

AN APPRAISAL OF BUSINESS ETHICS AND ITS IMPLICATIONS TO THE CONDUCT OF BUSINESS IN NIGERIA

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Abstract

Business is a process of exchange between two or more persons for certain valuable considerations. What is being exchanged could either be goods or services, thus, calls for the question on the manner with which such exchange is done. Since business is done between persons, it is qualified to be called a human act, hence, the coming of philosophy (through its branch called ethics). It is against the backdrop of possible controversies and misconceptions in business activities that informed the coming of ethics. Oftentimes, people feel cheated in doing business, some do not get value for money, people are tricked into buying substandard products; amongst other ugly experiences that abound in the act of doing business. Nigeria is a typical case of where such ugly experiences of doing business abound; consumers are the worse hit in Nigeria, they are grappling with the issues of product safety and liability, pricing, advertising, hiring and firing, compensation, amongst other issues. This paper is an effort to ethically appraise these issues by using selected ethical theories, thereby, suggesting a way out for the ease of doing business in Nigeria which includes; a call on certain government agencies in Nigeria that are saddled with the responsibility of regulating businesses in Nigeria to rise up to the occasion and save the consumers in Nigeria who are apparently at the receiving end.

Keywords: *Business, ethics, business ethics, Nigeria*

Introduction

Business is usually seen by many as a process of maximization of profit and interest, little wonder many people today are so much focused on the end product of doing business and not the process. Due to this overzealousness towards business gains, many people have ventured into several dubious business ventures in order to maximize profits. Nigeria provides a good instance of where people focus more in making gains as against upholding virtues and good codes of conduct attributable to doing business. Nigerian consumers have been exposed to the high rate of adulterated consumables including drugs and food items all in the name of making profit. A good number of unregistered companies in Nigeria produce and flood the markets with fake goods while the so-called registered ones also indulge in fakery without any form of regulation from the appropriate authorities. Pricing regulation and control is another issue facing the Nigerian consumers; companies and traders fix prices at will without a recourse to any form of control. Even though Nigeria operates a free-market-economy but there ought to be some form of regulation. Capturing the challenges facing doing business in Nigeria, Demaki *et al* argued that “the Nigerian business environment is plagued with series of challenges which includes, but not limited to stiff competition, increasing rate of crime and insecurity, near absence of social and political protection, corruption, ethnic and regional tension, weak infrastructure, unstable economic atmosphere, fraudulent practices and ethical issues. Ethical issues here include pilferage, collusion, bribery, manipulation, to mention but a few.”¹

It is against the backdrop of the above that informs the idea of business ethics. Business ethics presupposes two things, in its first sense, a good number of people engaged in business activity, including accountants and lawyers, are professionals. As such, they are bound by codes of conduct stipulated by professional societies. Many firms also have detailed codes of conduct, developed and enforced by teams of ethics and compliance personnel. Business ethics can thus be understood as the study of professional practices, i.e., as the study of the content, development, enforcement, and effectiveness of the codes of conduct designed to guide the actions of people engaged in business activity.² This sense of business ethics is basically the dos and don'ts expected of firms and professionals that indulge in business which is usually encoded. This is to say that business ought to be organized on a springboard of morality, it is expected of every business man or woman to conduct his/her business affairs in accordance to certain moral stipulations which are most times, legally backed up.

On the other hand, business ethics presupposes a philosophical approach to business. This falls within the ambit of normative and applied ethics. This is an ethical appraisal of business including all the issues that arise in the bid of carrying out business; in terms of categorization of human act into good and bad, how do we ethically justify the activities of doing business? What makes certain acts of doing business good and others, bad? How best do we organize business in such a way that profit will be made and at the same time, morality is not sacrificed? This sense of business ethics is the primary concern of this research, this is because, business ethics in this sense can interrogate the former by questioning some of the ethical codes guiding certain businesses. Oftentimes, certain ethical codes are exploitatively serving the interest of the employers as against that of the employees. Therefore, this paper recourse to normative ethical theories as tools to appraising some of the challenges facing doing business in Nigeria with aim of proffering remedies to them.

To achieve the above stated task, the paper does justice to the following: A. Challenges of doing business in Nigeria such as; *product safety and liability, advertising and pricing* B. Ethical appraisal of these challenges and C. It concludes by suggesting possible remedies.

Challenges of doing business in Nigeria

Doing business in Nigeria has been fraught with many moral concerns which call for an ethical appraisal. One can easily argue that the only ethical theory applicable to business in Nigeria is the consequentialist ethical theory which considers the end of an action as the sole determinant of goodness or otherwise of the action. In Nigeria, business is measured by the size of profit made as against the means or process of maximizing the profit; that is, 'the end justifies the means.' Most business owners in Nigeria are only after maximizing profit and expanding their business empire even when the processes leading to this happen not to be morally justifiable. In the course of doing this, they usually engage in some dubious and corrupt practices thereby, impacting negatively on the consumers who are at the receiving end. Instances of such practices are unquantifiable in Nigeria, according to a report from the Guardian newspaper,

As part of its operations, NAFDAC on Wednesday, December 11, 2024, destroyed expired and unregistered drugs worth ₦11 billion in Ibadan, Oyo State. In November, it seized ₦300 million worth of fake medicines during a raid at Tyre Village in the Trade Fair Complex, Lagos State. Officers also shut down counterfeit alcohol packaging centres in Lagos, seizing items valued at ₦2 billion. This followed reports of illegal revalidation of expired alcoholic beverages at the Trade Fair Complex. The fight against substandard and falsified products extended to Nasarawa State, where NAFDAC officers, led by the Director of the Federal Capital Territory (FCT) Directorate, Mr Kenneth Azikiwe, raided the Karu market at the FCT-Nasarawa border. Bags of repackaged expired rice were confiscated during the operation, with products worth approximately ₦5 billion seized. In a related operation in Nasarawa State, the agency said it sealed a factory and eight shops for packaging and distributing counterfeit rice, valued at about ₦5 billion. On December 19, 2024, NAFDAC targeted a facility named Ninjur Ventures on Abacha Road, Karu. Similarly, at Wuse and Garki markets in Abuja last Friday, the agency confiscated over 1,600 bags of counterfeit rice, worth about ₦5 billion, which were being repackaged in branded bags. In total, over ₦120bn worth of seized products were destroyed by the Agency in six months (July-December) in the six geo-political zones and FCT.³ The above report depicts the sorry state of doing business in Nigeria and to discuss further on this, we shall consider the following:

Product safety and liability

The major question here is: when is a product too unsafe to be sold? It is usually the government agencies that are saddled with the responsibility of resolving this question. In countries like the U.S., a number of government agencies, including the Consumer Product Safety Commission (CPSC), the National Highway Traffic Safety Administration (NHTSA), and the Food and Drug Administration (FDA), are responsible for assessing the safety of products for the consumer market. In Nigeria, government agencies like National Agency for Food and Drug Administration and Control (NAFDAC), Standards Organization of Nigeria (SoN) and Federal Competition and Consumer Protection Council (FCCPC), Consumer Protection Council (CPC) are instances of government

agencies saddled with the responsibility of ensuring the safety of products that are consumed by the Nigerian Populace. The question is: how efficient are these agencies in ensuring that Nigerian consumers get the best from the products they consume?

Nigeria markets are too porous that many of them are flooded with fake, adulterated, expired and sub-standard products; a good number of alcoholic drinks, beverages, and even drugs sold in the Nigerian markets are adulterated and fake. We have cases where consumers shared their ugly experiences of buying fake products such as juice and some other beverages and upon trying to consume them, they saw dead cockroaches and mucor-like dirt in these products. Same goes for drugs we take, oftentimes, we buy drugs to cure a particular health condition but ended up endangering our health the more because what was purchased as drugs are nothing but fake. The above reports from NAFDAC are enough testament to the plight of the consumers in Nigeria. The get-rich-quick mentality of most Nigerians has spurred them into engaging in various dubious businesses; many backyards and residences have been turned to production places where these fake products are produced. It is arguable that good number of cases of kidney failure and other health hazards are linked to the consumption of these fake products in Nigeria. Narrating the findings from his fieldwork in Nigeria, Pete reports: "I was told of unscrupulous traders who used water coloured with clothing dyes or even Fanta to mimic an orange-coloured drug."⁴ Many Nigerian importers are exploiting this lack of censorship by bringing in substandard products from Asia and Europe thereby earning Nigeria the debasing title: 'a dumping ground'.

The above buttresses a failure of a system, these government agencies mentioned above have failed in discharging their responsibilities. They have failed to put in a mechanism that would help checkmate these atrocious acts thereby, leaving the Nigerian consumers at the mercy of these fakeries. Oftentimes, officers from these government agencies are compromised by these unscrupulous individuals into giving out licences and approvals to these fake and adulterated products. This has made most Nigerian consumer to lose trust in them; for instance, today in Nigeria, a NAFDAC seal on a product does not guarantee the product's safety as many Nigerians believe that it may have been obtained dubiously or even forged.

On the question of liability, that is, who pays for harms products cause? In a better clime, the distinction made by Velasquez (2012) holds. He distinguishes three (compatible) views: (1) the "contract view", according to which the manufacturer's duty is only to accurately disclose all risks associated with the product; (2) the "due care view", according to which the manufacturer should exercise due care to prevent buyers from being injured by the product; and (3) the "social costs view", according to which the manufacturer should pay for any injuries the product causes, even if the manufacturer has accurately disclosed all risks associated with the product and has exercised due care to prevent injury (see also Boatright & Smith 2017). In the U.S. and elsewhere, the law has moved in the direction of the social costs view, where it is known as "strict liability".⁵ One cannot make bold to say that any of the afore-mentioned views applies in Nigeria, this is because, most Nigerian consumers are not even aware of their rights, reason they hardly seek for redress whenever they suffer any harm resulting from consuming a product. There could have been myriad of cases against the manufacturers of these fake products. Another point to note is that most of the products consumed in Nigeria do not registered with the appropriate agencies and also, do not bear real contact addresses. This will make it a herculean task to press charges against them.

At this juncture, it is safe to say that product safety and liability in Nigeria is nothing to write home about owing to a systemic failure and negligence in one hand and on other hand, greed and get-rich-quick mentality of some Nigerians.

Advertising

Basically, advertising contains two components namely; information and persuasion. Advertisements educate people about certain products and try to persuade them to buy it. Emphasizing its informational component, some scholars stress the positive value of advertising. Markets function efficiently only when certain conditions are met. One of these conditions is perfect information. Minimally, consumers have to understand the features of the products for sale. While this condition

will never be fully met, advertising can help to ensure that it is met to a greater degree (Heath 2014). Another value that can be promoted through advertising is autonomy. People have certain needs and desires—e.g., to eat healthy food, to drive a safe car—which their choices as consumers help them to satisfy. Their choices are more likely to satisfy their needs and desires if they have information about what is for sale, which advertising can provide (Goldman 1984).⁶

These good effects depend, of course, on advertisements producing true beliefs, or at least not producing false beliefs, in consumers. Writers treat this as the issue of deception in advertising. The issue is not whether deceptive advertising is wrong (most would agree it is), but what counts as deceptive advertising, and what makes it wrong. Take for instance, a firm advertises a hundred percent orange juice but the product turns out not to contain any juice in it and another firm that advertises milky product showing a man lifting a car up as a way of underscoring the product's nutritional values. One can argue that the two advertisements are deceptive but in actual sense, the first instance was meant to be taken by its first value, thus, false while the second instance is just an over exaggeration of praise which no reasonable person takes seriously.

To ensure consumers' safety, there are always agencies responsible for regulation of advertisements, thereby, making sure that consumers get what they see in advertisements. The question is; how are advertisements conducted in Nigeria? For instance, some of the principles guiding advertising in Nigeria state that: "all advertisement in Nigeria or directed at the Nigerian market shall be legal, decent, honest, truthful, respectful, and mindful of Nigeria's culture, constitutional tenets and relevant lawful enactments." Therefore, all forms of advertisement must be legal i.e., must not be contrary to any law in Nigeria. It must be honest and true, respectful and cognizant of Nigeria's culture and the provisions of the constitution and local laws.

According to the section 123 of the Federal Competition and Consumer Protection Act (FCCPA), a producer, importer, distributor, retailer, trader or service provider shall not make any false representation to a consumer in a manner that is likely to imply any false or incorrect representation concerning those goods. Similarly, Article 84 of the Advertising code provides that the product advertised must conform to the descriptions as provided in the advertisement. It must be an exact replication of the descriptions and features as mentioned in the pages referred to above.⁷

The above cited sections are supposed to guide advertising in Nigeria but experience has shown that most advertisements do not adhere to these provisions. Nigerian consumers hardly get exactly the value of a product as shown in an advertisement. Some Nigerians have been duped through advertisement where businesses that do not exist are advertised by paid influencers on social media. These social media influencers are usually paid to advertise fake products online luring their followers into buying and using such products. In Nigeria, advertisement of fake and harsh products is done almost everywhere such as: motor parks, churches, social media, etc. Consumers in Nigeria are at the mercy of these advertised fake products as there is no indication of any form of regulation or censorship from the relevant agencies

Pricing

In simplified models of the market, individual buyers and sellers are "price-takers", not "price-makers". The implication of this is that the prices of goods and services are set by the aggregate forces of supply and demand; no individual buys or sells a good for anything other than the market price. In reality, things are different. Sellers of goods have some flexibility about how to price goods. Most business ethicists would accept that, in most cases, the prices at which products should be sold is a matter for private individuals to decide. This view has been defended on grounds of property rights. Some claim that if I have a right to a thing, then I am free to transfer that thing to you on whatever terms that I propose and you accept.⁸ The possible implication of this is that consumers are made vulnerable and are at the mercy of the sellers. This informs certain interventions from the government to ensure that there is somewhat price control.

The issue of pricing is a serious one in Nigeria where sellers fix prices indiscriminately. After the removal of fuel subsidy in Nigeria by the Nigerian government, prices of goods and services skyrocketed. A good number of overzealous sellers in Nigeria used the opportunity to hike prices of goods and services on a daily basis thereby, feeding fat on the consumers. Although Nigeria operates an open-market-economy but there are provisions for government intervention and control. This because, according to Atoyebi, The Price Control Act of 1977 represents a crucial piece of legislation aimed at regulating and stabilising prices across various sectors of the economy. Enacted to ensure fair pricing practices and protect consumers from exploitation, this act holds significant implications for businesses, consumers, and government authorities alike.⁹ Ayinla holds that, Given the rising inflation and decreasing consumers' purchasing power, governments often adopt several measures to cushion the impact of these macroeconomic changes on citizens. Direct regulation of prices of selected commodities, otherwise referred to as price control, is one such measure.¹⁰ As prices of food and commodities continue to soar amidst the economic hardship in the country, there is a pressing need to examine the reasons for price distortions, which occur when prices and production deviate from the levels that would typically exist in a competitive market.¹¹

In 2004, during the tenure of the Obasanjo administration, the Price Control Act was reaffirmed, leading to the creation of the Price Control Board.¹² The Act mandates the creation of Price Control Committees in each state to enforce price controls locally¹³ while also providing supplementary provisions regarding the functioning of the Board and Committees.¹⁴ The Act empowers the Board to impose prices according to the Act¹⁵ and outlines procedures for fixing controlled prices and defining basic prices and permitted variation.¹⁶ It also prohibits the sale of goods above controlled prices, with corresponding penalties for violations¹⁷ while addressing hoarding practices and penalties.¹⁸ Nigerian consumers are yet to feel the impact of the above; this is because of the astronomical increase in the prices of goods and services in the present Nigeria. The Nigerian markets do not reflect the presence of such price control regulations as marketers are busy fixing prices to sooth their whims.

Ethical appraisal

Having outlined some of the challenges with doing business in Nigeria, it calls for an ethical appraisal on the justifiability or otherwise of these challenges and this would pave way for possible solutions on how better business can be conducted in Nigeria. Virtue ethics is a broad term for theories that emphasize the role of character and virtue in moral philosophy rather than either doing one's duty or acting in order to bring about good consequences. A virtue ethicist is likely to give you this kind of moral advice: "Act as a virtuous person would act in your situation."¹⁹ Moore (2017) nurtures and applies MacIntyre's (1984) virtue ethics to the conduct of business. According to MacIntyre, there are goods coeval to practices, and certain virtues are necessary to achieve those goods. Developing further on the idea of MacIntyre, Moore develops the idea that business is a practice (or contains practices), and thus has certain goods internal to it (or them), the attainment of which requires the cultivation of business virtues.²⁰

Deriving from the above, if the goods in doing business must be achieved, it is expected of one to eschew certain vices and embrace certain virtues required. That is, the goodness in business is achieved when the moral agent that engages in business cultivates certain virtues required. Applying this to the act of doing business in Nigeria, salient questions to ask are: is it virtuous to engage in the act of adulteration and fakery as a way of maximizing profit which is the main good in doing business? Is one of the virtues of doing business has to do with collection of bribes as a business regulatory agent? Is deception in advertising a fake product a virtue required for the attainment of the good in business? Is the unregulated price fixing in Nigeria a virtue? It is obvious that answers to the above questions are in the negative. Going by the way businesses are conducted in Nigeria, it is safe to say that all the virtues required for the act of doing business are hugely missing, reason, doing business in Nigeria has not been consumer friendly.

On the other hand, Kantian ethics as a representation of deontological ethical can also be applied to business ethics. Kant argues that moral duties are derived from moral laws which come to us in the

form of imperatives and are categorical in nature, thus, his concept of categorical imperative as distinguished from the hypothetical imperative which is conditional in nature.²¹ Obi holds that: “categorical imperative simply implores one to do the right thing not minding any pleasurable results while hypothetical imperative states, ‘if you want to achieve B, you should do A...’”²² The first two formulations of Kant’s categorical imperative are: the universal law formulation and humanity or end in itself formulation. The universal law formulation admonishes that you should only act according to the maxim by which you can at the same time will that it should become a universal law. This formulation simply admonishes for a universalizable acts as against non-universalizable ones. Therefore, a good act is that act the moral agent can wish for himself otherwise, bad. On the other hand, humanity or end in itself formulation holds that one should act in such a way that he will always treat humanity, whether in his own self or that of others, never as a means only, but always at the same time as an end. This formulation implores all to always opt only for those acts that do no demean other human persons; hence, a good act reflects this while a bad one is the contrary.

Applying Kantian categorical imperative to some of the challenges of doing business in Nigeria, then, one would ask: are the acts of faking people’s products, selling of adulterated products, deceptive advertisements, fixing of prices at whims etc universalizable? Do they not amount to using the human persons (consumers) as a means to an end? It is crystal clear that Kantian ethical theory condemns the challenges of doing business in Nigeria. That is to say, for business to thrive in Nigeria, all the actors in the act of doing business must ensure that their actions are universalizable and that they do not treat the human person as a means only but always as end in himself. Utilitarian ethical theory which considers goodness of an action by looking at its consequences and utility may sound appealing to the justifying these challenges of doing business in Nigeria. That is, if what matters is the utility an action yields, then, making from selling expired and fake products is justifiable provided that those that engage in it are happy making profit. On the other hand, using the quantity calculus of utilitarianism, one may ask: what is the number that derive utility from selling fake and substandard products in Nigeria as against the number that suffer the bad consequences of such act? It is just a tiny portion of the Nigerian populace that benefits from this act while the majority are at the receiving end. Therefore, it is logical to argue that since utilitarianism considers the number of people affected by an action, it is, then, safe to say that utilitarianism, on this ground, condemns such illicit acts. The utility enjoyed by the few individuals can as well be questioned in line with rule utilitarianism which questions the rule adopted in the bid to achieve utility, that is, rule utilitarianism focuses on the quality of utility as against the act utilitarian focus on just the maximization of utility. Therefore, it is not just utility and number that matter in an action but the quality of the utility and the means to achieving it.

Conclusion and recommendation

So far, we have been able to underscore the importance of ethics as a branch of philosophy that appraises human actions in order to determine their justifiability. Through its sub-branch called applied ethics, ethics goes into different areas of human endeavours in order to help proffer solutions to the moral issues therein. Ethics does this by applying its theories to these moral conflicts, problems and dilemmas. Business is one of these human endeavours, reason this paper tries finding out some of the moral issues with doing business in Nigeria. Some of these issues are: product safety and liability, pricing and advertisement. Product safety in Nigeria poses a great to consumers of these products; a situation where the markets are flooded with fake and adulterated products without any form of safety measures to ensuring reliability, then, consumers are doomed. It is arguable to say that most of the ill-health-conditions suffered by Nigerians are caused by the consumption of fake products.

Pricing and advertisement are other issues with doing business in Nigeria; the manner with which prices are fixed at whims by Nigerian sellers are outrageous and on advertising, there are no working regulations on the reliability of the advertised products; most of the media space in Nigeria is flooded with advertisement of fake products. All these point to the lackadaisical attitude of the government agencies saddled with the responsibility of regulating the doing of business in Nigeria. On the other hand, this paper also tried doing an ethical appraisal by applying some selected ethical theories to these issues. This is because, the problems with product safety, pricing and advertisement in Nigeria

all border on intentional human acts, hence, calls for ethical evaluation. Virtue ethical theory, Kantian ethics and utilitarianism, all, condemn these issues with doing business in Nigeria.

Not only that these theories condemn these issues, they also paved a way on the best way businesses can be conducted in Nigeria. That is, in order to ensure safety of products in Nigeria, virtue ethics would suggest that producers of these products should imbibe certain virtues needed to achieving the good in doing business; this would imply eschewing fakery and adulteration which are not virtuous. Kant's categorical imperative would also recommend that consumers be treated as ends as against treating them as means, therefore, producing and selling fake products just to maximise profit, indiscriminate pricing and deceitful advertisements are different ways of using people (consumers) as means to ends. Lastly, the utilitarian ethical theory would recommend maximizing profit in business but its rule version recommends a justifiable means to the attainment of this goal.

Going forward, this paper is making a clarion call on the respective government agencies entrusted with the responsibilities of ensuring product safety, price regulation, and advertisement regulation in Nigeria to rise to the occasion and save the endangered consumers in Nigeria by discharging their duties diligently. These agencies include: National Agency for Food and Drug Administration and Control (NAFDAC), Standards Organisation of Nigeria (SON), Federal Competition and Consumer Protection Commission (FCCPC), Petroleum Products Pricing Regulatory Agency (PPPRA) and Advertising Regulatory Council of Nigeria (ARCON), formerly known as the Advertising Practitioners Council of Nigeria (APCON). Going through the acts establishing these agencies, one could decipher wonderful thoughts behind their establishment but when it comes to the implementation, there is nothing to write home about. It is the belief of this research that once these agencies start discharging their duties as clearly stipulated in the acts establishing them, some of these challenges with doing business in Nigeria will be highly curtailed and the recommendations from some of the selected ethical theories applied in this research will be significantly met.

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