

**Civil Disobedience, Moral Autonomy and the Quest for
Sustainable Democratic Culture in Africa**

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Abstract

In this paper, attempt is made to conceptualize the role civil disobedience can possibly play in the development and sustenance of a stable democratic culture, particularly in Africa. The paper explores the socio-political conditions in Africa since the early 70s, with a view to showing how Africans have adjusted to heinous situations that call for protests and how this general indifference and apathy has contributed to the socio-political and economic crises presently threatening democratic experiments on the continent. The paper observes the increased rate at which civil disobedience acts are being replaced by organized violence and armed protest groups in most of the newly democratic states in Africa, and attributes this to be the consequence of the way and manner governments in most of the states in Africa have been reacting to acts of civil disobedience. Greater danger to democratic sustainability the paper argues, now lies in, (i) the general indifference as well as refusal of citizens in most states in Africa to embark on civil disobedience even when prevailing circumstances have been calling for such acts and, (ii) the continued intolerance and repression of acts of civil disobedience by governments in most of the democratic states in Africa, which has forced most of their citizens to seek social fulfillment within groups not receptive to democratic ideals.

The main argument in this paper is that civil disobedience as a corrective mechanism is informed by the individuals' moral conviction on the inadequacy of rules and policies of government and that the basis for such conviction is provided by the individuals' conscience. Since political office holders in a democracy exercise power in trust for the individuals who voted for them, the individuals' conscience will continue to remain a major source of challenge to all those who exercise political power under a democratic arrangement. If therefore governments in Africa wish to sustain their present democratic structures, they must continue to respect the dictates of the individual citizen's conscience as expressed through civil disobedience. This, the paper concludes, is the first major step to building a sustainable democratic culture in Africa

Keywords: Democracy, Political Obligation, Civil Disobedience, Morality, Governance

Introduction

This paper attempts to conceptualize the positive role civil disobedience can play in the development and sustenance of a stable democratic culture in Africa. The background to our analysis will be our recent experiences in some of the 'newly democratic states in Africa, most especially Nigeria. Our emphasis on Nigeria is as a result of her rather 'sad' political experiences in the past and because of the position Nigeria occupies in the political landscape in Africa.

Before the present democratic dispensation in most of the states in Africa-Nigeria, Liberia, Sierra Leone, Togo, there was the prevalence of acts of civil disobedience, which were championed mainly by human rights groups and civil liberties organizations. These acts were usually justified on the ground that the military occupation of government is not only illegal but also illegitimate - illegal because the military is believed to have forced itself into power without regards for due process; and illegitimate because the citizens do not approve of the government and its policies. The opinion was often expressed that the general malaise as well as crises plaguing most states in Africa will be mitigated when there is a change in their political culture from military authoritarianism to participatory democracy (Owolabi, 1999:1). The reason for this type of optimism is due to the widely held belief that "democracy bestows an aura of legitimacy on modern political life", and that laws, rules and policies are justified when they emanate from a democratic government (Held, 1995:3). But surprisingly, and against all expectations, democracy has not been able to deliver these promised dividends in many of the states in Africa. In some places like Nigeria for instance, acts of civil disobedience have not only been on the rise, organised violence and armed protest groups have also been on the increase in the Nigerian geo-political environment, and these have become more pernicious in the last two years of chief Olusegun Obasanjo's administration. The incidences in the Niger-Delta, the South-East, and the core Northern states of Nigeria, capture the nexus of the crises being witnessed by the present administration in the country. This essay reflects on the fundamental question of why this is the case.

The paper notes that though the rising wave of acts of civil disobedience (which is complimented by organised violence and armed protests) in some parts of Africa, especially in Nigeria, pose a threat to democratic experiment on the continent, It however argues further that a greater threat to the practice of democracy on the continent lies in, (i) the general indifference as well as refusal of citizens in most states in Africa to pursue acts of civil disobedience even when prevailing circumstances call for such acts and, (ii) governments' intolerance and repression of acts of civil disobedience, which has forced most of their citizens to seek social fulfillment within groups not receptive to democratic ideals. These, the paper notes are major challenges facing democratic experiments on the continent. The extent to which citizens are able to exercise their right of dissent

in any society is an indication of the level of development of that society, and a vital factor to the consolidation of democracy in such country. Civil disobedience, as one of the chief instruments for actualizing this right, should therefore attract the right kind of attitudes from both the citizens and the government.

Our central argument is that civil disobedience as a corrective mechanism is informed by the individuals' moral conviction on the inadequacy of rules and policies of government. The basis for such conviction is provided by the individuals' conscience, and since political office holders in a democracy exercise power in trust for the individuals who voted for them, the individuals' conscience will continue to remain a major source of challenge to all those who exercise political power under a democratic arrangement. If therefore governments in Africa wish to sustain their present democratic structures, they must continue to respect the dictates of the individual citizen's conscience as expressed through civil disobedience. This, the paper concludes, is an indication of good governance and the first major step to building a sustainable democratic political culture in Africa

Democracy, Political Obligation, Civil Disobedience and Morality: Some Conceptual Linkages

To properly situate our discussion in this paper, Let us by way of conceptual elucidation, clarify the senses in which we have employed the major terms around which our discussions revolve in this paper. These terms are 'Democracy', 'Political Obligation', 'Civil Disobedience' and 'Morality'. Here, we intend also to identify some conceptual linkages that exist among these terms, in order to establish the sense in which these concepts complement one another.

The meaning of 'democracy' has become very controversial and elastic. This in part explains while its expression and concrete form varies from society to society (Okunade, 1998: 131). This fluid nature of the concept has made it increasingly difficult for any one to decree a definition that will capture the essential features of all the various forms of democracy to be found in the different parts of the world. This difficulty in tracking the real essence of democracy may be attributed to several factors. One of them is that in current usage, the term has in a way come to acquire a 'honorific' title. It has for many become another expression for 'modernisation', 'civilization' and 'political decency'. This is the reason most regimes in Africa, known not to be genuinely committed to the ideals and principles of democracy, now lay claim to it as a survival strategy (Owolabi, 1999: 4). Again, it has become a known fact that most governments, especially from the former communist enclave were conferred with democratic titles by the West, not because of their commitments to the ideals of democracy, but because of their newly professed ideological leanings.

However, one of the ideals of democracy is that of a system of government in which every individual participates in the process of government either maximally or minimally; maximally as an elected

representative and minimally through an elected representative. This idea of the people's right to participate in the process of governance is the most essential defining attribute that reflects in any genuine practice of democracy. It is this understanding of democracy that we adopt in this paper. Other salient features of this model of democracy are 'free and fair election', 'open and accountable government', 'civil and political liberties' and 'democratic society' amongst others. These attributes, however, are all meant to compliment the principle of participation. The citizens' participation in government in a democracy is an obligation that the citizens are expected to perform.

Essentially, the term 'obligation' is derived from Roman law and it is defined as "a legal bond (*Juris vinculum*) in virtue of which we are tied by necessity to some performance" (baker, 1951: 184). Such obligation may be 'civil' or 'political'. When it is 'civil', it takes the form of a bond between private persons, but when it is 'political', it takes the form of a bond between one, as a citizen, and the governing authority.

The idea of political obligation therefore presupposes that there is a relationship between the citizens and the state. Since man cannot escape the presence of the state, which stands out as the most important institution of social existence, there is the need for both the state and the citizens to co-exist in peace and harmony. It is the principle of political obligation that has over the centuries sustained, not only the idea of the state, but also enhances its peaceful co-existence with the citizens.

There are many issues on the range of problems addressed by the doctrine of political obligation; a whole cluster of different questions of quite various kinds and scope. These questions arose from puzzlement over relationships and bargains in society. Among such questions are:

- i. Why should I obey the law?
- ii. What are the limits of my obligation to obey the law?
- iii. What is the locus of sovereignty?
- iv. What ought I do when the limits of my obligation to the authority of the state have been reached? And;
- v. What is my interest in the state?

Essentially however, the questions raised above would not have arisen but for the fact that we live in a political society. Also, there would have been no government if society was not formed and the problem of political obligation would not have arisen if there were no governments. Whereas the idea of democracy presupposes a society of humans within a territorially defined boundary and a government that runs the affairs of the state, the doctrine of political obligation addresses the relationship that should exist between the citizens and the government within the state. When therefore we examine the above questions more closely, we notice that they all coalesce into one

central issue: and that is the issue of whether a given person 'A' has a prima facie obligation to obey his government, in so far as the latter exercises political power over him within a territorially defined state. Note however that our understanding of political obligation here is not taken strictly to mean the obligation of citizens 'to obey' the laws of the state. This for us is just one part of the problem. Rather, the expression for us is meant to cover also, the issue of 'when' and 'why' citizens should disobey laws emanating from the state. One of the legitimate ways by which people show disapproval for laws and policies emanating from the state in a democracy is through civil disobedience.

Over the years however, there has been this conflation between the 'concept of civil disobedience' and the 'right of dissent'. Whereas some see both concepts as having a closely related meaning and so mistook them for synonyms, a few others are of the opinion that the democratic framework clearly accommodates the right of dissent, while civil disobedience is for them, against the very ideals of democracy as a form of government.

In order to resolve what appears like confusion here, it is important to first of all understand the significance of the idea of consent within the democratic structure since the right of dissent can be said to be a necessary consequence of the right of consent. Embedded within the democratic structure is the idea of the citizens' consent. In a democracy, the people, that is, the citizens, are the ultimate authority. Consequently, the machinery by which laws are enacted and government selected is designed to ensure that no law or government could survive without the consent of the people. Consent here does not mean the kind of coerced or contrived consent as we have in autocratic societies. The consent of the citizens in a democracy must be freely given.

However, this right to free consent, which is one of the most vital principles of democratic societies, necessarily implies a right to free dissent. The understanding here is that those who oppose existing government policies must have the right to compete openly and publicly with those who support such policies. The 'right of dissent' is not only about disobeying laws; it includes also the right to oppose passage of the law, the right to petition for its repeal, amendment and replacement thereafter, the right to promote the enactment of different laws at any time, as well as the right to campaign and vote for alternative candidates at the next election. To achieve all these, the democratic framework tends to guarantee the right of people to speak, write, publish, assemble, picket and even organize and demonstrate on behalf of their beliefs, opinions and points of view. In this wise, the right of dissent serves as a base from which our whole complex of freedoms in a democracy emanates. Civil disobedience then, like the right to speak, write or publish, becomes and should be seen as one of the chief instruments of dissent. In fact, given the peculiar nature of our societies, civil disobedience is about the most fundamental instrument for actualizing dissent. This is the sense in which we adopt the concept of civil disobedience in this paper.

Ordinarily however, the terms 'civil' and 'disobedience' seem diametrically opposed such that their combination would produce something of a paradox. The term 'civil' could be used in different senses. First, the term could be used as a recognition of the general obligations of citizens to one another. Second, the term could be used to depict what is secular, lay, temporal, as distinct from ecclesiastical; what is polite, courteous and relating to ordinary life, as distinct from what is military and uncivilized. Third, the term could be used to refer to what relates to a city or public as distinct from what is strictly private and personal.

On the other hand, the term 'disobedience' means the act of neglecting or refusing to obey. It is the act of failing or refusing deliberately to obey laid down rules, regulations, principles and traditions. Combining both terms therefore poses the paradoxical question of 'what is civil in disobedience?' However, the qualifier '-civil'- plays a very crucial role in the characterization of the phenomenon of civil disobedience. If for anything else, it helps to underline the essentially non-violent and polite, character of civil disobedience. Both Mahatma Gandhi and Martin Luther King Jnr. – fondly regarded as forerunners of civil disobedience – emphasize in their various writings, the non-violent character of civil disobedience. Essentially, an act of civil disobedience is basically intended to address the sense of justice of the majority and not to overthrow the government. It therefore has no need to resort to the use or threat of violence, as such would no longer make the activity civil. Certain other features can be identified which must be present in an action at any point in time before such an action can be regarded as an act of civil disobedience. One of such features is that civil disobedience is basically a form of protest, the overriding aim of which is not only to register deep concern and vehement objection, but also to make open, grave issues to public debate. It is for this reason that civil disobedience is usually publicly committed, and not under concealment from the appropriate authorities. This requirement of openness is crucial, for it helps to first, demonstrate the fact that civil disobedients are not criminals or plotters whose activities are usually concealed, and then to enlighten the government and the general public about the nature and direction of the protest. Finally, civil disobedience is conscientiously committed. What is meant here is that the act is performed or embarked upon by the protester from the principled and deeply held convictions that what he or she does is in defense or in the interest of those rules or ways of behaviour, which each member of the community is taught, bidden and encouraged to adopt. These are what we refer to as morality.

The concept 'morality' is has its origin in the Latin word '*mores*' and the '*mores*' of a community are its customs and its accepted ways of behaviour. Morality therefore describes those set of rules guiding a people's way of life or patterns of conduct in relation to such rules. It is in this sense that Kwasi Wiredu construed morality to cover "ethical rules proper as well as customs and taboos" (Wiredu, 1992: 144). Consequently, a behaviour becomes moral when it is in accordance with those

recommended patterns or when it conforms with the ethical codes, customs and taboos of the community.

So far, we have attempted not only to explain the senses in which we have used the key-concepts relevant to our analysis in this paper, but also to identify some conceptual linkages among them. In the next section, attempt will be made to relieve the African socio-political situations, with a view to showing how Africans have adjusted to heinous conditions that call for civil protests and how this general indifference and apathy has contributed to the socio-political and economic predicament on the continent today.

The African Condition

Africa is a continent blessed with so much wealth, fine minds and noble personalities that radiate sublime intellectual prowess. Yet when we consider the progressive changes taking place in other parts of the world which are not so blessed, but which were formerly grouped with Africa within the awkward title of 'third world' and how these changes shine too brightly against the dull African background, one then sees the acuteness of Africa's problems. In fact, the African condition in the past four decades has been, to say the least, pathetic! The continent has over the years remained unproductive, scientifically and ontologically barren and economically backward. This explains in part, the reason the African socio-cultural and political conditions have not been able to adequately sustain the human person on the continent. All these go a long way to justify the derogatory view of Africa by some Western scholars, as a continent habituated by Pseudo-humans (Popkin, 1977:218; Hegel, 1990; 205, Blyden, 1967:7).

During the period of colonial rule, African nationalists heaped the blames for the many woes that befell the continent on the colonial masters. They were seen as exploiters and cog in the wheel of progress. Volumes were written by scholars of African descent to support this claim. Walter Rodney's *How Europe underdeveloped Africa* is one of such classic texts. (Rodney, 1982). But why do people now recall with nostalgia, the robust economic and socio-political conditions of the times colonial masters were in charge of governments in Africa? Why has the socio-political and economic conditions in most of the states on the continent continued to downslide since Africans took charge of these states at independence?

A careful study of pre-colonial Africa reveals that there was some level of civility amongst the people. At least, the people had their existential values with which they developed a culture and politics that they considered adequate for positive living and progressive development. In addition, the structures for checks and balances including those that guarantee the right of dissent were well institutionalized. For example, it is on records that the legendary Oba Ewuakpe of the famous Bini kingdom was forced to abdicate the throne and go into exile when the Bini people withdrew their

allegiances to him and civilly disobeyed his proclamations. These structures arrived even during colonial period, as some of the concessions gained from the colonial administration by the African nationalists, were made possible by the exercise of their right of dissent through civil disobedience.

But on taking over the mantle of leadership from the European colonizers, post independence political office holders in Africa started positioning themselves as masters while others were reduced to slaves. And as far as the master-slave relationship is concerned,

the slave must know that his master is to govern absolutely and he is to obey implicitly, that he is never, for a moment to exercise his will or judgement in opposition to a positive order (Stamp, 1956:145).

As a result, all those opposed to their policies were perceived as enemies that should be crushed and meted with infinite harm. It is government's repression of the right of citizens to freely express dissenting opinions that made most citizens seek other avenues for expressing their grievances. Some of these avenues later developed into the many armed groups and ethnic militias that presently dotted the continent. In Mozambique, there is the Ruling Front for the Liberation of Mozambique (RENAMO), Angola has the UNITA Rebels, the Zulu Inkatha Movement is in South Africa while Senegal has the Casamance Movement of Democratic Forces (MFDC). Kenya has the Forum for the Restoration of Democracy (RPT), Sierra Leone has the Armed Forces Revolutionary Council (AFRC), Liberia, the United Liberation Movement (ULIMO), Sudan, the Peoples Liberation Army (SPLA) and Algeria, the Front for Islamic Salvation (FIS). In Nigeria, we have the Odua Peoples Congress (OPC), the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and the Ijaw Youth Congress (IYC) amongst others.

Even immediately after independence, some of those who fought for the independence of their states but who were not fortunate enough to be in power, had their right of dissent curtailed by being thrown into prison. Ultimately therefore, post independence African leaders ended up developing and encouraging by their actions, more nocuous methods of perpetrating the very ills they had earlier accused the colonial masters of.

A few months after the independence of most African states, the continent became a theatre of coups. The military struck in Zaire in January 1961, precisely six months after independence. Togo and Benin Republic had theirs in 1963, Central Africa Republic in 1965, Burkina Faso and Nigeria in 1966, Mali in 1968 Niger Republic in 1974, Mauritania in 1978, Equatorial Guinea in 1979, Liberia and Guinea Bissau in 1980. All these countries have had repeated cases of counter coups. In Nigeria alone, we have witnessed not less than 5 coups and counter coups. All of these military governments promised their citizens, short-term governance and quick return to genuine democratic process. None of them kept their promises. Rather, they all left their countries with goring tales of

woe. In a country where poverty holds sway Bedel Bokassa of Central Africa Republic spent over 30 million dollars to crown himself emperor in 1977. In a country where people could hardly feed, Mobutu Sese Seko of Zaire could afford to fly in a barber from New York to trim his hair every two weeks at the cost of over 5,000 dollars. Until now the former Nigerian military president Ibrahim Babangida has not been able to account for the 1.2 trillion Naira oil windfalls that the country realized during the gulf war. And only recently, Sani Abacha, the late military head of state of Nigeria was declared to be the world greatest looter. Indeed, the military has so far produced the worst, among the already horrible political leaders on the African continent. Yet, one has over the years noticed with dismay how the emergency of a new military junta is each time received with enthusiasm by the citizenry in most states in Africa. The new gang, it is often believed, has come to ostensibly savage the country from the ills of the government it ousted. But what has our various experiences of military administrations on the continent taught us?

The era of civil administration during which most of the states mentioned above allegedly practiced democracy has no better tale, as most democratic rules in Africa have been characterized by systematic mismanagement of national property and gross neglect of societal problems. The present democratic experiment in Nigeria attests to this fact. The story is the same in other so-called democratic states in the continent. When Charles Taylor was leaving Liberia for Nigeria on exile for instance, he looted and cleaned up Liberia, so much so that his bank in Calabar had to close to other customers for over three hours the day Taylor came in to lodge his loot.

The huge fortune that providence bestowed on the African continent would ordinarily be enough to launch the continent into the middle rank of the developed nations and transform the lives of her poor and needy citizens. But what have our political office holders done with them? Achebe's response to this question is very apt:

Stolen and salted away by people in power and their accomplices. Squandered in uncontrolled importation of all kinds of useless consumer mechanize from every corner of the globe (and) embezzled through inflated contracts to an increasing array of loyalists who have neither the desire nor competence to execute their contracts (Achebe, 1983:2-3)

We are not here insinuating that corruption is precluded to political officer holders in Africa alone. The infamous American Watergate Scandal and even recent disclosures of the enormous corruption of Japanese politicians, as well as Italy's and Germany's Christian Democratic leaders show that corruption is a world wide phenomenon. But it seems however that corruption, like other societal vices thrive more in places where they are complacently tolerated. This underscores the persistence and even magnitude of this worldwide problem on the African continent.

In each of these miserable conditions the continent has found itself, Africans have always devised mechanisms for adjusting to the situations, individually and collectively. In fact, Africa, to quote Obi Oguejiofor, has become “one section of the world where people are habituated to wait for bad news” (Oguejiofor, 2001:24). This tendency is contrary to Harold Laski's admonition that if a state becomes morally degenerate, the only option for the citizen is to remain consistent with his moral nature. To be consistent with one's moral nature according to Laski, is to withdraw one's allegiance on noticing a moral declension on the part of the state. Where therefore citizens persistently refuse to act in the face of unjust laws and immoral decisions and policies of government, such citizens would not only have given room for government to further perpetrate acts that are detrimental to the well being of the citizens, but most importantly, such citizens would be renegeing in their duties as morally continuously agents. This general indifference on the part of the citizens contributes immensely to the persistence of the various malaise presently besetting the African continent.

Civil Disobedience, Democracy and Moral Autonomy.

The point so far made in this paper is that the challenges facing good governance and democratic experiment on the African continent result partly from the way and manner the citizens and government have each responded to the use of civil disobedience as one of the chief instruments for actualizing dissent. In this remaining part of the paper, we argue that civil disobedience as a corrective mechanism is informed by the individuals' moral conviction on the inadequacy of laws and policies of government and that the democratic framework, which itself depends for its vitality, upon the vigorous confrontation of opposing forces, admits of civil disobedience. Democracy is therefore better strengthened when both citizens and government exhibit attitudes that are promotive, not only of civil disobedience, but also of other actions that would enhance the actualization of the right of dissent.

However, the issue of the extent of citizens' submission to the state by obeying its laws, as well as the limits of the rights of rulers to issue out such laws, has occupied the thoughts of socio-political theorists as far back as the modern period in the history of philosophy. The obligation of the citizens has been described as deriving from a number of sources, among which are the following: (i) The theory of justice holds that the obligation of the citizens to obey the laws of the state is premised on the fact that such laws are made purposely to give justice and that obedience to the law enhances the attainment of justice in society. (ii) The social contract theory sees obedience to be the result of a tacit agreement, made between the citizens and the state. The argument here is that political society grew out of a contract between the citizens and that political obligation is a fulfillment of the terms of that contract. (iii) The theory of general will tries to justify obedience to the law on the ground that law represents the concrete expression of the general will of the people and (iv) the theory of prudence holds that citizens obey the law because of their fear of the consequences of disobedience. This theory is also sometimes referred to as “the theory of enlightened self-interest” (Otinbajo, 1998: 92).

There is also the theory of consent, which holds that obedience to the law, or authority of the state rests on the consent of the citizens, whether antecedently or contemporaneously. This theory is well explained in John Locke's statement that "... no one can be subjected to the political power of another without his consent" (Locke, 1958: 98).

The question however as to which of these theories best justify political obligation in a democracy is a different issue altogether. On this, many are of the view that the most persuasive justification for political obligation in a democracy is provided by the consent theory. The reason for their choice of consent is that in a democratic arrangement, the people are believed to have consented to forming the government through voting in an election. However, given the liberal character of a democratic system, with its constitutional guarantee of fundamental human rights, it sounds odd to justify political obligation on the basis of consent alone. This is because by guaranteeing the fundamental human rights of citizens, democracy by implication, also recognizes the autonomy of man as a being with freewill and the capacity for reasoning. Also, the flagrant disrespect and abuse of the electoral process in nearly all the states in Africa has not only raised the question of who actually consented, and the authenticity of such consent, it has further confirmed the claim that the outcomes of electoral process in most African states is not a genuine reflection of the consent of individuals (Morrow, 1998: 359). Hence, the need to put some other considerations above the requirements of consent, in deciding whether or not to obey the laws of the state in democratic arrangements as ours.

This consideration finds expression within the theory of moral obligation in which obedience to the law is premised on the individual's conviction that it is the right and proper thing to do. Where obligation is moral, "the vast bulk of the population is generally law abiding even where there is not the slightest chance that real punishment will pursue the deviant" (Sandra, 1979: 9). In the same way that the theory ties obedience to one's conviction about the 'rightness' of a law, decision or policy, the theory similarly ties disobedience to one's conviction that it is right and proper to do so. Given these requirements, the issue then arises as to how any man can subject himself to obeying the state at all times without abdicating his responsibility as a morally autonomous agent.

Democracy is about rules and processes. So, the opinion is often expressed that the state should continually earn the citizens' obedience so long as it operates within the limits set by law. The legal backing given to the state in a democratic arrangement notwithstanding, the state is expected to exercise caution when dealing with policies it suspects not to be consistent with the morally held beliefs, values and desires of its people. This is because the legitimacy of any democratic government rests ultimately on its claim to represent the desires of the citizens. Conversely, the claim of the government to obedience to its laws should depend on whether or not the government is doing what the people expect it to do. It follows therefore that when a government's decision, policy or law is incompatible with the citizens morally held beliefs, values and desires, the citizens have a

moral right and responsibility to disobey such law, policy or decision. Harold Laski gives credence to this view when he insists on pledging his allegiance only to the state in which he discovers moral adequacy. According to Laski, if any given state becomes morally degenerate, the only option open to the citizen is to remain consistent with his moral nature (Laski, 1980). To be consistent with one's moral nature according to Laski, is to withdraw one's allegiance on noticing a moral declension on the part of the state. Such a decision is based on one's conscientious conviction. This is the reason civil disobedience is described as a conscientiously committed act, the curtailment of which amounts to imprisoning the conscience (Gandhi, 1961: 172).

The role of conscience in acts of civil disobedience is very instructive here. Conscience has been described as the innate or divinely implanted faculty enabling the individual to make correct judgement about moral issues. The distinctive role of conscience in acts of civil disobedience is that it establishes in the individual consciousness, a general sense of moral obligation. It establishes in the moral agent, a felt need or disposition to act in accordance with what he considers proper. This gives the agent a sense of personal integrity when he listens to his conscience and embarks on civil disobedience, and a corresponding sense of inner failure or guilt when through some fault of his, he fails to do so. Thus, conscience then plays the role of man's interior light in moral matters. This perhaps is the reason people are usually said to have 'lost their conscience' whenever they behave in any manner not befitting their status as moral agents.

In the era of military dictatorship that preceded the present democratic dispensations, the citizens in most of the states in Africa have had to bear with most unjust policies of their governments because of the ways and manner government responded to acts of civil disobedience. But whereas it was the practice during this period for government to resist all expressions of serious disagreement to their policies and laws, actions and inaction, democracy, through its constitutional guarantee of man's basic freedom, makes it possible not only for such disagreement to be expressed on individual basis, but also for the individual to use and expand this freedom by organizing and mobilizing other citizens. It is therefore the case that the operational principles of democracy give backing to civil disobedience. The exercise of this right to disobey the government does not in any way undermine the citizen's fidelity to, and recognition of the rule of law and the political legitimacy of the government. On the contrary, it is their commitment to these ideals that makes people choose the option of civil disobedience instead of engaging in violent protests. Apart from civil disobedience being embarked upon in line with one's moral conviction, the act is significant in two other important ways. First, it affords people who ordinarily are divorced from the conventional instruments of power, that is, people who hold no political office or control no political machinery, the opportunity to participate even though indirectly, in moulding policies that affect them. Second is that acts of civil disobedience give significant meaning to the real essence of the concept of political obligation.

However, where citizens persistently refuse to act in the face of unjust laws and immoral decisions and policies, they would not only have reneged their moral duties, but also would have given room for government to further perpetrate acts which might turn out to be inimical to the very ideals of democracy as a system of government. And if on the other hand governments in African states continue to respond to acts of civil disobedience with suspicion and affront, then they will by their actions be undermining some of the basic ideals of democracy - like the citizens' freedom of expression and association as well as their right to participate in government.

Nigeria and indeed African countries should learn from the experiences of the United States and other advanced democracies of the world. In fact, America's greatness today rests largely on her protection of the freedom of her citizens to criticize, to dissent, to oppose and to join with others in mass opposition. In fact, one can boldly say that the United States of America is one of the few countries in the world today where the freedom to dissent and oppose governmental actions has been more broadly, and the results of the exercise of this right have indeed been auspicious, as seen in the Negroes' protest against government segregated schools as well as the general protest against the United States' involvement in the Vietnamese war. The role of the United States in Afghanistan, Iraq and the Middle East is presently being protested by a handful of Americans, both at home and abroad, and these protests have had modifying effects on America's actions and policies in these areas.

Therefore, rather than repress acts of civil disobedience, democratic governments in Africa should learn to tolerate the criticisms, protests and demands of the dissenters, for this is part of the dynamics of democracy, which itself depends for its vitality, upon the vigorous confrontation of opposing forces (Fortas, 1968: 123). Acts of civil disobedience have most often degenerated into serious collective violence riots, general disorder in this part of the world because of the way they have been handled by governments and their agents. This indeed is the dangerous potential of civil disobedience if mishandled! To prevent this however, governments in Africa should not only be ready to accept the discomforts implicit in civil disobedience acts, they should also make every effort to provide adequate facilities and protection for the dissenters where necessary, so that the 'demonstration' can be effectively staged without paralyzing economic or social activities. As long as government in a democracy holds power in trust for individual citizens, the individuals' conscience will continue to pose as major source of challenges to those who exercise political power. Such challenges are what the citizens express through civil disobedience. For democratically elected governments in Africa to sustain their present democratic structures therefore, they must be ready at all times to respect the dictates of the citizens' conscience as expressed through civil disobedience. This indeed is the first major in the quest for a stable and sustainable democratic culture in Africa.

Conclusion

In this paper, attempt has been made to reflect on the positive role civil disobedience can possibly play in the development and sustenance of a stable democratic culture in Africa. The paper took a preview of the socio-political conditions in Africa since the early 70s, with a view to showing how Africans have adjusted to situations that call for protests and how this general indifference and apathy has contributed to the socio-political and economic crises presently threatening democratic experiments on the continent. The general indifference and refusal of citizens in most states in Africa to embark on civil disobedience even when prevailing circumstances have been calling for such acts, as well as the continuous intolerance and repression of acts of civil disobedience by governments in most of the democratic states in Africa, which has forced most of their citizens to seek social fulfillment within groups not receptive to democratic ideals, are what the paper identified as greater threats to democracy on the continent today.

For states in Africa therefore to sustain their present democratic structures, both the citizens and governments must cultivate the right attitudes toward civil disobedience as one of the chief instruments for actualizing the right of dissent. Civil disobedience, the paper concludes, is a corrective mechanism informed by the individuals' moral conviction on the inadequacy of rules and policies of government. The basis for such conviction is provided by the individuals' conscience. Since political office holders in a democracy exercise power in trust for the individuals who voted for them, the individuals' conscience, the paper concludes, will continue to remain a major source of challenge to all those who exercise political power under a democratic arrangement. Such challenges are expressed through different ways, chief among which is civil disobedience.

References

- Abiodun B. O., "*Moral Problems in Nigeria: Yoruba Ethics as a Rescue*" in J. O. Oguejiofor (ed), *Africa, Philosophy and Public Affairs* (Enugu: Delta Publications, 1998).
- Achebe, Chinua, *The Problem with Nigeria* (Enugu: Fourth Dimension Publishers, 1983).
- Adeigbo F. A., "*Civil Disobedience: A Formula of Definition*", in F. A. Adeigbo (ed), *Readings in Social and Political Philosophy*, Vol. 1 (Ibadan: Claverianum Press, 1991).
- Baker Ernest, *Principles of Social and Political Theory* (Oxford: The Clarendon Press, 1951).
- Bay Christian, "Civil Disobedience" in *The International Encyclopedia of the Social Sciences* Vols. 13 and 14 (New York: Macmillan and the Free Press 1972).
- Blyden, E. W., *African Life and Custom* (London: African Pub. Society, 1967).
- David Held, *Democracy and the Global Order* (Oxford: Polity Press, 1995).

- Fortas Abe, *Concerning Dissent and Civil Disobedience* (New York: The New American Library Inc. 1968).
- Gandhi M. K., *Non Violent Resistance [Satyagraha]* (New York: Schocken, 1961).
- Iwuchukwu Olive, "Democracy and Regional Ontologies" in J.O. Oguejiofer (ed) *Africa Philosophy and Public Affairs* (Enugu: Delta Publications, 1998).
- Karen Johnson " Perspectives on Political Obligation: A Critique and a Proposal", *The Western Political Quarterly*, Vol. XXVII, No. 3, September 1974.
- Laski Harold, *A Grammar of Politics* (London: George Allen and Unwin, 1980).
- Locke John, *Two Treatise of Government* (London: Oxford University Press, 1958).
- Madison J., *The Federalist Papers* No.10 (New York: Doubleday, 1966).
- Morrow, J., *History of Political Thought, A Thematic Introduction* (London: Macmillan 1998).
- Oguejiofer, J. O., *Philosophy and the African Predicament* (Ibadan: Hope, 2001).
- Okunade Bayo, "Democracy and Human Rights in the Context of Twenty–First Century Africa" in Olusegun Oladipo (ed) *Remaking Africa, Challenges of the Twenty First Century* (Ibadan: Hope, 1998).
- Onuigbo, S.N., "Afrika: Der Zukunft 1st Schwarz" (Africa: The future is Bleak) in C. Umezina (ed.) *Essays in Philosophy* (Nsukka: Afro-Obis Pub. 2005), PP. 20-36.
- Otunbajo Femi, "The Citizens and the State: The Balance of Obligation", *African Philosophical Quarterly*, Vol.1, Nos. 1 and 2, 1988).
- Owolabi K. A., " The Quest for Democracy in Africa, A Theoretical Exploration" *African Studies Monograph* (Lagos: O.O.P Publishers, 1999).
- Pitkin Hannah, "Obligation and Consent I" *American Political Science Review*, Vol. 59, No. 4, December 1965.
- Popkin R.P., "Hume's Racism" *The Philosophical Forum*, 9 1977. Hegel F., *Great Books of the Western World* (Chicago: University of Chicago Press, 1990).
- Powell Bingham Jnr., *Contemporary Democracies: Participation, Stability and Violence* (Port Harcourt Sundry Pub. Ltd. 1992).
- Rodney, W., *How Europe Underdeveloped Africa* (Washington: Howard University Press, 1982).
- Sandra B., et.al (eds), *The Imposition of Law* (London: Academic Press, 1979).