

**Respectful Policing and Law Enforcement
in a Democratic State: Nigeria**

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All civilized countries employ a body of people to maintain the rule of law, but a glance at the police forces of other countries quickly reveals widely differing relationships with the society in which they exist.¹

Police can prevent robbers, disorder, gun violence, drink driving and domestic violence, but only by using certain methods under certain conditions. One of the most striking recent findings is the extent to which the police themselves create a risk factor for crime simply by using bad manners modest but consistent scientific evidence supports the hypothesis that the less respectful police are towards suspects and citizens generally, the less people will comply with the law.²

Introduction: The Necessity for Law and its Enforcement

Law (with its corollary, order), but not the rule of law since the notion of popular or democratic government will necessarily be implicated, is central to the definition and identity of the modern state. It is hardly conceivable that the state can exist without law. When the contractarian philosophers invoked the fiction of the state of nature, it was to draw attention to the kind of life that is possible amongst men without government. For Hobbes, the condition of men without government is one of “Warre; and such a warre as is of every man, against every man”.³ Hobbes introduced the image of war to dramatize the extremely miserable situation “wherein men live without other security, than what their own strength, and their own invention shall furnish them withal”. The consequences, expectedly, were perpetual fear and the ever-present danger of sudden and violent death. Hence man’s life in the state of nature was “solitary, poor, nasty, brutish, and short”.⁴ The essential characteristic of Hobbes’ conception of the state of nature is the private determination and enforcement of justice. And the operating principle was simple: no government, no law; no law, no injustice. It was to alleviate this condition that men

willingly surrendered their sovereignty to a common institution, the government. Its purpose derived from the problem of insecurity in the state of nature:

... for the preserving of Peace and Security, by prevention of Discord at home and Hostility from abroad; and, when Peace and Security are lost, for the recovery of the sane.⁵

It has been claimed that the problematic Hobbes responded to was not just the condition of men without government, but “without effective government”. For Locke, however, it is the condition of men under “‘illegitimate’ government”.⁶ In spite of the perceived difference in problematic, Locke’s conclusions were not too different from Hobbes’. The state of nature, according to Locke, is a “state of perfect freedom” where men ordered “their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature [that is, reason]”. Political power or authority was introduced as an ameliorative mechanism which implies

a right of making laws with penalties of death, and consequently all less penalties for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defence of the commonwealth from foreign injury; and all this only for the public good.⁷

It thus appears that the purpose of the state or government is not development as such but the preservation of the life and property of those under its jurisdiction. This limited or law-and-order conception of the state has had much influence on political practice in Euro-American states. Limited to “the functions of protecting all its citizens against violence, theft, and fraud, and to the enforcement of contracts”, the night-watchman or minimal state is the ideal state since it leaves intact the autonomy of the individual.⁸ But why would a government do more considering the enormity of the task of securing lives and property? It is understandable therefore for Bayley to have felt constrained to conclude that a “government that cannot provide minimal safety to its citizens cannot be called a government”.⁹ If law is central to the definition of a state, its

enforcement is central to its existence, and the police is central to the complicated system of law enforcement: “Police are the most visible expression of governmental authority”.¹⁰

It has been necessary to recall the fiction of the state of nature of the major contractarian philosophers to draw attention to the necessity for law and its enforcement in the modern state. It does not require extraordinary or philosophical imagination to visualize a society without law, or with law but without a law enforcement mechanism, or with a law enforcement mechanism but without a police force. Even if policing stems from the same necessity to primarily secure life and property, police practices are as diverse as there are police forces, not necessarily in the methods of policing (for here, there is significant mutual influencing and mainstreaming) but in the “relationships with the society in which they exist”.¹¹ If this assertion is correct, it means that such relationships are historical to the extent that they are conditioned by local environmental factors, and it is with reference to these factors that they can be understood. Yet, questions pertaining to structural relationships can be legitimately asked without necessarily oppugning the historicity of police/society relationships. What should be the nature of the relationship between the police and society? Should the police be over and above society and therefore be able to protect it from itself, or as an outgrowth of society and, in fact, itself a social institution operate within and with it? How does the nature of the relationship with society affect its capacity to achieve its purposes? Does this relationship vary with political regime types?

These questions have constituted the framework for discussing police reforms in virtually all jurisdictions. Apparently new concepts, practices and structures have been the result of these inquiries. From community policing to democratic policing, it is now widely believed that to every regime type corresponds a specific policing system, and that for democratizing states, respectful policing might well be the appropriate policing

philosophy. How valid is this connection? In fact, what is respectful policing, or even democratic society for that matter? How do these apply to Nigeria, particularly to Nigeria as a democratic state?

Democratic Society and the Democratic State

The context for the current interest in respectful policing is the fact that some countries are claimed to have transited from authoritarian control to democratic rule and the need for police attitudes and practices to reflect this transformation. The assumption is that there is a class of policing behaviours appropriate to a “democratic society”, not to mention appropriate organizational structures. According to Ogunlowo, one way

a democratic state can be distinguished from a Police State is the extent to which the police are controlled by the government and the level of accountability built into police organizational structures as well as the involvement of the public in police issues and crime strategies.¹²

If Ogunlowo emphasizes the need for structural adaptation, Bayley hints at a behavioral connection: “Authoritarian police are the hall marks of undemocratic governments. ... the development of democratic governments require the creation of a democratic police”.¹³ And the theme of this retreat, “Repositioning the Nigeria Police to meet the Challenges of Policing a Democratic Society in the 21st Century and Beyond” presupposes the existence of a type of policing appropriate to a democratic society. What is this democracy that virtually everything must conform to?

Democracy as it has been universalized is a governmental format that allows for some kind of representation through periodic elections and governance on the basis of a constitution. That is,

...a government that is constitutional in the sense of being based on law, with authority exercised on behalf of representatives elected at

frequent intervals by universal suffrage through processes that are free and fair.¹⁴

Other features as open access to political participation by all eligible citizens and the defence of individual rights may be added, but these are hardly universal practices. Hook captured the essence of this conception when he argued that “democracy refers to a form of government and only to government”.¹⁵ This is “political democracy”¹⁶ and its referent is the democratic state. The democratic state defines the relationship between the citizens and the political authority. It is a vertical relationship not qualitatively different from the structure of other forms of government unless, of course, the subsisting social relations are democratic. That the democratic state is “the institutional structure that enables democracy to develop”¹⁷ gives the impression that the democratic state creates the democratic society. But this is not so. The cycle of democratic collapse and redemocratization in the non-Western world is the consequence of a democratic governmental format resting on a bed of authoritarian social relations.

Democracy is subsisted by a high level of individualism, and at the social level, it defines the horizontal relations amongst individuals or citizens. This is the democratic society, the repository of supportive values. An authoritarian society, and African and Asian societies are generally said to be authoritarian and hierarchical,¹⁸ may have a democratic government, but it is either of short duration or remains visibly unstable. Paramount among the values inherent in a democratic society are those of natural equality of citizens and mutual respect. Nigeria is a democratic state, not a democratic society. The transition from military rule to democratic rule has not entailed the transformation of values; it has been merely the civilianization of government.

The Idea of Respectful Policing

Concepts have a way of reappearing as new concepts and immediately engage the attention of the public. Sometimes, however, it is because a condition exists that calls for an old and tried solution. The idea of respectful policing is not new. In fact, respectfulness was closely associated with police conduct in the 19th and early 20th centuries in Britain and the United States. Why would it not be so if the police is not seen as a force above society, its rank and file constituting a superior class of citizens having no contact with other citizens.

The concept of respect has been defined as

...a person's attitude towards other people, in whom he/she sees a reason that, in itself, justifies a degree of attention and a type of behavior that in return engenders in the target a feeling of being appreciated in importance and worth as a person.¹⁹

While this may appear idealistic, the elaboration that respect “aims for an accurate assessment of the other person”, including a conscious awareness of the “presence of the other person in one's own environment”, given recognition to “his or her role appropriately in the context of the situation, and correctly understanding the mutual relationship”²⁰ reduces respect to an instrumental behavior.

This reading is even clearer in Caswell's analysis. For him, respect has two dimensions – feelings and behaviours. While respectful feelings are totalizing to the extent that they are “not controllable”, respectful behavior entails the exhibition of “*manifestations of respect*”, meaning “in less flattering words ... allowing the idiots across the table to say what they want without interruption”.²¹ In line with the earlier definition of respect in terms of the recognition of the worth of an individual as primarily a human being, and secondarily as anything else, Caswell lists rules of respectful behavior as non-interruption of others, allowing “people to complete their thought”, giving “everyone a

chance to express an opinion on a given subject”, and not engaging in “put-downs ... no negative body language, ...no negative tones”.²² But why would a police officer so behave? For Caswell, the reason is to build trust for “respect comes before trust. ... Respect is the tool needed for building trust”.²³ Respectful behavior, from this perspective is not an end in itself; it is a means to an end.

Thus, reporting on police conduct in 19th century Britain, Bunyard, having identified the principal objectives of policing as the preservation of life and property, prevention and detection of crime and the maintenance of public order, indicated the appropriateness of the methods adopted. He mentioned the beat system and “the need for the acceptance of the police by the public”. The qualities required to gain the cooperation of the public were “tolerance, civility, good temper and discretion, mildness of behavior and language, good humour, calmness and propriety”. This is respectful policing in 19th century Britain! The deployment of these qualities had an instrumental purpose: “this deliberate policy of adopting a conciliatory image ... contributed to the success of the nineteenth-century British police”.²⁴

Writing in 1914, Cahalane, an inspector and head of the Training School of the New York Police Department admonished cadets to be

courteous to everyone regardless of their position in life. Persons seeking assistance or advice are entitled to courteous and gentlemanly attention, and it is not courteous to be abrupt and short in your answers. You may be required to answer the same question a great many times during one tour ... Do not, however, lose your head or change your manner; ...²⁵

He did not ask his cadets to practice respectful policing for its sake. He had a functional objective in mind: enhancement of the image of the police.

The Police Department itself is often gauged by acts of its individual members. If you favourably impress persons they will judge the entire Department by that impression. Every officer ... should, therefore, conduct himself in an exemplary manner.²⁶

Other purposes have been discerned to be served by respectful policing: “the substantial benefits from being respectful and courteous in otherwise contentious circumstance”,²⁷ “builds commitment to the law”,²⁸ and “drop in civilian complaints” against officers.²⁹

While it has been possible to define respect and consequently respectful behavior, it may not be possible to specify the range of practices that will qualify as respectful behavior. This is because of the cultural dimension of respect. What constitutes respectful conduct in one culture area might be otherwise in another, and so respectful policing, not the idea, but the constitutive practices are relative. To this must added the reciprocal nature of respect: respect begets respect. Respectful policing remains so if the society itself promotes respect as a value otherwise the very idea will be unnecessary.

Respectful Policing, Law Enforcement and the Democratic Regime: The Case of Nigeria

It is clear from the foregoing that the context for the idea of respectful policing is not transition from an authoritarian to a democratic order. If it were made a feature of a democratizing state or of a democratic order, it will be an end in itself. Yet, from the discussion above, respectful policing is above all instrumental, a means to an end. This is not to suggest that there are no links between democracy and policing. Alice Hills, noting the close ties between policing and politics, thought it would be strange “if the nature of policing had changed when that of politics had not”.³⁰ The implication of this statement is that the nature of policing varies directly with the type of political regime. “Authoritarian police”, Bayley insists, “are the hallmarks of undemocratic governments”.³¹ But exactly what is the nature of the intersection between democracy and policing?

Two concepts have been used to characterize this intersection: lawful policing and democratic policing, but not respectful policing. Lawful policing defines a situation of “police compliance with the law”.³² If the rule of law is elevated to the position of a central

feature of democratic rule, then lawful policing is democratic policing: “In democracies”, Marenin has asserted, “the authority and remit of the police is founded on law yet they retain significant discretion in when and how to apply the law”.³³

Democratic policing, even though links a democratic order with police practice, is a relatively new concept. Its motivation would seem to be the process of restoring order to collapsed states or states recovering from civil strife. Bosnia-Herzegovina, Panama, Afghanistan, Iraq, and Kosovo have benefitted from the introduction of democratic policing by the United Nations civilian police as a part of United Nations peace-keeping, the European Union and the United States. No wonder the emphasis in its definition on “adherence to international principles of human rights”.³⁴ Other elements of democratic policing are “conformity of actions to law; ...accountability to external authority based on the capacity to collect and the willingness to publicize information about operational activities; and responsiveness to the needs of ordinary citizens”.³⁵ Democratic policing is not a strategy of policing, or an instrument for realizing the objectives of the police force. It is a type of policing.

For Nigeria, becoming democratic has only meant conducting uncertain periodic elections and maintaining the paraphernalia of a democratic system – deliberative legislative houses and ministerial responsibility. It has not also meant the acquisition of pro-democratic values; the Nigerian society, with the significant bleeding of the treasury by the officials and officers of the democratic state, has become more sharply hierarchical and authoritarian. If it is true that for every political regime type there is an appropriate and corresponding police, how is such a police force to be characterized? It must not be forgotten that police objectives are quite stable as are police methods. To apply the principle that “members of the public get the police they deserve” to Nigeria³⁶ appears

quite unanalytical for it begs the question: what is the nature of the members of the public that has determined the nature of the Nigeria Police?

Conclusion

The police are weak, lacking in public support and police without the consent of the people. The authority of the force is derived more from the law, and its reputation for alienating the public and its action produced corruption.³⁷

The Nigeria Police has a massive image problem. To be sure, this has affected its legitimacy. That this is so has become historic.³⁸ But this does not require much restatement, elaboration or demonstration. Whether from an operational or perceptual perspective, this low rating cannot be regarded as a consequence of the absence of respectful policing. The question of respectful police conduct or behavior is hardly raised in any serious discussion of the state of policing in Nigeria. It is the glaring insecurity of life and property that is usually the basis for public assessment of police performance in Nigeria. If any Nigerian were asked to choose between respectful policing and effective policing, the latter will certainly be considered a better choice. The Nigeria Police has this huge image problem because of persistently high level of insecurity and indecent pecuniary relationship between the police front-line and the public.

Jones has defined the front-line of a service organization as “that section which interacts with the community in the routine, normal and practical work context”. For the police, presumably the British police, he identified the uniformed patrol constable as the front-line. By defining the front-line as the “section of the organization where most of the service is performed, the very reason for which the organization exists”, the analysis became too functional and missed the ideological importance of the front-line. Ideologically, the front-line is the face of the organization; the front-line defines the

organization in the public mind. The image of the organization rises or falls with the conduct exhibited by the front-line. It is this instrumental understanding of the ideological importance of the front-line that is relevant to the issue of respectful policing and its potentials for improving the image of the police, and with improved police/public trust, its effectiveness.

For the Nigeria Police, occupying the confluence of the police and the public are the officers at check-points and in police posts and stations. These are the primary meeting points of the police and members of the public. “Low, routine policing (front-line policing)”, it has been observed, “has been ineffective in ensuring order and tends to be delegitimizing in the long run”⁴⁰ This is where respectful policing will have a positive effect. It has been observed that “experiencing disrespect from the police reduces citizen compliance with police instructions”.⁴¹ It is very likely that members of the public exposed to respectful police behavior will be more willing to volunteer information to the police on the assumption that they will not become primary suspects.

There is no doubt that the Nigeria Police, as far as its relations with the public is concerned, is embattled. One sure way to get out of this situation is to rid Nigeria of crimes and criminals. But this is not possible. Yet, incremental progress can be made in the area of preventive policing and crime detection if public perception of the police changes. Courteous, decent and respectful behavior has the potential of converting the entire public into an auxiliary police force. To attain this level of service delivery, the police front-line, under close supervision, must be taught the virtues of respectful conduct. Both the police and the public stand to gain from this interaction.

Endnotes

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