# LAW AS A TOOL FOR SOCIAL CONTROL: TOWARDS A PHILOSOPHY OF LAW FOR CONTEMPORARY AFRICA

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**Abstract**
This paper is a critical examination of the place of law in the human society and the need for a philosophical jurisprudence for contemporary Africa. The paper takes a critical look at some misconceptions of law after which it adopts the position that law is essentially a tool for social control and the promotion of the common good of the society. Thus, it contends that the fundamental role of law in the human society is to guide human conduct towards the equitable protection of the inherent dignity and inalienable rights of every human being; and that law ensures social order and stability, guarantees justice, and promotes human well-being. In view of this, the paper maintains that for any human society to experience sustainable progress there must be a strict adherence to the rule of law. In this connection, the paper argues that the development crisis and social instability in most African countries is traceable to the constant abuse of the rule of law by the ruling class and the seeming helplessness of the Western judicial system adopted by African countries to address this problem. Trailing this anomaly, the paper submits with a call for an alternative philosophy of law for contemporary Africa. The paper adopts the analytic and prescriptive methods of philosophy.
**Keywords:** Africa, Law, Philosophy of Law, Social Control

## Introduction

It is no news that Africa has and is undergoing serious crises of development. Generally, scholars and commentators on Africa agree that the 21st century Africa is still a continent where there is serious crisis of development. Thus for Sogolo (2010:2), the Africa of the 21st century is still a continent characterized by high death rate, malnutrition, political turbulence, intra-state terrorism, ethnic and religious conflicts, bad governance, gross stagflation, infrastructural decay, high rate of crime and moral decadence. Research suggests that most contemporary Africans are living below the poverty line. They lack the basic necessities of life- food, shelter and clothing. Wilmot (2006:14-16) opines that they have to a large extent been subjected to sub-human conditions - roaming the streets as beggars, sleeping under the bridge in gutters bashers/containers, and if lucky enough eat once a day. Most of these dehumanized Africans are youths, graduates with different academic qualifications.

Concerned about the unpleasant state in Africa, international organizations, government agencies, civil societies and different scholars continue to seek for an adequate explanation and solution for it. This paper contends that the immediate factor that sustains the crisis of development in 21st century Africa is the habitual abuse of the rule of law. The paper ultimately buttresses the view that law is as effective tool for social stability and sustainable development and as such any society that tolerates flagrant abuses of the rule of law will hardly experience

sustainable peace and social progress. The paper also seeks to articulate a viable jurisprudence for tackling the abuse of the rule of law especially by the ruling class in Africa. To meet these objectives, the paper shall take a look at dominant philosophical perspectives on the nature of law, explains the conception of law as a tool for social control, exposes the effects of the abuse of the rule of law in Africa and finally articulate a philosophical jurisprudence for tackling the fragrant abuse of the rule of law in Africa.

**Philosophical Perspectives on the Concept of Law**

The term law is a household term because it is involve in everything we do. In a very broad sense, law is the force responsible for orderliness in the universe. Therefore everything that exists operates according to certain laws. Secondat and Montesquieu (2001:18) put it better:

> Laws, in their most general signification, are the necessary relations arising from the nature of things. In this sense, all beings have their laws; the Deity His laws, the material world its laws, the intelligence superior to man their laws, the beast their laws, man his laws.

However, law can be broadly divided into two types, descriptive law and prescriptive law. Descriptive law refers to scientific laws. These are laws that guide natural phenomena. They operate in the universe independent of human creation. Though human beings discovered them; they can neither be created nor altered by human beings. Prescriptive law on the other hand refers to stipulative laws that guide human behaviour. Prescriptive law is social in nature. It prescribes and stipulates what an individual should/should not do under specified conditions in a given society. Unlike descriptive law, Gauba (2003:238) prescriptive law is a human creation and it is alterable by human beings. At this point it is pertinent to note that prescriptive law is essentially social and normative. By law in this paper we mean prescriptive law. Seen in this sense, according to Sabine and Thorson (1973:241), law is a derivative from natural law and as St Thomas Aquinas rightly stated, natural law is an ordinance of reason for the common good and promulgated by him who has care of the community.

However, the question concerning the basic foundation or source of law is a thing of great debate among jurists, lawyers and philosophers. The branch of philosophical that is specifically concerned with questions on the nature, foundation and aim of law is known as jurisprudence or philosophy of law. The controversy over the essential foundation of law has led to the emergence of different schools of thoughts such as the natural law school, legal positivism/analytical jurisprudence, historical jurisprudence and sociological jurisprudence.

**Natural Law School**

This school of thought sees law as representing binding obligations arising from the moral sphere. It holds that positive law or enactment draws it sanctity or authority from a higher law, 'the law of nature' or 'natural law' which exists independent of our will, and which can be discovered by the human faculty of reasoning. It is, however, different from scientific law because its character is normative rather than positive. It postulates the existence of a universal system of 'justice' or 'right' as distinct from human enactments and rules. According to this view, the basis of law is morality. An immoral law is no law. This views of law has been prevalent in the West since ancient times, particularly since stoic philosophers. In Roman jurisprudence it was recognized as a standard against which all civil law should be judged. In the medieval times, it was equated with divine law. In the eighteenth century it was developed, particularly by Immanuel Kant, as an objective standard to which all rational nature should conform. For Omoregbe (1994:40-42), in the contemporary world, it is particularly invoked in the arguments concerning universal human rights.

**Analytical Jurisprudence**

Analytical jurisprudence or 'Legal Positivism' owes its origin to Anglo-American legal tradition which flourished in the nineteenth century. It sees all law as positive, as direct command of a competent authority, enforceable by effective sanctions. It focuses on the nature of law in technical sense of the term, as distinguished from its conception as a moral standard. It denies the status of law to such rules that are based on a body of conventions or expectations, without proper authority to enforce them effectively, such as 'international law'. It rejects the 'natural law' doctrine as unscientific, grounded by mythical entity, and rooted in confusion between law and morality. Gauba (2003:238-239) states that John Austin is regarded the chief exponent of this school of thought, who tried to discover the key doctrines and ideas underlying a formal legal system.

Austin defined law as a command of the sovereign person or body, as promulgated in a particular political society. He argued that "international law" was not law in the real sense because it was neither promulgated by a sovereign, nor "positive morality" as distinguished from "positive law". Subsequent thinkers in this tradition sought to modify Austin's formulations as regards the criteria of validity of positive law. Hans Kelsen (1960:61), in his *General Theory of Law and State* argued that validity of law is derived from its proper promulgation as well as from it conformity to a "basic norm". Kelsen postulated a hierarchy of norms to which sanctions are attached. The lower-level norms derive their validity from which the entire legal system must conform. In spite of his insistence on the normative character of law, Kelsen (1960:29) remains a positivist because he separates the questions of morality and moral obligation from those of legal validity and legal obligation.

H. L.A. Hart, another major thinker of this school, argued in his *The Concept of Law* that Austin's conception of law as based on coercive order was too narrow as it was largely derived from the model of criminal law. If viewed in proper perspective, the scope of law is not restricted to acts of command and punishment. According to Hart (1961:98) while criminal laws embody a set of coercive orders, civil laws and procedure cannot be compared to it as they also provide certain private arrangements, such as, contracts, marriages and wills. Different types of law serve different purposes. Besides punishing offenders, laws may distribute benefits and regulate various organizations. Hart equates law with rules which determine duties, obligations, rights and powers and also provide for the procedure of law-making and its amendment. Hart also rejects Kelsen's conception of "basic norm", as based on misunderstanding. He argues that the standard of validity of a rule cannot exist in a vacuum. Its derivation is a matter of social fact rather than a hierarchy of norms standing within the legal system. For instance, an act may be lawful in terms of English law, but not so in term of French law. Hence, for Hart (1961:98-105), norms of legal validity are indeed rooted in a social system, not in the legal system itself.

In a nutshell, critics of legal positivism have tried to highlight inadequacies of positive law by pointing to the cases which cannot be solved with the help of positive law alone. Kelsen refers to 'basic norm" of the legal system; Hart points to the "structure of rules", and Dworkin (1977:43) introduces reliance on "principles" as essential complements of positive law. All of them point to the complexity of the nature of law which cannot be understood from its apparent form only.

**Historical Jurisprudence**

Historical jurisprudence or 'Legal Evolutionism' believes in tracing the essence of legal ideas and institutions to their historical roots. According to this view, legal evolution is the outcome of play of social forces. Its chief exponents include F. C. Savigny and Henry Maine. Savigny identified law as the expression of the spirit of a particular people – their race as well as culture. He, therefore, recognized custom as the fundamental form of law because its originated in the life of the people. Gauba (2003:240) opines that legislation was merely a device of translating popular consciousness into enactments. Henry Maine, in his *Ancient Law*: *Its Connection with the Early Historyand its Relation to Moral Ideals*, rejected Savigny's approach to law as a heritage of a particular people. Instead he sought to evolve a general framework in order to explain evolution of law and legal ideas in universal terms. From a comparative analysis of the evolution of legal institutions in different societies, Maine concluded that progressive societies are characterized by a 'movement from status to contract'. In short, according to historical school, law has no fixed content. Thus for Guaba (2003:240) change in social institutions and awareness bring about corresponding changes in the substance of law.

*Sociological Jurisprudence*

The exponents of the school include Ludwing Gumplowiz, Leon Duguit, Hugo Krabbe, Roscoe Pound and Harold J. Laski. In sharp contrast to the analytical jurisprudence, sociological school holds that the state is not the source of law, it is

only an agency to impute legal value to the rules which already exist in society to take care of social interests. Law is, therefore, not only prior to the state but also superior to the state. However, law has a unique importance in society as an instrument of solving social problems and achieving social progress. Thus Roscoe Pound insists on assessment of law according to defined social purpose. In order to achieve social progress, law should be open to interpretation and revision in the light of changing levels of social consciousness. In Guaba (2003:141-142), Pound holds that the proper function of law is "social engineering".

In a nutshell, according to sociological school, substance of law is to be determined with reference to social purpose which it is designed to serve. While the historical school tends to discover the essence of law from the social institutions of the past, the sociological school largely seeks its significance in our vision of the future. However, in spite of the disagreement between these schools concerning the foundation of law, they tend to agree that law is fundamentally an instrument for social order.

**Law and Social Order**

As a social concept, law is concerned with the regulation of human behaviour in a given society. Though human beings are adjudged to be rational and social by nature (Aristotle), their actions are nonetheless not always rational and moral. Human beings are also selfish (Hobbes, Bentham), troublesome and do act irresponsibly. In line with this view J. I. Omoregbe (1994: x) defines it as "an order or a command emanating from a competent legislative authority and intended to regulate human behaviour". The point on relief here is that the ultimate aim of law is social order and peaceful co-existence. Hence, law in a sense could be said to be indispensable. Accordingly, J.O. Odey (2005:194-5) explains:

> Law is the formal means for regulating and ordering social life. It establishes relationships, assigns rights and obligations and resolves conflicts. Due to the complexities of human society, law is an essential element for the regulation of relationships and human activities. It defines obligations and regulates social excesses, thereby ensuring social order. Without the law, no human society can function well.

Appositely, law in itself is an impotent document unless it is strictly obeyed. For law to ensure social order the activities of every individual within a given society must be subject to the dictates of the law guiding such a society. Therefore for law to be able to promote social order, ensure justice and promote sustainable development the rule of law must be enforced. But what is the rule of law? Onwanibe (1989:171-189) defines the rule of law as that aspect of law which envisages a political system where life is organized according to laws that guarantee a good degree of objectivity in dispensing justice, defending freedom, promoting peace and prosperity because law is a reasonable expression of integrity. If law is an obligatory rule of action prescribed by the supreme power of

a state, then the rule of law means that every citizen shall not be exposed to the arbitrary desire of the ruler and that the exercise of the powers of government shall be conditioned by law. For Elijah O. John (1999: 52-61), no one can be lawfully restrained or punished except for a definite breach of law established before the courts in ordinary legal manner.

According to Ban Ki-moon (2011), the rule of law is "a bedrock belief in the supremacy of a government of laws, not of men." It a "fundamental principle"; an "imperative", that is "central to our modern international order. It represents our best hope for building peaceful, prosperous societies." Expatiating on the implications of the rule of law, Ban Ki-moon further writes:

> Respect for the rule of law implies respect for human rights and tolerance of human differences — especially as they relate to things so fundamental as differences of culture and religion. …Rule of law — the very foundation of civilization — is grounded in respect and mutual understanding, not the demonization of "the other".

Indeed, in every society, the rule of law is very essential. Elijah John (2011:211-214) explains that the concept of the rule of law stipulates that all are equal in the eyes of the law except certain officials like Presidents and Governors who may be acting in their official capacity. This does not in any way mean that they should flout court rulings or show disrespect to the constitution. But it means that if sued, they may not be compelled to appear in the court personally. And in most cases, it is the institution or offices which they are superintending that would be sued. However with the establishment of International Court of Justice in The Hague, Presidents of different countries who are enjoying all kinds of immunity should be very cautious in their conduct, for they can still be tried in their personal capacities for whatever crime they committed against humanity during their tenure. The rule of law as was formulated by Dicey (1959:202) has three basic interpretations:

1) There is the absolute supremacy of regular laws as opposed to the influence of arbitrary power. That means, a man may be tried and punished for a breach of the law, but he cannot be punished for anything else;

2) The rule of law clearly stipulates common equality before the law of the land administered by the ordinary law courts. That can be interpreted to mean that no man, irrespective of his social or official position, is above the law. Everyone is duty-bound to obey the same law; and

3) The rule of law holds that the legal rights of the subjects are secured not by guaranteed rights proclaimed in a formal code but by the operation of the ordinary remedies of private law available against those who unlawfully interfere with his liberty of action, whether they are private or official citizens.

From Dicey's analysis, it is obvious that the concept of the rule of law clearly answers the query: does the state exist on its own right over and above the citizens' right? It is decipherable from the preceding discussion that the rule of law is an accepted common phenomenon both in view of natural and positive laws. According to Elijah John (2009:59), the rule of law is very necessary for justice to prevail in the society. This would involve the supremacy of the law over the whims and caprices either of the individual or the state. This rule further helps potential leaders to be instructed on the need to respect the law. The citizens on the other hand will take example from the leaders. But above all, it will enhance the sustenance of the democratic ideal. In his opinion, Falaiye (1993:17) submits that "the corollary of this will be stability, peace and good government" in democratic institutions. One more fact is that it is only when the courts are independent of the government, and thoroughly committed to enforcing the obedience of the government to the law of the land, can the rule of law be meaningful.

**Abuse of the Rule of Law in Africa and its Effects: A Focus on Nigeria**

Almost all the arm conflicts, violence, civil wars, infrastructural decay, xenophobia in post-colonial Africa are direct and/or indirect effects of the gross abuse of the rule of law by post-colonial African rulers. It is often believed that the intrusion of military dictatorship into governance in most African countries is the major cause of their development crises. However, it important to note that the military intrusions were always preceded by gross political corruption and social conflicts created as a result of the abuse of the rule of law civilian governments. We shall buttress this point by focusing on Nigeria.

Rule of law involve first and foremost democratic government by constitutionalism. The Nigerian constitution states that the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice. Okolie (2015:397) opines that the entrenchment of rule of law in Nigeria predates our independence but the problem of its strict observance has always been due to arbitrariness which was widely noticed in both the military and civilian regimes in the past. Since Nigeria's political independence on October1, 1960 successive regimes have canvassed for the government based on the principles of the rule of law and democracy. Nigeria has elaborate provisions on the rule of law and democracy for the ultimate existence of good governance.

Unfortunately, For Acha (1994:34-38), the first republic (first democratic regime) was toppled by the military in 1966 on the ground of political corruption, massive rigging, and other irregularities which all amount to abuses of the rule of law. The massive abuse of the rule of law during the first republic is a major remote cause of the Nigerian civil war which of course retrogressed the socioeconomic and political development of Nigeria. The effects of the civil war still affect and influence current negative developments in Nigeria such as ethnic-nationalism, nepotism, sectionalism and marginalization. The military continued in power until 1979 when a new democratic government (the second republic) came into power. And it is obvious that military dictatorship is antithetical to the rule of law. Due to

pressure generated by the activities of national and international pro-democracy groups the military were compelled to conduct elections and hand-over power to a democratically elected president in 1979. There was a change from the parliamentary system to a presidential system. The opinion was that the first republic collapsed because of the inefficiency of the parliamentary system in Nigeria. Four years later, 1983, the second republic collapsed. The military took over power. The reasons for the military intrusion were still the same. And they remained in power ousting themselves through coup d'états until 1999.

The 1999 constitution ushered in a welcomed democratization process but the question is to what extent has the 16 years of return to civil rule and various transition programmes given way to the observance of rule of law which translates into good democratic governance. A cursory look or analysis of the actions and inactions of the government since 1999 shows that the rule of law has been relegated to a mere declaration in conformity with ideological disguise of the government. It is on record that the Obasanjo led democratic administration dented the image of Nigeria in diverse ways. From the policies and actions of his administration it becomes crystal clear that the government had little or no regard for the constitution and the rule of law. The government clearly disdained the rule of law and shamelessly disobeyed or disrespected and disregarded court decisions. A case in point is that of the Lagos state government V Federal government on the remittance of funds allocated to local government councils in Lagos state. But Okolie (2015:397) submits that despite the Supreme Court judgment on the matter ordering the federal government to remit such funds, the federal government turned deaf ears on the ruling of the highest court of the land. It was not until the Yar Adua's administration that the funds were remitted.

Reacting to this, Hon. Aminu Tambuwal in April 2013 blasted the ex-President Olusegun Obasanjo arguing that his eight years' rule was the worst in terms of defaulting the principle of rule of law. Okolie (2015:397) rightly stated that "most of the claims of the government regarding the gains of the rule of law turned out to be a mere political gimmicks as they were clearly unfounded and merely designed to create the impression that it was no longer business as usual in Nigeria after the prolonged military rule." He further stated that the constitutional provisions regarding the power of the purse and appropriation were overlooked in contravention of the principle of the separation of powers as well as checks and balances A new wave of hope came with Late president Yar'Adua's administration who proudly averred that his administration will be committed to strict and sincere observance of the rule of law.

However, as Owoade (2012:81) observed, it turned out to be another familiar political rhetoric and mere sloganeering, lacking in substance or sincerity. The new wind of strict observance of the rule of law in his administration ushered in manipulated electoral system, political class idolizing power and money, selfish ambition and entrenched political god fathering and other unconstitutional rules. To further buttress the various derogations from the rule of law, Okolie (2015:397)

opined that we can make reference to the impeachments of about 5 sitting governors within the last decade. They were all removed without regard to the constitutional provisions and due process. The Goodluck Jonathan administration did not fare better. Hence, he was voted out of office in March 2015. The current administration of his successor, Muhammadu Buhari, is worse in violating the rule of law.

In general, one can conclude that in spite of having ample provisions for democracy and the rule of the law, good governance has been elusive in Nigeria and most African countries because the successive civilian and military administrations are not committed to the said ideals. The existence of multiparty system has become a permanent feature of Nigerian democracy. This largely accounts for low score or outright negative index of Nigeria and other African democracies in the benchmark of good governance as corruption, election irregularities, poverty, unemployment, maladministration, muzzling down of political opponents, emerging one-party state, declining per capita income and gross national product, GNP, constant social turbulence among other negative signals seem to be the necessary features of most of the countries in Africa. This means that mere constitutional provisions for democracy, rule of law and freedom of the press have not guaranteed remarkable good governance in Nigeria. For Nwekeaku (2014:32-34), this is a great challenge to scholars and practitioners of Nigerian democracy.

Trailing the incessant abuse of the rule of law in Nigeria, is the suppression, exploitation and impoverishment of Nigerians. This situation is similar to what is going on in many African countries suffering from development crisis. Little wonder, J. O. Oguejiofor (2010:19) describes the contemporary African leadership as the "rule of decadence". He rightly observes that their disregard for the rule of law and the common good has led to the "colossal mismanagement" – "corruption, embezzlement, inefficiency, failure to maximize the benefit from scarce resources and according too much remuneration to public office holders" – and many more other ills that "have in the five decades after independence conspired to ensure that our countries continue to play in the league of poor and despised nations of the world." Indeed, any society where there is no respect for law can hardly experience sustainable development. Social order and stability is an indispensable ingredient for sustainable development. And unless there is strict adherence to law, social order and stability can hardly be maintained. The various development plans and structural adjustment programmes that have been executed over the years in an attempt to facilitate development in Africa have failed; thus for Sogolo (2010:2), most African societies are still characterized by diverse problems such as "extreme poverty and unfulfilled elementary needs, famines and widespread hunger, a high rate of deaths, preventable diseases, illiteracy, lack of access to potable water, poor sanitation, geopolitical fragmentation, corruption, violation of elementary political freedoms and basic liberties, bad governance and various forms of violent conflicts and their attendant ills" because their political leaders have incorrigibly refused to govern them in line with laid down rules and regulations.

**Towards a Philosophy of Law for Africa**

One of the major reasons for the flagrant abuse of the rule of law by political leaders in most African countries is the absence of a fair and independent judiciary that is subject only to the law. Africans have for too long waited for the emergence of a truly fair, just, independent and vibrant judiciary and law enforcement institutions that will be able to tame the excesses of powerful political and economic leaders in line with the principles of best Western democratic practices; it is now time to look for an alternative system to accelerate it. C. S. Momoh (1991) mentions two fundamental principles of African ethics. The first is that the human person is moral; while the second is that every human being can be forced to be moral. In line with this position, this paper calls for the formation of anti-corruption and pro-rule of law Non-Governmental Organizations (NGOs)/Pressure Groups, akin to Transparency International and Amnesty International, by professional bodies in Africa. The ultimate duty of these groups is to monitor and investigate the activities of public office holders in Africa and call for the prosecution of corrupt ones using every moral means possible including active non-violent mass protest. In tandem with this thesis, J. O. Odey (2009:22) writes:

> …Aligning Nigeria [and of course, Africa] on the path of self-redemption demands that all those who care for a better Nigeria must break loose from our sedating state of apathy. We cannot align Nigeria on the path of self-redemption by merely wishing it. We must fight for it, for our freedom. And as we know freedom, under whatever form it is been demanded, has been and will ever remain a costly venture… if we want to be free from the chains that have been put round our necks by those who claim to be our leaders, we must be prepared to pay the cost. Freedom has never and will never be placed on a platter of gold for any way farer to pick and go. We must fight for it and die for it if the need arises before we can be free.

According to Iwe (1986:365-370), one of the fundamental rights of every individual is the right to political participation. One can exercise this right by direct involvement in the governance of his/her society as a public office holder or by indirect involvement in electing and censoring the activities of public office holders. Public office holders are entrusted with public power for the purpose of ensuring the common good. In doing this, they are expected to govern the people in line with laid down rules enshrined in their social contract, the constitution and other relevant laws. More so, the people reserve the right to call for the removal or prosecution of any erring public office when their representatives and organs of government that are responsible fail to take the necessary action. The people even have the right to call for dissolution of any government that has failed woefully in the performance of its statutory function. As J. I. Omoregbe (1991:120) notes:

> The main function of government in Locke's philosophy is to enforce morality and protect the fundamental human

> right of individual citizens. The government is the servant of the people. The people are sovereign and they reserve the right to remove any government that fails to perform it duties properly.

Most of the meaningful transformation that have taken place in Africa and are products of protest rather than legislation. The ugly situation in Nigeria and most African countries have continued unabatedly because the people seem to have surrendered the leadership of their countries to whims and caprices of politicians. Perhaps, this is what attracted and still sustains the intrusion of charlatans and rogues into politics in Africa while competent and responsible elites stay clear of politics to remain alive. The political apathy, indifference and in many cases, passive complicity, of most responsible elites and professionals in African countries is therefore one of the factors sustaining the development crises in Africa. Ezeani (2005:33) humbly submits that:

> Yes, it is true that it is from the political class (military or civilian; the key pilots of the people's ship of destiny) we get first class rogues in an African country such as Nigeria and they are the people who gravely and directly ruin society by their misrule and theft. But the rottenness of any society is an indication that the elites in that society are also failing in their social responsibilities in one way or another. Some among them who are also corrupt or are defeatist often decide to join the bandwagon. If you cannot beat them, you join them, is the language of an equally depraved fellow or a defeatist.

Put differently, J. O. Odey (2009:14) further avers:

> … Our greatest problem is not that there are bad people in Nigeria. Every country has a good number of its bad men and women. Rather, our greatest problem in this country is that while some good men and women have chosen the expedient path of keeping silent in the face of evil in order to avoid trouble, others have decided to join the few evil men after their feeble attempts have failed to make them change their evil ways thereby swelling the rank of evil men and women. Nigerian can boast of thousands of good politician, lawyers, judges…academics and good businessmen. I am aware that some of these good ones have remained resolute and refused to be tainted by the trinkets of the leaders. All the same, the truth remains that if more of them had remained not only unyielding to the trinkets of the leaders but had also decided to challenge their excesses, Nigeria would have been a better place by now.

## Conclusion

The major thesis canvassed in this essay is that the condition of any given society is a product of the activities of human beings. Though inherently moral, human beings do not always act morally. Thus the introduction of laws to control human behavior. But for law to act as an effective means for social control, both the leaders and the led must ensure that they are strictly enforced and obeyed by all. The condition of most African countries in the 21st century is a product of the failure of political leadership and the inability or/and unwillingness of the citizens of these countries to ensure the emergence of responsible political leaders that will govern their countries in line with the principles enshrined in their constitutions.
In order to reverse this ugly situation, we call for the development of non-partisan pro-democracy NGOs by contemporary African elites and professional bodies that will act as the watchdogs that will censor and ensure the emergence of good governance in their respective countries by educating and galvanizing their people to vote for responsible individuals, protest against unlawful actions and call for the removal /prosecution of incompetent/corrupt public office holders. We therefore subscribe to John Odey (1996) thesis that "active nonviolent resistance is a moral and political power of the oppressed" as well as an indispensable tool for positive transformation in a society under the leadership of irresponsible politicians and ineffective political institutions.

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