issue is between the concept of woman's right and the woman's responsibility."*

He says,

*Does the woman have the right to disrupt natural law? Is she responsible for the natural consequences of her voluntary acts? Relatives to this debate is the fact that we do not have absolute rights over our own bodies within the sphere of creation....."*<sup>33</sup>

Spinoza and many other philosophers and critical humanists have shown the connectivity and inter-relatedness that ex-

plained all aspects and expressions of reality, thus a single being should not think of himself/herself as if he/she is just an isolated being, rather, circumstance and in fact our very existence shows that much as we should be ourselves, we are also being for others. Therefore, woman's right of body is not exclusively in consonance with familial, human and civilizational needs. Ellen Willis touched on this when she said

*"... all antiabortion ideology rests on the p r e m i s e - acknowledged or simply assumed - that women's unique capacity to bring life into the world carries with it*

*a*

*unique obligation that women cannot be allowed to "play God" and launch only the lives they welcome."<sup>34</sup>*

We therefore join J. Finnis in affirming the wrongs of abortion but disagree with him that arguing for it from the perspective of rights is out of order. This is because rights are not restricted to titles or possessions but like he equally showed can be used in context of a foetus. The right of the foetus is a right which is divinely given or naturally derived and society is expected to defend.

However, the thesis of pro-abortionist as defended by Judith Thomson has some points of persuasion. There are circumstances when it is germane based on societal consideration to wonder whether it is not preferable to abort. The first is on the case of survival. In a society where there is serious starvation, hardship and suffering, in an environment where the baby would face a suicidal and near-impossible existence, and where already apathy, gloom and miserable living exists, of what use is it to expose another human being to these deathly challenges?. To live life is to live it meaningfully and existence is not just an empty word but it qualifies progressive action which would bring in result that would always promote, motivate and encourage life. Consequently, whenever there is an existential limitation which is of a fundamental, foundational



and basic nature, humanity and society have to do a re-think to what values and morals they have and with a meaningful and mature consideration accept the inevitable. Thus, both for consideration of the mother and the existence and meaningful development of the baby, abortion rather than being disallowed absolutely, would be relatively considered. Equally, the comment by Willis is worth considering.

*"I don't doubt that fetuses are alive, or that they are biologically human-what else would they be? I do consider the life of a fertilized egg less precious than the well-being of a woman history, social ties, and I think fetuses get closer to being human in a moral sense as they come closer to birth..."<sup>35</sup>*

Later, she asked whether it is moral under any circumstance to make a woman bear a child against her will?

To these, the anti-abortionists would usually frown on persons not taking responsibility for their actions. According to the opposers of abortion, they argue that if you do not want abortion, refrain from sex otherwise, you are liable for the outcome of your pleasurable acts which for the Christians could be called sin. This argument of the anti-abortionists can also be negated that sexual intercourse is not based on reproduction alone. Creating pleasure and other forms of socials should not be condemned so long as it is a positive aspect of humanity, moreover, no one goes into it with the aim of getting pregnant in order to abort. In the words of Ellis.

*"Opposing abortion means embracing a conservative sexual morality, one that subordinates pleasure to reproduction"<sup>36</sup>*

She explained that mistakes arising out of intercourse are based on inadequate contraception, sexual confusion and guilt.

male pressure and other stigmata of female powerlessness. She says,

*"many woman who have abortions are victims only of ordinary human miscalculation, technological failure or the vagaries of passion, all bound to exist in any society however utopian."<sup>37</sup>*

Thus, there are cases, apart from therapeutic ones where abortion would be preferable than carrying on simply because it is immoral to abort.

In conclusion therefore, we posit a thesis that every effort and attempt should always be made in keeping a foetus alive, talking into consideration the right and respect owed the foetus as a being with the right of life. This maxim can even be maintained as a universal norm in line with the argument of J. Finnis and other antiabortion disciples. In fact, according to Sproul,

*"to refer to an embryo as a blob of protoplasm is to be guilty of a severe form of reductionism"*

This is because it is a life which is on its own life-continuum journey from the moment of conception. However, we know that in every case, there must be an exception. Also, like Joseph Fletcher stated that the circumstances of an act and the intention behind an act should determine the wrongness and rightness of an act. Thus, there could always be special circumstances that even though it does not make abortion less of an infringement on life, nevertheless, it excuses and justifies it and warrants its practise. However, such ethical relativity on the case of abortion cannot be a general maxim but a special case. As to its observance or practise, such special circumstances should be left for individuals and persons to decide based on inner motives, convictions and intentions. This is because to encourage this relativity and argue for abortion absolutely would also disguisedly promote sexual recklessness, licentiousness and

abuse of sexual conduct and bring us nearer to animality which humanity has diplomatically been trying to control with reason. Thus, there is need like Finnis and other anti-abortionists are doing to encourage people to refrain from abortion and thereby refrain from the act of excessive sexual intercourse. This is also because any time humanity are engaged in sex even for purposes of recreation and pleasure, it is like the entities in the spiritual realm, the souls that have been in limbo awaiting earthly and bodily vessels that would be inhabited are asked to brace up for journey into the world only to be frustrated in cases of abortion.

Therefore, for reason of regulating sexual behaviour and according it the dignity it deserve among sentient beings besides issues of law and morals, we endorse the thesis of anti-abortion and share in spirit with the points by J. Finnis. Other reasons why we endorse the thesis of J. Finnis is ideological and socio-political. C.S. Momoh though working on a broader theme "In Defence of Conventional Population"<sup>39</sup> implied that there is nothing wrong in the thesis of the anti-abortionists because nature and society are in congruence that life should be respected. He argued that most thesis about family planning and contraceptive population which is disguisedly an invitation for proabortion campaign are exploitatively self-motivated usually based on the Western machinations of preaching principles which would better their aims, motives and philosophy at the expense of such countries like Nigeria and other young countries.

There are however analogies and references which are used to forcefully bring the argument by both J. Thomson and Finnis but which are not in order. According to John Noonan, in "How to Argue About Abortion",

*"at the heart of the debate about abortion is the relation of person to person in social contexts. Analogies, metaphors and methods of debate which do not focus on persons and which do not attend to the*



*central contexts are mischievous... such is the case with two recent efforts by Philosophers, Judith Jarvis Thomson and Michael Tooley to construct arguments justifying abortion.*"<sup>40</sup>

Thus, he faulted the analogy of a violinists whose continued existence depends on acquiring new kidney et cetera as was argued by Thomson. He says,

*"...it supposes that violinist and victim were unrelated. It supposes nothing by which the victims initial a version to his yoke-mate might be mitigated or compensated. It supposes no degree of voluntariness. The similitude to pregnancy is grotesque. It is difficult to think of another age or society in which a caricature of this sort could be seriously put forward as a paradigm illustrating the moral choice to be made by a mother. While Thomson focuses on this fantasy, she ignores a real case from which American tort law has generalised..."*<sup>41</sup>

Thus, analogies which are raised ought to have a human relation to the very one intended. The relationship between the mother and the foetus is not like between the violinist and the person whose kidney was used. The mother and child relation springs from a prior antecedent which in most cases is understood and accepted.

In conclusion, we once more support the theses of the anti-abortionists and disagree with the pro-abortionists for the consequences of their position.

According to Willis,

*"accepting short term solutions like abortion only delays the implementation of real reforms like decent maternity and paternity leaves, job protection, high quality childcare, community responsibility for dependent people of all ages and recognition of the economic*

*contribution of childminders..*"<sup>42</sup>

Thus, these issues which ensures successful living and existence are follow ups to the promotion of anti-abortion campaign and we endorse the campaign of the anti-abortionist.

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#### BOOK REVIEW

**Title of Book:** *The substance of African Philosophy (2<sup>nd</sup> Edition).*  
**Edited by:** **Professor C. S. Momoh** Dean Faculty of Arts  
University of Lagos, Nigeria.  
**Place of Publication:** AUCL.  
**Published by:** African Philosophy Projects Publication  
**Year of Publication:** 2000  
**Number of pages:** 426  
**Reviewer:** **Chiedozie Okoro** (Assistant Lecturer),  
Department of philosophy, University of Lagos,  
Nigeria

in a sense, the word substance depicts the heart, spirit; essence, essential feature, or quality, of a thing or in this instance, a thought process. In this wise, the book *The Substance of African Philosophy* is intended to define what constitute both the fundament [i.e. spirit] and nature [i.e. essential character] of African philosophy. This particular objective is aptly captured by the chapter one of the book entitled: "Nature, Issues and Substance of African Philosophy." Briefly stated, "from the position of the Purist School of Thought in African philosophy ... the area perspectives in philosophy and the core topics in philosophy, constitute the substance of African Philosophy" [p. 8]. Some of these area perspectives include "Logic, Metaphysics, Epistemology, Ethics and linguistic analysis" [p. xiv]. It is within these contexts that issues in African philosophy are to be treated. However, the treatment of the issues in African philosophy should be pivoted on what constitutes the essential kernel of African philosophy. Needless to say, within the general scope of philosophy, the area perspective that concerns itself with the delineation of "what is" or "the essential nature" of things is metaphysics. Consequently, the definition of African philosophy should derive from the definition of African metaphysics. Now, if we grant that "African philosophy is African doctrines or theories on reality and the universe", if we also grant that African metaphysical notion of reality and the universe is essentially

spiritual, it follows that within the confines of Metaphysical Purism which holds in normal the doctrine of spiritual primacism, African philosophy can simply be defined as the "African doctrine on the normal (P.8).

Further, every academic text, usually consists of a structure and this structure, in turn, determines the scope and objective of the text in question. In tandem with this, the second edition of *The Substance of African philosophy*, consists of twenty three chapters laid out in four hundred and twenty six pages (ie besides the title page, publisher's page, contents' page, notes on contributors, preface and introduction) by fourteen contributors. The whole text is partitioned into two segments and here we notice that each segment is fashioned to tackle some specific issue. For instance, segment A which consists of nine chapters, conveys the debate involving the existence and authenticity of African philosophy. This controversy is between "two intellectual combatants" ( see blop page) - the African Logical Neopositivists ( who maintain a Eurocentric posture) and the African Metaphysical Purists ( who are hardcore Afrocentrists) pitched in a battle of words and rigour intended to further and fortify the frontiers of African philosophy. Besides, such a controversy portrays the politics of scholarship which according to C.S.Momoh, derives from the tendency by Eurocentric African philosophers and scholars to appease their international sponsors. Therefore, the dilemma of existence and authenticity created in African philosophy, can be said to be " deliberately or tendentiously self-generated or fuelled" and tailored towards the satisfaction of the " national, metaphysical or ideological persuasions" (p. xiii) of the international sponsors. On the other hand, segment B which comprises of fourteen chapters is intended to resolve the dilemma and stem the controversy generated in segment A. Thus, in segment B, we notice persistent efforts by Afrocentric philosophers and scholars to discuss issues in African philosophy and also to argue that African philosophy, in the first place, constituted the foundation of Western philosophy. The issues examined border on the area perspectives of metaphysics, epistemology, aesthetics, cosmology, ethics, philosophy of religion,

social political philosophy, African marital relations and comparative studies. This is to say that the real intention in this segment consists in abstracting philosophy from the cultures and traditions of African people and to provide philosophical justifications for the cultural beliefs and practices of Africans. In all, segments A and B consist of seven new entries (three from C.S.Momoh himself and one each from G.E. Azenabor, D.O.Dafinone, Naiwu Osahon and S. B. Audifferen) in the ratio 2:5 respectively.

The scope of the work is anchored on six basic problems which include:

1. The problem of the intellectual dilemma the African philosopher or scholar.
2. The problem of the definition of African philosophy.
3. The problem of the placement of status of African philosophy.
4. The problem of the content of African philosophy.
5. The logic question in African philosophy.
- 6.. The problem of direction in African philosophy (p.xiii)

The whole of the text is devoted to the discussion and resolution of the six fundamental problems enumerated above and this invariably constitutes the objective of the text. It is the several attempts to resolve these fundamental problems that resulted into the emergence of the various schools of thought in African philosophy. These include, African Logical Neo-positivism, the Colonial/Missionary Theological school, the Egyptological school and the National Ideological/Orientalist school. According to C.S.Momoh, the common feature these four schools of thought is that they subsume African philosophy within alien intellectual traditions. The Purist school of thought aims at correcting this anomaly, consequently, its members argue that African philosophy should be presented in a "pure and unadulterated" form. They question the "uncritical acceptance of Western values and development models and urge that we should see the need to



make African culture and tradition the foundation of African philosophy" (p.29). According to C.S.Momoh, "the purist school represent a radical departure from the other four schools, it holds that African philosophy is a sovereign thought not a unique enterprise, it dictates to nobody and nobody should dictate to it" (pp.xix & 17).

Nevertheless, just when one thinks that controversies are about to be over, a new controversy ensues and this controversy stems from the insistence of the purist school of thought that the intellectual training or persuasion of African philosophers notwithstanding, the nature and substance of African philosophy should constitute the backgrounders to the act of philosophizing. Thus the essential issue here is not a "quarrel with style or methodology but with content, primacy and emphasis" (p.17). This position of the purists also inform the total rejection of the position of the African Logical Neo-positivists. A rejection that is premised on the difference in aim and method of philosophizing. "Whereas Western philosophy aims at the winning of arguments, the contriving of linguistic and conceptual analysis in order to throw up individual prodigies and intellectual giants, the aim of African philosophy and ancient elders was to understand, co-operate, empathize with nature, environment and creation and mould a moralistic, humane and communal universe" (p.xviii). Based on the foregoing, the Western and African methods of philosophizing are both legitimate. Philosophy, the purists further argue "can be both individual and/or collective or communal, it can also be both oral and/or written, cultural and normative" (p.29).

Furthermore, insofar as the name "purist" or the expression "metaphysical purism" can be used to depict the process of purification, refining, distillation, purgation etc. of the impurities or the complete erasure of negative alien influences, the result of which is the emergence of a fresh unadulterated substance and in as much as the purist school of thought consists of names such as K.C.Anyanwu, Innocent Onyewuenyi and J.I. Unah, it means that a debate also ensues as to the character and mission of the

purification project which in turn shows that "Metaphysical Purism", is not a homogeneous school of thought.

Firstly, the decolonization and national orientation projects which aim at the emancipation of the Estranged African psyche from mental and physical servitudes propagated by the ideological school of thought is a form of purification. The same applies to the agendum of the postcolonialists (i.e. African version of European postmodernists) such as Lucius Outlaw and Tsenay Serequaberhan, whose target is to purge African philosophy of "Greco- Eurocentric" [Outlaw, 1987, 12] influences or what has been dubbed "the critique of eurocentrism" by Serequaberhan [1997, 142]. This task of deconstructing the basic speculative core of Western philosophy for the emergence of authentic African philosophy, says Serequaberhan, constitutes the "critical negative aspect" of contemporary African philosophy.

The response of C.S Momoh to the positions of the national orientationist or ideologists and the postcolonialists is clear and simple. He [C.S Momoh] grants the fact that decolonization and postcolonialism theories form part of the core of modern and contemporary African philosophy and that these theories also reflect some sort of purification. Incidentally, C.S Momoh's grouse with decolonization and postcolonialism is that both theories seem to locate the history of African philosophy within the colonial and postcolonial contexts. Besides, both theories also seem to subsume African philosophy within the Western intellectual traditions. This is another way of saying that the national orientationists and postcolonialists in the struggle to emancipate the African philosophy, rely heavily on doctrines that form the basic core of modern and postmodern Western philosophy. For C.S Momoh, what the African truly requires is to retrace his roots and foundation to his ancient metaphysics. By so doing, he would evolve authentic African theories for emancipation and development. This way, the African would have posted himself beyond the evils and fetters of alien influences and domination.

Going by the above summation, it would seem that

C.S.Momoh is in total agreement with K.C.Anyanwu's doctrine of "Cultural Philosophy" and L.S.Senghor's "Negritudism" both of which seem to regimentize and compartmentalize Western from African mode of thought. Senghor equates emotion with Africa and reason with Europe. Whereas emotion depicts the culture of communalism, reason symbolizes the culture of individualism.. K.C.Anyanwu on his own part, seems to imply that by "cultural standpoints" or "cultural relativism", Europeans and Africans are biologically fixated to think rationally and emotionally respectively. C.S.Momoh dismisses this stand of Anyanwu and Senghor as spurious and untenable. As already pointed out, for C.S.Momoh, Metaphysical Purism does not at all imply the departmentalization of cultural modes and thought processes. But the adoption of a philosophical (i.e. metaphysical) stance which represents the lense or spectacle with which Africans relate, borrow and contribute to world transformation (Momoh, 1988,25-36,17-18) Needless to say, this position makes C.S.Momoh a true progressive.

What is however surprising is C.S.Momoh's position in the paragraph four of page seventeen where the don groups Egyptology among the philosophies that "submerge African philosophy within alien intellectual traditions". This sounds contradictory, most especially after C.S.Momoh had gone ahead to include Innocent C.Onyewuenyi(a foremost Egyptologists) as a core member of the Purist school. Although, C.S.Momoh is right when he asserts that "Egyptian philosophy is not synonymous with African philosophy" just as Uchi philosophy, or Igbo philosophy, or Yoruba philosophy, or Akan philosophy e.t.c., is not synonymous with African philosophy. But what is not clear is whether the assertion that "Egyptian philosophy is not synonymous with African philosophy" amounts to a total or partial rejection of Egyptology and whether this total or partial rejection is based on the fact that "Egyptian philosophy" hosted an advanced literate civilization". Again, C.S. Momoh's position on this latter assertion is not so clear since in the introduction to the text he attests to the



fact that "in West Africa alone twenty-six African forms of writing have been discovered and this is writing in the strict sense of it" (last paragraph of p.xv). At this juncture, further contradictions are generated and these contradictions are worsened by the fact that Egypt and Africa south of Sahara hosted similar (if not the same) patterns of writing, documentation, education and philosophy (i.e. metaphysics). Further, when C.S.Momoh states that "African philosophy is the cradle of philosophy or perhaps THE PHILOSOPHY" (p.xix), one does not know if he maintains this position with the same veracity as the Egyptologists who argue that Egyptian philosophy is the very origin of Greek philosophy. Be that as may, attempt at the resolution of the contradictions generated by C.S.Momoh's position on Egyptology shall be reserved for a future work. For now, our immediate concern is to examine one last controversy generated by the term "purist" and this as it concerns the school of phenomenology in African philosophy.

African Metaphysical Purism bears some similarity with the phenomenological school of thought. And this specifically concerns the clarion call for us to "return back to primordial origins". True, it is by the recultivation of our historical and cultural backgrounds that we can forge new and authentic philosophical orientations for the development of Africa. However, whereas African Metaphysical Purism maintains a spiritualist stance, as evident in the principle of the interpenetrability of soul principle, phenomenology, on the other hand, insists on pure intellectual deliberation as a way of philosophizing and in place of interpenetrability of the soul, it (phenomenology) propagates the doctrine of intersubjectivity of rational (critical) discourse. Obviously, purity of the spirit is not the same as the purity of the intellect. Thus the inclusion of J.I.Unah in the purist school of thought looks quite controversial. But J.I.Unah does not deny his membership of the purist school. He is only critical of the spiritualist and ethnic backgrounds of African philosophy. Consequently, in the book *African Philosophy: Trends and Projections in Six*

*Essays*, J.I.Unah relays his metamorphosis from that of a purist/phenomenologist to a full grown phenomenologist. Nevertheless, J.I.Unah's position, is not intended to negatively demolish C.S.Momoh's position of African spiritualist metaphysics. Rather, as a radical purist with a phenomenological bent, Unah's intention is to positively reconstruct and strengthen the position of the purists. J.I.Unah is convinced that the enrichment of African philosophy with doses of pure phenomenology will help to quicken the dream of abandoning the lebenswelt of cultural relativism, ethnic naivety, religious bigotry, slothfulness, slovenliness e.t.c., so that the African can begin to ascend the global stage of true nationalism and universalism.

By way of conclusion it is pertinent to state the point that we should not at all be worried if C.S.Momoh's *The Substance of African Philosophy* raises much controversies. The fact is that any intellectual piece that is not beset with controversies can be said not to worth its salt. Human life thrives upon controversies and it is in the attempt to tackle and dissolve these controversies that books are either written or edited. This is most true of C.S.Momoh's masterpiece. But beside the resolution of controversies, *The Substance of African Philosophy* is also intended to chart a consistent philosophical (metaphysical) orientation for the evolution of authentic African philosophy that will act as a foundation for the development of Africa. This latter objective is aptly captured in Hunning's canon of discourse in African philosophy which advocates for synthesis instead of analysis as the essential method of African philosophy. This is because the method of synthesis not only abstracts but also refines, enriches and develops culture to national and universal levels (p. 77). This is most true of Western philosophy and philosophers, beginning with Plato through Kant to Heidegger.

The use of philosophy for the promotion of ideological, national and continental interests has been dubbed as the doctrine of "national philosophism" (1997, xvi) by C.S.Momoh. The doctrine of "national philosophism" is meant to show that Western

philosophers are die-hard fanatics, patriots and zealots completely committed to the development and ascendancy of their countries and continent (p.xv). Consequently, C.S.Momoh's grouse is with the lacklustre attitude of self-abandonment and worship of alien ideals on the part of some African philosophers notably the African Logical Neo-positivists. *The Substance of African Philosophy* is vehemently directed against this attitude of self-delusion and gullibility and this point is fervently reiterated in Momoh's "foreword" to J.I.Unah's *Heidegger: Through Kant to Fundamental Ontology*. It is in this "foreword" that C.S.Momoh actually develops his doctrines of "religious patriotism" and "national philosophism".

By and large, one can see a coherent consistent position and orientation in C.S.Momoh's trojan efforts to intellectually explain the metaphysical background behind the cultures and belief systems of Africans. These efforts are intended to chart a philosophical perspective for the development of Africa. It is this coherence and consistency that led the professor into the NARETO programme which is targeted at providing a religio-cultural foundation that is pivoted upon African spiritualist and dynamic metaphysics with the singular aim of ameliorating the tension and crisis (of intolerance) generated by the two alien warring religions: Islam and Christianity. Obviously, all we can do is to give kudos to C.S.Momoh as a worthy compatriot. The storm has long gathered momentum and the quarrel about the existence and authenticity of African philosophy have long abated. What remains is to ensure that future intellectual scions of African philosophy live up to the billing of becoming worthy ambassadors. It is by so doing that philosophy in Africa will be made formidable and the development of Africa much easy.

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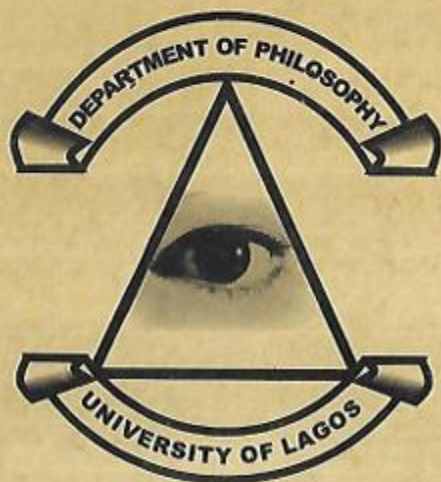
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