

STATISM, ETHNICITY AND POWER POLITICS AS THREATS TO THE RULE OF LAW IN AFRICA'S SOCIAL ORDER

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Abstract. *There is an acute problem of the rule of law in Africa, as seen in the need for methodologically reintegrating and re-theorizing the ethical elements underlying the values of power, justice and responsibility as core democratic imperatives. Presently, there is a manifest systematic disempowerment and de-legitimation of democracy that generates negative consequences for moral and material life. The crisis of the rule of law in democracy in African states has become life threatening due to the our multiethnic community where the shightly diverse difficulties and contradictions of societal life are usually reflected in the form of friction leading to oppression, deprivation, injustice, conflicts and insecurity. The concerns about life, values and society imply the need for a critical evaluation of Africa's institutions for human well-being, rule-following and progress.*

Key words: *rule of law, democracy, power, Africa, Nigeria.*

1. INTRODUCTION

There is no doubt any more that one currently dominant distinguishing feature of Africa is that the continent continually faces the problem of creating societies where the observance of law and justice will be a reality for all. The endemic susceptibility of African social and political life to inobservance of the rule of law at the social and political levels trigger disorders, injustices and perversions, which is all due to the absence of a proper idea of justice and the rule of law that can underwrite the internal consistency and wider social political consequences of the developmental processes in Africa. Thus, many societies in Africa are faced with the challenge of internally creating

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sustainable fora for problem solving and social reconciliation. These societies are faced with the challenge of providing basic frameworks for defining and articulating mutual experiences on the basis of dialogue and compromise. They are confronted by the problems of establishing appropriate values and institutions in order to mitigate mutual mistrust, conflict and instability. The crisis of social order in most African states today is clearly illustrated by the fact that they lack viable institutions for the attainment of social goals such as rule of law, security, peace, freedom and justice.

For instance, the above gaps exist within the real context of the problem of marginality, the plight of the less-privileged, the pains of the excluded and minorities in a statist-corporatist Nigeria, which have not been fully resolved in the context of democratic society that is urgently and grossly in need of the rule of law and social justice. The situation compels a translation of the crisis and context-related problems of social justice in the society. According to Nielsen, (1996:81) the question of social justice is the question of: what is a proper social order which can guarantee human flourishing? Indeed, a just social order cannot allow “a society of slaves where, for some people, resources external to them are properly subject entirely to communal control, such that they, having no control or very little control of the means of life, have their autonomy undermined”. A just society needs to define and recognise rights. Thus, the fundamental challenge of this study is to philosophically theorise the conceptual and empirical basis for creating and sustaining viable democratic order in Africa that is in need of social justice in order to make human life worth living. This task is an aesthetical reinvention of the normative conditions of man’s responsibility, within a law-like nimbus, affected by a distorted rhetoric and wider social-political contexts of participation devoid of justice and responsibility.

The rule of law is the foundation of democracy or, for that matter, any society that will be capable of guaranteeing security, peace and progress. In case of Nigeria, the same democratic principles that are suggestive of responsible conduct in relation to the law and peaceful transfer of power may not have translated into the establishment of responsiveness, responsibility and viable representation in the evolving democratic practice. Put simply, it has been observed that “there are still many parts of the African continent where prevailing realities are still a far cry from some of the precepts of human-centered development, including transparency of governance, socio-political legitimacy, the rule of law and widespread popular empowerment” (Ninalowo 2003:9). It is true thus that we are faced with the urgent need to assess our level of success in achieving the “democratic idea that there should be equality of opportunity, economic as well as political” (Busia, 1967:163) This point again reminds us of Otonti Nduka earlier point that “these contrasts, imbalances, and inequalities to which attention has often been drawn are integral parts of a way of life whose historical, economic and ideological foundations are traceable” (Nduka, 1977:344).

2. POST-COLONIAL NIGERIA AND SHORT-FALLS IN THE RULE OF LAW

In post-colonial Nigeria, the interest in the rule of law, justice and development arises out of the reality of crisis due to the pervasive presence and influence of a foreign and dominating tradition/culture and the real effects of an indigenous cultural deficit in some realms of life. Colonial law was nothing other than the rule of the Metropolitan, whose distinctive love was subjugation of the colonised. The colonial vision and mission was the

relentless exploitation of the African peoples, the profligate expropriation of their resources and the obstreperous pacification of all modes of dissension, legitimate or otherwise. In the post-colony, the problematising of the rule of law, justice and its development arises out of the reality of crisis in the social and cultural environment that has been triggered by a disconnection between our traditional values and imposed alien values and value-systems. In this era of post-coloniality, there is a more turbulent substrate for the crisis of justice in Africa owing to the fundamental clash between alien perceptions and ideas of reality and justice. Evidently, the “split between autochthonous and imported/imposed values, norms and rules remains on the map of Africa and in the minds of many Africans” (Munker, 1998:83).

Gaps in the character of democracy are noticed in the entrenched patterns of the bad governance of the rulers arising from a complicit liberal capitalist value system that pursues exploitation and disempowerment as core values. This deficit such as we find in the contradictions of the oil exploration process in the Niger-delta area *vis a vis* establishing a humane democratic society explains the descent into violence and militarism as aided and abetted by ignorance and complacency of the ruled in Nigeria. Obasanjo claims that in democracy, “it is evidently necessary to uphold, at all times, the basic principles of accountability and social justice” (1993:1). This statement belies the reality that we actually see on the ground in Nigeria. The political culture of state-centralism, top-down social engineering and other major social engineering instruments that are the heritage of colonial capitalist alienation and marginalisation have ensured that effectual and broad based democratic participation is at best a mirage, especially in such a country in poor human and technological development index far behind in the Millennium Development Goals (MDGs) such as Nigeria.

In addition, there is the real problem of the socio-economic disempowerment and marginalisation of a broad group of citizens. These include: the vulnerable peoples such as rural dwellers, the low income earners, politicians and business people disfavoured by the government, medium and low level government workers, pensioners or retired workers, rural peoples, uneducated people, unemployed and under-employed youth, physically-challenged persons, destitutes, children, street urchins popularly known as ‘area boys’ or ‘*almajiris*.’ This marginality is instructive in its implications for the failure of existing strategies of social welfare.

The democratic project creates opportunities that currently breed institutional marginality and bad governance due to short-falls in the values of justice and empowerment that can facilitate the securitisation of democracy for stability and national prioritisation. The systematic disempowerment of groups arises from gaps in the democratisation of security concepts and institutions easily seen in the concentration of unaccountable power in the hands of a few privileged egoistic minority and their violent institutional and private militarist agents in the patrimonial predatory state. The majority of citizens are disenfranchised due to the logic of conflict and corruption that erodes public trust, equity and dialogue through the manipulation of resources and ethnic biases. Endemic political corruption involving government and public officials remains a serious problem confronting Nigeria today because it privatizes politics, boosts costs and diverts energies to the concealment of private gain.

This ultimately leads to the abuse of power, deteriorating fiscal and economic management, arbitrary policy change, deficit financing, and a chronic, unrecorded leakage of funds, blurs of the line between private and state property, erodes public trust, invites incompetence and

violates the very laws and rules that stabilizes the state and society. The problems of upholding the rule of law is seen in the fact that Nigerians still face varying forms of human rights violations. The state is still largely authoritarian as security forces trample on the rights of the citizens with a surprising impunity in a democracy. There are reports of misappropriation and misapplication of state resources by incumbent state actors as well as local authorities and foreign business interests. There have been demands by the numerous aggrieved groups focus on the need for installing elaborate procedures of fair treatment and negotiation which will counter balance the reality of insecurity and marginalisation. The disempowerment of the majority of the people can be seen against the back-drop of gaps in the character of democracy are noticed in the entrenched patterns of the bad governance of the rulers and complacency of ruled, the political culture of state-centralism, in the pursuits of dominant political parties to promote god-fatherism, money bag politics, a lack of internal democracy, breach of written and unwritten agreements on a power sharing formula.

Corruption and alienation of the law-makers distant from the people they are representing due to pecuniary gains, lack of knowledge and poor over-sight functions are apparent. The travails of a civil society weakened by the compromise of their dominant voices who have joined active partisan politics are not making the desired impact on democratisation further undermines the quest for strong institutions. The lack of independence of the Judiciary as an arm of government has occluded arbitration mechanisms and tribunals as effective means for seeking redress.

The prolonged delays in the activities of election tribunals are sufficiently revealing of the delay of justice and absence of access to the rule of law. A general citizens' dissatisfaction with the standard of life and the potentials for attaining human dignity indices, health care deficits, transport infrastructures and education notably highlight this development short-fall seen in the rural areas that lack access to good access roads, free and safe water ways. The rivalry among and inefficiency within the security agencies has unleashed massive incursion by foreign civilians and armed groups from countries to the north, west and east of Nigeria through the porous borders causing the recent spate of politically motivated violence in the north, domestic secessionist insurgency in the east and cross border banditry in the north by Chadian rebels and Nigerien militia. The poverty of the economy is seen in its mono-logical primary raw material/crude oil production. Warped democratic participation is seen in people transferring their votes for materials as trivial as loaves of bread, bowls of rice, and the lowest denominations of the local Nigerian currency equivalent to about 3 US dollars. Thus, how can Nigeria address the critical gaps in respect for basic rights, distributive justice, a culture of rational dialogue, satisfaction of social needs? What security issues arise from the practice of democracy in Nigeria? How do we tackle concerns about disorder, public mistrust and corruption that arise from contradictions between democratic consolidation and intolerant power?

3. THE RULE OF LAW AND NEGATIVE ETHNICITY

Some scholars have pointed to ethnicity as the Achilles heel of any African effort to adapt and advance any viable system of law and socially responsible conduct. The question is: is this really the case? As Eme Awa (1993:58) has rightly stated "where societies are

poorly integrated and primordial feelings are prevalent as in the states of Africa, the representatives of the various ethnic groups in the civil service may perceive the national interest mainly in terms of the welfare of their particular groups." In a case such as this, the rule of law must fail or be vitiated. Thus, we cannot but insist that ethnicity must be captured, bridled and vitiated. Other higher ideals and positive values must be encouraged and entrenched. If ethnicity is allowed to continue ravaging the spaces, then things will never progress in many parts of Africa. Thus far, ethnicity has brought prominent negative aspects to African societies, inhibiting morality, education, religion, law and other instruments that have changed societies for the better elsewhere.

According to Odugbemi, "ethnicity undermines the fundamental values without which we cannot build a sane, serious, democratic society" (2001:70). It has ushered in convoluted citizenship and obstreperous attitudes suggestive of de-development and disintegration in a national context. It has encouraged resistance to change (Galey, 1974:270) hence countermanding dominant modernising instruments such as the state among others. Ethnicity has induced convolutions in social organisation and psychological predispositions for guided and purposeful conduct. This has triggered questions about the very basis of human survival and has forced a return to the study of the basics of human nature. To overcome a recalcitrant human nature and inimical cosmological and political ethnicity, a new set of competing or higher values must be identified, entrenched and given legitimacy as directing principles. This approach can be used taxonomically, on an institutional basis. Each system will identify its own core overriding values, and then will marry such precepts to the overarching values that cut across the different institutions without which it will not be possible for any member or group to make a head way in the society. Put simply, the issue of values must be prioritised and negotiated for the aesthetic security of a developing society.

In proffering solutions to ethnicity and the crisis of the rule of law, rule-following and obedience to law and order, scholars have come up with diverse uses of the class factor. How successful or effective will the appeal to class be, in the resolution of the ethnic crisis? More so, what is the phenomenological capacity of the class phenomenon to evolve into uncontrollable forms? What has Africa as a whole and Nigeria in particular gained from the dialectics of ethnicity and class? According to Bell (1975: 160-171), it should be generally noted that the ideas of class and ethnicity are 'two prominent modes of coherent group feelings and actions'. Otite states that class can play a positive role in mitigating ethnicity. He asks us to "develop and strengthen class ties to subvert the strength of ethnicity in contemporary Nigeria" (1995:23). However, we need to understand the genealogy and contextualisation of class to see whether such a function ascribed to class can easily be attained. Glazer and Moynihan (1963:12-17) have drawn attention to the fact that ties of kinship, friendship and interest connect men. The question that can interest us here is not just about the competitive or comparative effects of these tendencies but rather how interests alter the configuration of ethnicity. Class theory was introduced to explain the gross inequalities in the ownership of wealth and income arising from the operation of a free market economy.

It will not be presumptuous to say that in Nigeria for instance, there are only two real classes that impact variously on the social dynamics; these are the rich and the poor. This present stage has evolved due to the fact that the state has failed to manage effectively and imaginatively the co-existence of multiple ethnicities in view of peaceful and progressive ends. The ruling elites have continued to employ ethnic and regional affiliations and

mobilisation in the struggle for state power. The occurrence of political and economic conflicts arising from the counterproductive procedures by which the national elites have managed and distributed the limited resources and wealth managed and distributed the limited national resources and wealth, have created volatile conflict situations. The engendered by ethnic complexities in Nigeria have been worsened by the manipulation of class politics, which has aggravated the situation of conflict, insecurity and disorder in the Nigerian polity. Ake (1996:13) describes the Nigerian elites as self-absorbed and having no national project. "They know only their own interests."

Elite politics and conduct in Africa connotes the acquisition of wealth by corrupt practices. Politicians were willing to obtain power at all cost, since the control of power emphasized the control of the economic strings of the society (Nzimiro, (1984:36-37). Elite political administration is treated as a purely personal affair of the ruler, and political power is considered part of his personal property (Ibrahim, 1997:156). The rise of the cult of personality within the power structures in Africa has generally auto-generated lawlessness, turbulence and profligacy and other wanton abuses of power. The point then is simply that once one manages to find himself or herself joining the core ruling elite that is configured in concentric rings of outwardly diminishing power-holding, then one has joined the only class that matters. This induction or inclusion is irrespective of one's ethnic affiliation. What serves as the basis of admission into the class of the rich are the dominant metropolitan beliefs and values held by people. At this level, closure of all spaces, insensitivity at the institutional, policy and personal levels remain the directing principles. Basically, unyielding economic control and social manipulative control is of more importance and priority than mere ethnic origin. After all, many of the oppressed zones in Africa today, which have now surrendered to complacency and agitation, have shared something in common elite complicity. This is seen in the fact that their traditional and national elites have participated in the physical and spiritual destruction of their own peoples.

4. POWER POLITICS, DEMOCRACY, AND THE RULE OF LAW

The problem of law and law-like accretions in democratic theorizing in Africa may have defied orthodox or received doctrinal presuppositions. Ake surmises that "Nigeria for example, democratises with no separation of powers, all powers having been vested in an imperial presidency. There is hardly any rule of law, no plausible system of justice, and no transparency. The coercive institutions of the state are above the law, the civil society is below it, ordinary people are out of sight, far beyond its protection" (1996:6). The reality of deficits in the rule of law for effective democratic participation against the back-drop of the immanent shortfall in the articulation of the principles of rule-following, political morality, systems of social justice and installation of institutional efficiency suggests the need to challenge once again some of the revered and cherished underpinnings of democratic theorising. After all, we can ask: how true is it, in the case of Nigeria that "ethnoregional diversities have also been given political expression and accommodation. Marginalised groups of women, youth, children and the disabled are progressively getting their groups on the policy agenda" (African Governance Report 2005:17).

The quest for the rule of law has been undermined and obstructed by an intolerant, tainted and warped conception of power whose uses have occasioned (in Nigeria) a

neglect of the views of the populace, judiciary and legislative bodies, by a sit-tight regime that seems to nullify all semblances of civility, dialogue, respect for human life and common good. For that matter, the tragedy of the peoples of the Niger-delta taken as the totality of their past, present and even future suffering insinuates a gross shortfall in the establishment of genuine rules of participation. Indeed, state-centralism top-down social engineering and other major instruments of anti-consensus, disrespect for the value of human life, alienation and marginalization have ensured that democratic participation is at best a mirage, especially in such a country in poor human and technological capital such as Nigeria.

Furthermore, in interpreting the concrete repercussions of seeking the rule of law, we are concerned about the way by which a person or group with power can be made to act justly or see the need for doing so. If this is so, then we are interested in how power can be negotiated or made to serve the interest of higher and positive values or goals. In this sense, we are interested in the idea of "power as domination, as the ability to control or command" (Litke 1992: 176). There is a profound connection between power and justice, which raises paradoxes. As Morgenthau puts it, "the object of somebody's power opposes that status in the name of justice, and the holder of power justifies it, also in the name of justice. The real issue arises between power and its victim or between power and power, each claiming justice for its cause" (1794: 163&166). This turbulent aspect of power is undoubtedly one of the greatest challenges facing Africans in their quest for rule-following obedience to law and justice.

The factor of human nature and the critical possibilities for perversion of the law and responsibility that arise from the real challenge of a negative use of power in Africa must be situated against the back-drop of the reality of conflicts and imbalances that power relations either serve to exacerbate or mitigate. According to Soyinka (in the work *A Climate of Fear*, Lecture 2: *power and freedom* 2004), the factor of power is "a motivating component of human personality. It is the ancestral adversary of human freedom", seeking to control and dominate the other. Most personalities and institutions that have been vectors of power in Africa have persistently surrendered to domination, authoritarianism and even outright tyranny and despotism. The theme of domination has been emphasised as one of the most popular extremes of the exercise of power. According to Partridge (1963: 118), "it is a defining characteristic of the situation that the one man is compelled to surrender his own desires or interests, to yield without any compensation to those of the power-holder." Such a crisis-ridden conception of power inevitably throws up a regime of turbulence. We must seek to develop an alternative conception of power as directed towards service to the other or society. The psychological, cultural and institutional underpinning of these problems cannot be over-emphasised. Young (1994:88) has noted that given the fact of the corruptive tendencies reposed in power "one of the secrets of a good society is that power should always be open to criticism." In fact, the crux of the negotiation with power is to "moderate the power of the rulers over the ruled" (Scott 1992:122).

5. HUMANISTIC VALUES AS TEMPLATES FOR TRANSFORMATION

The fundamental challenge of the rule of law is to theorise the conceptual and empirical basis for creating and sustaining a rule-guided socially responsive and institutionally

responsible democratic order so that each man and woman has equal opportunity to satisfy their every basic need. This point is especially significant in the context of a multinational community where the widely diverse difficulties and contradictions of societal life are usually reflected in the form of problems and friction that lead to deprivation, injustice, conflicts and insecurity. These problems lead us to share Gastil's concern that "we must ask particularly what values we hold most dear. Do we want the establishment of democratic regimes that will soon come to deny those liberal, humanistic values we see as essential to a full human life" (Gastil 1991:13)? What can a study of the rule of law yield at the philosophical, phenomenological and axiological levels?

The truncation or convolution of the rule of law as a vital democratic value in a developing society will terminate in insecurity. This insecurity affects virtually everyone. The poor, vulnerable and disadvantaged suffer most. This study engages the African predicament, portraying the dismal picture of decay and degeneration in socio-political life and highlighting the reasons why Africa's sphere of influence is diminishing in an internationally competitive world order. The vital concern about values and society implies the need for the critical evaluation of our institutions for the advancement of human life. As people have rightly noted, man is himself as fragile as the very institutions and structures (global or local) that he has installed to sustain, protect and uphold him. Thus, the need to promote social justice and human responsibility would appear to be more urgent than ever as we become more acutely aware of the limited nature of the nation's natural resources and the need for sustainable development.

It becomes clear, therefore, that the idea of the rule of law and justice promoted by democracy is one that depends not just on cooperation and individual contribution but also on the concept of law. The rule of justice as law in a democracy is a demand for discipline, efficiency and propriety in human personal and institutional conduct. The sense of responsibility embedded in these expectations "is both political and moral" (Kaplan 1982: 206). Mansfield puts it most directly stating that "democratic governments need responsible citizens as much as they need honest politicians" (1995:32) The rule of justice and law, or law as justice, in a democracy is physically embodied in the concepts of obedience to and supremacy of the constitution and constitutional rights, respect for the rule of law and clear requirements of the separation of powers. Justice in a democracy is the non-negotiable ordinance requiring the creation of the widest possible opportunities for social members to define themselves and make their positive contributions to the common good and social security within legal and legitimate boundaries. This step will facilitate the optimal or optimum development of talents, gifts, abilities and opportunities within a social framework of generally accepted values.

If the democratic society or state is to be taken as rule-guided, law-like and just, then certain social conditions must be met. These conditions can be summarised in the idea of opportunity as earlier stated in this section. But what are then the practical implications of opportunity? We also know that democracy in a developing African society must give priority to justice due to the insidious and invidious effects of ethnicity which has unleashed insecurity, hatred, corruption, violence nepotism, mayhem, incompetence, bestiality and retrogression. There are other values that need to be conceptualised in order to guarantee the obedience to the rule of law.

6. OBEDIENCE TO LAW AND ORDER, RECIPROCITY AND THE COMMON GOOD

Given that ethnicity and other obstacles to the attainment of the rule of law have posed the greatest problems in the area of stability, peace and obedience to law and order in the society, most of the acts of lawlessness perpetrated in African society are done under the cover of ethnicity. People are killed during ethnic violence and reprisals following thereof in other areas. Criminals (treasury looters, bandits, petty criminals) at all levels in society cover their tracks by playing the ethnic card that makes their tribal brethren to call for their release for the reason that the culprits are not only the known and unknown criminals. Corrupt government officials appeal to the ethnic sentiment in order to escape punitive measures after being caught and in the process of receiving sanctions. The solution to the ethnic pollution of law or legal forms and practices can emanate from the use of the principles of reciprocity and the common good. The principles retain their validity despite the fact human beings are unable to apply them seriously or forcefully. A relationship or social arrangement in which these rules are given preeminence will generally be more productive, peaceful and beneficial than any arrangement that denies these values.

What do these values symbolise? Also, what are the conditions of obedience? We can talk about obedience to the law in at least two ways. How do people react to questions of obedience in the face of law or law enforcers? How do people react to the law in the immediate absence of law-givers or enforcers? Though ethnicity has nullified the effectiveness of laws due to the corrupting influence of law breakers who utilise the ethnic factor as capital or credential to cheat, pervert and abuse law and order, yet the greater problem is in the prevalence of a form of institutional anomie and spectral illegality. This institutional counter-ethnic abuse of the law is a more corrupting influence that overshadows the ethnic-induced corrupt practices. In this form of the problem, institutions and agencies of the state that are designed to enforce particular section of the law are the dominant solitary or colluding breakers and violators of such ordinances. Thus, ethnicity has made obedience to law a mirage even if the law enforcers are on ground. In case of the immediate absence of the law enforcer and his ineffectiveness as an instrument of control and guidance, we see the traditional weaknesses of the African state in general and the limitations of the state agencies in their normative and practical contexts.

Before going on to other things we need a set of fundamental values that can be erected as superior to ethnicity, if not on the grounds of self-validating principle then on the grounds of rational mutual advantage. The two principles are reciprocity and common good. These principles are guaranteed by the combined powers of human contact with law and morals. However, the law promotes these principles by means of external rule-governed and legislative processes. Whereas morality promotes reciprocity and the common good by seeking to inculcate internalised rules for the formation and direction of the human mind and action, law and morality seek to transform the human mind and society through organizational and character reformation. The core instruments of common good and reciprocity will impact the human and institutional frameworks for liberation, transformation and rectification.

Reciprocity is important because it aims at developing a just society with reasonable persons retaining feelings that reinforce interrelated actions among persons. The synchronisation of interests as the central focus of justice and order predicates itself on a concept of mutuality or the appreciation of reciprocal obligations. According to Bellamy and Hollis, (1995:5):

“reciprocity is the ingredient of society. It aims at populating the just society with reasonable persons retaining feelings of neighbourliness with others. The reciprocal nature of life in a social order depends on the definition of roles into a set of obligations and expectations. For life in social context to have meaning, the activities or roles of each person must in some way be related to those of every other person.”

In applying this principle, persons and groups will be made aware of the backlash of their actions especially when faced with other situations where they are at a disadvantage too. This principle of reciprocity will make people seek the common good not merely as an ideal but more immanently as a feature to be chosen by a rational person as the best choice in a multi-ethnic circumstance.

The aim of a society must be some good, which is to be accomplished by the activity of that society. This good must be accomplished in such a way that it is useful both for the society itself and for its individual members (Brugger, 1972:62). According to Brugger:

There are different ways of conceptualising the common good. But the two major ways of doing this are as follows. The common good may be understood primarily as the perfection of the members through the existence of the society. Perfection here means enrichment with all the human values that make for a full life. It is in this sense that the common good is conceived for the society and its members. The second approach to the notion of common good sees it as a state or condition of the society. The common good is, in a sense, an organising value, which requires two things. First is that the society should have a way of endowing its members with the means necessary for the attainment of its goal. Secondly, the society should also have a way of influencing its members so that they can attain effective cooperation (Brugger, 1972:62-63).

The central value of the common good is that it presupposes some shared understanding of the requirements of justice and human rights, such as is necessary for proper living. It is difficult to have a viable society if there is no conception of common good. Wojtyla (1979:289-300) holds that “the special value of the community is to be identified with the common good”. Here, the various actions take place in relation to some common value(s). The common good, which means different things for different levels of community, however corresponds to the transcendence of the persons being the objective basis for constituting them in a social community as ‘we’.

7. CONCLUSION

In conclusion, the rule of law can be attained *via* the principle of the common good, which in turn can only be attained when some notion of solidarity is accepted. To accept these linkages is to accept the fact that men must relate to each other politically and socially. Contrary to some dominant views, the concept of the rule of law seeks to make a connection between the political and the social. To the extent that there is a need for the conscious and systematic institutionalisation of the mutual bond in the society, then the actualisation of the common good becomes a moral concern. Mill (1990:302-303) holds

that justice arises from the fact of living in the society, and it renders it indispensable that each man should be bound to observe a certain line of conduct towards the rest. In this case, it requires that individuals must recognize the personhood of others and their rights to have a secure and worthwhile existence.

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ETATIZAM, ETNICITET I POLITIKA MOĆI KAO PRETNJA VLADAVINI PRAVA U AFRIČKOM DRUŠTVENOM PORETKU

Vladavina prava je akutni problem afričkog društva koji se ogleda u potrebi da se metodološki reintegrišu i teorijski ponovo razmotre etički elementi na kojima se zasnivaju vrednosti principa podele vlasti, pravde i odgovornosti kao osnovnih imperativa demokratskog društva. U afričkom društvu je očigledno sistematsko obesnaživanje i delegitimizacija demokratije što ima negativne posledice na moral i materijalni aspekt društvenog života. U afričkim državama demokratskog uređenja, kriza vladavine prava dovodi do direktnog ugrožavanja ljudskih života u multi-etničkoj zajednici gde se brojne teškoće i protivurečnosti prisutne u društvenom životu obično reflekuju u vidu antagonizama, tenzija i konflikata koji dovode do represije, uskraćivanja prava, nepravde, sukoba i nesigurnosti. Zabrinutost za životnu egzistenciju, ljudske vrednosti i društvo u celini podrazumeva potrebu za kritičkom ocenom afričkih institucija koje treba da obezbede socijalnu sigurnost ljudi, poštovanje zakona i napredak društva.

Ključne reči: vladavina prava, demokratija, vlast, Afrika, Nigerija.