

**POLICE – PUBLIC RELATIONS IN KENYA:
A PHILOSOPHICAL ANALYSIS OF APATHY**

BY

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DECLARATION

This thesis is my own original work and has not been presented for a degree in any other university.

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This thesis has been submitted for examination with my approval as the University supervisor.

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EAST AFRICANA COLLECTION

DEDICATION

To Eunice,

My beloved wife

and

My daughter

Noel

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ABSTRACT

One of the problems which hinder efficient functioning of the police force in Kenya today is its poor relationship with the public. The public seems to be expressing apathy towards the police. This study is set to investigate the genesis of public apathy towards the police, and its persistence with a view to proposing the possible solutions to the problems. This is necessary because, without the proper understanding of the causes of apathy, it will be hard for the public to understand the operations of police as well as visualising their duties as those which are set for their own benefit. On the other hand, one's the police properly comprehend the root causes of public apathy towards it, it will then be better placed to adjust itself in order to eliminate or reduce the apathy.

To conduct the investigation, two hypotheses were proposed. These were: First, that public apathy towards the police force in Kenya is a consequence of the colonial system of administration and second, that public apathy negatively affects the law enforcement.

To test these hypotheses, data was collected using mainly library research in which relevant literature on apathy was gathered. Informal interviews were also conducted to buttress the secondary data.

The data obtained from the library were subjected to philosophical analysis where the knowledge obtained from logic, epistemology and metaphysics were applied. The results obtained from the analysis affirmed the hypotheses.

It was therefore concluded that apathy is an attitude of mind that endures depending on the nature of contact between the police and the public. To eradicate it, two theories were advanced namely: the theories of consistency and incentive. These would go along way in changing the public perception of police.

CHAPTER 1

INTRODUCTION

1.1 STATEMENT OF THE PROBLEM

According to Oxford Advanced Learners Dictionary the term apathy is defined as lack of interest enthusiasm or concern: Some kind of indifference. This definition regards apathy as a form of attitude or antecedent predisposition which induce a person to respond to his social world according to his personal perception of it. For instance, if a person is apathetic to another, this can be viewed as a mental readiness to feel, think and be inclined to behave towards that person indifferently.

According to the new Catholic encyclopedia volume one apathy is a mental state in which a person is disinclined to intellectual, volitional or physical activity. Specifically, the apathetic will seek to avoid the effort required in choosing and carrying out decisions. More seriously it can be a disease of the will that tries to escape all efforts. That is why in the case of public apathy towards police, you find that some members of the public are not willing to make any effort to associate themselves with the police in crime management.

The philosophy of apathy is derived from the Stoic School of Thought which was founded in Athens around 305 BC by Zeno of Citium. According to them apatheia is used especially to mean indifference to pleasure and pain, the state of tranquility or peace of mind and body resulting from the emotional detachment from the everyday world.¹

The Stoics drew their inspiration primarily from two sources: Socrates and Heraclitus in which apathy was considered as the highest conditions of humanity.

Apathy has enduring mechanism, which is capable of existing as long as the perceiver exists. It is this enduring nature that enables it to predispose an individual to a certain behaviour which otherwise he would have not engaged in if he had not acquired a sense of apathy.

In light of the above, apathy is to be viewed as a social phenomena that is capable of inducing negative impacts on any society. This is so particularly if this kind of relationship happens to exist between the public and the police. In this case it predisposes a physiological state of insensitivity or indifference to pleasures and pains, emotions and passions, joys and grief, anxiety and mental elation which is not a good condition for a working relationship between the police and the public in managing crime.

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This research therefore takes the term police to mean an organization or law enforcement agency whose primary objective is to maintain law and order in the society. For the purpose of this research we have confined ourselves to the Kenya Police and Administration Police and not other organs that maintain law and order like prisons department, the armed forces etc.

The public on the other hand, is taken to mean the citizens in general who are members of the civil community notwithstanding the aspect of homogeneity exhibited in their professions, age, sex and income.

The above understanding draws a clear distinction between the concepts of police and public. Whereas it is the duty of the police to ensure that the laws of the land are obeyed, it remains the obligation of members of the public to create an enabling environment for the obedience and maintenance of the law. Thus a police officer operates on the assumption that members of the public are law abiding and honest. Likewise the public's assumption is that police are there to protect them from those who break the law.

The relationship between the police and the public in Kenya varies from one individual to another and people to people. Some generally have a positive attitude towards police, for example, one of the journalists who accompanied the police in one of their operation to "flush out" the suspected criminals commented thus;

These women and men sacrifice so much for their fellow human beings. They do not mind giving up their warm houses, loving children and families... and even life... to ensure that others have these very commodities that they deny themselves ... most of all they deserve to be assured of is the public's fully fledged support in their activities to ensure that peace prevails.²

In the same newspaper under the heading "Cops struggle against all odds to keep law order", it was reported thus;

If we were honest with ourselves, if we were the kind of people that seriously weighed matters before drawing premature conclusions, then we are doing a great injustice... in not supporting the police.³

The above comment clearly shows how some sections of the public holds the police in high esteem. However it is evident that some members of the public seems to have a radically different view about the police. This group views the police negatively and would hardly help them in achieving their objectives. Sometimes they engage in confrontations, verbally or physically, with the police. Infact, quite a number of police officers have lost their lives or become maimed by the members of the public.⁴

There is also a section of the public who neither have positive nor negative attitude towards police but are rather in between. It is this group of people who are apathetic. As quoted in one of the newspapers, they do not want to involve themselves with the police in anyway. They know the criminals who also live safely among them, but they do not turn them in to the police.⁵ The danger of this section of public is that they can easily drift into that section that harbours total negative attitude towards police.

This expression of apathy among some sections of the Public posits a requirement to investigate and unearth the nature and causes of apathy so as to speculate on its remedial measures. The problem to grapple with is that of formulating a rational understanding of a true position of police force in an apathetic environment. The central questions to be asked are: Is Apathy really warranted? How should the police operate in an apathetic environment? This research begins by questioning the principles and practices which are

historic and traditional and then ventures into comments which would help in stimulating the debate on apathy towards the police force in Kenya.

1.2 RESEARCH OBJECTIVES

This research was set to achieve the following objectives:

- (i) To investigate the genesis of public apathy towards the police.
- (ii) To investigate the factors for the continued persistence of apathy.
- (iii) To find out whether it is possible to get rid of apathy.
- (iv) To investigate the causal or logical connection, if any, between apathy and the presumed actions that follows as a result of it.

1.3 JUSTIFICATION AND SIGNIFICANCE OF THE RESEARCH

It is essential for any system of administration, by codified laws, to have at its disposal some kind of machinery to enforce laws and prevent breaches thereof. The organization of the police force is thus considered as one of the most important functions of the State in order to protect the society from criminal elements. Its operation should therefore be based on the co-operation from the public on the general understanding that it is instituted for the well-being of the society.

A question seldom stated and hardly ever discussed, in general terms, but which has profoundly influenced the relationship between the police and the public by its latent presence over years, and is soon likely to assert itself as the vital question of the future is the question of apathy. This question has been presenting itself in different dimensions

that has made it a complex thing to handle. It therefore requires a different and more fundamental treatment which will enable both the police and the public to identify themselves with one another. It is with this in mind that there is a need to investigate the nature of apathy from the philosophical point of view so as to redeem the society from this dilemma.

1.4 LITERATURE REVIEW

The Kenya Police has of recent years become a subject of examination by all and sundry. Formed in 1920, its aim were: maintenance of law and order, preservation of peace, protection of life and property, prevention and detection of crime, apprehension of offenders and the enforcement of all laws with which it is charged.⁶ These aims are stipulated in the Kenya Police Act. The act is however silent on the means and ways of effecting these functions which could be the reason for apathy.

The same sentiment is echoed by Jerome H. Skolnick in his book, Justice without Trial: Law enforcement in Democratic Society. For him the police are required to maintain order and to do so under the law and nothing more.⁷

On the public perception of the police we rely on the works of Plato, Protagoras and Socrates. According to Protagoras man is the measure of all things,⁸ that any given thing is to me such as it appears to me, and is to you such as it appears to you. This implies that the public perception of the police is purely individual and hence can not be addressed universally. Socrates (471-399 B. C.) adds that perception is always something that is and

as being knowledge it is infallible. This means that we should not take apathy as a true concept because it is subject to change. Here the perception is regarded as due to an interaction between the object and the sense organ, both of which according to the doctrine of Heraclitus are always changing, and both of which in changing change the precept.

Plato (427-347BC) believes this to be true of objects of sense but not of the object of real knowledge.⁹ Now given that according to Protagoras, Socrates and Plato, public perception towards police is not a true knowledge, should we then ignore it? The danger is that, this change can be to the worse or good. As such we need to address, every aspect of public perception towards police without ignoring it.

Descartes' philosophy (1596-1650) of perception was however based on the dictum "*cogitor ergo sum*" meaning, "I think therefore I am".¹⁰ This dictum was reached by the process today called the cartesian doubt. He doubts everything except the perception of himself. On the basis of Descartes' view, we are going to look at the public perception of police from three perspectives *vis a vis*;

- (i) Innate ideas.
- (ii) Those that are foreign and come from without and
- (iii) Those that are invented by the perceiver.

John Locke's (1632-1704) concept of perception is derivable from experience that has prevailed between the public and the police. He maintained that we know nothing which has not come into our mind from without; knowledge is in the end of observation.¹¹

On the relationship between the police and the public we are going to review the works of Plato, Karl Marx, Niccolo Machiavelli, Thomas Hobbes, Jean-Jacques Rousseau, John Locke and C. D. Okwonkwo.

Plato in his analysis of the State as composed of the rulers, the soldiers and the populace took exception by associating the soldiers with the rulers. The function of soldiers, which we would take as police officers, is to defend the State by assisting the ruler (the philosopher-King) to manage the populace.¹² This authority endowed on police officers by the rulers is likely to trigger apathy from the public.

Niccolo Machiavelli (1469 – 1527), in his book The Prince, vested a lot of authority on the ruler and his law enforcers. According to him the law giver in order to maintain his credibility must use all forms of cruelty, perfidy, murder or any other means provided only that they are used with sufficient intelligence and secrecy to achieve their goals.¹³

Hobbes (1588 – 1679) in his Leviathan proposes an absolute authority chosen by the people to exercise authority over them and put an end to the universal war.¹⁴ The problem with Hobbes' society is that the citizens lose all rights except such as the government may find it expedient to grant. Hobbes is less concerned with means in which the

universal war will be put to an end as he gives no room for rebellion. This implies that if the means is brutal the public will be apathetic yet they will not question the authority. Hobbes is thus making a gross assumption that the interests of the sovereign authority are roughly identical with those of the subjects.

Jean-Jacques Rousseau (1712-1778) asserts that, it is the wicked trend of man that calls for enforcement of certain institutions to protect the society.¹⁵ This means that if people voluntarily refrained from assaulting others or acting in ways inimical to harmonious and happy social existence, they might manage without law enforcement agency. His failure is that of not stating how these institutions will relate to the society.

As for John Locke (1632-1704) no Government allows absolute liberty.¹⁶ That the idea of Government being an establishment of society it requires conformity upon certain rules or laws. This calls for law enforcement purposely to enable members of the society to protect their property. What is lacking in Locke's Theory of State is the format to be followed in law enforcement and the effects it has on the society.

Okwonkwo on the other hand blames the whole issue of apathy on ignorance of the law.

He observed thus:

The relationship between the police and the public can not be cordial. There are several causes for this, chief among which is inadequate knowledge by some members of the police force and public of their respective powers, rights and obligations.¹⁷

This research will try to establish whether it is true that knowledge of the law is a panacea to the problem of apathy.

Historical materialists led by Marx and his contemporaries views public apathy from a different point of view. For them apathy is a product of the coercive nature of State power directed to the masses by one of its instruments, the police.¹⁸

Generally going through the issues raised in the philosophical works mentioned above they are crucial to the understanding and rational interpretation of public apathy towards police force. What is lacking is the way out of this problem. The present work is therefore set to give an overall picture of the role of philosophy in setting out the precedence for common understanding between the police and the public.

1.5 HYPOTHESIS

This study was set to test the following hypothesis:

- (i) That public apathy towards the police force in Kenya is the result of the oppressive colonial system of government.
- (ii) That public apathy negatively affects the law enforcement.

1.6 THEORETICAL FRAMEWORK

This study adopts the law of causality as its theoretical framework. The word 'cause' is derived from the Latin word "Causa". This was equated with philosophy by Thomas

Hobbes as quoted by Jeans in Physics and Philosophy (1943) when he defined philosophy as the knowledge of effects from their causes and causes from their effects.¹⁹

A cause may be defined as a reality which exercises a real influence upon the coming to be, the "to be" or the mode of being of another reality. A cause is thus the source of a new reality distinct from it, which is called its effect. On the other hand an effect is a reality which results from the activity of a cause.

In ordinary language, cause is used in a limited sense and made synonymous with what is technically called the efficient, or producing cause. However, in view of the scope of this study, it should rather be taken in the wider meaning as everything which by its influence determines the coming to be or the mode of being of something else. This can be understood from the following example; suppose a sculptor wants to make a statue, with respect to causality, the question is which factors exercise influence upon the making of the statue? Obviously the sculptor himself is such a factor. His condition may be called appropriately the efficient cause. The efficient cause alone is not sufficient enough. The sculptor would not even begin to work if he did not intend to produce something definite. This purpose or end which exists in his mind as an idea causes him to act and guides him even in the details of the execution of his activity. Hence, the purpose which is present in the sculptors mind exercises a real influence upon the making of the sculptor. Consequently, it is justly called a cause and specifically the final cause.

In the empirical science the principle of causality is held to be an absolute necessity because all scientific research aim at establishing how a particular phenomena depended upon its antecedents. The underlying assumption is that every phenomenon must depend upon a cause. This school of thought is represented amongst others by John Locke, Rene Descartes, Isaac Newton and Albert Einstein.

Plato, a rationalist, perceives existence, basically in two orders; the sensible objects and the world of ideas or forms. The sensible are not real in the sense that Plato does not assign to them absolute reality. He considered them to be subject to the law of change; that they always pass into existence, changing and perishing. The position assumed by Plato is:

... the visible world belong to the realm of things that become and can be generated. It is not eternal but has a beginning or source of becoming.²⁰

This shows that the visible world is guided by the principle of causality.

According to John Locke, an empiricist, the idea of power or causation cannot be given in sensation as a phenomenon.²¹ All that the mind can observe and is available to it, is phenomena following upon each other.

David Hume on his part does not accept Locke's argument as logical and valid. He insists that the idea of causal relation between facts cannot be relied on as true idea, but only as a habit of transition produced in the mind by the frequency of the particular sequence.²²

This research is going to follow this fundamental argument of the principle of causality to address itself to the pertinent issue of public apathy towards police. It is believed that apathy emerge from the nature of contact between the police and the public. If that belief is granted then it would be very vital to establish the nature of connection between this interaction and the resultant effect of apathy.

1.7 METHODOLOGY

This research is basically theoretical and analytical. However, in view of analysing the concept of apathy the method that it adopted is library research, whereby information was gathered from secondary data available in the books, journals newspapers, magazine and unpublished theses.

Informal discussions with some members of the police force and the public was useful.

This was done in order to buttress the secondary data.

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ENDNOTES

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- ¹ Peter Anyels, Dictionary of philosophy (New York: Barnes and Noble Books, 1931) p. 14
- ² Kenya Times, April 16th 1997, p. 13.
- ³ Ibid.
- ⁴ Daily Nation, August 9th 1997, p. 1.
- ⁵ Daily Nation, July 13th 1992, p. 29.
- See also Daily Nation, March 20th 1997 p. 5.
- ⁶ CAP. 84 Laws of Kenya, Sec. 14 (1).
- ⁷ Jerome H. Skolnick, Justice Without Trial: Law enforcement in Democratic Society (New York: Wiley 1966) p. 6.
- ⁸ Bertrand Russel, History of Western Philosophy (London: George Allen & Unwin Limited, 1946) p. 163.
- ⁹ Plato, The Republic (Harmondsworth: Penguin Books, 1955) p. 58.
- ¹⁰ Bertrand Russel, op. cit., p. 547.
- ¹¹ John Locke, The Second Treatise of Government (Oxford: Basil Balckwell, 1966) pp. 71-73.
- ¹² Plato, op. cit., pp 58-59.
- ¹³ Niccolo Machiavelli, The Prince (London: penguin Books, 1961) p. 95.
- ¹⁴ T. Hobbes, Hobbes Leviathan, (London: Macmillan & Co. Ltd; 1907), p. 97.
- ¹⁵ F. Ochieng Odhiambo, Hand Book on Some Social Political Philosophers, (Nairobi: Consolata Institute of Philosophy Press, 1994), p. 6.
- ¹⁶ John Locke, op. cit., p. 72.
- ¹⁷ C.D. Okwonko, The Police and the Republic of Nigeria, (Lagos: African Universities Press, 1966) p. v
- ¹⁸ Clemens Duff (ed), Fundamentals of Marxism and Leninism, (Moscow: Progress Publishers, 1968) p. 127.
- ¹⁹ J. Jeans, Physics and Philosophy (Cambridge University Press, 1943) p. 17.
- ²⁰ Plato, op. cit., pp. 206 – 207.
- ²¹ John Locke, An Essay Concerning Human Understanding, (London: Oxford University Press, 1924) pp. xxii-xxiv.
- ²² D. Hume, A Treatise on Human Nature (London: J.M Dent and Sons Ltd, 1972), pp. 83-84 see also John Locke, op. cit., p. xxiv.

CHAPTER TWO

THE ROOTS OF APATHY IN KENYA

We are parts of one great process- the process of human history. Yet one of the strongest prejudices to which we are all prone is to make exceptions in our own case, and to look upon it ourselves outside it. It is an obvious illusion. No one, not even an Englishman, can 'contract out' of history. We ourselves are events in history.

J. MacMurray, *Reason and Emotion*, London: Faber and Faber Limited, 1935, pp.14-15

In this chapter, focus is made on history as a way of unearthing the concept of public apathy towards police. We have therefore endeavoured to establish the colonial legacy as the basis upon which the Kenya Police was formed. It is on this context that we have attempted to find out the roots of apathy both at the colonial period and the post-colonial period. In doing that we are reconstructing the past and merging it harmoniously with the present with a view to analyzing and understanding the concept of apathy as it is seen in the relationship between some members of the public and the police in Kenya today.

2.1 COLONIAL LEGACY

One thing that we must be certain about the past is that it has passed and whatever happened, happened. The causal relationship between the past and the present is therefore contingent rather than logically necessary. There is no way we can bring about the past. If we insist on hanging on the past, then we cannot combine the two to develop sensible trust on our police officers. The author therefore has the task, before him, first to expose and destroy all false ideas about the police force that have been perpetuated by the colonial 'masters' maneuvers.

It should be noticed that the colonial legacy will, more or less, permanently remain in our minds. This should not be a factor to glorify but rather be of importance in understanding how the Kenyan society has changed and also as a theoretical construction in the study of remedial measures towards the achievement of the ultimate end to the pandemic of apathy.

In order to understand the history of apathy towards police, there is also a need to understand the colonial mentality at the time of its formation. Colonialism is a system of rule, which assumes the right of one people to impose their will upon another. This can inevitably lead to a situation of dominance and dependency, which will systematically subordinate those, governed by it. The colonial ruling class shared "almost without exception assumptions of virtually any form of colonial system - that the colonized peoples were not capable of governing themselves".¹ Hence the European colonizers had to come to terms with the demands imposed upon them by the need to establish and maintain an authoritative system of social control over the governed. To do this they had to create a new set of institutions, which would serve to maintain their authority in the political, economic and social spheres.

In the economic sphere, which was the real motive behind colonialism, colonies were to supply metropolitan industries with raw materials cheaply, serve as market for surplus foreign manufactured goods at dear prices and to serve as an area of investment of metropolitan surplus capital. From this scheme the colonial powers hoped to reap maximum surplus value which would be siphoned out of the colonies and ploughed into the metropolitan economies. Effective control and domination was a necessary prerequisite for these exploitative colonial designs as was seen in their political sphere. The imperialists devised three kinds of structures - they required an administrative structure which could maintain law and order, collect taxes and service the economy.

They needed a political structure capable of regulating conflict within the African population and with regard to their relations with the expatriates.² As Atieno puts it:

The Africans could not be entrusted with this noble imperial mission: Developing the African potential would have meant the development of an independent autonomous economy. This would not do as there was need to integrate this local based economy with the metropolitan one.³

The political institutions of the country also reflected this basic economic structure. The plenitude of power belonged to the white man. The Africans were ruled. This brought about an absolute antinomy: the terms of reference oscillated between the "civilized" and "primitive", "advanced" and "backward". The British Colonialism thus becomes the King-pin in our attempt to understand the history of public apathy towards police force in Kenya.

2.2 ORIGINS OF THE KENYA POLICE FORCE

According to Foran, the earliest history of East-Central Africa provided the background for the creation of the British East Africa police at the end of 1902. He says:

The British East Africa Protectorate with the exception of the ten-mile-wide coastal strip leased from the Sultan of Zanzibar was proclaimed a crown in July 1920 and its name was changed to Kenya Colony. It was inevitable that the title of the Force should be altered at the same time to that of Kenya Police.⁴

The purpose for the formation of Kenya Police as Foran puts it were, "to maintain peace and order, guard the scattered trading stations; and support the company's servants on their lawful occasions in the interior".⁵ It should be noted here that the police force was a creation of the European masters without any consultation with the colonized. This can be supported by the fact that its management came with express authority from the foreign office in London.⁶ Now we can see that right from its formation, the police force was not a product of the public's consent. Its purpose thus becomes a contradiction of reality since maintenance of peace and order presupposes the two parties both of

which must appreciate the need for order. It also implies the existence of some disorder without which under the rule of binary opposition, we cannot talk of any order being maintained. So one could be excused for concluding that it was because of disorder that police force was formed hence a child of disorder.

Disorder can be understood as a form of deviance whereby deviance is described as any act which goes against the norms and values of a particular group.⁷ This also implies any act by an individual corporate members of a group which disregards or flouts the norms and values. Force thus becomes a mechanism devised by those affected by disorder to deal with those who try to deviate. It was on this understanding that the police force was formed. But who was behind this disorder? According to the British colonizers, the Africans or natives were behind this disorder. This is confirmed by Foran thus :

The country had to be administered so that the wheels of commerce might revolve smoothly and not be subjected to constant hindrance or attacks from the savage tribes along the trade route.⁸

From the above quotation two factors become manifest. One, the police force was formed to combat constant attacks by the so called savage tribes. Second, it was aimed at promoting commerce. Now the question is, who were the beneficiaries?

2.3 ROOTS OF APATHY IN COLONIAL KENYA

Connected with the phenomena of economic exploitation, it was the European settlers who benefited. In this scenario the Africans stood as losers. The colonial State expropriated the means of indigenous production on behalf of the settlers, which could not have been obtained in any other way since economic necessity overlaid by social customs prevented most Africans from selling their land and livestock to settlers.⁹ Land was alienated to settlers, thereby depriving some Africans of

their means of production and laid the basis of entry of Africans in every increasing numbers into the wage labour force. Forced or compulsory labour was widely used and became institutionalized. This was a period when massive supplies of labour were required to lay the very foundations of the colonial economy: railways and roads had to be built, dams and bridges had to be constructed and settler farms to be established.¹⁰

Kenya's path to freedom was a thorny one, winding and risky. The people responded to the European encroachment with defiance and resistance. And in almost all cases of confrontation resistance was met with brutal force which resulted in great human loss; wars and bloodshed combined to make their struggle an uphill task. As Mbiti puts it:

In some parts Africans tried to resist but they were overcome by the Europeans who slaughtered them like beasts, burnt down their villages, who put men and women in prisons, who forced them to quit their lands and become labourers in European farms or 'houseboys' for European masters and mistresses. The new change started and continued in blood and tears, in suppression and humiliation, through honest and dishonest means, by consent and by force, by choice and subjection.¹¹

Paradoxically all these inhuman activities were carried out by the police force under the command of the whites. Therefore in terms of the day-to-day relations between the colonizer and the colonized, it was the police force rather than the whites as such that featured prominently in the minds of the Africans. And therefore much of the consciousness of the African was a consciousness about the police force.

Also connected with the phenomenon of colonial violence is the phenomenon of Kenyan Nationalism. In the Mau-Mau War, for instance, the colonial administration responded by declaring a state of emergency giving the colonial government wide powers to invoke and use the aid of

military (police) and the very widest powers over legislation of every type. To enforce the emergency measures police force was widely deployed. In December 1953, there were some 2000 full time and 4800 part time European Kenya Reserve Police. Locally raised unit included the police (Africa), General Service Units of 20 units, each of some 35 men and a detachment of Tanganyika police on loan.¹²

The story of the emergency period in Kenya is full of shocking, brutal treatment of the Mau Mau followers by the police force. Talking on the sufferings the Ex-senior chief referring to the Lari Massacre states:

I could not believe my eyes when I saw some people carried away by white policemen to be tortured at Ngeka area... They screamed like bullocks inside slaughter houses because of being tortured.¹³

Now when we examine the brutality, terrorism and atrocity of the colonial police it becomes self evidently true that the 'natives' had no otherwise but to harbour some negative attitudes towards the police. To demonstrate their resentment, the Mau Mau fighters engaged the police in a number of battles sometimes killing police officers.¹⁴

Another important factor about the police force at that time was that in almost all of their operations the police were lacking in efficiency, while discipline was not established or enforced on sound principles. They had to learn their duties by a process of trial and error, and mostly the latter prevailed. Under this condition, there were no good grounds for impartial and efficient service to the members of the public. Hence members of the police force could not be held in a high esteem. Sir Robert W. Hamilton confirmed this about the Force when writing in 1935 to Captain R.F. Rainsford I.S.O. He says :

One has to admit that the system of recruitment and want of training together with all the other disadvantages from which the force suffered, made it extremely unlikely that their activities would prove

in anyway satisfactory, but the practical results were somewhat amazing. Burglaries of the most daring character were committed constantly, almost under their eyes, and went undetected. On several occasions I had to convict policemen of robbery from people in the streets at night, and in a number of other cases to order them punishment for being the cause of street rows or affrays in which they attempted to screen themselves by arresting an offending people and then charging them with riotous conduct.¹⁵

If this was the type of colonial police then members of the public had to hold them with suspicion because they were not properly delivering the intended service. As such they started developing a sense of apathy towards the police force.

2.4 ROOTS OF APATHY IN POST-COLONIAL KENYA

Kenya gained her political independence from Britain in December 12th 1963. This independence came not as an accident in history nor a graceful act of her former colonial master. It was as a result of growing sense of nationalism and political agitation. It therefore became clear that political independence could only have meaning on police force if it was accompanied by historical independence. This brought about the idea of making some drastic changes in the administration of the force. These changes were envisaged even before the actual independence. Report by the then Commissioner of Police, R.C. Catling states :

For another, because 1960 is a year of change and constitutional advance in Africa which although unlikely to affect the organization and functions of the Kenya Police, will undoubtedly bring with it changes in the composition of the Force, not the least of which will be the gradual replacement of expatriate officers in the senior ranks by local men.¹⁶

What we need to be reminded of here once more is that colonialism was to serve a system purpose of subjugation, slavery, plunder and oppression. To succeed in scheme, the colonizers deployed the

armed force – the police. At independence it was everybody's wish that these broad objectives of colonialism was suddenly going to change. However, what apparently changed were the mechanism where Africans themselves took the mantle. Despite the fact that these changes in leadership took place, it was the case that the same police officers were still in the forefront policing the independent Kenya. What was surprising still was that even after the independence little efforts were made to tender apology to the members of public in reference to the sufferings that were encountered at the hands of police during independence.

As such the majority of the public after independence could not distinguish between the colonial police and the police in the independent Kenya. This led to continued resentment seeing the police as a brute force used by any system of Government in authority to safeguard its selfish interest. The new crop of leadership within the police force was also seen as mere surrogates of their former colonial masters with whose consent and periodic checks they served.¹⁷

This hatred and resentment has been passed from one generation to another in a manner that has caused a large section of Kenyan population to remain apathetic towards police. Hence it is a misnomer to talk about police officers as being servants of the public rather than a Government force. The essence of brotherhood has become vague and remote in people's minds. The public unequivocal position was that the police even after independence, were at the instigation of power brokers, used to grossly distort and falsify the nationalists history whose ambition was to see a police force serving the public merely as its servant.

It is therefore clear that despite all these changes, essential features of the colonial State and instruments of coercion remained intact and inherited by the new government. Statutes such as the

Police Act which were used by the imperialists to suppress and dominate the indigenous Africans have persisted to this day. Our concern is that these tensions in Kenya at independence have remained unresolved and have persisted to the present creating a rift between the police force and the public. The latter's psychology has become characteristic: they have learned to live in fear when the police are seen in the vicinity. Their unique silence where ideas are not floated or discussed in public without fear is also questionable. It is this fear that illustrates how unpopular the police are and also how apathetic the public are.

Although it is not in the author's interest to introduce police apathy in this text, there may have been other variables other than the historical factors which also perpetuate public apathy towards police. The unique way in which police force finds itself demands their working environment be well improved. In a situation whereby they are poorly remunerated, poorly housed and poorly equipped chances are that they may be corrupt and inefficient in the discharge of their duties. The government must equip the police better, motivate them more and ensure that they have the wherewithal to respond to any emergency situation whenever they are called upon. This is because some times even when the intentions to respond to distress calls are clear, the police find themselves lacking the means to do it. When it is not the fuel for the cars they are lacking, it is the vehicles.

In spite of all these problems experienced by our police force, Kenya still boasts of a tremendous growth in the entire police force. Today it is one of the most formidable establishments as can be envisaged in its specialized sections and functions which are so diversified. For example we have Criminal Investigation Department undertakes investigations into crimes committed and bring those concerned to book. Traffic Police vested with the responsibility to traffic control and patrol, the investigations of accidents and traffic prosecutions. General Service Unit is used by the State in

difficult or troubled areas and in emergency situations. Others are the Anti Stock Theft Unit, Regular Police, Dog Unit, Kenya Airport Police, Railway and Ports Police Unit, Kenya Police Airwing and Presidential Escort Unit, etc.

It is now clear that , though it is in order to appreciate the development of the police force in Kenya, little effort has been made to eradicate the image created by the colonial legacy in the Force. It is therefore everybody's task in Kenya to go back to the annals of history and rediscover why we developed negative attitude towards Police Force. After which we shall be able to orientate our minds to the present situation in an independent country and appreciate the fact that even though the colonial system planted a seed of apathy towards the police, it is everybody's obligation to regard members of the police force as brothers and sisters not enemies. Nyerere observed this :

The true African Socialist does not look on one class of men as his brethren and another as his natural enemies. He does not form an alliance with the brethren for the extermination of the non-brethren. He regards all men as his brethren – as members of his ever extending family.¹⁸

On the same note we ought to develop evaluative processes, manifested in our attitudes, so that they are in phase with the actualities of the present Kenya, instead of regulating our behavior by attitudes that reflect the closed systems and blindness of the past. This would mean seeing Police Force as a reflection of the Society and that it is the way that society is that the police will be. The police emulates the society's behavior. Now before blaming the police, the whole society ought to receive the same share of blame. If we strictly follow this rule then we shall realize the importance of a change of attitude in our society.

ENDNOTES

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- ⁵ Ibid; p.4
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- ⁷ T.O. Odetola (Et al) Man and Society in Africa. (London: Longman Group Limited, 1983) p.82
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- ¹³ Mukaru Ng'ang'a D. op. cit; P.16
- ¹⁴ Ibid; p.25
- ¹⁵ Foran W.R. op.cit p.8
- ¹⁶ Ibid; P.V.
- ¹⁷ See H. Odera Oruka "Ideology and Culture" in the book, Philosophy and Cultures, (Nairobi: Bookwise, 1993) p.60
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CHAPTER THREE

APATHY AS AN ATTITUDE OF MIND

This chapter is basically a candid account that points out some of the social idiosyncrasies and inconsistencies, which are encountered by, mind in apathetic situations. It also focuses on the meanings of attitude and apathy as well as a treatise on the possibilities of changing attitude once it is greatly embedded in an individual's social life.

3.1 THE MEANING OF ATTITUDE

The term attitude is elastic enough to apply either to the disposition of single, isolated individuals or to the corporate society. Attitude has more than one meaning. Derived from the Latin word 'aptus', it has the significance of fitness or adaptedness, connoting a subjective or mental state of preparation for action. It connotes a neuro-psychic state of readiness for mental and physical activity.¹

Attitude determines for each individual what he will see and hear what he will think and what he will do. They are endowed with vitality equating them with longing, hatred and love, with passion and prejudice, in short with "the on rushing stream of unconscious life".²

The other definition of attitudes is that they are individual mental processes, which determine both the actual and potential responses of each person in the social world.³ This definition shows that attitudes are also capable of being directed toward some object. It is therefore possible as well to define attitude as a state of mind of the individual towards a value. Values are usually social in nature, that is to say they are objects of common regard on the part of the socialized men. Examples

of typical attitudes are love of money, desire for fame, hatred for other people, respect for some policies etc. It happens that all these are values.

Attitude can, therefore, be understood from these four grounds:⁴

- (i) It must have definite orientation in the world of objects or values
- (ii) It must not be an altogether automatic and routine type of conduct but must display some tension even when latent.
- (iii) It varies in intensity, sometimes being very intense and sometimes relatively ineffective.
- (iv) It is rooted in experience and therefore is not simply a social instinct.

From the above definition of attitude we can summarize it as the individuals or organization of psychological processes as inferred from his behaviour with respect to some aspect of the world which he distinguishes from other aspects. It represents the residue of his previous experience with which he approaches any subsequent situation which if added to the contemporary influences in such a situation, determines his behaviour in it.

Attitudes are enduring in the sense that such residues are carried over to new situations, but they change in so far as new residues are acquired through experience in new situations.

The significance of attitude is to be found in the effects it exerts upon current experiences and the appraisal of new conditions. Generally an attitude functions as an orientation to and context for current events. It has some of the earmarks and functions of a hypothesis being a systemization and ordering of old experiences. It therefore relates present happenings to what we already know and

believe. Most generally, attitudes sensitize us to events that we might otherwise overlook; they may also be responsible for the neglect of contemporary facts and for special interpretations of them.

Error! Bookmark not defined.3.2 THE PROBLEM OF DEFINING PUBLIC ATTITUDE

It is very hard to define public attitude. One reason for this is that the term 'Public Attitude' in the singular is no more than a metaphor.⁵

Attitudes are held by individuals, and the public attitude can never be more than an aggregate of individual attitudes. Very occasionally these attitudes will all be identical, but as a general rule they will vary. In this case the nature of the aggregate that is called public attitude will depend on how it is assessed. If equal weight is given to everyone's attitudes, one kind of aggregate will emerge. But if more weight is given to the attitude of the informed than those of the uninformed, or if expressed attitude count for more than unexpressed attitudes, the results will be different.

Another essential difficulty of defining public attitude is that it cannot be perceived until it is expressed. Anyone looking into the problem of attitude will have to be interested in the factors which influence these attitudes, the ways in which they can be manipulated, and the circumstances which determine whether, when, and through what channels they will be publicly expressed. But since these attitudes cannot be identified until they are publicly expressed it is difficult for discussion of these topics to be other than speculative.

Error! Bookmark not defined.3.3 THE MEANING OF APATHY

Apathy is an attitude, which incorporates a large amount of cognitive structuring. Operationally one has an attitude towards and apathy towards a stimulus object. Apathy is sometimes seen as a reaction to continued or repeated frustrations. It is also known as a cessation of responses. A person who is apathetic is that person who has lost hope in everything and is not willing to respond any more. Figuratively, apathy can be thought of as a generalized extinction of unrewarding responses. One ceases to respond to a stimuli simply because of the attitude that has been developed towards that object. This means that the cessation of response does not spring up spontaneously but rather is the product of past experience. And because they are organized through experience, it is therefore the case that they can be acquired as well through the process of learning.

The metaphysical analysis of apathy includes both its efficient and formal causes. Efficient causes are described as that from which the effect precedes; while the formal cause is that which determines or specifies what the effect is. For example, the efficient cause of the statue is the sculptor who makes it, while the formal cause is the particular shape given to it that determines it to be a state of a particular thing and not the other. It is this metaphysical analysis that will enable us to understand public apathy towards police force in Kenya.

From the above meanings of attitude and apathy, one point becomes clear that is, whereas attitude can be negative or positive, apathy is always a negative aspect of attitude. Now having identified apathy as a negative aspect of attitude, our next sub-topic is going to dwell on how the mind operates when it is subjected to apathy.

3.4 HOW THE MIND OPERATES IN APATHETIC SITUATIONS.

It should be noted right from the outset that this is not a treatise on the mind but rather a description of how the mind could operate in apathetic situations.

The mind is a common bond of humanity as well as individuating substance in humanity.⁶ One's mind is capable of directing him as a person physically, morally and spiritually. This may compel him to assume full responsibility for any action taken by that person. The individual's mind, in this case, predisposes him to exercise the freedom of the will and therefore face the ensuing consequences.

When we characterize people by mental predicates we are describing the ways in which these people conduct parts of their predominantly public behaviour. In this case we go beyond what we see them do and hear them say. Going beyond is in the sense of considering, in the first instance, the powers and propensities of which their actions are exercised.

The mind is engaged in activities, which produce either a lasting effect or a non-lasting one. The effect become memorable (lasting) especially when the impact caused by some events are greater; thus leaving behind palpable and enduring traces which mark off the event from other less palpable events. As for Nyasani; The mind registers itself in the historical processes and perpetuates itself through reflective acts and memory.⁷

This shows that the mind adapts itself to the conditions it finds itself in. It is capable of assuming a distinctive feature, which enables it to overcome inconsistencies and contradictions in its acts of external manifestation.

In apathetic situations the mind tends to behave irresponsibly and does not show a sense of appreciation for all objects that surrounds it. Moreover, it entertains no sense of optimism even where the conditions appear hopeful. The result is that, room is given for despondency and hope is laid aside.

Hopelessness is not a good object of our mental pursuit in everyday life. Its positive presence gives birth to immoral virtues that evinces qualities of ignobility, lack of consideration, apathy and lack of general concern for the plight of other fellow human beings. A hopeless mind can not conduce to a mental disposition that readily accepts responsibility as a guiding tenet or principle that underlies and activates human activities.

An apathetic mind will always require to be pushed into action. It will hardly accept action or activity as a natural undertaking which in the final analysis, will complement and enhance a human being. That is why a person who is full of apathy will not respond to 'SOS' sent by a person in distress.

So one of the essentials of apathetic mind is need for supervision and surveillance. Such minds fail to decide and perform an action, which is just right for the sake of itself. Instead, it has to be compelled to perform an action, which would have been done even without supervision. In the legal field, an apathetic person would not restrain himself from breaking the law until when he acknowledges the presence of a law enforcement officer. So followed to its logical end, apathy entails with it some disobedience of law.

Another possible indicator of apathy is casualness and unplanned lifestyles.⁸ This type of life sometimes degenerates into indiscipline, idling and excessively uncontrollable behaviours. The institution being created is nothing short of a dangerous time bomb that will incessantly explode in a wave of crime. Nyasani has this to say: "Indiscipline breeds laxity, distraughtness and indecisiveness in matters of social concern".⁹ According to Nyasani therefore an undisciplined person adopts an "I don't care" attitude; he has less incentive and initiative but is merely contented with haphazard and often shoddy achievements.

A person who is apathetic does not exhibit a positive attitude towards other people's legitimate interests and lawful concerns. That is why when a person is under the control of apathy, he will never, at least, positively recognize the roles and duties of a police officer. This is in total contravention of Nyasani's assertion, thus:

Any mutual concern or mutual consideration that does not respect the basic rights and privileges of fellow men, is as good as morbid and its genuineness is highly suspect even with the best of intentions.¹⁰

In as much as the mind is a common bond of humanity, it should not categorize people into friends and enemies. It should entail in it a sense of love for all humankind; able to accommodate their strengths as well as their weaknesses. This is what is lacking in an apathetic mind and that is why the members of public with such mental predisposition's, will view police officers as their arch-enemies and rivals; first as means and not ends in themselves.

We should take the advice of Kant thus:

Are you familiar with psychotherapists' maxim that we live in a world of our own making that if your world is cold and cruel, that is the way your own mind has made the world appear. And that if you learn how to change your thinking your concepts and attitudes, the world will appear differently to you, no longer cold and cruel!¹¹

3.5 CAN A CHANGE IN ATTITUDE SOLVE THE PROBLEM OF APATHY?

This question provokes a corollary question thus: Can apathy be eradicated?

Our task in an attempt to answer this question is to observe facts, which are compatible with one's established view and those that contradict it. In the extreme instance, the encounter of a contradictory fact can undermine an attitude and provide a movement in the opposite direction. Now for a given fact to produce such a drastic change, it must have a crucial bearing on the content of the attitude.

It is more usual for contradictory facts to create doubt and thus pave the way for later change.¹² Little may happen to the fixed view for the time being. The person may still speak and think as he has in the past but he may become more curious and alert to ask questions and make new observation. Now the question is ; "Do people change their attitude about an object because they have come to see it differently or do they change their beliefs about it to fit prior alterations in their feelings ?"

When we talk of attitude we are talking about events in which individuals are influenced by more or less lasting assumptions about the world; " We are talking about people who have premises and enduring expectations about the way the world operates and about people who view other groups from different perspectives".¹³ This shows that a persons' attitude defines for him what he is, and what he is not, that is, what is included within and what is excluded from his self-image. From this we find that there is a tendency for attitudes to endure even when the problems of the world around us change. This is revealed more specifically in situations when individuals maintain premises for

perspectives for a world that is no longer there, because it has changed while their attitudes have not.

From the above reasoning, a very fundamental truth seems to emerge with regard to the attitude change. That is, given its endurance, attitude emerges from the duration reality slightly changed for better or for worse on moment to moment basis. Indeed it acquires a new designation or characteristic as each moment passes. So the manifestation of all phenomena takes place in each temporal context and strictly in an instantaneous fashion leaving their mark only as they are revealed, at the crucial moment of the impact. If the same exercise of phenomenal revelation is repeated over a period of time, a specific paradigm, not based on identical repetitions but rather on similar occurrences emerges.

This reasoning when looked at from the point of view of public apathy towards police force in Kenya, we are able to learn that apathy is very enduring and daring aspect of attitude. It manifests itself in a variety of ways including overwhelmingly negative and even destructive events. And if the period of its thrive is also associated with other extra mental happenings which significantly contribute to its development, then a culture is born out of it. This culture is able to capture the attention of those involved thereby paralyzing all their operations.

Where does all the above reasoning lead us to with regard to the question at hand? Let us stop for a while and consider how apathy can be eradicated. First we must be able to find out its genesis. Thereafter, we must submit these causes to the reality of the process of change. These changes must not be temporal but rather permanent because it is only then that this culture of apathy can be eradicated. To control attitudes does not mean to suppress them. Attitudes are mental

predispositions and one cannot do without them. We would like to point out that it is possible at any stage to reduce the intensity or pressure of unpleasant attitudes.

Since apathy as an attitude is aroused by appraisal, and appraisal depends on what is experienced, remembered, imagined, we can use imagination to good purpose if we want to influence appraisal. For example in a case against the police force, this would be achieved by dwelling on the positive aspects of their operations; by resolutely turning from the love lost toward what is good to have here and now; by considering ways and means of overcoming an annoying obstacle instead of indulging in fruitless anger.

The attitude itself, aroused by what is desirable directs imagination unflinching into channels that increase the attraction. Arnold in his analogy of the relationship between the child and the parents states:

...loves and admires his parents not only because they provide food and comfort but because they do things he cannot do. Mother and Father become models for a child, models he wants to emulate. Love and admiration like all emotions are action tendencies and so provide the urge to approach the parents not physically but intentionally, by lessening the distance that separates the child's actions, opinions, and beliefs from those of his admired parents. He makes their principles his own, not in slavish imitation, not by a symbolic 'incorporation' of Mother and Father but by realizing that his parents are admirable so that he is willing to accept their opinions as worth having and worth following.¹⁴

In the same way, there is a need for the public to recognize the role that the police force plays in the society. They should know that there is something identical with the police, which is lacking in the members of the public. Moreover they should not see the police with hatred, they ought to know

that the police loves them all except for the evil in them that engineers them to commit crime. In other words the policeman does not hate you but rather the evil in you.

By and large then, in our next chapter we are going to look at the theories of knowledge and how they relate to public perception of police. This will enable us to establish whether apathy has a negative attitude is a result of ignorance of law.

ENDNOTES

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CHAPTER FOUR

PUBLIC PERCEPTION OF POLICE

4.1 BACKGROUND INFORMATION

At a very early stage of philosophical thought, the problems of the nature and origin of knowledge, of the means of acquiring it, and of the difference between correct and incorrect, useful and useless knowledge, have presented themselves as amongst the most important questions in philosophy. The underlying question is that of the relation between thought and sense. This is primarily an epistemological question but its relevance is by no means confined to the theory of knowledge, for action is also dependent upon perception, upon thinking as well as feeling, so that the parts played by the rational and sensuous elements in our activity will determine the nature of conduct and the principle which regulate it, as much as they do the nature of knowledge.

This chapter thus looks into ways in which the public perceives the police and how the perception influences their relationship with the police. The argument in this chapter will centre around three basic schools of thought namely; the empiricism, the rationalism and the authoritarianism.

The empiricist argues from the view point that all our knowledge or ideas have only one source and that is experience. This argument was advanced to reject the rationalistic building of great deductive systems of philosophy purporting to have acquired by the powers of reason alone the nature of total reality. Rationalism is thus the claim that reason is the most important source and test of truth. That in all areas in which

knowledge is sought we must begin with clear and distinct, self-evident and true, axioms, from which we deduce other truths, constructing a deductive logical system of truths.

Authoritarianism on the other hand maintains that our knowledge is derivable from authority. That we are highly suggestible, impressionable and malleable in the presence of an authority. These isms, ideologies and schools of thought rule our minds and lead us to questionable conclusions. Thus they baffle man and offer a challenge to philosophy.

4.2 MODES OF PERCEPTION

4.2.1 Rationalism

Rationalism claims, in support of reason that, reason is universal in all human beings; that reason is the most important element in human nature; that reason is the only means to certainty in knowledge; that reason is the only way to determine what is morally right and good and what constitutes a good society.¹

One of the supporters of rationalism is, a Greek philosopher, Plato. He addresses himself to the question of the relation of thought to sense. Sense perception he finds too changeable and inconsistent to be relied on as a source of knowledge about how best to act. For Plato, the one satisfactory kind of knowing is pure intellection, the objects of which are forms-purely intelligible entities.²

According to Plato, what can be known by senses is only the world of flux, the world of Heraclitus, the world of particular things that are in the process of change. That

knowledge derived from the sense can never give us general universal, unchanging and abstract truths of the intelligible world. What they give is only particular changing and concrete observations.

True knowledge is thus attainable only by means of forms or ideas which are abstract, universal and unchanging in Parmenidian eternal immutability. Actual particular things of the visible world are knowable only in so far as we can name or identify them by a form. Particular things are real only to the extent that they measure upto or embody the external reality and truth of the form. True knowledge must therefore meet two requirements:

- (i) It must be immutable, unchanging and unchangeable.
- (ii) It must be about what is real.

Plato's position can be explained in this way: if we ask of an object, which is continuously changing, what it is, we have to give an ambiguous answer. We have to say that it is X and yet it is not X, because it has changed and become something different. For example, a boy is man, yet he is not a man but only a child.

To give precise account of anything that changes continuously we have to make seemingly contradictory statements about it. So says Plato, it is a kind of mixture of what is and what is not, of being and not being, because it is constantly becoming something other than it is now. Plato therefore opined that the object of true knowledge cannot be

susceptible to contradictory predicates, and as the object of true knowledge is reality, what is susceptible to contradictory predicates cannot be real.

According to Plato's theory of form two kinds of police arise namely the ideal policeman (in the world of forms) and the imperfect policeman (in the empirical world). The ideal policeman is that who evinces the principles of immutability; he who has the knowledge of "good" which is the ultimate truth. This kind of police would not be viewed by the public from a pathetic sense.

On the other hand, the imperfect policeman is that who is subject to change. In other words he is not reliable because sometimes he would do things which are good and at other times he would act contrarily. This type of police cannot be relied on and the public would view him with apathy. If we go by the theory of forms, one would say that apathy is innate, that people are born with apathy. If this were the case then nobody would have wished to join the police force in the first place for there would be a universal negative attitude towards police. Given that people willingly join the police force, at least for this case the Platonic theory would not hold.

Aristotle somehow surpasses Plato especially in logic and in the theory of forms. Aristotle favours the concrete particular changing things of nature and human life. He is more concerned with gathering knowledge of actual things than with the logical unification of knowledge. He is also concerned with the ideals which are realised by

certainty. The third class is belief from natural sciences. Those too must be doubted because they are based upon objects known by sense perception which is now established to be unfrustrating.

The fourth is mathematical beliefs. Descartes regarded mathematics as the very model of certainty, as completely certain in its propositions. That mathematical belief is known by reason not by senses. The only reason why they can be doubted is that they are susceptible to errors.

Having examined all these beliefs Descartes observed that:

If I doubt all my beliefs including those of mathematics, there is one belief that cannot be doubted. Everytime I doubt, in doubting the truth of every other belief, I cannot doubt the belief that I am doubting therefore I exist. Even if all the beliefs I am conscious of are false, one belief remains true. At any moment that I am conscious of thinking or of any mental act such as being conscious of doubting or willing, I exist as a thinking being.⁵

Descartes formulates, this in Latin as *Cogito-ergo sum*: I think therefore I am. Thinking thus includes doubting, understanding, affirming, denying, willing, refusing and feeling.

What comes out clearly from Descartes' philosophical discourse is that the public perception of police should be doubted and that they should not just be accepted for the sake of it. For instance if the perception is based on senses, it can turn out to be deceptive and untrustworthy. This is because it is subject to change. Therefore our attitude should be erected on this basis before it is subjected to a philosophical analysis to find out if the perception is rational or logical.

Descartes' *Cogito ergo sum* has introduced the concept of subjectivity into philosophy. Subjectivism is the view that I can know with certainty only myself as conscious subject and my thoughts.⁶ It is the view that I can know with certainty only my own mind and its content. It carries the implication that the knowledge of other minds and of materials objects can be proved, if at all, only by inference from what I know with certainty, the existence of my own subjective consciousness and my thoughts and ideas.

So on public perception of police, it is evident that each individual has his own way of perceiving the police. As such the perception is somehow relative until it is universalized by the Platonic theory of forms to make it universally true and accepted.

4.2.2 Empiricism

Empiricism is a school of thought which emerged in the 17th and 18th centuries in England. The renowned proponents of this school of thought are John Locke (1632-1704), George Berkeley (1685-1753), David Hume (1711-76) just to mention but a few. The fundamental principle of empiricism is that sense perception is the only reliable method for gaining knowledge and for testing all claims to knowledge. Empiricists claim that we can know reliably only what comes to us by sensory experience, by observation and experiment, and by testing through experience. Empiricism is thus basing knowledge upon the sense, upon the flux of the sensible world, which the two great rationalists Plato and Descartes, rejected as an inferior way of knowing.

John Locke, as the earliest in the line of British Empiricism prophesied that the role of a philosopher is to be an under labourer, clearing the ground, removing the rubbish-the rationalistic rubbish that has been created by rationalism. While attacking Descartes' theory of innate ideas, he observed that man is born with a blank mind, a *tabula rasa*, and that he starts acquiring his knowledge with the senses and the subsequent reflection leaves one with an idea of external objects. He adamantly believed that:

The mind could only know its ideas .. that we know nothing which has not come into our mind from without, knowledge is in the end observation. Nothing can be in the intellect which was not first in the sense.⁷

The above quotation is of great importance in our understanding of public apathy towards police or the public perception of police. What it means is that initially one's perception of the police is neutral but only changes later when they get in touch with the police. The nature of contact will greatly influence the attitude and the perception. The feeling for instance arise because a person has had a terrible and unpleasant experience in the past with the police.

David Hume in his theory of the origin of ideas explains this further when he says that human senses are like inlet towards knowledge. He argues that knowledge comes only from sense perception. That we can never know the nature of ultimate reality and that those philosophers who claim to know the nature of ultimate reality are either knaves or fools – fools because they do not understand that this is the kind of knowledge that human can never have, since we are limited to sense perception in what we can know.

Hume divided sense perception into impressions and ideas.⁸ Impressions are our immediate sensations, passions and emotions, the immediate data of seeing, touching, hearing, desiring, loving, hating etc. Ideas are copies of faint images of impressions, such as we have in thinking about or recalling any of our immediate impressions. He distinguishes impressions from ideas saying that the difference lies on the greater force of liveliness of impressions. Hume's point is that an idea is nothing but the impressions from which it is derived and to which it corresponds.

Hume's rule can therefore be summarized as: where there is no impression, there is no adequate idea; where there is no impression, the idea is meaningless. From David Hume we are able to learn that what public perceives of the police are mere impressions while what they hold about the police are ideas. So once the public has perceived the police as corrupt or brutal, the impressions will give rise to the idea which is a quality of mind. It is this idea that we call apathy and it influences attitude.

What comes clearly from the above argument is that the impressions are the cause of ideas. Hence it is not the people's ideas about the police that causes the impressions.

Hume succinctly states:

... and this priority of the impressions is an equal proof that our impressions are the causes of our ideas, not our ideas of our impressions.⁹

So public apathy towards police comes from without not from within. A person is not born with a sense of apathy but he acquires it as he comes into contact with the police in a negative sense. It is this experience that determines the perception. The causal

connection between the experience, as stated above, and apathy leads us to maintain a position that every effect must have a cause. This is equally held by Hume that:

Every effect necessarily presupposes a cause, effect being a relative term of which cause is the correlative.¹⁰

The fallacy of perception from the empirical perspective is that it is liable to change and that it always makes inference from particulars in the past to making generalizations in the future. The working hypothesis here is always tentative, it is always subject to change whenever further facts are obtained. This kind of argument is what we call inductive argument. For example having seen five police officers receiving a bribe. I must conclude tentatively that all police officers are corrupt. All it takes in this case is the observation of one police officer honestly executing his duties to strike a fatal blow to available hypothesis. The perception in this case will have to change to suit the current situation but it will not rather change the past experience. So the knowledge gained here is only probable and not certain.

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Inductive argument is a mode of reasoning, usually contrasted with deduction, that proceeds from considering particular cases in support of a general proposition. John Stuart Mill defined it as the operation of discovering and providing general propositions or simply as that operation of mind by which we infer that what we know to be true in a particular case or cases, will be true in all cases which resemble the former in certain assignable respects.¹¹

F. Ochieng-Odhiambo in his book *Logic and Induction* (1996) defined inductive argument as an argument which the conclusion follows from the premise as a matter of probability, not as a matter of necessity and certainty.¹² What arise of this argument is the fallacy popularly known as unjustified generalizations. It lacks validity such that it can only be either bad or good, better or worse, strong or weak for example:

- (i) Out of 100 students in class 70% is intelligent.
- (ii) Onyango is a student in that same class

Therefore, Onyango is intelligent.

These premises cannot guarantee the truth of the conclusion however true they may be. This is because Onyango for instance could be among the remaining 30% students who are not intelligent. So it is only probable for Onyango to be amongst the 70% who are intelligent but not necessarily true. Another example of inductive argument is:

- (i) John is a university student
- (ii) John is riotous

Therefore, all university students are riotous.

This argument is not valid because according to traditional formal logic, universal conclusion cannot be validly drawn from a particular premise. If we compare inductive argument to deductive argument we find that deductive argument is more plausible in the sense that it involves necessity and certainty. A deductive argument is an argument in which the conclusion is claimed to follow from the premises with necessity and

certainty.¹³ This means that if the premises are assumed true, it follows that the conclusion must be true. For example:

- (i) If all men are H.I.V Positive
- (ii) John is a man

Therefore, John is H.I.V Positive

So inductive argument based on empirical data can not be relied on in understanding the public perception towards police. This argument militates as to why the public perceives the police differently. What the public perceive of the police is external to them and that it is not part of their thought for as we have seen earlier, the minds only comprehends them. Berkeley observed thus;

The same idea which is in my mind cannot be in yours that since things are collective of ideas, you and I therefore never perceives self-same thing.¹⁴

Berkeley however assured us that with the help of God our perception, are reliable and orderly and that we can therefore trust in the uniformity of experience and in the dependability of scientific laws.¹⁵

4.2.3 Authoritarianism

An appeal to authority means a criterion or a scale on the basis of which we may say of any action or person, that it is or he is good, right, wrong etc.¹⁶ By authority we are able to receive a good deal of knowledge from the society in which we live though it cannot be just accepted unrealistically. The purpose of this section is thus to reveal the common

standards people use in making decisions in the society they live in or precisely in establishing relationships with others. The second purpose is to expose the strength and weakness of these decisions relying on authority as their sources. These types of authority exist as shown by Prof. Odera Oruka in his book Ethics (1990), namely intuition, customs and conscience.¹⁷

(i) Intuition as authority

Odera Oruka maintains that there is some inborn ability or force which everyone seems to have. This ability enables a person to act independently of relevant knowledge he may need as he embarks on an action. Intuition is closely connected with instinct which is defined as mental ability to accommodate oneself in an environment and reaction to strange situations. Hobbes for instance associated intuition or instinct with selfishness arguing that in the state of nature man is naturally selfish. Accordingly life there is brutish, nasty, solitary and short because man cares only for his own appetite and everyman seeks only his own good.¹⁸

(ii) Customs as authority

Nyasani termed this reliance on customs and traditions as the idols of the theatre.¹⁹ This blind acceptance of tradition and authority arise from our attachment to parties, creeds and cults, to the dogmas of philosophy, science, religion and to the system in vogue at the time.

This reliance hinders clear thinking because ones practice and actions are merely judged on the account of whether what we practice is in conformity with the customs. The question to be asked is, are these customs viable? Sometimes considerations may be

made on customs which are repugnant. The assumptions made here inhibits a person's free will. One does not determine his decision, for everything is already predetermined by customs.

(iii) Conscience as authority

Conscience is some innate feeling which directs one's will and conduct.²⁰ Conscience differs from customs in that it is usually personal while customs are generally public. It also differs with intuition because intuition relies on instinct and hence inexplicable. It is dangerous to rely on conscience as a way of perception because it is not based on reason or logic but our personal experience which are limited to our own little world and not the greater or common world.

Generally speaking, reliance on authority of any nature is dangerous. The danger always is that, in the conflicting fact-claims how can we decide which authority to follow? The solution lies in knowing how to apply check-out criteria to fact-claims and in maintaining an ever-vigilant, critical spirit as stated by James L. Christian thus:

If one possess the skill to check at will any fact claim and if one has learned when to be wary of those who seduce him to accepting their facts without supplying evidence or sound reason – if one commands this equipment, he will feel far more confident in handling the knowledge which comes his way.²¹

Another danger is that most people are prone to the development of dependencies. This is done by selecting some authorities and invests trust in them accepting all that they say. This reliance is dangerous because it inhibits personal inquiry and growth. People should develop their own critical skills instead of relying on others.

The relationship to the authority once internalized becomes part of oneself. This internalization of authority has two implications: one the perceiver submits to the authority, the other, he takes over the role of the authority by treating himself with the same strictness and cruelty. This second implication evinces the destruction against the person's own self.

The character structure of the person with internalized sense of authority is that he feels secure by becoming, symbiotically, part of an authority hence greater and more powerful than himself. As long as he becomes part of that authority at the expenses of his personal integrity he feels that he is participating in the authority's strength.

Erick Fromm in his book *Man for Himself* (1947) observed thus:

The good (authoritarian) conscience produces a feeling of well-being and security, for it implies approval by, and greater closeness to, the authority: the guilty conscience produces fear and insecurity, because acting against the will of the authority implies the danger of being deserted by the authority.²²

What is learnt here is the fact that the prescriptions of authoritarian conscience are not determined by one's value judgement. Such conscience is merely expediential, regulated by fear of punishment and hope for reward always dependent on the presence of those authorities, on their knowledge of what one is doing and their alleged or real ability to punish and to reward.

Irving M. Copi in his book *Introduction to Logic* (1996), associates reliance on authority with committing the fallacy of *argumentum Ad Verecundiam*. This means appeal to

inappropriate authority. According to this fallacy we are warned that an expert's judgement is not conclusive proof; experts disagree and even in agreement they may err; but expert opinion is surely one reasonable way to support a conclusion.²³ The only mistake that may lead to a fallacy is when our conclusion is based on an authority having no rational claim to expertise in that matter.

What we are able to learn from the above argument concerning the public perception of police is that it is dangerous to perceive the police from the eyes of others. Some people have fallen a victim of this school of thought. They express apathy towards police simply because they have heard somebody else holding the same.

This inappropriate reliance on authority has made people to develop different myths about police. Their understanding of the concepts of police are strongly coloured by the social environment. As such, "nick names" like *Karao*, *coppa*, *Fisi* etc. have been associated with police. The common attributes of police by the members of the public are:

- a) Omniscient – All knowing. Here it is believed that the police are able to see and hear everything. That nothing can be hidden from them and nothing can escape their vision, hearing and knowledge. They know everything without limitation and exception.
- b) Omni-Present – That is simultaneously everywhere. The members of the public hold the notion that the government through the police, has got a long hand that can get the culprit everywhere he goes. The presence of the police thus protects the people. The

wrong doers cannot easily get away with it because everywhere they go to they will find the police.

- c) Omnipotent – That is very powerful. That the police exercise power over the evil doers. It is because of this that they turn to the police in the event of trouble. The police behavioural norms that are generally admired are those of rapid decisive and tough rather than soft behaviour.

The above attributes are far-fetched and do not reflect reality at all. The police officers are human beings who are fallible and who are also limited by nature. They are not holier than thou and just like other human beings can make mistakes. Lucas J. R equally observes this thus:

Men's judgement being fallible, it is inevitable that officials will make mistakes. If we say that we shall punish these mistakes mercilessly men will not become officials. While we need to give officials, being only men, an incentive to act honestly and competently in the discharge of their official duties, we must not demand of them, being only men, a more than human standard of performance but must not be extreme to mark what is done a miss.²⁴

Moreover, the police cannot be omnipresent at all times when the crime is being committed. This is because of their corporeal nature given that they can only be at one place at a time. A balance must be stricken between the crime and the number of police officers. If it is proved that their strength is below the required number, then it is imperative to increase their numbers. This is true in the sense that if the police officers are oftenly found to be absent at scenes of crime, the public would develop apathy towards them.

Strictly speaking when the public perception of police is based on authority, the public will be lulled into a false sense of security. The danger is that they will fail to play some of their roles like say assisting in the apprehension of offenders and availing valuable information to the police about suspected criminals. When this trend continues, the public will blame the police for any slight error which might result out of the omission. The end result will be apathy. So reliance on authority must be based on one fact, that the authority is not all knowing hence not perfect but can sometimes err.

4.3 RESOLVING THE CONFLICTS IN THE MODES OF PERCEPTION

The three modes of perception discussed in this chapter presupposes “man” to the realm of only a knower. Man is not only a knower, he is also a doer. Kant discovers the answer to this assumption. He realised the two fundamental perspectives which are interplaying but irreducible in which the mind conducts itself. The public perception thus cannot be confined to the realm of either empiricism or rationalism alone.

He however admits that we have no knowledge prior to experience and with experience all our knowledge begins.²⁵ But although this is the case it by no means follows that it all originates from experience. For it may well be that experience is itself made up of two factors – the one received through sense impressions, the other supplied by our own faculty of knowing. Hence the notions of *Posteriori* and *priori*. *Posteriori* is that knowledge derived from experience while *priori* is that knowledge which is absolutely independent of all experience.

Kant sees human mind not as a blank tablet or an empty cupboard as the empiricist Locke claimed. Mind is equipped with its own pure concepts by means of which it organises the flux of sensory impressions into substances, qualities and quantities and into causes and effects.²⁶ Mind with the help of these pure concepts actively interprets the world rather than passively receiving and recording in memory what comes to it from the external world through the senses. It is the categories of our minds that organize the sensory flux and give it meaning as substances, with qualities, and quantities, or related as causes and effects, or in reciprocal causation.

This translated into the public perception of police, we find that the way the public perceives the police is solely on the categories or notions of their minds. The interaction whether negative or positive is received by the categories in the mind of the perceiver which translates and creates understanding.

As such the experience one has with the police is heterogeneous from the pure concepts of the understanding i.e. the categories in the mind. So apathy is a product of the mind interpreting the experience in contact between the police and the public. If the contact is cordial, the mind will interpret it as so and there will be no apathy. If it is antagonistic, the mind will express apathy as it is able to do so by contemplation.

4.4 APATHY AS A NEGATIVE PERCEPTION

In everyday activities the police must interact with the public and they have to enforce the laws which are supposed to be observed by members of the public. The core of tactual perception in this case is the experience of resistance since the police restraints the freedom of the violator of the law. Some individuals would argue that to limit freedom is in a way one of the best methods of enhancing freedom. This is because one would be able to discover the importance of freedom such that if it is offered to him, he would be able to protect it bearing in mind the past experience where it was restricted.

This is not necessarily true. The experience manifests itself vividly when a person is prevented from doing something that he is willing to do. This turns out to be resistance because it frustrates the will. As stated by Macmurray thus:

Tactual perception as the experience of resistance, is the direct and immediate apprehension of the other-the-myself. The other is that which resists my will.²⁷

The *other* in this case is the police whereas the *self* is the public. The public thus perceives the police as existing but not at all as what it is. For the police appears simply as a negation of the self (public), as that which limits its peaceful existence. This negative perception is what is manifested in apathy. The distinction between the public and the police is thus the awareness of both, and the existence of both is the fact that their opposition is a practical one and not a theoretical one. The reason being that the starting point in the public perception of police is the ego-which is an act of thought.

When the perception of an object starts from the concept "I" the perceiver tends to downplay his actions and focus on others most. He thinks that he is 'good' and error-free

and brandish others as bogus. This is what ethical theorists would call egoism. To be egoistic is to be concerned with one's own interest, sometimes at the expense of the interest of others.²⁸ See for example this conversation between Mr.A and Mr.B:

- Mr. A. Would you mind joining this self-help group so that we can raise funds to built a low cost school for our children?
- Mr. B. Yes, I will mind because I have got enough money to take my children to a high cost school.
- Mr. A. You may not be able in future to pay the fees in a high cost school and the proposed school might be the immediate solution to your problem.
- Mr. B. I am able to pay now and I do not see why I can not be able to pay in future.

If you look at this kind of argument, Mr. B has stood his ground and he would not yield to the suggestions by Mr. A because he is an egoist who feels that he is self-sufficient. The interests of others are irrelevant to him. It is out of this egoistic tendencies that members of the public would not hesitate to point out the weaknesses of the police and yet fail to identify theirs. For example, a person bribes a police officer and when you meet him, he will tell you how corrupt the police officer is but he would talk less on how he corrupted the police. The ego here lures him to the individualistic or self-glorification.

To be an egoist one must be able to know what exactly are his interests to the exclusion of the interests of others. And because this is not always possible in reality, we tend to

blame others and shy away from identifying our weaknesses. It is on this premise that we find public perception of police being a matter of philosophical interest.

4.5 APATHY AND LAW AWARENESS

The most plausible justification for blame and praise is responsibility. A person is said to deserve blame on the ground that he is charged to be responsible for having performed, or allowed some other person to perform, an action that is illegal or immoral.²⁹ To say that a person is responsible for the action implies that the person acted out of his own free will and whether or not he actually chose to do the act, he would have chosen otherwise.

In criminal law for instance a person is not to be held responsible for a crime unless he committed the crime intentionally. A person commits a crime intentionally if he performs an act while he is aware that the act is one which according to law he ought not to do. This implies that we should not blame or praise one another for what they are but only for acting as they do. Nevertheless, circumstances do arise where men blame one another for merely what they are. As it is observed here thus:

... men are blamed or punished, not only for their own actions but also for what others closely connected to them have done. Sometimes too, they are blamed or punished for what they do unintentionally or without knowing that it is wrong. They may not understand the situation in which they act or may not know there is a rule forbidding what they do and yet they are not held blameless.³⁰

This show that something wrong has been done and this wrong must be annulled and the annulment requires that the wrong doer must suffer. The wrong doer in this case. is used as a means to an end - a means to end wrongdoing. Little attention is given to the

knowledge of the preconditions for wrongdoing. Perhaps the offender is ignorant of the offence and its consequences.

In fact, when a person has done what is wrong and our purpose is to assess his responsibility for what he has done, we need answers to the questions:

- (i) Did he know what he was doing?
- (ii) Did he know that it is forbidden or wrong?

According to the Socratic dictum, we learn the principle that virtue is knowledge and *vice versa*.³¹ This principle demonstrates that to know the good is to do the good. Evil, wrongdoing or vice are due to lack of knowledge or ignorance and nothing else. Now if virtue is knowledge and if to know the good is to do the good, then wrong doing comes only from failure to know what is good. Knowledge of law is thus a prerequisite for law abidingness. Law awareness and abidingness can be used as a tool to apathy. The way public perceives the police fails to probe the aspect of law awareness on the part of police. When a police officer acts in a breach of the law, the public should not just express apathy thinking that it will change the police's perception of law. This is because apathy being a mere expression of attitude it builds the vice.

This means that the public perception of police must be guided by the laws of the land. To realise a common life we must understand that our primary obligation is to those of whom we are engaged in a common undertaking. Law is thus an instrument of common

life entitled to be obeyed especially when it carries out the aims and purposes of the common life; when it enhances the possibilities of achieving the values that life involves.

The obedience of these laws reduce the friction that would have arisen out of their enforcement. When the tension between the public and police is checked, there will be no need for expression of apathy as the public perception of police will be positive. This however is not always true because the obligation to obey the law and its agents cannot be justified for its own sake rather than the sake of those things which make obedience to the law compelling. Therefore, laws are entitled to respect and obedience where they do not conflict with the obligation which gives them life.

When, for instance the police are called upon to enforce a repressive law, this would be tantamount to an act of lawlessness, being an attempt to obligate members of the public by coercion. The public perception in this case will have to change. Moreso, they will perceive the police as an instrument of power by the repressive and autocratic government thus supporting the theory of historical materialism. It is the case therefore that the rule of law itself can be realized only where the law itself is neither arbitrary nor unprincipled.³²

If it happens that the police officers enforce repressive laws, the centre of focus is not the law itself but rather the enforcers of the law. This is how disobedience to the law breeds apathy towards the police. It is therefore necessary that sanctions imposed for violations

of law or disobedience be justified not by mere existence of law but by the validity of the obligation that law imposes. This obligation must be adequately proved to be justifiable.

4.6 APATHY AND THE LAW OF CAUSALITY

The law of causality shows the connection between causes and the effects. The connection is fundamental in understanding public apathy towards the police force. It is always true that when the police are not living upto the expectation, the members of public will not hold them with esteem hence develop apathy. This relationship between the police and the public poses a causal connectivity.

Basic to the understanding of this law of causality are the ideas of sufficient and necessary conditions. A sufficient condition is the sum of all the necessary conditions for an occurrence. A necessary condition is that factor without which an occurrence cannot be. A necessary condition is not necessarily a sufficient condition and sufficient condition is a necessary condition. To illustrate this further in relation to the subject in issue, we say that, if antagonism between the police and the public causes apathy, then it means that the antagonism is a sufficient condition for the occurrence of apathy. In other words, if antagonism exists then apathy must necessarily follow. This also implies that the absence of apathy is a sufficient condition for the absence of antagonism between the police and the public.

In order to understand this idea of cause much better, let us apply the principle of invariability. This idea refers to the uniformity of the connection between cause and

effect so that if 'A' causes 'B' then all similar circumstances to 'A' should cause similar effects to 'B'.³³ In other words, the law of causality holds that for every class of events say 'B' there is a class of conditions say 'A' such that whenever there is an instance of 'A' it must necessarily be followed or accompanied by an instance of 'B'.

Therefore, when referring to causality the bottom line is determinate situations, that is, a particular class of circumstances causes a particular class of phenomena. The implication here is that cause and effect are uniformly connected. This can be illustrated symbolically thus:

Let 'A' stand for "antagonism between police and the public" and
 Let 'B' "public apathy towards police".

Illustration will be

If 'A' then 'B'

'A' is the case

Therefore, 'B' must be the case.

Alternatively;

$A \rightarrow B$

A

Therefore, B

This means that any instance of A and not B logically negates the above assumption.

If $A \rightarrow B$ logically means that A is a sufficient condition for B and B is a necessary condition for A.

When it is said for instance that apathy is a necessary condition for antagonism, this cannot be logically expressed as, "if there is apathy then there is antagonism" but rather, "if there is antagonism then there is apathy". This logically means that apathy is a necessary condition for antagonism and antagonism is a sufficient condition for apathy.

From the foregoing analysis we are able to establish that there is a necessary connection between the said antagonism and the resultant apathy. This has in turn influenced the public perception of the police.

Now having established the public perception of police, on the basis of our arguments on modern perception, what comes out clearly is that apathy is a negative perception that must be controlled by all means. In our next chapter we are going to find out the relationship between the styles of policing and public apathy towards the police.

ENDNOTES

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CHAPTER FIVE

APATHY AND STYLES OF POLICING

5.1 BACKGROUND INFORMATION

This chapter looks into the problem of apathy vis-à-vis the styles of policing. It tries to establish a causal connection between apathy and the styles of policing.

When we talk of policing what we have in mind is law enforcement and maintenance of order. This is normally done within the framework of social control and legal regulation. What matters therefore are not a mere enforcement of laws but humane law enforcement.

In law enforcement people are left physically free to act as they choose but certain unpleasant consequences in form of punishment are prepared for them if they act in one way rather than the other. Two opposing interests are thus invariably in conflict i.e.

- (i) those of a person who wants to carry out certain behavior which conceivably may be in violation of the law.
- (ii) those of the police officers who want to prevent criminal acts and consequently apprehend criminals.

This creates the contact between the two groups and with this contact a crime is created. How the police respond to this situation is of great importance since it determines the relationship between those groups.

5.2 STYLES OF POLICING

In order to understand the styles of policing, it is imperative to first realize what policing is and who is responsible for it. There is a sense in which the concept of policing can be used to include

a whole range of government departments such as probation, prisons, civil courts etc. This is because they have policing characteristics in the widest sense of the term. If the narrower views of policing is taken that it is something done by police force, this may encourage the idea amongst the public that policing is nothing to do with them, and among the police that it has little or nothing to do with anybody else. This in turn may be inimical to good relationship between the police and the public. When discussing the styles of policing we are intended to opt for the wider meaning of policing through the several parts of the body politic. It accords with the search for a new spirit of fraternity in action. The following are the styles of policing.

5.2.1 INFORMAL POLICING

This type of policing is practical in cohesive and stable families where certain social mechanisms like taboo, religion, custom, superstitions and moral standards control their behaviour. The idea shared is that if an individual breaks such norms some evil will befall him. The resultant misfortunes take any form, which is seen as undesirable and disruptive, either to individual or social well being. It can take the form of a sudden death, sickness, childlessness, inability to get husband or wife, frequent loss of children etc. It should however be noted that the consequent of breaking some of those rules is always left indeterminate. The resultant misfortune is never specified. This makes it hard to understand the nexus between violations and presumed misfortune.

The norms act as powerful tools in social control to those who believe. To them there is almost an obvious causal link between the violation and the misfortune. Hutton Webster observed thus:

The consequence of taboo breaking is always described in detail. They may be left to the excited imagination of the taboo breaker who believes as firmly in the sequence of cause and effect (violation followed by

punishment) as does, the modern man in the inevitable action of the natural laws. The taboos observed by the Mowat or Mawatta tribe in the district of Dandai, British New Guinea, have for their sanction the dread that something unpleasant will happen either to the community or to the individual transgressing them.¹

This kind of policing is not reliable in that it can not be applied universally. Its affinity to the specified communities evoke a serious issue of relativity: that whatever norm is forbidden by a particular community may be a practice in another community hence the philosophical paradox.

More still, this style of policing relies merely on belief with no logical proof. The fact that the resultant effects are indeterminate and unspecified denies them any logical causal connection with the violations of the said norms. This leaves it to be a matter of contingency, which can not be relied on as the serious control of crime in a modern society. What we ought to note is that, in this form of policing there is no organized form of police force. The question of apathy is thus irrelevant here.

5.2.2. PASSIVE POLICING

This type of policing is based on mere appearance. The police officers are hereby reluctant to activate the law save on serious crimes or in blatant cases of public disorder where there is little alternative. It is practiced mostly in areas where there is a high level of tolerance among members of the public.

It permits and aims at self-regulation, the assumption being that man is naturally law abiding which is self-defeating. This contravenes the works of a great philosopher Machievelli (1469-1527) who believes that man is provided with a natural desire to acquire, but is not provided with

an overt sense of restraint out of regard for the interests of the others. Therefore man will be wicked if he is not made good by necessity. Part of the necessity is provided by the context of civil society itself headed by the prince who should be powerful; a tyrant.² It is the prince and his men (the police officers) who restraints the wicked instincts of man. The Machiavellian philosophy is thus one of active policing rather than passive policing.

However, in The Discourses on First Ten Books of Titus Livius³, Machiavelli seems to come out in favour of passive policing. Here he favoured a gentle rule wherever possible and the use of severity only in moderation. Thus Machievelli insists upon the need for legal remedies against official abuses in order to prevent logical virtues and pointed out the political dangers of lawlessness in rulers and the folly of vexations and harassing policies.

Hobbes is a bit close to passive policing. For him, the state of uncertainty and insecurity and man's need for self-preservation induces his reason to overpower his passion.⁴ They decide to come to an agreement and lay down rules to govern themselves, but this is not sufficient unless there is a power to ensure that they adhere to the rules and coerce those who contravene the rules. Hence the coming into being of a State power and along side it the police officers.

Hobbes' argument somehow supports the style of passive policing in the sense that he would only advocate for action when and only when the laid down rules are contravened. This means that before the rules are contravened the law enforcers (police officers) will just remain passive. Their existence alone makes it possible to instill fears in the contravening parties that the punishment will be greater than the benefit they expect from obeying the rules.

When we look at this system superficially one would think that it is the best and that it may not encourage apathy. Conversely, when we look at it critically, it confirms the adage that, "better the devil you know than the angel you do not know". The major blow to this style of policing, and which makes people become apathetic to police is that it encourages the police officers to act passively even at times when seriousness is required. The passiveness once adopted and it becomes internalized in the police, it creates lack of will to enforce the law and sometimes this would give room for idleness and practice of corruption.

The passive nature also manifests itself when the police are called upon to respond to certain crises. The sluggishness will cost them time to combat crime. All these combined will act as a fertile ground for the seed of apathy to thrive. This precisely shows how the style of policing can cause apathy.

5.2.3 PUNITIVE/REPRESSIVE/TOTALITARIAN POLICING

These three styles of policing are tagged together because of the fact that they share the same assumption that, provided the penalties for crimes are sufficiently horrible people will be deterred from committing crime. The presupposition is that the rest of society being potential criminal offenders will be deterred. Whether the system achieves its objective is subject to a philosophical judgement.

This system of policing exists to serve the strong or alienated government. Rulers or government lacking in popular support will rely on repressive police to maintain them in power.

Repressive policing tends towards alienation of police from the public. This starts with the police who avoid contact with the public, as they believe this would likely erode their will to suppress the public. The major failure of this style is that it directs its attention to policing the criminals and not the crime and, or its prevention. Here the argument is that the aim of policing ought to be to reduce crime and to maximize social security and harmony. If we are to deal rationally with criminals, we must try to dig out the roots or the empirical foundations of the criminal mind.

This is because punishment of the criminals has little to do with the extinction or reduction of crimes. H.E. Barnes observed "that severe punishments have never reduced criminality to any marked degree".⁵ What is important to note is that much as it is necessary to put some pressure on the criminals, it is equally advisable that we take control of the criminal forces that are responsible for the crime.

In repressive policing the police officers are delighted by the powers given to them and in most cases pose as if they themselves are the laws which they enforce. Now if they fail to reduce criminality and only succeeds in punishing the criminals, the public will not become impressed hence apathy. This is how repressive policing breeds contempt.

This type of policing can be traced in the social political views of Plato and the historical materialists like Karl Marx.

According to Plato in the State of the Republic men are inherently unequal. Such inequality is not only in terms of the individuals social talents or abilities, but apparently also in terms of his manhood or ability to acquire virtue. Philosophers must therefore guide the State of the

Republic: either philosophers must become kings or present day kings must become philosophers, so that political power and philosophical intelligence are joined.⁶

The power of philosopher kings are absolute in the sense that it is uncontrolled by any written law. T.M. Zeitlin commenting on Plato said that the philosopher kings would choose a strategic site in the city for their encampment the best position from which they could put down rebellion from within and repel aggression from without.⁷

This was as a result of the realization that the 3rd class-the class of producers might have cause for rebellion, and that the rulers must prepare themselves for such a contingency. To be able to quell the possible rebellion the philosopher kings will have to enlist the services of the 2nd class-the warriors or police officers.

This theory posits a great gulf between the producing and the ruling classes; and it seeks to unify the rulers with the police officers. The current policing system in Kenya resembles the Platonic form whereby leaders live in highly protected areas and enjoy the security services of police officers who act as their "body" guards. The police officers too live in isolation from the public. Most of them are encamped in the barracks in readiness to suppress what would be called rebellion against the established government.

This was more pronounced during the multiparty struggle in Kenya in which case those who attempted to resent against the government met the wrath of the paramilitary police (G.S.U). In this case the police were used by the government in a wrong way basically to suppress its critics.

As such the public was not amused by this act of police and this probably is a contributory factor for apathy.

However, we would like to point out that though it would appear that Plato is supporting totalitarianism, that indeed was not his original objective. Plato advocated for a situation whereby each member of the society would serve the society according to his or her talents. This was set in his analogy of the human soul. Plato proposed that human soul consists of three components: the appetitive, rational and the spirited.⁸ The appetitive is the desire for pleasure; it is the source of erotic love, hunger and thirst. The second component is reason, the faculty by which human beings gain knowledge. The third element is spirit that is the condition in which both humans and animals may be either high or low-spirited. It is this element that accounts in humans for the sense of humour, inspiring men to battle. Each of these elements represents the groups in the society, for example, the rational represent the rulers, the spirited represent the warriors (police officers) and the appetitive represents the workers or producers.

The Platonic soul must work in harmony for the development of man and this also refers to the three classes in the society. The only inhibiting factor here is that Plato limits each member of a particular class to the dominance by one component element of the soul, the other elements of the soul are somehow passive. The philosopher king for instance has three elements but the rational element is dominant; in that of the soldiers it is the spirited element that is over-riding; whereas in the populace it is the appetitive element that supersedes.

In the Republic the producer is always in struggle with the ruler which resembles the conflict of factions in a State. This contradiction is brought to harmony with the ruler working with the warriors (police officers) as its ally. Here Plato takes the stand supported by historical materialists. According to Historical Materialists, evolution of the society is as a result of material contradictions. The most notable one is class antagonism based on economic as seen in the institution of private ownership of property.

According to this theory law and other institutions in the society such as philosophy and religion do not exist in a vacuum, but are rather the products of the sum total of all socio-economic and political condition in any society. Thus the means of economic production is decisive in determining the general character of the social, political and cultural tenets of life.

Karl Marx observed thus:

In the social production which men carry on, they enter into definite relations that are indispensable and independent of their will. These relations of production correspond to the definite state of their material powers of production... the mode of production in material life determines the general and spirited process of life.⁹

This kind of society has its means of production solely on the hands of the ruling class. Law is thus seen as a system of juridical standards and prescriptions expressing the will of the ruling class and protected by the coercive power of the State.

Arising from the above definition of law the State is just but an instrument of compulsion in the hands of the ruling class. Likewise, the police are viewed as a creation of the ruling class, as the apparatus of the State power to ensure the continued domination, suppression and exploitation of

the masses hence the cause for their apathy. Any threats to the established order are dealt with by invoking the final weapon of the ruling class, its legal system and the police. That the police does not serve the society as a whole, but serves the interests of the ruling class is a terrible sign of dictatorship and the practice is called totalitarian policing. Ian Taylor equally observed this thus:

The policeman, a state functionary is necessary for the production of capitalist social relations; he protects the property of capitalists and others, and secures certain of the conditions of labour discipline. The existence of modern police force owes little to the experiences of combating professional crime and was developed primarily as an instrument of political control and labour discipline.¹⁰

Odera Oruka, in Punishment and Terrorism in Africa (1985) also observed thus:

... and the police mainly has the function of being the watch dogs against the real and imagined political and social enemies of the ruling elite.¹¹

The Kenya Police follow the same Principle. It serves best the economically powerful group in the society at the chagrin of the poor majority. This can be seen in the adequate security and regular patrols conducted in the big estates – the residence of the economically endowed people. The belief is that these people have got a lot to protect from the robbers, who are normally believed to be the poor. The disparity is also envisaged in the manner in which arrests are conducted. The poor are hardly given the free bonds to appear in court at later dates. They are always arrested and charged with loitering and failing to give a satisfactory account of themselves.

The police officers are also polarized from the rest of the society on the grounds of their duties. They are reduced to mere performers and not decision-makers. As Plato would put it, they are confined to their spirited sense. They are denied the appetitive sense by their meagre resources and a bar to business. They are also denied their rational sense by political patronage. Nature

compels them to enforce the law whether they are enforceable or not. This gives a leeway to totalitarianism characterized by totalitarian policing evinced by Plato and Karl Marx.

However, care should be taken not to assume that Karl Marx in his historical materialism supported the totalitarian policing. He did not glorify capitalism either. According to him the domination was just a period in History. He maintained that the structural arrangement in capitalism would ultimately lead to class-consciousness and the open struggle between the workers and the capitalists. In this struggle, the workers would emerge winners and establish the dictatorship of the workers where they will take control of the means of production. The class struggle ultimately drives history to the communist social order. The working class then liberate itself and puts an end to itself as a class. This, it is argued, is in line with the class interest of the workers – the interest to abolish class domination. Workers liberation is thus the liberation for all.

So repressive, punitive or totalitarian policing serves no purpose besides creating a gap between the police and the public. The public's character is thus expressed in apathy towards police.

5.2.4 COMMUNITY POLICING

This type of policing works well where all the elements in a community would conceive of the common good and combine to produce a social climate an environment conducive to good order and the happiness of all those living within it. Aristotle envisaged this kind of society when he maintained that:

A city is not one in the identity of exactly similar members; it is one in the cooperation of dissimilar units.¹²

He holds that one does not exist alone and beyond the many: it is in and among in the sense that it is predictable of all its individual constituents. This means that in community policing it is the interest of all and not an individual member that counts. The State is seen from this dimension as an organic compound or whole in which the composition of the parts result. These parts are different in kind, which are subordinate one to another. These parts are generally regarded as being the individual citizens.

The individual citizens in a particular community have diverse interests that must be sacrificed for the sake of the whole community. Aristotle speaking about the State observed that an association must be composed of men diverse indeed in kind. But this diversity should not be used to interfere with the corporate whole as it can lead into strife making it difficult to realize community policing. Aristotle is of the opinion that:

If we imagine a society polarized between the very rich and the very poor, it is evident that the society of that kind is fundamentally unstable, torn by tension and strife and fluctuating between revolution and despotism.¹³

In community policing, the police deal mainly with the legal aspect of policing whereby they charge the suspects and bring them to court, while the public concentrates on social measures for its success. Its basis is the concept and understanding of the common good. At the same time, it has the regard for the privacy, individuality and freedom of all. Now given that community policing relies for its success principally on social action, apathy is its greatest enemy.

However, this system of policing can sometimes be perverted. This is particularly so when instead of being directed towards the service of the community as a whole, it is for political or

secretarian interests. In this case it becomes a totalitarian communal policing where the ruling class would use it for spying, oppression and persecution of people with dissenting views. This would imply allowing the various power groups otherwise known as vigilante to rise in the neighbourhoods. These groups are self-supporting though in the legal sense they are controlled by the police system. The best example of this is the KANU youth wingers.

The drawback to this kind of policing is that it gives rise to apathy especially when the enforcement of laws is done selectively. Take for example when the youth wingers were being used during the 1992 General election in Kenya to suppress members of the opposition and this was being done sometimes in the eyes of the official police officers. This fact made a lot of people to develop apathy towards police.

However, if the system is used carefully considering the interests of the whole members of the community without discrimination, then it can be the best system of policing.

5.2.5 PREVENTIVE POLICING

Preventive policing begins with a frame of mind, a philosophy, and it requires the will to pursue its goals. It involves detection of crime and its prevention.¹⁴ Detection of crime involves gathering of intelligence. To be successful the police must enlist and incorporate the information gathered from members of the public. The ability of the police to decide the best action necessarily depends upon how well they can interpret the information received. If a potentially valuable piece of information is missed a vital action may not be performed and this way the police force may give a non-optimum performance. This in turn may lead to apathy in the sense that the public would loose confidence in police.

Preventive policing is superior in the ethical sense, since by preventing crime it saves people from their follies and the moral obloquy which confrontation with the criminal justice system brings. It attempts to rebut a trend, which has seen policing being taken as a matter of controlling the bad, by attempting to activate the good.

Preventive policing is directed towards the removal of criminal forces or tendencies and thus it rids the potential criminal of his criminal behaviour.¹⁵ The assumption here is that individual criminal is only of secondary importance but what are of primary importance are the criminal forces. So every effort is done to ensure that crime is prevented before it occurs. This includes advice to the public particularly against property crimes, imprisonment and probation.

It also entails a high degree of reaction to emergencies by the police. This calls for the possession of the necessary mobility and communication network. If for instance the response time by the police is delayed and the crime is eventually committed, the image and reputation of the police will be dented and this is how apathy develops.

The Supporters of this system argue like Hart that the "society is divisible into two classes"¹⁶ namely;

- (i) Those who have actually broken a given law.
- (ii) Those who have not yet broken it, but may."

So preventive policing aims at preventing the onlookers and those being punished from committing crimes. In this case it serves the purpose of deterrence.

In conclusion to our discussion on the styles of policing, we would wish to state that we have decided to divorce Aristotle from Plato, married Marx to Plato and divorced Hobbes from Machiavelli. This should not be seen as a contradiction to the works of other scholars, for example, F. Ochieng'-Odhiambo who in his book entitled Handbook on some Social and Political Philosophers classified Plato and Aristotle under the absolutist, and Marx under the class conflict. Our classification is purely based on their contributions towards policing and nothing more. We have not attempted to establish their political schools of thought whatsoever.

5.3 POLICE DISCRETIONARY POWER

The law does not provide specific instructions for its enforcement. How law is enforced is a matter of discretion. Discretion is the power or right to decide or to act according to one's own judgement. It is the quality of being prudent. Lord Halsbury observed thus:

Discretion means when it is said that something is to be done according to the rules of reason and justice, not according to private opinion ... According to law and not humour. It is not to be arbitrary, vague and fanciful but legal and regular.¹⁷

From the above quotation, we are able to realize that discretion ought not to be used with intent to pervert the law and the existing order. The question is whether there is a provision in the law that provides these powers. If there are such provisions then the power is valid, as its negation would be contradictory on the framework of the same law.

In discretion there is the capacity to determine action alternatives. It has a dynamic aspect consisting in the possibility of change, the restriction or expansion of action alternatives. The static aspect consists in the possibility of fixing or conserving the existing sets of alternatives.

These two strongly differing types of discretion namely, the conservative and the changing forms may be closely associated but they do not imply each other.

Aristotle would have opted for discretionary powers but only those that follows his philosophical model of the Golden Mean. He contended that one must seek the mean between the extremes, which is not the middle but what is proper in a given situation. Here Aristotle meant that which is sought after for its own sake as more final than that which is sought after as a means to something else. To explain this further, let us borrow the words of Gould thus:

But actions in accordance with virtue are not, for example justly or temperately performed merely because they are in themselves just or temperate. It is necessary that the agent at the time of performing them should satisfy certain conditions, that is in the first place that he should know what he is doing secondly that he should deliberately choose to do it and to do it for its own sake, and thirdly that he should do it as an instance, of a settled and immutable moral state.¹⁸

When we relate this to the question of discretion, it is possible to take a greater, a smaller or an equal amount and this either absolutely or in relation to ourselves, the equal being a mean between excess and deficiency. By the mean considered relatively to ourselves we mean that that which is neither too much nor little, but this is not one thing nor is it the same for everybody in every situation.

Arithmetically the mean can be expressed thus;

If for instance 40 is equivalent to too much and, 10 is equivalent to too little. The mean will be:

$$\frac{40+10}{2} = 25$$

So 25 is the mean in arithmetic proportion.

The mean considered relatively to us may not necessarily be ascertained in this way. Applying the analogy of food, for instance, it does not follow that 4 kilograms of meat be too much and 1 kilogram be too little for a person then, 2 ½ kilograms is sufficient, as expressed below in figures:

$$\frac{4+1}{2} = 2 \frac{1}{2}$$

This may itself be too much or too little for the person who is to take it. This being so, anybody making judgement according to his own discretion avoids alike excess and deficiency; he seeks and chooses the mean not the absolute mean but the mean considered relatively to ourselves.

So according to Aristotle discretion would be virtuous if it is looked on the perspective of a mean state lying between two vices, the vice of excess on the one hand and the vice of deficiency on the other. This however, must be determined by reason so that the mean can be understood relatively to ourselves.

Discretion must not be exercised arbitrarily or corruptly or from fear or favour. A police officer must not decide for no reason or for reason of self-interest or because of his liking for somebody.

If this is done the police officer would have failed in exercising a certain degree of competence

hence failing in the trust reposed in him. Once this trust is lost the public will definitely develop apathy. Davies acknowledged this when he observed that "discretion is a tool only when properly used; like an axe it can be a weapon for mayhem or murder."¹⁹

A sense of responsibility is thus a precondition for any practice of discretion. A responsible person will be able to answer questions, "why should I do this? Why should I not do this? Such questions must be answered first before making any decision that would affect the rest of the society. Lucas warned thus:

Therefore we shall avoid bad decisions best if we ensure that each potential decision before it is finally decided, is exposed to what is likely to be the strongest possible criticism of it.²⁰

Plato would identify discretion with the philosopher king. He came to pin his hopes on the possibility of a society governed by a philosopher king who would have knowledge of true justice and the best form of government.²¹ This means that it is only in the philosopher king that a rational discretion can be made.

To accept discretion as a means of policing is subject to some criticism. The rule of law primarily implies that everything must be done according to law. This means that discretion must be the one, which the law is capable of controlling its existence.

The idea of discretion contradicts the nature of law because precisely it subjects the law to a human decision. If it is to be justified we must be confident that it is more likely to be used to arrive at benefits superior to those the rule of law provides than to be used tyrannically. Again if this justification is granted then we would contend that seemingly appropriate exercise of police

discretion reflect flaws in our laws. This is true in the sense that for any area, in which it would be good to grant police discretion, it will be possible to spell out the rules governing that discretion and build them into the laws.

It logically follow therefore that if the law is capable of giving powers to the police, then police discretion should be a law in itself not based on mere human judgement which is susceptible to error.

5.4 THE QUESTION OF MINIMUM AND MAXIMUM USE OF FORCE BY THE POLICE

To understand this concept of force, it is advisable that we understand power because of the causal nexus of the two. Power is often associated with force. But it should be noted that force is a sufficient characteristic of power and not a necessary one.

The focus on the forceful and coercive nature of power seems to imply a predominantly negative concept of power. Though the employment of force becomes a declaration of the existence of power, this should not be seen to warrant the removal of power. However, focus should be on the negative aspect of power.

Power is the capacity to achieve ends while force is the means by which the end is achieved. For example, when a police officer exercise his powers the members of public will retain the freedom of action. But when he exercises force all possibility of choice on the part of the public is taken away.

Force in its widest sense represent the coercive act on the part of an individual, group or nation in an attempt to impose their respective wills upon other persons, groups or nations. However, it should not be confined to physical violence, the threat and exercise that place a restraint upon the freedom and actions of the individuals. This brings us to the questions thus;

- (i) What is the right use of force?
- (ii) How can it be used and organized in wielding together the fabric of human society so as to secure justice, maintain peace and provide a sure foundation for the continued progress of mankind?

To start with, Lord Davies maintained that there could not be justice without force thus:

It is just that whatever is just should be pursued, it is necessary that whatever is strongest should be pursued. Justice without force is impotent; force without justice is a tyranny. Justice without force is a myth, because there are always bad men; force without justice stands convicted of itself. We must therefore put together justice and force and therefore so dispose things that whatsoever is just is mighty and whatsoever is mighty is just.²²

When force is the handmaid of justice, it becomes the executor of peace. As such it imposes impartially the will of the whole society as expressed in the law. But like all other elements in human affairs, it is liable to abuse. Force should never be applied except to compel obedience to the law and restrain the aggressor. It must be a servant of the people and the guardian of the law.

Field succinctly puts thus:

So even a government, whose rule is freely accepted by the great mass of the population, must have force at its disposal to prevent other forces internal or external from making the conduct of the government impossible.²³

Force must be used within a system that makes the punishing party an authority over the party receiving the punishment. This means that it should not be practiced without authority.

A good use of force demands that given an offense there is a certain degree of force that an authority i.e. police, will have to use to apprehend the offender. This has brought with it certain terms used for justification of force for example, minimum and maximum or reasonable force. Such terms are used as a prefix to force. However, their usage seems to be shrouded with some ambiguities.

According to Collins English Dictionary, the term Maximum is defined as the greatest possible while minimum the least possible amount, degree or quantity. Now, when we apply these terms to the use of force, they tend to raise some serious philosophical questions. Force is force, and there is no clear-cut or watertight rule to determine its degree. Due to lack of universal paradigm, to measure the degree of force, one's maximum force might be another person's minimum force and *vice-versa*. The way police officer views force differs from that of the public. That is why when force is applied, the public would not be happy with the police. As such they tend to develop apathy.

To disentangle ourselves from this paradox, we must search for a more viable prefix to the term force that can be universally accepted. Now in actual application of force, we must emphasize the facts: force to be force must first be by a legitimate or recognized authority or its agent. It must secondly be appropriate i.e. commensurate with degree of the offense. This entails the fact that force applied should not be beyond a reasonable force given the offense that warrants it. This means that the term of reference should be "reasonable force". Acting rationally is not at all

person-relative therefore to act rationally is to act on universalizable principles, so that what is a reason for one person must be a reason for everyone.

5.5 EXECUTION OF ORDERS BY THE POLICE

According to Collins English Dictionary, order is an instruction that must be obeyed; a command. When order is looked at from this point of view it kind of predisposes two factors, that is the nature and the execution of order. Orders express themselves in the categorical form. Those who are in command neither do bargain nor plead with their juniors-they order or command them to yawn. Command is where a man say do this or not this, without expecting other reasons than the will of him that says it.

The question of order is of a philosophical importance to us in that the nature of its execution and its resultant effects may determine whether the members of the public will be apathetic to the police or not. If it is executed in a dictatorial manner and it yields the results that are not for the common good of the public then they will develop a negative attitude towards the police. The reverse will yield positive attitude. It is therefore important to understand order first as being an obligation to be obeyed and second as subject to practical reasoning.

The justification of order depends on the law that sanctions it. An order is said to be lawful if it is given in accordance with the existing laws. The law thus set the standards for the obedience of order.

The aspect of rationality in the exercise and execution of orders is paramount. On one hand we could have a clear-cut orders but their executors may have no intellectual power and the will to

perform or execute the orders. If these orders are executed in this manner the end result will be a negative reaction from the recipients of the execution.

On the other hand, we could have obscure and repugnant orders and yet the executors have the intellectual power and the will to perform. This might cause conflict in the execution of these orders that as mentioned *inter-alia* must be followed to the letter.

What comes into mind from the above analysis is that both the executors and the originator of order ought to be rational because it takes the two for an order to be. An order given by a rational person and directed to his rational juniors will automatically possess a standard for evaluating the same. Such orders when properly executed will not be subject to untold criticisms. Bell observed this thus;

One must require from each one duty that each one can perform. Accepted authority rests first of all on reason. If you ordered your people to go and throw themselves into the sea, they would rise up in revolution. I have the right to require obedience, because my orders are reasonable.²⁴

Reasonable orders are orders that are logical, clear, unambiguous and serve a good purpose. Ideally, those who are subject to an order ought not to be uncertain about what does and what does not constitute obedience to it. The recipients of an order have got the right to question and know its source to avoid situations whereby bad orders are effected on people. The Kenya Police are victims of this manipulation that has greatly dented their image. They execute orders and when asked who gave the orders, the response is as vague as the order itself – normally they say it is an order from above. The question that bedevils many people's mind is that, "who is this in above that gives these orders or this is just a way of evading bearing the responsibilities?"

Some orders are also deliberately given so as to retain some vagueness, to permit flexibility in applying those orders to unforeseen circumstances. The words used when stating orders should exhibit the greatest feasible precision for achievement of their purpose. Most words have more than one literal meaning. When their meanings are accidentally or deliberately confused the words are used unequivocally. Now, when an order is expressed with words possessing shifting meanings those acting on it will definitely fail to act appropriately. So much is required by the police to train those in authority and their officers to know how to execute their orders whether from within or without the police force.

Therefore, from the foregoing discussions we have established that the nature of, or the style of policing can influence the public's perception of police. This is greatly dependent upon the powers vested on the police officers and how they use these powers.

END-NOTES

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- ¹ Hutton Webster, Taboo: A Sociological Study (New York: Octagon Books, 1973) p.18.
- ² Niccolo Machiavelli, The Prince (London: Penguin Books, 1961) p.95.
- ³ N.Machiavelli as quoted in J.Sommerville (ed). Social and Political Philosophy (New York: Doubleday, 1963)pp.134-135.
- ⁴ T. Hobbes, Hobbes Leviathan (London: Macmillan & Co. Ltd.1907) p.97.
- ⁵ H.E.Barnes; The Story of Punishment (London: Stragord Co., 1930) p.6.
- ⁶ Plato, The Republic. (Harmondsworth: Penguin Books, 1995) p.369.
- ⁷ T.M. Zeitlin, Rulers and Ruled (London: University of Toronto, Press Inc. 1997) p.15.
- ⁸ Plato, op.cit. pp.58-59.
- ⁹ Karl Marx, preface to a contribution to the critic of the political economy, Reproduced in Karl Marx, Engles, Lenin on Historical Materialism. (Moscow: Progress Publishers, 1976) p. 127.
- ¹⁰ Ian Taylor (et al) Critical Criminology (London: Routledge and Kegan Paul Ltd., 1975) P. 225.
- ¹¹ H.O. Oruka, Punishment and Terrorism in Africa, (Nairobi: Kenya Literature Bureau, 1985), p.106.
- ¹² Aristotle, The Politics (Middlesex: Penguin Books, 1988) pp.62-63.
- ¹³ *Ibid.*, p.129.
- ¹⁴ J. Alderson, Policing Freedom (London: Macdonald & Evans, 1979), p.38.
- ¹⁵ H.O. Oruka, op.cit., p.90.
- ¹⁶ H. Hart: Punishment and Responsibility (London: Oxford University Press, 1968) p.27.
- ¹⁷ Hulsbury's Statutes. 3rd Edition, Volume 4 p.7038.
- ¹⁸ J.A. Gould, Classic Philosophic Questions (New Jersey: Prentice Hall Inc. 1995) p.205.
- ¹⁹ K.C. Davies, Discretionary Justice, (New York: University of Illonois Press, 1971) p.20.
- ²⁰ J.R. Lucas, The Principles of Politics, (London: Oxford University Press, 1966) p.132.
- ²¹ Plato, op.cit., p.369.
- ²² Lord Davies, Force (London: Constable and Co. Ltd., 1934) p.v.
- ²³ G.C. Field, Political Theory. (London: Methmen & Co.Ltd. 1959) p.68.
- ²⁴ D.V.J. Bell, Power, Influence and Authority (London: Oxford University Press, 1975) p.36.

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

From our study of apathy, it has been established that the empiricists and rationalists both offered what may be called a causal and representative theory of perception of apathy. This involves the ideas in mind and external bodies to which they are held, and a double relation between those ideas and the external bodies. We found out that the mind mirrors the world or form copies or representations of external things, with the help of the mechanisms of the sense organs. That our ideas are nothing but copies of our impressions, or in other words that it is impossible for us to think of anything, which we have not antecedently felt, either by our external or internal sense. This means that the public cannot develop apathy without any source from which it may possibly be derived. Hence apathy is not inborn but rather it is acquired.

Being a notion of mind, an attitude, apathy is derived from experience realizable in the contact between the public and the police such that any slight move in the negative direction by the police will automatically spark it off. Apathy endures because people act in the world according to the way they experience it. And given that experience of the world often conflicts and changes as envisaged by Plato in our earlier discussions, we find that it hampers our effort to know the truth about the world. Thus it has been established that public apathy keeps on changing depending on the nature of contact between the police and the public which varies from cordial to antagonistic. This variation arises out of the styles of policing that is extensively discussed in Chapter Five. For instance police in relation to the ruling class pose the greatest potential threat to individual liberty whereby the police is considered to be an extension of political power. This is witnessed in its most potent form in totalitarian systems. Also important

to the creation of this variation is the way police use their discretionary powers and the interpretation of orders from their superiors.

In order for the public not to be apathetic it was established that the police discretion, if it must be applied, should be legal, regular and backed with reason. Likewise the orders must be unequivocal and enforceable.

It was thus established that the changing aspect in the nature of contact between the police and the public coupled with the styles of policing give room for suspicion on the part of the public. It is this suspicion that forms the basis for the persistence of apathy. The study has also revealed that public apathy towards police force in Kenya is traceable to the colonial period. That during the colonial period the police were used intensively by the colonial government to quell the spate of uprisings by the Africans who wanted to reclaim their rights from the colonial masters. Right from the outset, the police assumed a paramilitary outlook. The picture that unfolded was that of a ruthless force. Worse still it was seen as a means or instrument of coercion and suppression by those in power, the purpose which it served remarkably well in pacifying rebellious indigenous Africans who were inferior militarily. The inevitable consequence, was thus a hated force that should be ignored. This is precisely how apathy started creeping into the minds of the public.

The independence also came but with two factors remaining unchecked. One of these was a military element, which was advanced at the expense of police training, and the second one was unsensitized public who could not distinguish between the colonial police and the independent Kenya police. This historical experience has been quoted authoritatively and passed to the

succeeding generations who keeps on viewing the police negatively. Apathy is thus a product of History.

Seen from the above perspective, the public perception of police kind of personalizes the police force. The police force is seen as an end in itself with an intrinsic value ascribed to it. This is not sufficient and logical enough because the police force being a creature of law cannot be self-justifying. The police force is a public "utility" and should be treated as such. It is a dangerous error to personalize the police force and to attribute it to characters or qualities which belong to human beings for this is a perversion tending it to the destruction of the society.

Now given that apathy revolves around the concept of attitude, it is imperative that any effort to revert it must look for ways of inducing change. As such we would wish to adopt in our recommendations a philosophy that would lead to the change of attitude.

Leon Festinger for instance in his theory of consistency opined that "in many cases the best means of inducing change is to create an imbalance or inconsistency between the attitudes, beliefs and opinions that a person holds.¹ The assumption here is that people have a basic desire (learned or innate) which keeps their attitude in a consistent or balanced relationship with one another. Leon Festinger proposes that dissonance occurs whenever a person holds two or more cognition that are psychologically inconsistent, since dissonance is an unpleasant state a person will strive to avoid dissonance producing situations or reduce it when he finds himself in such a situation.

Milton J. Rosenberg and Herbert Irving Abelson also argue that inconsistency or imbalance that leads to attitude change can be created by giving a person a new set of piece of information that is incompatible or inconsistent with his present attitudes.²

Carl I. Hovland in his theory of incentive also argues that attitude change takes place because a person is somehow rewarded for accepting the new attitude,³ for example, information designed to change a person's attitude towards sex may indeed do so if the person accepts the conclusion proposed in the persuasive communication. The acceptance however depends upon the incentives offered and not upon the degree of imbalance that supposedly results from the information in the communication.

Based on these theories, the police should go a step ahead in creating awareness through civic education. The incentive would be, involving the public in the law enforcement. They should be made to understand that the responsibility for investigating and disposing crime belong not only to police officers but the entire society. The public should thus be allowed as free access as can lawfully be possible with the emphasis being more interactive with the public than the criminals.

The establishment of community relation programmes and public information campaigns focussing on the true role of police and the nature of their work is necessary so as to remove any suspicion and misconception in the minds of the public. If possible the police officers in charge of stations should attend chief's barazas and advice the public on their roles and duties accordingly. The public should be made to appreciate that complaints against police officers do not imply that every accused officer is always guilty. This will go along way to induce the public to change their generalized mentality of accusing the whole police force for sins done by

one officer. Hence the police force will not be personalized and attributed to characters or qualities, which belongs to individual human beings.

The police department on the other hand should develop and enunciate the policies that give police officers specific guidance for the common situations requiring exercise of police discretion. Policies should cover such matters, among others, as the issuance of orders to citizens regarding their movements or activities, the handling of minor disputes, safeguarding of the right of free speech and free assembly, the selection and use of investigative methods, and the decision whether or not to arrest in specific situations involving specific crimes.

In doing this the police force must embodied in themselves the Platonic philosophic element so that the three elements in them be of the right relationship. The police officers should not be dominated by their spirited and, or appetitive elements. They should not allow themselves to be like *timocrats* whose impulses are not supported by reason hence degenerating into self-assertion nor oligarchs who love money hence being corrupt.

This positive response to the public apathy by the police would definitely create an imbalance between the attitudes, beliefs and opinions held by the public. As opined by L. Festinger, this may induce the public to adopt a positive attitude towards police that will ultimately reduce apathy.

ENDNOTES

¹ L. A. Penner (ed.), A Student Selected Reader in Social Psychology: An Argument for Relevance. (Philippines: Addison Wesley Publishing Co. Inc. 1972) p. 115.

² Ibid. p. 119.

³ Ibid.

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