

Lawlessness

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ABSTRACT

Without mincing words, the phenomenon called “lawlessness” is very much prevalent in most developing nations, but less in the developed countries, since there is no crime-free state. Lawlessness in any society, can as well be a precursor to corruption, bribery, and so on, as some people who are arrested by the police would want to bribe their way out to be left off the hook. No society or nation can progress or survive socio-economically and politically in a state of lawlessness which can lead to a state of anarchy, increase in crime and violence cum high level of insecurity. With all of these problems, no right thinking person, investor or foreigner would want to invest nor endanger or risk the lives of his staff and properties in such a country bedeviled with lawlessness. The paper attempts to look into the positive and negative impacts of lawlessness on the society, the causes and possible solutions out of the menace.

KEYWORDS: *Lawlessness, laws and regulations, crime, violence, insecurity, corruption, bribery, social norms, anarchy, justice, rebellion, anomie, government, institutions, fundamental freedoms and rights, poverty, unemployment*

INTRODUCTION

“Lawlessness” refers to a state or condition where laws are not obeyed, enforced, or respected, leading to disorder and a breakdown of social norms [1-3], i.e. where there is a disregard for or absence of law and order, as shown in Figures 1 and 2. This will ultimately lead to chaos, crime, or an absence of effective government or authority. Some of the key aspects of lawlessness include the lack of legal enforcement, anarchy, crime and disorder, and breakdown of institutions.

Law is a set of rules that are created and are enforceable by social or governmental institutions to regulate behavior [4], but with its precise definition as a matter of longstanding debate. It has been variously described as a science and as the art of justice [5].

HISTORY

Lawlessness often refers to a state of disorder due to the absence or ineffective enforcement of laws. This often arises during times of political instability, weak governance, or social upheaval.

Lawlessness has been a recurring theme throughout history and has been manifesting in various forms and

contexts. Lawlessness as stated by the Bible is the rejection of God’s authority and commands as seen in the stories of Noah’s time and as well as the destruction of Sodom and Gomorrah. This concept of lawlessness is deeply rooted in the Jewish understanding of Torah, or divine law, which is seen as a rebellion against God’s established order.

In Christian theology, the “mystery of lawlessness” refers to the hidden and progressive nature of evil that will culminate in the end times [6].

Ancient and Classical Periods

1. Lawlessness in Early Societies: Prior to the establishment of centralized states, tribal societies lacked formal legal systems. Justice was based on customary practices and vengeance (e.g., blood fueds), leading to frequent cycles of violence [7].
2. Fall of the Western Roman Empire (5th century AD): Due to the disintegration of the Western Roman Empire, Europe entered the “Dark Ages,” which was marked by lawlessness and the decline of centralized authority. Banditry, warlordism, and feudal violence became the order of the day [8].

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Medieval and Early Modern Periods

1. The Viking Age (8th-11th centuries): Norse raids on Britain and Europe illustrated how weak coastal defenses and the absence of central power led to widespread lawlessness [9].
2. Feudal Lawlessness in Medieval Europe: The decentralized nature of feudalism meant local lords often wielded power unchecked, sometimes ignoring royal decrees. Private armies and castle sieges reflected this lawlessness [10].
3. 17th Century English Civil War: During the English Civil War (1642-1651), England experienced periods of breakdown in law enforcement, looting, and instability [11].

18th and 19th Century

1. American Frontier (Old West): In newly settled western territories of the U. S., official law enforcement was sparse, giving rise to vigilantism, duels, and outlaws like Jesse James [12].
2. French Revolution (1789-1799): During this revolutionary period, France saw a breakdown in legal institutions and widespread mob violence (e.g., the Reign of Terror) [13].

The American West

The American West or the Wild West period of 1865-1895 refers to the period of American history characterized by westward expansion, exploration, and settlement beyond the Mississippi River. This period witnessed [14-16]:

1. Post-civil war expansion.
2. Cattle ranching and cowboy culture.
3. Lawmen and outlaws, and
4. Native American conflicts.

The American West was a complex and dynamic period in American history, which was shaped by exploration, settlement, conflict, and cultural exchange.

20th Century

1. Russian Revolution and Civil War (1917-1923): Following the collapse of the Tsarist regime, Russia descended into a brutal civil war with widespread atrocities, arbitrary violence, and lawlessness by various factions [17].
2. Post-World War I and II Periods: After both world wars, parts of Europe experienced disorder, refugee crises, and looting, particularly in Eastern Europe [18].

Contemporary Examples

1. Somalia (since 1991): After the collapse of Siad Barre's regime, Somalia descended into prolonged anarchy, with no central government, warlord rule, and piracy [19].

2. Syria (post-2011): The Syrian Civil War led to areas falling outside government control, leading to lawless zones dominated by militias and extremist groups [20].

Historically, lawlessness emerges in the vacuum of authority, most especially during times of war, state collapse, or revolution. Therefore, societies that lack legitimate and effective institutions most often face cycles of violence and disorder.

CLASSIFICATION OF LAWLESSNESS

Lawlessness can be classified into the following types [21, 22]:

1. Anomie: This is a state of society characterized by a breakdown of social norms and values, leading to a lack of respect for the law – as propounded by Durkheim.
2. Anarchy: This is a situation where there is no effective government or authority, which can lead to chaos and lawlessness. Nozick in his first book published in 1974, argued that the only justifiable form of government is a minimal state, limited to protecting individuals from force, fraud, theft, and enforcing contracts. He contended that any more extensive state would violate individual rights, as shown in Figures 3 and 4.
3. Civil disorder: A type of lawlessness characterized by violent or destructive behavior, which is often in response to social or economic grievances.
4. Crime: Lawlessness can manifest as individual crimes, such as theft, violence, or vandalism, as shown in Figures 5 and 6.
5. Insurgency: This is a type of lawlessness characterized by organized violence or rebellion against a government or authority.
6. Rebellion: A type of lawlessness characterized by organized resistance or defiance against a government or authority.

CAUSES OF LAWLESSNESS

There are various causes of lawlessness some of which include [23-25]:

Social causes:

1. Poverty and economic inequality: Economic hardship and inequality can contribute to lawlessness, as individuals according to Merton may turn to crime or violence out of desperation.
2. Social disorganization: Breakdown in social institutions, such as the family and community as posited by Shaw & McKay, can result to lawlessness.
3. Cultural norms: Cultural norms that prioritize individual interests over collective well-being or

respect for authority can contribute or lead to lawlessness.

Economic causes:

1. Unemployment and underemployment: Lack of economic opportunities can lead to lawlessness, as individuals may turn or resort to crime or violence to survive.
2. Inequality and discrimination: In an environment of economic inequality and discrimination lawlessness can thrive, as individuals may feel marginalized or excluded from opportunities.

Governance causes:

1. Weak institutions: When there is weak or ineffective law enforcement, judiciary, or government these are bound to create an environment conducive to lawlessness.
2. Corruption: Where corruption thrives among the law enforcement officers, government officials, or other institutions, trust will be undermined contributing to lawlessness.

Psychological causes:

1. Individual personality traits: Certain personality traits, such as impulsivity or aggression, can increase the likelihood of lawlessness.
2. Social learning: Observing and or learning lawless behavior from others can contribute to its perpetuation.

The highlighted causes show the complexity of lawlessness which requires the need for a multifaceted approach to address its root causes.

DOES LAWLESSNESS HAVE ANY BENEFITS?

While lawlessness is often associated with negative consequences, some argue that it can have benefits in certain contexts. Some of its possible benefits are [26-28]:

- Social change: Lawlessness can be a catalyst for social change, as individuals or groups challenge laws or systems.
- Freedom and autonomy: Lawlessness in some cases can provide individuals with a sense of freedom and autonomy, particularly in situations where laws are seen as oppressive or restrictive.
- Innovation and creativity: It can foster innovation and creativity, when individuals are forced to think outside the box and find solutions to problems.

It is essential to note that these benefits are often context-dependent and can be outweighed by the negative consequences of lawlessness, such as violence, instability, and insecurity.

CHALLENGES TO LAWLESSNESS

There are challenges to lawlessness, some of which include [21, 29, 30]:

1. Social challenges

- A. Breakdown of social order: As opined by Durkheim, the breakdown of social order due to lawlessness can make it difficult for individuals to feel safe or secure.
- B. Loss of trust: Repeated instances of lawlessness can erode trust in institutions and individuals, making it harder to build strong social relationships.

2. Economic challenges

- A. Economic instability: When lawlessness is the order of the day, this will lead to economic instability, as investors will be deterred by high levels of crime or instability.
- B. Loss of property rights: Lawlessness can result in the loss of property rights, as individuals or groups seize control of assets without regard for the law.

3. Governance challenges

- A. Weakened institutions: Lawlessness can weaken institutions, such as law enforcement or the judiciary, making it harder for them to function effectively.
- B. Lack of accountability: Lawlessness can create a culture of impunity, where individuals or groups feel they are above the law.

4. Humanitarian challenges

- A. Human rights violations: Lawlessness can as well result in human rights violations, as individuals or groups are subjected to violence, abuse, or exploitation.
- B. Displacement and migration: Lawlessness can lead to displacement and migration, as individuals or groups seek safety or better living conditions.

The above challenges highlight the complexities and the consequences of lawlessness, emphasizing the need for effective governance, social order, and respect for the rule of law.

SOLUTIONS TO THE CHALLENGES TO LAWLESSNESS

The following strategies are to be considered for solutions to some of the challenges to lawlessness [31-33]:

1. Individual level solutions

- Promote ethical behavior: In the community there is the need to encourage lawful behavior by setting up good example and the promoting of moral values.
- Build a support network: There is the need to connect with trusted individuals to enhance personal safety and emotional well-being during turbulent times.

- Create an emergency kit: Assemble essential items like food, water, first aid supplies, and important documents to prepare for emergencies.
- Develop a comprehensive emergency response plan: This requires establishing evacuation routes, communication strategies, and designated meeting points to ensure everyone knows how to respond in critical/emergency situations.

2. Community-level solutions [34]:

- Support community programs: This is by engaging local initiatives that promote lawfulness and community cohesion.
- Advocate for legal reforms: Push for policy changes that address the root causes of lawlessness and promote fair treatment under the law.
- Foster public awareness: Educate the community about the causes and consequences of lawlessness so as to encourage collaboration and effective problem-solving.

3. Societal-level solutions [35]:

- Strengthen the rule of law: Reform the justice system to ensure and enhance fairness, accessibility, and efficiency.
- Address socioeconomic inequalities: Need to invest in education/vocational training, healthcare, and job creation programs to reduce resentment and frustration cum reducing the urge to engage in criminal activities.
- Promote social cohesion: By encouraging community engagement and social interaction to build trust and cooperation.
- Offering programs for the rehabilitation and social integration of offenders to help provide alternative livelihoods, thereby discouraging repeat offending and promoting a safer community.
- Enhancing urban planning and infrastructure: By installing better lighting in poorly lit areas (street lights) and closed-circuit television (CCTV) cameras in strategic locations to deter criminal behavior and aid in investigations.

However, it must be borne in mind that there is no completely lawless or crime-free nation, this notwithstanding, some countries are known to stand out for their exceptionally low crime rates and strong emphasis on public safety. Truly “safe” countries go beyond just having lowest crime rates. They offer their citizens a high standard of living with strong human rights protections, economic opportunities, and a stable political system, such as Iceland, Ireland, Denmark, Norway, Canada, Finland, Switzerland, and New Zealand.

Other countries with unique approaches to safety are: Japan, Portugal, Singapore, and Malaysia. Some of their common features are: strong institutions, social cohesion, and economic stability [36-38].

CONCLUSION

As complex and multifaceted the issue of lawlessness is, it can have far-reaching consequences for individuals, communities, and societies – impacting negatively on economic development, serves as breeding ground for crime and injustice, undermines social order, leads to weak institutions and governance. In order to counter lawlessness, there is need for a strong rule of law i. e. impartial enforcement, accountability, and access to justice for all.

Additionally, the root causes of lawlessness must be addressed so as to ensure and build a safer, more stable, and more just societies. More information on “Lawlessness” can be obtained in the books in [39, 40] and in the following related journals:

- Columbia Journal of European Law
- Journal of Commercial and Property Law
- Police Journal: Theory, Practice and Principles
- American Political Science Review
- New Criminal Law Review

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Figure 1. Lawless (film)

Source: https://www.google.com/search?sca_esv=c82dfed40e720fa5&sxsrf=AE3TifP7oPngvS244kXMEhYiUq_s1wSlrA:1751738349459&udm=2&fbs

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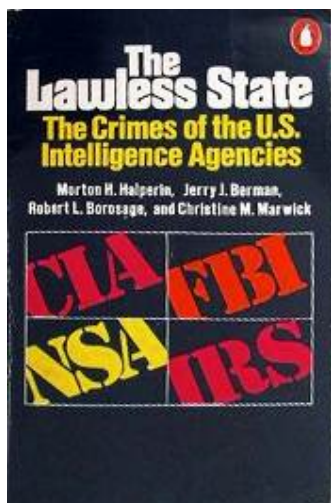


Figure 2. The lawless state

Source:https://www.google.com/search?sca_esv=c82dfed40e720fa5&sxsrf=AE3TifP7oPNGvS244kXMEhYiUq_s1wSlrA:1751738349459&udm=2&fbs=AIIjpHxU7SXXniUZfeShr2fp4giZ1Y6MJ25_tmWITc7uy4KIemkjk18Cn72Gp24fGkjjh6w0Scodj_KwyDDcIrPkvfwX4jCgAeFUNGy7jCQlAwvnlPzhoNA6V4THM5eL2Nko9VHJLMfbq036HffLIc1WPBPc9bcscWVxfZRPj3WrxV_M1fjsZdFMHDhxETS7AC7YyzhWtbAqjgkTXaSyLgIYCAdSUcrw&q=images+on+lawlessness+by+wikipedia&sa=X&ved=2ahUKEwiCjrzwpaaOAxW1QKEAHQ9ZOy4QtKgLegQIEhAB&biw=1036&bih=539&dpr=1#vhid=UuIJBgPSgQHYNM&vssid=mosaic



Figure 3. Human rights in Azerbaijan

Source:https://www.google.com/search?q=images+on+human+rights+abuses+by+wikipedia&sca_esv=

c82dfed40e720fa5&udm=2&biw=1036&bih=539&sxsrf=AE3TifOYZtP52cEhFhUyuXEvYgtoTQmDQ%3A1751738355089&ei=82dpaKCCbCkKhbIP9ZyiWA0&ved=0ahUKEwjg4ZPzpaOAaxVCUkEAHXWOCNgQ4dUDCBE&oq=images+on+human+rights+abuses+by+wikipedia&gs_lp=EgNpbWciKmltYWdlcyBvbiBodW1hbiByaWdodHMgYWJ1c2VzIGJ5IHdpa2lwZWRpYUJlAFQ9QQtY-KsBcAF4AJABAjgB1AKgAYc3qgEIMC40LjLzO4AQZIAQD4AQGYAgCgAgCYAwCIBgGSBwCgB84KsgcAuAcAwgcAyAcA&scient=img#vhid=5pdKs01st3tXMM&vssid=mosaic



Figure 4. OHCHR report on human rights violations and abuses

Source:https://www.google.com/search?q=human+rights+violation+images+by+wikipedia&sca_esv=c82dfed40e720fa5&udm=2&biw=1036&bih=539&sxsrf=AE3TifPjvzXumItldhJTimY9KRuDWT2hUNg%3A1751739594600&ei=ymxpaN2wJKTOhbiPwqaTyQo&ved=0ahUKEwjdvZnCqqaOAaxUkZ0EAHULTJJKkQ4dUDCBE&oq=human+rights+violation+images+by+wikipedia&gs_lp=EgNpbWciKmh1bWFuIHJpZ2h0cyB2aW9sYXRpb24gaW1hZ2VzIGJ5IHdpa2lwZWRpYUJlAFQ2AtY7UhwAXgAkAEAmAGeA6AB1BeqAQowLjIuMTAuMCM4xuAEMyAEAAEBmAlCoALuAcICBxajGCcYyQLCAgcQABjHAXgemAMaiaYBkgcFMS4wLjGgB_UESgcDMi0xuAfaAcIHAzMtMsgHGA&scient=img#vhid=DvL6nVorXLvz_M&vssid=mosaic



Figure 5. Crime scene

Source: https://www.google.com/search?q=+images+on+crime+scenes+by+wikipedia&sca_esv=c82dfd40e720fa5&udm=2&biw=1036&bih=539&sxsrf=AE3TifPRNP25vbU7G5OtU3SbVkdhtt8z5Q%3A1751739637410&ei=9WxpaKvlGLnRhbiPnK-IiQo&ved=0ahUKEwjrs87WqqaOAxW5aEEAHZwXIqEQ4dUDCBE&oq=+images+on+crime+scenes+by+wikipedia&gs_lp=EgNpbWciJCBpbWFnZXMGb24gY3JpbWUgc2NlbnVzIGJ5IHdpa2lwZWRpYUj4mQJQ2ApYiuoBcBJ4AJABB5gB-6gBoAGw2AGqARAwLjguMTMuMi42LTEuOS0xuAEMyAEAAEBmAlAoAlAmAMaAiAYBkgcAoAfgCrIHALgHAMIHAMgHAA&sclient=img#vhid=q3L8XqueLrPTAM&vssid=mosaic



Figure 6. Criminal investigation

Source: https://www.google.com/search?q=+images+on+crime+scenes+by+wikipedia&sca_esv=c82dfd40e720fa5&udm=2&biw=1036&bih=539&sxsrf=AE3TifPRNP25vbU7G5OtU3SbVkdhtt8z5Q%3A1751739637410&ei=9WxpaKvlGLnRhbiPnK-IiQo&ved=0ahUKEwjrs87WqqaOAxW5aEEAHZwXIqEQ4dUDCBE&oq=+images+on+crime+scenes+by+wikipedia&gs_lp=EgNpbWciJCBpbWFnZXMGb24gY3JpbWUgc2NlbnVzIGJ5IHdpa2lwZWRpYUj4mQJQ2ApYiuoBcBJ4AJABB5gB-6gBoAGw2AGqARAwLjguMTMuMi42LTEuOS0xuAEMyAEAAEBmAlAoAlAmAMaAiAYBkgcAoAfgCrIHALgHAMIHAMgHAA&sclient=img#vhid=-9bzsVnKP2lvxM&vssid=mosaic