

# CIVIL DISOBEDIENCE (INDUSTRIAL ACTION) AND THE QUEST FOR NATIONAL DEVELOPMENT IN NIGERIA

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## **Abstract**

The common or average man on the street might not be able to tie strike action and civil disobedience together because the two phrases do not actually sound alike but the bottom line is that the two are one and the same thing. When the people in the social contract protest a policy they consider anti-people it means that the people have civilly disobeyed the sovereign authority they have chosen. The classical name for strike action or work to rule is called civil disobedience. Some scholars have contended that civil disobedience is a panacea for socio-economic and political advancement in any human society, while some others have argued that it is more counter-productive than beneficial to the society. This, thus, raises the question of how can civil disobedience which is known and regarded as a kind of resistance or revolt against the government (sovereign) and its policies be of any good to the state and on long run bring development to it? It is the aim of this paper, inter alia, to attempt a consideration of what civil disobedience is and whether or not it can lead to development and productivity in any state or human society. This is with the view of making the necessary recommendations on how to move the Nigerian nation forward in the right direction.

It has been argued by a school of thought that civil disobedience is one of the instruments through which the people speak, are heard and make known their desires and aspirations. It has also been said that it is the tool with which the masses check and resist the policies of the government which they regard as anti-people and therefore unfavourable to the citizens. In other words, civil disobedience is a weapon which the people use to resist policies of government which are considered not to be in the best interest of the social contractors-the people. Two parties are involved in the tacit consent: the contractors i.e. the people and the state or sovereign. The agreement is that the people surrendered some of their powers, rights and freedom to the state which will in turn govern and protect them. The state protects and secures the interest of the contractors-the people. Put differently, the state owes the people protection and security while the people owe the state respect, recognition, loyalty and obedience. In certain situations the state reserves the right to withdraw or deny the individual (s) the security and protection it owes to the people while the people on the other hand reserve the right to withdraw the obedience they owe to the state. It is against this backdrop that this paper is precipitated i.e. the issue of civil disobedience and the quest for socio-economic and political development in the Nigeria nation.

It would be prudent, in order to do a plausible job, to do the following; examine the concept called "civil disobedience", how it differs from other kinds of disobedience, explain what the fundamental human rights are and then explain civil disobedience in relationship with national development and advancement in Nigeria.

## **What is Civil Disobedience?**

Civil disobedience has been viewed variously by different scholars but the bottom line is that all these views end up saying virtually the same thing. Civil disobedience has been referred to as the "refusal by a large group of people to obey particular laws or pay taxes, usually as a form of peaceful political protest". (Hornby, 2008) It is "the non-violent breaking of a law on moral grounds". It has also been said

that “civil disobedience is the morally justified law-breaking, normally intended to change a particular law or policy” (Hoffman and Graham, 2009)

Some of the implications of the above definitions include, among others, that civil disobedience does not normally involve violence in order to achieve its goals. It means that the people (the contractors) who had hitherto consented to obey the state (the sovereign) have decided to wilfully and peacefully withdraw their obedience owing to the fact that the state has put policies that are not favourable to them. Second, the definitions clearly suggest that the people are morally justified in their decision to deny the state obedience. Another implication is that the reason for the disobedience is that the people want to force the government to reconsider or change a policy or policies it has put in place. The action of the people sum up to breaking the laws the state has put in place to govern them all. It is a protest or resistance of the constituted and recognised authority. Civil disobedience involves a large number of people and this clearly indicates that it is not a closed or one-man affair.

Having examined the meaning of civil disobedience, it is pertinent to point out that although it involves breaking the law the action is morally and legally justified. That is, that it is the only kind of law breaking that is acceptable. It is therefore not an offence. For instance, when criminals break the law they are punished for it. If an armed robber is caught in the act it means that he/she has broken the law and must be punished for it, or if someone or a group of people murder another then they would have broken the law and would be made to face the wrath of the laws of the state. This second category of law breaking is considered illegal and unacceptable. Again, this second category of law breaking is often characterised with violence and destruction and this is totally opposed to the doctrine of civil disobedience.

Another salient point of note is the fact that civil disobedience is not the same thing as a revolution. Civil disobedience is aimed at changing a particular policy or some particular policies while a revolution on the other hand is the complete or total change or pulling down of the entire structure of the political milieu, and a revolution is often characterised by violence and even full blown war in some cases. Many lives and property are either lost or destroyed. Civil disobedience occurs more often in a political dispensation but a revolution seldom occurs or does not occur often. Civil disobedience does not often resist individual(s) but policies, while a revolution on the other hand often resist individuals along with their policies. A revolution normally occurs after a long period when the people must have tolerated so many draconian and detrimental policies-laws. (Appadorai, 1982)

Civil disobedience is synonymous with democracy. Political systems like monarchy, aristocracy, dictatorship, etc. hardly tolerate civil disobedience. This means that in political situations other than democracy civil disobedience is regarded as illegal and unacceptable. Since democracy is all about the people then it is regarded as a medium through which the people speak and therefore it is legal. It has to be pointed out here that civil disobedience is what is known and referred to here in Nigeria as strike action or industrial action. Others refer to it as “work to rule”, “down tools”, etc. but the truth is that the underlying principle behind them all is that they are all a kind of protest, resistance or revolt against government policy or policies which are considered anti-people. (Warburton, 1998)

In the military junta headed by the late Head of State, General Sani Abacha, the labour unions in Nigeria under the auspices of NLC (Nigeria Labour Congress) and the TUC (Trade Union Congress) frequently went on industrial strike actions to protest these policies that they considered anti-people in other words, they civilly disobeyed the sovereign. A good example was the time the late president increased the pump price of petroleum products upwards. (The News Watch, 1997) The protests were not tolerated by the head of state who met the labour leaders with serious hostilities. Many people lost their lives in the struggles. (TELL NEWS MAGAZINE, 1997) It should be noted that the economy suffers serious financial and other losses when these strike actions are embarked upon.

### **Kinds of Disobedience**

Conventionally, a situation where by the social contractors go against their own contract by themselves for one reason or the other is referred to as civil disobedience but in a political milieu like Nigeria it is generally or better known as “strike action” or “civil protest”. It is the aim of the paper to

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point out here that no matter the name by which it is referred they all mean the same thing so long as it is a resistance against government's policy.

Another fact is that civil disobedience might not necessarily be the down tooling by workers but in any way that shows that the people (contractors) are not pleased or satisfied with the programmes of government. Civil disobedience could be a peaceful demonstration or a march across major streets and roads carrying placards with inscriptions of what they detest.

A report on Aljazeera news reported that tens of thousands of protesters marched out in Hong Kong against what they referred to as humansuffrage (Aljazeera, 2014 Oct.1). Here, the protesters were not only workers but what looked like the entire nation over and against a policy they considered anti-people. The nation would stand still, business will stand still in fact everything meaningful will halt until the issue is sorted out. This is civil disobedience. What this tells us is that civil disobedience could include but not limited to the following: work-to-rule, down tools, demonstrations, strike or industrial action, etc.

### **Civil Disobedience and Political Obligation**

In as much as it is civilly permitted to disobey, there are however, certain principles put in place to ensure that the aim of the protest is not defeated or rubbished. That is, that the protesters are politically obliged to ensure that they conform to the following principles:

i) **Hijack.** The protesters are politically obliged to ensure that the non-violent protest they have embarked upon is not hijacked by selfish, ambitious and dishonest persons towards achieving their own individual selfish gains. The possibility that hoodlums and touts might capitalize on the non-violent and civilized disobedience such that it will deteriorate to something else is very likely. So those who are disobeying have the onus of guarding against such occurrence.

ii) **Altruistic Reasons.** It is imperative that the reason(s) for the protest is an egalitarian one and not for the benefit of a few powerful individuals. The policy(ies) which the protesters are bent on resisting must concur with the utilitarian principle i.e. it must conform with the utilitarian maxim of the greatest happiness for the greatest number- The "Somun Bonum". (Stumpf, 1994)It must be a selfless and conscientious struggle. The leaders or fore runners of the fight must be people who are not prepared to compromise or be bought over by anyone to such an extent that they will abandon the struggle.

iii) **Meaningfulness.** The protesters are obliged to have carefully and critically considered the fact that the resistance is the only way out of the considered oppressive government policy (ies) so that a meaningful aim or goal is achieved in the long run. In other words, it means that the civil disobedience must have a direct link or bearing with the anti-people's policy(ies) otherwise the protest is senseless. This makes it a fallacy. (Edogiawerie, 2014)

iv) **Reasonable Considerations.** The protesters are politically obliged to be reasonable enough to hold or suspend the action if there are clear indications and evidence that the authorities are making concerted efforts at addressing the matter which, ab initio, led to the agitation. Since civil disobedience is a non-violent, moral and legal way of resisting government policies, the protesters will not be justified if they continue with the action despite the obvious fact that efforts are being made to redress the issue at hand. The agitators are politically obliged to stall actions on any further disobedience if efforts are being made to solve the problem.

v) **Exhaustion of All Avenues.** It is politically imperative that the protesters do not embark on the resistance if they have not exhausted all avenues of dialogue and negotiation with the relevant authorities. Disobedience should be the last resort and not a weapon to be used indiscriminately and senselessly. The protesters are obliged to dialogue with the authorities if and when the avenue is created to discuss and seek ways forward for the betterment of the people. The protesters should be reasonable enough to give

the government enough time to find solution to the perceived problem. The round table is always preferred to the battle field as far as any civilized society is concerned.

vi) **Giving Adequate Notice.** The protesters are politically obliged to give enough warning and notice to the authorities on the impending and imminent action. In Nigeria, for example, the minimum number of working days' notice to be given to the authorities is three (3) days to a maximum of two working weeks before the full action or resistance begins and records have shown here in Nigeria that when the full scale protest begins it is always very difficult to control and return to normalcy. Meanwhile, millions of naira is lost to the industrial action.

vii) **Avoiding Arbitrariness.** It is popularly said that "for every action there is an equal and opposite reaction" It should not be heard that the protesters are resisting the government for what could be considered to be trivial reasons. Reasons that are seemingly tangible enough to protest against. It would be ludicrous, for instance, if it is heard that a work-in-progress on a road which has not been completed early enough is the reason for the protest by the stakeholders or that a promised salary increase is not implemented the following month or that workers went on strike just because they have not been paid the previous month's salary. The technicalities surrounding modalities take time to work out so the protesters will have no justifications for any industrial action. If it were up to two, three years ago then they would have a point but for it to be automatic is unreasonable. It is analogous to using a sledge hammer in killing a fly or an ant resting on a fragile table.

viii) **Obeying Laid Down Rules And Regulations.** There are laid down procedures for civil disobedience and the protesters must ensure that their actions conform with the constitutional requirements of these procedures. If, for example, there is resistance against any policy(ies), then such must be directed at the relevant authorities and it must not be an avenue for carrying out personal vendettas against anyone or any perceived enemies. If, for example, it is a march to government house then it is wrong for the protesters to see it as a medium to molest and harass any citizen of the state or resorting to destroying their property. It should not be an opportunity to loot, destroy and vandalize private property.

### **Critique**

It must be well understood that government is a very powerful and organized body to such an extent that it is very difficult if not impossible for one person or a few individuals to bring her down. One of the fundamental reasons is that it is the collective power of all the citizens, so bringing her down is likened to bringing down all the citizens.

Be that as it may, it is imperative to state that the sovereign/state which is charged with the responsibility of administering the affairs of the people must be constantly reminded that the people's best interest and nothing else is top priority. That is, the sovereign must be made to realise that no matter the situation the interest and welfare/ wellbeing of the people must come first and that this cannot be compromised.

It is also imperative to remind the powerful sovereign that the right to wilfully withdraw obedience must have been triggered by a policy or policies it has put in place which the people do not like or consider to be in their best interest and as such the sovereign should be willing to retrace its steps at the instance of the people because the sovereign exists because the people created it.

On the other hand, the people should remember that if they do not want to return to the state of nature then they should always be civil at all times. The people must always fulfil their obligations to the state so that it will not be held that the chaos and anarchy in the state was precipitated by the people themselves. The loyalty of the people to the state must not be in question or doubt at any time. The property and other infrastructure put in place for the comfort and furtherance of the people must always be guided and protected by the people.

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Finally, the people must remember at all times that disobedience is only necessary when there is no other way out of the logjam in the state. Put differently, civil disobedience is and should always be a last resort and not a weapon that should be drawn at the slightest provocation.

#### **Conclusion**

Civil disobedience becomes inevitable because of the element of 'conflict of interest'. When two people meet and interact, it has been discovered that, there is every possibility that their personal interests will conflict with one another and this is bound to result in strife or confrontation and if not resolved would lead to chaos and anarchy. Since the state is very powerful it requires that an apparatus be put in place to help keep her in check and on track because "power corrupts and absolute power corrupts absolutely" If the people have no way of muscling the state then the possibility of the state becoming a tyrant is very high. A tyrant will defeat the whole purpose of creating and sustaining a civil society devoid of chaos and anarchy.

In conclusion, it would be scholarly to reflect and state that civil disobedience if followed or applied properly is a tool of advancement because if laudable policies are put in place then there will be room for development. With civil disobedience at the disposal of the people its leaders will strive at all times to ensure that they remain in track. Such leaders try as much as possible to be reasonable and decent especially as laws and policies are concerned. Civil disobedience becomes harmful and destructive if the fundamental principles underlying its existence are not applied or followed. It becomes dangerous if it is high jacked and misused.

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