The subject of the relationship between law and social change involves extensive jurisprudential, sociological and philosophical discussions and learning done over centuries by a wide range of renowned commentators and authorities. They have done a great deal of the subject and the diverse nature of the debates surrounding it. I am not about to emulate them in this presentation. The available time would simply render such an attempt unrealistic; what is more, those of the commentators, jurists, sociologists and philosophers who contributed to the discussion in their esteemed written works were more qualified than myself to examine that subject in detail. One would not like to trot where angels fear to tread. Hence the reason to have
contended myself with only a synopsis of the subject; and in that regard it was found convenient, for the present purposes, to base the presentation on the theme of law as an instrument of social change. It is in very brief terms that I seek to examine how the two concepts are related to one another, and eventually conclude that those who are involved in reform activities have a key role to play in the process of societal change.

Debates around the relationship between law and social change more often than not tend to crystallise around the inquiry: which of the two (law and change) should influence the other? Realistically, such a debate is more in the realm of the academia than any other thing, because in practice the pendulum has swung both ways. In some instances, the changing ethos and mores in society have laid a basis for reforms in law. The widely held belief here is that a law that lags behind changed circumstances in society (be they political, economic or social) runs the risk to lose its legitimacy. Thus, it behoves a good and vigilant reformist to always have a sense of pressing societal changes, and to accordingly review legal
institutions, aligning them with the new changes in society. On the other hand, it is equally not unknown of instances where law itself has taken a lead, laying a firm basis for changed morality in society. There is, therefore, a noticeable degree of symbiotic relation and interdependence between law and social change.

Few societies, if any at all, are wholly static. As often stated, change is the law of nature. Society is in constant motion. There was, originally, simple primitive society, which politically was less complex in terms of structures and organisation; then followed feudalism and serfdom; from the latter, movement was to industrialised society or, if one prefers, capitalism, which is reputed to be imperialism, when well-developed. Still, others envision that socialism will also come to pass. The point of all this is that, as these societal changes occurred, it is agreed that they had influenced changes in the existing legal institutions of the time, and indeed those emergent legal institutions themselves had in turn laid the basis for new norms and values which were consistent with the nature of the new society at a given particular period.
The colonial era, and indeed its demise, provides yet another glaring example of the symbiotic nature of the relationship between law and social change. Colonial oppression and repression had led to a clamour and agitation for political emancipation and independence. This became the new ethos and mores of the African society. Finally, pressure brought to bear, and the colonial masters had to give in and quit. This change, of need, had to be given shape and reality by creation of what came to be dubbed “Africa’s independence constitutions”. These new legal instruments brought home with them new ethos and mores in an independent African state. Under the new dispensation (post-colonialism) the catch-word became “democracy”, seen as an overarching constitutional principle. A plethora of other constitutional principles were either expressly provided for in the constitutions or were developed by the courts of law through the creative technique of interpretation of these constitutions: Good governance, free and fair elections, an open and transparent government, public accountability, judicial independence, separation of powers,
rule of law, etc.etc. have come to serve as an example of some of the needs and desires of the modern day society in Africa, after independence.

Apart from the principles set out above being part of our constitutions in our respective jurisdictions, such also have come to form the new political moral and ethic, inevitably leading to what is now a new form of agitation that Africa’s governments must deliver on the promise of constitutional democracy. It is this new demand (post-colonial period) which undoubtedly brings more pressure to bear on the reformists to discharge their historic mission to not only monitor the changing times, ethos and mores of the society, but also to align our legal institutions as best as may serve the new needs and desires for a truly democratic dispensation.