



Democracy of Miscreancy: The Developmental Somersault

Harry Obi-Nwosu

Department of Psychology Nnamdi Azikiwe University Awka

ho.nwosu@unizik.edu.ng

Abstract

This paper on 'Democracy of miscreancy: the summersault of development' analytically showcases the nexus among the variables of democracy, miscreancy, and national development. Democracy is functionally defined as a form of government by the people through elected representatives, a country governed by its people, and political, social or legal equality. In a constitutional democracy every and any other regulation or law that contradicts or significantly mal-adopts relevant sections or articles or provisions of the constitution is to the extent of such contradiction or inconsistency declared null and void, and of no effect, it follows that all other guidelines for ordering conduct even at the remotest levels must be consistent with the democratic principles and paradigms. Development encompasses higher level of attainment in, and appreciation of civics, egalitarianism, leadership, science and technology, and security, hence it may well be said that the level of constitutional democracy obtainable in a country is the measure of the country's development. Since miscreancy describes iniquity, injustice, wickedness, villainy, or wrongdoing, and mindful of the foregoing as concerns of ethics and justice, it suffices that at any level, unethical, unjust, and despicable behaviour which define miscreancy are contrary to constitutional democracy. Indubitably democracy as obtained in African states that include Nigeria is more of miscreancy, and is the antithesis of development. The Social Responsibility and Role Integration Theory predicts that development could only be attained in the absence of pervasive miscreancy, hence the need for psychological health certification of anyone pointed at leadership roles.

Keywords: Constitutionalism, democracy, development, miscreancy, social responsibility

Introduction

The immediate post-independence Nigerian Administration was a civil rule of the parliamentary system, which is recorded as the first democratic experiment in Nigeria. This Administration with its paradigms was short lived, as it was over thrown by the Military in 1966. The military (dictatorship) administered the Country from then; changed the Constitution and administrative system by introducing the presidential system of government, created states as sub administrative units, among others. They handed over to

a second civilian administration in 1979, overthrew the same government in 1983, and continued to rule the Country: manipulate its peoples, psyche, and structures for 20years before handing over to another civilian government in 1999. The manipulations culminated in the conjecture of the 1999 Constitution with its manifold inconsistencies; of which Obasanjo (2000) aptly noted that it was deliberately punctuated with loopholes.

The 1999 constitution and its many amendments, the many Acts of the National Assembly, and the many Case Laws (Judicial Precedent which operate under the principle of 'stare decisis' or to stand by decisions) have increasingly become cacophonous/manipulative, and seem to negate the standard definition of law as a rule of conduct developed by a people within a territory. Yet, it is this definition that informs the practices of law and customs so as to order businesses, social relations, ownership of property, finance, commonwealth, values, and to deal with crime: the indices of development.

Since the Constitution is the chief and primary legal document of the Country (constitutional democracy): the document that gives a collective status to units and entities, and peoples within the geographical location, as well as spells out the grand norms, the rewards and costs for abiding or otherwise with the dictates of the law, and it stipulates the roles and responsibilities of citizens and office holders, it becomes alluring to accept that imperfections and inconsistency in the Document translates to imperfections and irregularities in the Polity. In effect, deliberate insertion of contradictions and imperfection in the Constitution tantamount to deliberate construction of a degenerate polity. In this regard, it makes a deal of sense to interrogate development in the context of this Democracy.

Democracy

Democracy originated from Greek words: Demos and Kratos, meaning people and power respectively. The one-word democracy therefore should mean people's power, or power of the people, or translated as 'collective strength'. However, it is popularly defined as a method of government in which power belongs to the people: where the people determine what obtains. Democracy at its best thus describes the principle of government/administration which satisfies the desires of the people: where the will of the people is the ace. The Webster's Universal Dictionary and Thesaurus (2010), gave

functional definitions of democracy as a form of government by the people through elected representatives, a country governed by its people, and **political, social or legal equality**. Then Wikipedia (2013) aptly described four basic principles that underlie the democratic culture as:

- a. Freedom of assembly, association, and personal property
- b. Freedom of religion and speech, citizenship, consent of the governed, and voting rights
- c. Freedom from unwarranted governmental deprivation of the right to life and liberty, and
- d. The exercise of minority rights.

Democracy is by the foregoing, a practical and measurable construct. A good way of taking such measurement would be to fix the aforesaid into a Likert type questionnaire thus: On a scale 1 to 5 (1 being the least score and 5 being the highest or perfect condition), kindly respond to the following questions that seek to measure the activity of the People and Government of your country.

1. To what extent do people freely express themselves without intimidation or costs?
2. To what extent do people freely practice their religion?
3. To what extent do people from all works of life freely interact?
4. To what extent are all citizens equally at liberty to acquire property at any location?
5. What is the measure of freedom of assembly?
6. What is the measure of voting rights (liberty to cast votes and the votes to count)?
7. Rate the level of security of lives and property
8. To what extent do government agencies abide by ethics and respect of fundamental human rights?
9. To what extent is government transparent and accountable to the people?
10. Assess the level of the rule of law
11. To what extent do people have equal access to education and welfare?
12. Rate the extent of protection of minority rights

Constitutionalism

The constitutional ingredient in a constitutional democracy is referred to as constitutionalism, and it relates to how political authority is defined, limited and distributed by law. The constitution as already mentioned is the grand law/norm of a political entity, and defines the extent of exercise of power by government and its agencies, as well as political authority and its exercise by segments of the government. The constitution therefore constitutes the fundamental and the most powerful instrument of the state in every democratic entity (constitutional democracy) with roles, checks and balances therein assigned to individual citizens, group of citizens, segments and arms of government, and other participants. It also describes the constituents and constituencies of a country and how they may operate and relate, how authorities should be raised and what miscellaneous roles and performances should be allowed by which authority.

Other laws: Acts and Statutes are usually fallouts of the Constitution and sections thereof, hence at the swearing-in/oath of office administration for top public and political officers, they are meant to 'swear' to uphold and defend the Constitution. They thus swear to prevent arbitrary rule by any means, and to guarantee fundamental rights of citizens, as well as protect their lives, liberty, and properties. Put succinctly, such top officials of a country swear to **uphold the rule of law**.

Since in a constitutional democracy every and any other regulation or law that contradicts or significantly mal-adopts relevant sections or articles or provisions of the constitution is to the extent of such contradiction or inconsistency declared null and void, and of no effect, it follows that all other guidelines for ordering conduct even at the remotest levels must be consistent with the democratic principles and paradigms. In effect, if Nigeria were a Constitutional Democracy, every association at whatever level is legitimized by the democratic pinpoint. So, our families, communities, schools, religious groups, work organizations and professional associations must be subsumed and must find orientation and expression within the Constitution, else they do not constitute a part of the political entity: they do not exist. The point here is that in our small corners, we must realize that we are parts and parcels of the Constitutional Democracy and are bound by its tenets and tenables: equality before the law, justice, equity, and righteous dispensation of offices and

duties at all times. It is emphasized that constitutional democracy relates to the way of life of all the people within jurisdiction.

Development

Development is mostly but erroneously conceived as building of infrastructure and energy supply. Although in its totality, these physical infrastructures also constitute aspects of development, but the description by Psychologists as advancement in organization and specialization which culminates in advanced functionality (productivity) captured it fully, and distinguishes it from growth which connotes 'linear increase'. Development is therefore milieu relative; it is a step-by-step positive progression that solves social and environmental problems of a people. In the context of this paper, development encompasses higher level of attainment in, and appreciation of civics, egalitarianism, leadership, science and technology, and security. It stands as well for adequate provision of transport (air, land and sea), housing, portable water, food, qualitative and milieu relevant education, facilities for good biological and psychological health, impartial justice system, industrialization, environmental protection and poverty reduction. The extent to which a country measures up in the adequacy of these functions, infrastructures, and parameters defines her level of development.

Juxtaposing the unequivocal definition of development and the enunciation above on constitutional development, it may well be said that the level of constitutional democracy obtainable in a country is the measure of the country's development. In this connection, an airport that is not accessible to a vast majority of people in the ecosystem is not a developmental project, much like a university that does not deliver on her mandate, or a stadium that is not put to the use of the populace. Indeed, a developmental project in a democracy is one which significantly improves the wellbeing of the majority of the people within circumference.

We must note that the major functions of modern-day governments are as follows:

- i. Administration of justice
- ii. Protection of civil liberties
- iii. Foreign diplomacy

- iv. Military defense
- v. Maintenance of domestic order
- vi. Provision for, and regulation of the conduct of elections
- vii. Provision of public goods and services
- viii. Promotion of economic growth and development
- ix. Operation of social-welfare programmes to alleviate poverty
- x. Operation of social-insurance programmes to prevent future poverty.

Miscreancy

The paragraphs above have established that the Constitution, together with its amendments and step-downs are meant to guide individual and social behaviour within the polity, so as to protect the weak and avoid arbitrary (unaccountable) behaviour at all levels. In this regard, uncountable, capricious, irrational, willful and obnoxious behaviour are outlawed, and may as well be criminal.

Miscreancy describes iniquity, injustice, wickedness, villainy, or wrongdoing. Mindful of the foregoing as concerns of ethics and justice, it suffices that at any level, unethical, unjust, and despicable behaviour which define miscreancy are contrary to constitutional democracy. Miscreancy is therefore behaviour, actions/acts that are inconsistent with constitutional democracy. Interestingly, among Nigerians, the street boys and girls are described as miscreants, the cultist, the common thief or robber, and the thugs are designated as miscreants. Yes indeed, they fit the aforementioned characterization of miscreancy but there are many more others that are more consequential:

- a. The student who cheats within or off campus, or sorts lecturers or staff is one
- b. Lecturers who sell grades, harass students, or fail to deliver responsibly on their academic and mentoring duties, research, and community service are miscreants
- c. Religious leaders who speak from both sides of their mouths, or preach domination through deceit, physical and psychological violence are miscreants
- d. The administrator in public or private enterprise who flouts regulations, or fail on dispassionate attention to duties is a miscreant
- e. The professional who disregards professional ethics is among
- f. The security officer who circumvents the law, flouts the rules of engagement, or uses different strokes for different offenders is a miscreant

-
- g. The lawmaker that downplays public interest, who deliberately punctuates laws with loopholes is a mother miscreant
 - h. The man of the bench who interprets the law from his pocket, or out of prejudice is the super miscreant
 - i. Governors who subjugate citizens, fail to protect the weak, cart away state resources, or deliberately fail to deliver on campaign promises are typical miscreants
 - j. A president who deals irrationally with groups of citizens, administers with prejudice or fails to be faithful to his oath of office is the Chief miscreant
 - k. While the electoral officer who manipulates electoral processes and results is the author of miscreancy.

The foregoing calls to mind the many attempts to amend the Constitution, and the Electoral Act of the Federal Republic of Nigeria. Arguably, the reason for the several failed attempts to gainfully amend the documents is the miscreancy of significant number of persons involved in the processes, such that where genuine democratic ingredients are brought forth, the miscreants deliberately thwart, mutilate, out-rightly reject them, or create loopholes to their faithful applicability. This they brag about as politics, much the same way the common criminal calls his own 'job'. This brand of 'politics' or 'job' that is currently pervasive and destroying Nigeria (and Africa) is indeed miscreancy.

How else could one honestly describe the manipulation that changed the sequence of elections in Nigeria so that the Presidential election comes first? Consider how counterfeit it is to create optional methods for doing one thing (like collation or transmission of election results) for the same election in a 21st century electoral law, consider as well the multifarious interpretations of laws delivered by the courts (even at the highest level); the level of unpredictability of judicial outcomes especially with political matters, and give a name to it. Importantly also, how best should one describe sections of laws that contradict or seem not to be supported by the Constitution: like the section 84(2) of the electoral law is being canvassed? What about the deliberate denial of citizens' rights regarding eligibility to challenge election results just because they are not members of a particular political party, yet the outcomes directly affect them: and the mega conspiracy it is against the civil

servants and other categories of Nigerians and Africans prohibited from partisanship? This 'internal affairs of the party': the party that has less than 20% of the population, and skewed demographics.... Where is the equity, and democracy?

Undeniably, the democracy most African States have palpated is pervasive unscrupulousness, insecurity, poverty, and social irresponsibility. With abysmally low level of the rule of law, and comatose economy it is obvious that our democracy is more of miscreancy, and this is the somersault and antithesis of development.

Human Behaviour

Psychologists of the Cognitive Behaviour persuasion hold that overt behaviour is the product of interaction of beliefs and perceptions, thus lending weight to the old saying that; as a man thinks in his heart so he becomes' (Proverbs 23:7). A variant of the cognitive Behaviour Theory, The Rational Choice Theory (Felson and Clerke, 1998), considered apt for this discourse associates human actions to the appraisal of costs and gains. In its simplest form, it holds that people's decisions and actions are based on logical (rational) assessment of possible gains and costs; such that one chooses the option (behaviour) which gains out-match costs. Felson and Clerke (1998), state that potential offenders rationally choose to commit crime as well as the methods for the crime being influenced by their desire to maximize gains and minimize risks. From this theoretical standpoint, mischief, devilry, deceit, cheating, contempt of laws and regulations, and every non-normative behaviour is deemed deliberate.

Fortunately, Siegel (2015), offers the biological trait theory, which views offending as stemming from 'abnormal' biological or psychological status, hence non normative and maladaptive behaviour could be resultants of dysfunctions of biological and/ psychological systems or architecture.

The averment is that miscreancy could be voluntary and deliberate, as it could result from psychological health insufficiency. Therefore, while some of the perpetrators of non-democratic and criminal behaviour may be having psychological challenges that underlie their miscreancy, therefore require treatment, others are deliberate outlaws.

Sorting Out

Recall that one of the very first steps in primary science is 'sorting things out and arrangement of things. Although it could be argued that there are lots of things that require to be sorted, and arranged in the Country (and in Africa), it is persuasive that the most urgent is leadership. Since leadership is a product of the democratic process; going by the Constitution and laws, it follows that if we sort and arrange our democratic processes appropriately, leadership would have been sorted out, and a genuine and effective leadership would sort other things correctly. In effect, when leadership is sorted, development would be guaranteed.

Undeniably, there are layers of sorting that Constitutional democracy requires, but the most pressing must be to isolate 'deliberate miscreants' from unintentional ones, and, to sort the competent from the incompetent since it is only the healthy and competent that have the capacity and capability to nurture Constitutional Democracy.

The Theory

The Social Responsibility and Role Integration Theory (Obi-Nwosu et al, 2019; Obi-Nwosu, 2022) holds that performing social responsibility at both individual and group (organizational, institutional, and societal) levels, with proper integration of these roles by respective social (governmental) agencies is the panacea for societal development and countering violent extremism. Put straight, this theory in this context, states that where individual and corporate citizens that include agents of socialization discharge appropriate social responsibility, and the social responsibility roles are integrated (well coordinated), appropriate checks apply against miscreancy, thereby fostering development.

Social responsibility implies taking care of society or societal need; the duty of honest discharge of tasks and protection of values that are not directly beneficial to self by citizens and groups (both formal and informal groups). Social irresponsibility should attract costs in any clime where miscreancy is abhorred. Imaginably, and unfortunately, social irresponsibility is either rewarded in Nigeria or at the best attracts no costs for many groups and classes. Nonetheless, only the healthy and competent may execute social responsibility which is the antithesis of miscreancy.

The Crux of the Matter

The most elementary evidence of psychological dis-ease include: irrational thoughts and behaviour, greed/avarice, and indiscipline. At high levels, these characteristics define psychopaths/sociopaths: persons who do not care about the wellbeing of others, but exploit and devalue them; persons who cannot afford delayed gratification, persons who are unscrupulously Machiavellian, persons who abuse and thwart processes with reckless abandon, and persons who deny productivity but admit consumptiveness.

Indeed, very many persons in positions of authority in the Country (and Africa) fit properly into the afore mentioned descriptive going by their performances and responses to issues of public interest. Unfortunately, their activities are steadily being assimilated among the populace as the 'new norms', such that even the upcoming generation easily flout rules, seek shortcuts, and seem not to pride only in honest hard work and excellence. The situation is becoming miasmatic so requires immediate attention/ quick intervention.

The point is that the palpable failure of democracy and democratic processes, leadership and organization at various levels is because psychologically incompetent persons are at the helm of affairs. Therefore, until such persons are sorted, appropriately placed and treated, or prevented from occupying such positions, the hope for recovery of constitutional democracy is akin to hallucination.

Way Forward

We have argued persuasively that: underdevelopment is a consequence of failure of leadership, which in turn is the outcome of failed constitutional democracy, and that psychological incompetence of persons in positions of authority is the major predictor of social irresponsibility, and failure. We have also argued that if the situation is reversed, Nigeria (and Africa) will develop. Thus, the envisaged reversal process (the healing process) is the actual foundation for true development of Africa.

With the common saying that 'prevention is better than treatment' in mind, it is obviously advantageous to prevent leadership misfits by allowing only psychologically healthy persons to take up leadership. Therefore, psychological health certification is demanded for all who aspire for positions of authority at all levels, including the most primary level of socialization. Indeed, much the same way psychologically deficient parents disrupt family development and endanger society with their products, psychologically deficient heads of

schools, religious groups, communities, and organizations destroy their various holds and endanger the society. This pattern holds for various arms and levels of government up to the presidency. Certainly, abuse of office and violence at the presidency is the most damaging single factor in a constitutional presidential democracy, and it is the denominator of current catastrophic systemic malignancy.

It is foreseeable that most people in authority would kick against this proposal for psychological health certification as a prerequisite for appointment or presentation for election into leadership positions due to psycho-dyscrasia. Some may cite the possibility of miscreant professionals, and others may cite confidentiality issues, but in a constitutional democracy, the principle or doctrine of 'overriding public interest' suffices as the basic consideration: hence no argument can floor this proposal.

However, if the lower levels of the democratic Africa can brace up and implement the proposal, the benefits will popularize it within a short time, and accrue pressure for higher levels' implementation. I have in mind the university unions: if the unions insist on leadership by certified healthy persons, then they could get the same condition to apply to candidates canvassing for leadership roles in the university system. Overtime, the gains may spur pressure on political leadership to accept and implement it.

Recently in 2023, the interview panel for deployment of fire officers in Nnamdi Azikiwe University screened the applicants for psychological fitness for the job (perhaps the first in a Nigerian University), and the outcome was very interesting. Why then should all appointments not follow this laudable process, and why would states with mindful governors not adopt same?

Conclusion

Constitutional democracy brings every level of leadership from the family upwards into focus, and it is characterized by citizens' welfare, and the rule of law. The pervasive misbehavior among Nigerians, characterized by disregard to the rule of law, to ethics, civics, and social responsibility (miscreancy) which worsens at higher levels create all-round insecurity, and this state of affairs is the tumble/reverse state of development. Development and sustainable development may only obtain in a sane environment, hence the need for harping on psychological health of citizens, especially the leaders. Indeed,

psychological certification of intending leaders is a prelude to obtaining a true Constitutional Democracy with the gains envisaged by the Social Responsibility and Role Integration Theory. The remedial could start from the university system and the public service at large.

References

Felson, M. & Clarke, R. (1988). Rational Choice Theory. www.college.police.uk > (Retrieved 12/1/24)

Geddes & Grosset (2010). Websters Universal Dictionary and Thesaurus Glasgow, Port Dundas

Obasanjo, O. (2000). Fortieth Independence Anniversay Broadcast. *The Guardian Newspaper*: (1st October).

Obi-Nwosu, H. (2022). Clinical-Forensic Psychoprophylaxis: Credos from the Limbic Energy Hypothesis. The 72nd Inaugural Lecture of Nnamdi Azikiwe University.

Obi-Nwosu, H., Umeh, C. and Zamani, A. (2019) Social responsibility and role integration theory of countering violent extremism. Presented at the EU sponsored Round Table on psychological and counselling services for countering violent extremism. Abuja, (29th to 31th Jan.)

Siegel, C. (2015). Biological Trait Theory: Biological and psychological aspects of criminality. www.ipl.org>essay>Biology.. (retrieved on 21/1/24).

Way, A.L. (?), Beginning political science (PSc. 204#). Cyberland University of North America.

Retrieved from www.proconservative.net on 27/12/23

<https://en.m.wikipedia.org...> Democracy. (Retrieved on 28/12/2023).