

**DAVID HENRY THOREAU'S CIVIL DISOBEDIENCE AND
STRIKE ACTIONS: A JUSTIFICATION OF LABOUR STRUGGLE
IN THE NIGERIAN CIVIL SERVICE.**

BARNABAS EKIEGINI, IZEGEDE.

Department of Philosophy, Nnamadi Azikiwe University, Awka.
Anambra State, Nigeria.
bizegede@gmail.com

Abstract

The concept, civil disobedience was introduced and developed by David Henry Thoreau in 1849 sequel to his experience in the fight against slavery in USA. This concept was popularized by Gandhi in India in 1966, in his Satyagraha, and later by Martin Luther King Jr. in his civil right movement of non violent resistance. Civil disobedience aims at bringing changes to government policies and has been in existence since the 18th century. In developed countries such as the United States of America (USA), civil disobedience is used to demand justice from the government and remains an effective tool for fighting political despotism. Henry David Thoreau is conventionally considered as a towering figure who advocated and practised nonviolent resistance against social evils. Thoreau's height of conscientious integrity in an era of social conformism, his passionate opposition to the institutional degradation of human life and values, and his enduring literary production as an author, public speaker, and natural scientist, placed him at the heart of the era now known as the American Renaissance alongside his distinctive prose style, classical and personal life. Consequently, because of the complexity associated with the readings, understanding and the application of the paradox of Civil Disobedience as contained in Thoreau's *On the Duty of Civil Disobedience*, this work adopted a hermeneutic method which is basically the philosophical method of interpretation of texts, ideas, etc. from another's or author's point of view to interrogate the crisis of strike in the Nigerian labour especially her civil service. This is apt especially now that the Nigerian state has become a state of despotic-lawlessness, living citizens and Nigerian Labour at large at the mercy of their selfish leaders. Thus, it is the findings of this piece that corruption, failed leadership, institutional decay, and poor exploration of the rich tenets and techniques of civil disobedience as has been demonstrated globally and politicization in the Nigerian labour that are responsible for the bane of efficient service delivery both in the Nigerian civil and public services. It is concluded that unless there is a conscious, deliberate, and effective exploration of the concept of civil disobedience especially as it has been demonstrated globally, the crisis of strike and industrial disputes rocking labour in Nigeria would remain a perpetual burden of political history.

Keywords: Civil Disobedience, Strike Actions, Labour Struggle, Nigerian Civil Service and Conscientious Objection.

Introduction

In 1848, Thoreau gave lectures at the Concord [Lyceum](#) entitled "The Rights and Duties of the Individual in relation to Government". This formed the basis for his essay, which was first published under the title *Resistance to Civil Government* in an 1849 anthology by [Elizabeth Peabody](#) called *Esthetic Papers*. The later title distinguished Thoreau's programme from that of the "non-resistants" who were expressing similar views. *Resistance* also served as part of Thoreau's metaphor comparing the government to a machine: when the machine was producing injustice, it was the duty of conscientious citizens to be "a counter friction" to stop the machine. The one that is intended in this case is "relating to citizens and their interrelations with one another or with the state", and so *civil disobedience* means "disobedience to the state" For instance, [Mahatma Gandhi](#) used this interpretation to suggest equivalence between Thoreau's civil disobedience and his own [Satyagraha](#). Thoreau asserts that because governments are typically more harmful than helpful, they therefore cannot be justified as even [democracy](#) is no cure for this, as majorities do not also gain the virtues of [wisdom](#) and [justice](#) all the time. Hence, the judgment of an individual's conscience is not necessarily inferior to the decisions of a political body or majority, and so it is not desirable to cultivate respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right...Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice" (Thoreau,1989). The government, according to Thoreau, is not just a *little* corrupt or unjust in the course of doing its otherwise-important work, but in fact the government is *primarily* an agent of [corruption](#) and injustice. Thus, "not too soon, honest men rebel and revolutionize". This is not to say that you have an obligation to devote your life to fighting for justice, but you *do* have an obligation not to commit injustice and not to give injustice your practical support. Hence this work intends to correct the misappropriations in the Nigerian governance in relations to Labour and a call to all in any form of service; public or private to embrace as their right a resistance based on and only on conscientious objection and demanded justice. But if the law is itself clearly unjust, and the lawmaking process is not designed to quickly obliterate such unjust laws, then Thoreau says the law deserves no respect and it should be broken following Thomas Jefferson who said, 'when injustice becomes the law, resistance becomes duty'. Is there not a sort of blood shed when the conscience is wounded? Through this wound a man's real manhood and immortality flow out, and he bleeds to an everlasting death. (Thoreau, 1989 P. 8). I see this blood flowing now Thoreau argues. Because the government will retaliate, Thoreau says he prefers living simply because he therefore has less to lose. "I can afford to refuse allegiance to Massachusetts.... It costs me less in every sense to incur the penalty of disobedience to the State than it would to obey. I should feel as if I were worth less in that case (Thoreau, 1989)

In the light of Thoreau's postulations, how well have the strike actions in Nigerian by the trade and labour union congress helped in enthroning a just state? Why have the labour industrial actions in Nigeria situation remained terribly less encouraging in spite of the incessant strikes? Why is there relentless fight regarding poor and unfriendly remunerations, lack of basic amenities both in work places and in the general life of the

citizens, and general apathy and lack of participatory trust in the Nigerian people even after decades of engaging protests and strike actions? Are there other possible ways through which the government can be bent to become evenly more responsive on the issues affecting the Nigeria workers? Or are these resistant actions lacking in exploring the real technicalities of conscientious objection? These and many other questions constitute the rationale for this work.

Civil Disobedience in David Henry Thoreau and Conscientious Objection

The incident from which the following essay arose was a night that Thoreau spent in jail for refusing to pay taxes to the government. He was later asked to give a talk about his experiences in jail to the Concord Lyceum on January 26, 1848, and this talk was then committed to paper and published in an obscure journal, where it was promptly forgotten. Although Thoreau's writing achieved little fame during his lifetime, his essay on civil disobedience was later "re-discovered" by Mohandas Gandhi, who came across it while studying law at Oxford as a young man. Gandhi later used the essay as a foundation for his efforts in India, resisting the British government through civil disobedience. In stating his motives Thoreau writes...I heartily accept the motto "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. (Thoreau, 1837). A statement meaning that good government should do only for her people what is necessary or that a government is most profitable when it presides over less and when if put together comes to stand for that government that works to improve the human conscience. The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. The practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majorities rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which majorities do not virtually decide right and wrong, but conscience in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? In response to these questions Thoreau argues.

...I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right. It is truly enough said, that a corporation has no conscience; but a corporation of conscientious men is a corporation with a conscience. Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice. How does it become a man to behave toward this American government today? I answer that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as *my*

government which is the *slave's* government also. (Thoreau, 1837, P, 13).

Thoreau stressed that all men recognize the right of revolution; that is, the right to refuse allegiance to and to resist the government, when its despotism or its ineffectiveness are great and unendurable. Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. Thoreau argues:

If the injustice is part of the necessary friction of the machine of government, let it go, let it go; perchance it will wear smooth certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn. (Thoreau, 1849).

On July 24th, 1846, Thoreau was arrested for refusing to pay the poll tax and was put into jail. Thoreau himself explains why he refused to pay the church tax: "I did not see why the schoolmaster should be taxed to support the priest, and not the priest the schoolmaster . . . I did not see why the lyceum should not present its tax-bill, and have the State to back its demand, as well as the church. (Thoreau).

Thoreau denied the church's right to tax. He does not object to any particular Church policy or practice; he was not saying, "Change this policy and I will pay." He suggested that the schoolmaster and the lyceum had as much right to tax as the church does, and that if all institutions could present their tax-bills, then he would feel at ease in paying them. What matters is not a particular policy but the underlying structure.

Conscientious objection is noncompliance with a more or less direct legal injunction or administrative order, whose aim is to safeguard the conscience of a person. One typical case is the conscientious objection to military service on the basis of religious or secular pacifism. Conscientious objection is very similar to civil disobedience in many aspects. For example, they both involve disobedience of law; they both have close links with the conscience and the moral standards of the protestors. Therefore, sometimes it is very easy to confuse them. But, actually they belong to different categories and deserve different treatment. First, conscientious objection is a private act which does not try to fight for common good. As Rawls observes in *A Theory of Justice*, the conscientious objector does not seek to impose his conscience on the society and, accordingly, does not make efforts to ask the redressing of law. He hopes only that the society will take his special case into account and grant him a special exemption from the relevant law. On the contrary, the civil disobedient seeks to redress or abolish the protested law and does so not only out of conscience but also out of sense of justice, compassion or similar motives. What the civil disobedient is demanding is not only to preserve own integrity and conscience, but also to

fight for the social good. Therefore, compared to conscientious objection, civil disobedience focuses more on the bigger picture of society rather than on the smaller world of personal suffering.

Again, civil disobedience can be performed directly or indirectly, whereas conscientious objection must be practiced directly. The civil disobedient may choose to violate a just law to protest another law which he considers unjust. Nevertheless, the conscientious objection cannot do so because his conscience will not be preserved by violating another law. Further, conscientious objection is always passive, but civil disobedience can assume an active role at times. Conscientious objection is always a passive response to the requirement of law or order, but it is different in the case of civil disobedience. Some cases of civil disobedience are passive responses to the requirement of law, but in other cases civil disobedience can become very aggressive by demanding and coercing the authorities to take steps to change the status quo. In the latter cases, the civil disobedient is in the status of a challenger rather than a passive respondent.

Finally, civil disobedience and conscientious objection are also different in their outer characteristics. While Civil disobedience is performed publicly, non-violently and with a willingness to accept punishment, conscientious objection has no such strict inner requirements, it is always private and passive. Conscientious objection may be performed secretly, with some violence and with an obvious intention to escape punishment. These differences in their outer characteristics originate from the different aims of these two kinds of breach of law. Conscientious objection is largely a private action aimed at defending oneself from what is seen as immoral, while civil disobedience is a politically-motivated breach of law designed to contribute to the improvement of law therefore, it is important for others to know their action and the sincerity of the motive behind it.

Strike and Industrial Action in Nigeria, Causes and Impacts.

Industrial conflict has been a characteristic of industrial societies since the Industrial Revolution era. Conflict is an inevitable part of organizational life, since the goals of different stakeholders in an organization often differ and are incompatible. While industrial conflict is bound to exist, its prevalence and re-occurrence, as in Nigeria, express the existence of unhealthy relationship between key actors in an industrial setting. It is apparent that Nigeria is under industrial chaos and crisis. From independence to contemporary times, there have been series of industrial conflicts and strikes in the Nigerian industrial sector. Since the wake of the 21st century, the strike incidence and propensity have become unprecedented in view of the current democratic system of governance in the country.

It is unworthy of note to mention that even the 'essential services' workers, for example the Nigerian Police Force, have embarked on a strike action. There are regular and consistent strikes and threats of it. The prevalence of strikes in the country perhaps prompted Okene to remark that "what was once thought to be a British disease seems to have become a Nigerian disease. (Okene, 2008).

The Academic Staff Union of Universities (ASUU), Nigeria Labour Congress (NLC), Nigerian Union of Teachers (NUT), Nigeria Medical Association (NMA), Judicial

Workers Union, and so on, have severally and uncountably embarked on strike as many of which lasted for more than ten months.

The incessant stoppage of work owing to industrial conflicts has a lot of socio-economic effects on the development of Nigeria. No matter the logics behind strike actions, it is obvious that there are attendant socio-economic misfortunes. While to an economist, strike causes economic fracture, which has serious negative economic consequences, to a sociologist, strike causes a dislocation in the sociological importance of work as well as the socialization process. Economically, strikes and other forms of industrial conflict and work stoppages obliterate the desired growth and development in the economy. This effect is twofold: while it hinders national productivity, it on the other hand, scares away the needed foreign investment. Human productivity is an important index in calculating national productivity. This is because it is the human element that transforms all other resources toward achieving an increased national productivity. However, trade disputes and conflicts instigate work stoppages, which result in man-days lost. Thus, when labour productivity depreciates, in form of man-days lost, it automatically results to a reduction and loss in productivity which affects the nation's Gross Domestic Product (GDP) as well as the Gross National Product (GNP). Incessant strikes are a reflection of the unhealthy nature and structure of our labour industrial society. Thus, foreign investors are scared away, and are not encouraged to invest in an environment of unstable industrial peace and harmony, where their return on investment will be distorted as a result of strikes and work stoppages.

Sociologically, industrial conflicts, strikes and work stoppages have serious consequences. Foremost, we need to understand that work is a fundamental connection among humans, creating the basis for social integration. Grounded on the demonstrable societal significance of work as an elementary human condition, and as a principal means to fashion and preserve mores (socialization). Beyond the mere provision of income to cover basic needs, it is through the social bonding of work which links individuals to society, gives them social standing and status, serves as a basis for the construction of their personal identity. Given our cultural heritage, work is for most an existential necessity, providing livelihood and meaning in life. A cursory analysis of the above reveals that work is a necessary social activity which provides a sense of societal belonging, a sense of self worth and above all, a sense of living to a worker. This is in line with Armstrong's position that "to most people, to work is to earn a living, to make money. But they also work because of the other satisfactions it brings such as doing something worthwhile, a sense of achievement, prestige, recognition, the opportunity to use and develop abilities, the scope to exercise power, and companionship" (Armstrong 2009). Based on the foregoing, one can now understand why a professor in one of the Nigerian universities had to become a motor park tout 'agbero' during the protracted industrial face off between ASUU and government in 2009. Furthermore, unremitting work stoppage, owing to strikes, alienates man from other men in the industrial society. This results to a break down in the socialization function that work serves. Another social cost of strike is that it paints a bad image and casts a social stigma on both parties involved in the industrial conflict. Strikes especially frequent and prolonged ones, make the society to have a bad or negative judgment of the parties involved. For instance, ASUU has

numerously been adjudged as a group of greedy, egoistic folks who are only after their selfish interest, owing to their frequent and often protracted strikes. On the other hand, their employers, the government, have been labeled a bunch of insensitive lots. It becomes obvious from the above background and analysis that strikes serve as a constraint towards the social development of Nigeria.

Industrial conflicts have been identified as an offshoot of an imbalance, exploitative relationship between parties involved in an employment relation. Though causes of industrial conflicts or the resultant strikes are complex, it becomes oftentimes difficult to pinpoint the main causes of strikes. However, generally strike is an expression of grievance, mostly attributable to failure of collective bargaining. Strike is a weapon of last resort (*ultima ratio*) which is to be employed when other means of achieving an agreement or resolving disputes has failed. (Okene, 2008).

The socio-economic effects and challenges of strikes cannot be over emphasized. While it hinders national productivity and economic development, it serves to alienate man from the social interactions obtainable in his workplace, as well as hindering the socialization process.

Nigeria tensions created by incessant strikes in the country have become alarming. This would prompt a discerning mind to enquire for an understanding as to the reasons and causes of industrial conflicts. Though there may be ready answers to this, the following are some of the identified reasons why workers and their unions identified the following causes of industrial conflicts:

Refusal of union recognition: Workers often resort to strike so that the employer would recognize them as a union and thus, make them parties in collective bargaining. Currently, a breakaway faction of the Association of Senior Staff of Banks, Insurance and Financial Institutions (ASSBIFFI) in Union Bank, known as Union Bank Association of Senior Staff (UBASS) is involved in a trade dispute so as to force the management of Union Bank to accord them recognition as a collective bargaining party.

Bringing the Plight of Workers to Bear: This is perhaps, the most singular reason why labour embarks on strike actions. Unconducive working environment, inadequate pay packages, poor welfare services, etc, are some plights of the workers that spur them to strike. For example, the just ended industrial imbroglio between ASUU and the Nigerian government stem from the inability of the federal government to honor and implement the FG-ASUU agreement.

Unpopular and Harsh Public Policies: Unfriendly and harsh policies by governments and employers are veritable factors that have caused many severe industrial conflicts. Most public policies made by government have met stiff opposition by the labour. Workers and their unions usually resort to strikes to express their displeasures on such perceived anti-labour policies, decisions and/or legislations.

In view of the identified effects of industrial conflicts, the following measures, amongst other things, are recommended as ways of reducing industrial conflicts and effects. (A). One of such mechanisms is the institutionalization of industrial democracy. (B). There is

the need for a legislation which will give legal backing to collective agreement. This will go a long way in containing the propensity to default in honoring collective agreement. (C). There is the need for government, as an employer, to emulate the human resource management and employee relation strategies applicable in the private sector.

Towards achieving this, public sector employers should accord premium to labour. Employee morale should be boosted by all means possible. Employers should recognize that human resources are the soul of the business and not the sole, to be trampled on. This will go a long way in aiding both parties achieve both individual and collective interests and objectives within a world of intense interconnectivity and integration.

Conclusion

The Nigerian Labour congress has most times been accused of not really understanding the consequence and the value of civil disobedience as a request to government accountability. In most cases they only speak up and act when matters directly affects them, neglecting the interest of the masses. This could be one of the reasons government over the years has neglected the sector so terribly that what her leadership does is to mount little pressure on the government for only their own selfish reason. It is a notorious fact that there has never been a ceaseless civil disobedience from the civil service unions over any unfriendly policies of the government that are not particularly affecting the civil servants.

It is in view of the forgoing, that this work recommends as part of its argument and findings that civil service unions in Nigeria need corroborations across board, from different trade union bodies and civil society organizations to mount an incessant and intelligently planned pressure through civil disobedience so as to bring government to her knees. The continued half baked, warning and frequent calling off strike after unproductive negotiations in most cases doesn't address wider societal needs and is not only ineffective and obsolete, but has been proven thorough, in most cases it falls at the expense of the masses as the case of strike in the health and the education sectors.

Last year 2020, the Academic Staff Union of Universities embarked on a protracted strike that lasted for more than nine months, yet the same crisis that led to the industrial action has not been fully resolved till date reason because they were not supported by labour as a body. It is a high time trade unions in Nigeria understand that it is part of their duties to ensure that the country's general wellbeing are not compromised by those who are in the corridors of power as it has and still been done in other countries of the world, and certainly, not until that is done strike and industrial struggle will continue to lose its fecundity in Nigeria. And to pull off in success, all not only the labour union must rise to the virtue of conscientious moral objection in fighting injustice meted on labour in general.

Bibliography

H. D Thoreau, (1849). *Resistance to Civil Government*, New York, E.P Peabody: G.P Putnam.

-----, (1837) *.Introduction to the United States Magazine and Democratic Review*.

-----, *On The Duty Of Civil Disobedience*. Retrieved on 18/09/21 From <https://www.essay/>.

-----, *Resistance To Civil Government*. Retrieved on 16/09/21 From <http://www.wwnorton.com/college/history/archieve/resources/documents>.

M. Armstrong, (2009). *M. Armstrong's Handbook of Human Resource Management Practice*. London: Kogan

Okene, O.V.C. (2008). Collective Bargaining, Strikes and the Quest for Industrial Peace in Nigeria: *Journal of Labour and Industrial Relations*.