# THOREAU'S CONCEPT OF CIVIL DISOBEDIENCE AS A PANECEA AGAINST UNJUST STATE IN NIGERIA

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**Abstract**

*Thoreau's lecture on resistance to bad governance came as a means of creating awareness to the people so that they may understand their responsibility towards the ruling government. The exigencies of Thoreau's era made it possible for him to admonish the people on best way out of what he considered a bad government thus he proposed civil disobedience as the best way out. Civil disobedience is therefore the weapon of the down-trodden against a bad government. In some countries especially in Africa, military intervention, as an aberration, often comes into play. Henry David Thoreau in his address to his American audience favored civil disobedience, a non violent resistance to effect the desired objective to install a government that governed the least. The problem in America during the 19th and 20th centuries was that the government policies featured injustice putting just men into indefinite jails, enactment of unjust laws to undo the masses, morality was thrown overboard; moreover, the people's earnings and welfare remained unsatisfactory. The Americans remained in silence without reactions. There were no signs of change for a better future. Civil disobedience became the alternative. That was the time of Thoreau's address to his people. Based on the above, this work reviews and made suggestions towards justice, good governance and the issue of civil disobedience in Nigeria. The study employs the philosophical method of analysis.*

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**Keywords: Unjust State, Civil Disobedience, Nigeria, Thoreau, Government**

## Introduction

The issue of discussion here is 'Civil Disobedience', the title of Thoreau's address to his American audience. Civil disobedience is an uprising against a government that serves no allegiance from the ruled. It is mayhem or insurgence by the ruled against the government that was perverted.

By 20th century civil disobedience was more influential that in the 19th century the time of Thoreau's address, and the American government was such that could not satisfy the economic needs of the people, a government that could not move along with its followers and fell into self-aggrandizement. The people either did not know that while they had civic duties they had civic rights or they had no right of expression. People were taxed to support the church of which they were not members.

The relationship between the majority-masses and the minority government men became sour and the people remained in deep slumber and fear to effect a change. Thoreau came to their rescue with his inflammatory clear address, to arouse his audience. Government is at its best and expedient when people are prepared for it. But most Governments are usually, and all governments are sometimes inexpedient. The objections against a standing army, any they are many and weighty and deserve to prevail, may also at last be brought against a stand government. The standing army is only an arm of the standing government. Government is a mode to execute people's will. Jacobus remarked that taken all in all, this essay was simple, direct and uncluttered. Its influence had been in parts a result of the clarity and grace "which characterized Thoreau's writing at its best"

David Henry Thoreau was an apostle of good governance and human rights. He was a bundle of rhetorics ingenuity. He liked his audience to do like the French aristocrat who rose against the bourgeoisies, hence the French revolution of 1789. Same as John Locke in his *treaties of civil government* who said that "if a government is bad it should be removed, if possible, through rebellion", but he quickly warned that rebellion should be by majority not few individuals seeking for power. On the score, Thoreau was an advocate of government that governs least and sympathizer of down-trodden masses. He was a man of social and political reforms. By the above, he was a man anyone would enjoy to meet because he proved himself not an ordinary human but a great thinker. His address is inspiring, encouraging and a compeller to the compliers. Thoreau lived between 1817 – 1862.

The philosophical idealism of Thoreau was expressed in his work on civil disobedience which was first published in 1849 with the title Resistance to Civil Government. Thoreau was anti slavery, thus he joined the abolitions movement in Massachusetts. He was strongly opposed to slavery and spoke against it. Thoreau's opposition to slavery was part of what inspired the publication of civil disobedience (Resistance to Civil Government). A year after the publication of civil disobedience, the government enacted the fugitive slave act of 1850 which made Thoreau a criminal simply because he refused to comply with Massachusetts civil authorities.

Civil disobedience is an essay written by Henry David Thoreau in which he resisted the American government. In it Thoreau, argues that individuals should not permit government to overrule their consciences and that individuals have the duty to avoid or not allowing the government to make them the agent of injustices. Thoreau was motivated in the essay in part by his disgust with slavery and the Mexican-American war. In 1848, Thoreau gave lectures at the concord Lyceum entitled. "The Rights and duties of the individual in relation to Government". This lecture formed the basis for his essay which later appeared under the title "resistance to civil government".

Thoreau was among the group of writers and thinkers who were styled the transcendentalists. This is because he believed that there was something that transcended materialism. His philosophical thought were based on the works of the German idealist philosopher, Immanuel

Kant (1772 – 1834), the German thinker and dramatist, Johann Wolfgang Von Goethe (1749 - 1832) and probably the English Socio- political thinker, John Locke (1632-1704) whose philosophical writings must have inspired him greatly as seen in his work on civil disobedience.

## THOREAU'S ADDRESS – CIVIL DISOBEDIENCE

### The Purpose:

The purpose of Thoreau's address to his audience, the Americans was to chastise them against a perverted government that has failed to satisfy the hopes and aspirations of the people. He severely reprimanded them for remaining in deep slumber when they saw that the government of America was no longer moving along with them. The essence of the address is to keep them awake to the fact that their welfare was dashed, their means of livelihood eroded and future prosperity not guaranteed. Thoreau saw his audience as people living in ignorance mingled with cowardice. He compelled his audience to civil disobedience.

### The Irony of his Address:

The irony of his address was that instead of priest being taxed to support the school master, it was the other way round. Thoreau said some years ago, the state met him on behalf of the church and commanded him to pay a certain sum towards the support of a clergyman whose preaching he never attended but his father. He declined to pay but unfortunately another man saw it fit to pay for he supported himself by voluntary subscription. The lyceum should present it tax-bills backed by the state and the church. Thoreau did not wish to be regarded as a member of any incorporated society which he did not join. Another irony was that "under a Government which imprisons any unjustly, the true place for a just is also a prison". Justice, for Plato is "giving one his due"[2]

### Relationship Between Minority And Majority

Majority is 'no-government people', that is the masses, while the minority is the ruling class. For Thoreau, when power is in the hands of the people it is majority rule for a long period not because they are to be always right, nor does it favour the minority but because the majority were the strongest. Instance abound, for Thoreau, where majority rule cannot be based on justice, they do not decide right and wrong, but conscience, that is matters of expediency.

A corporation of conscious people is a corporation with conscience. People should be themselves, law never made people just for those well-disposed are agents of injustice. In other words, "no one should be governed without his consent"[3] declared Locke in his *Treatises of Civil Government.*
This implies that people should not sell their conscience to the Government.

### The Influence of Thoreau's Civil Disobedience on Humanity

Civil disobedience as enunciated by Henry David Thoreau has been much more influential in the (20$^{th}$) twentieth century than in the nineteenth century when it appeared.
Gandhi (1869-1948) claimed that Thoreau's civil disobedience helped to inspired his theories of non violent resistance which he used to secure independence for India in 1947. In the 1960s,

Martin Luther King (Jr) applied the same theories in the fight for racial equality in the United States of America. Thoreau's essay on civil disobedience was once again of great importance during the later days of the Vietnam War, when many young American resisted and avoided being drafted into the war because they believed that the war was unjust. Thoreau's civil disobedience may have also influenced the Bolshevick Revolution of 1917, the Egyptian Revolutions of 1919, the Revolution in the Soviet socialist republic between 1989 – 1991, the breaking of the Berlin wall in 1989.

**Thoreau on Civil Disobedience**

A number of social as well as historical conditions provoked Thoreau's thought. One of the major factors that influenced Thoreau to consider civil disobedience as a method of resistance was the poor treatment of Mexico by United States' Government and the practice of slavery in United States. For Thoreau, civil disobedience is the act of willful resistance achieved by not obeying laws which one considers to be hypocritical. An example of civil disobedience is the purposeful refusal to pay taxes. Civil disobedience however, does not involve taking up arms or using any other violent method to achieve its end. According to Thoreau, civil disobedience is a moral and a social duty of every American citizen.

Civil disobedience in the form of resistance served as part of Thoreau's Metaphor. He (Thoreau) compared the government to a machine and noted that when a machine was producing injustice, it was the duty of conscious citizens to resist or stop the machine. The government according to Thoreau is not just a little corrupt or unjust in the course of doing its functions, but in fact, the government is primarily an agent of corruption and injustice. Under the above scenario, Thoreau advocated for non violent rebellion and revolution. When the law is draconic, citizens are not obliged to obey it. Thoreau's proposal for revolution was heavily and severely attached by the political philosophers and economists of his time. they argued that such revolution as propounded by Thoreau is associated with expenses and suffering. On the above, Thoreau answered that such cost/benefits analysis is inappropriate when the government is actively facilitating an injustice. Such fundamental immorality justifies any difficulty, suffering or expenses to bring to an end such bad government.

**Justice**

There has been endless academic conflict concerning the concept of justice. This shows the difficulty involved in defining exactly what that concept means. Justice has been defined in terms of equality for everyone (everyone should get or have the same amount, regardless of how hard they work, or "what they put in.) nevertheless, majority still define "justice" in term of equity – (which states that people should get benefits in proportion to what they contributed to producing those benefits). In other words, the harder and better you work, the more you should get as a reward for that work. Some scholars appropriate this concept to be karmic. Here, they are of the view that people should suffer costs in proportion to the harm they have done to others, which yields the concept of retaliation. If John killed the brother of Jude, justice would mean, to kill John or his brother also. Still, other people believe in equity with a bottom 'safety-net' level which protects people who, because of misfortune or disability, are unable to work or even help themselves. There is no rational way to compare these different

approaches, other than to observe that one is more consistent with one culture than another, and that some yield more benefits or more harm than others.

**Good Governance**

'Good governance' has become a political and economic mantra in both national and international planes unlike the above two concepts. It has haboured within it much political elements. It emerged to offer explanation for the 'perpetual' poverty, wretchedness and malnutrition that many developing countries have been grappling with for decades. It is a combination of two words: 'good' and 'governance'. The word 'governance' has been variously defined (Oladoyin, 2012). It is a broader term that literally means general management or administration and control and could be employed in the perspective of different matters, whether in the private or public sectors. In the public sector, governance refers to 'the institutional underpinnings of public authority and decision-making', and broadly includes the 'institutions, systems, "rules of the game" and other factors that determine how political and economic interactions are structured and how decisions are made and resources allocated' (Grindle, 2010). According to the Commission on Global Governance, 'Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions have either agreed to or perceive to be in their interest' (commission on Global Governance, 1995).

While describing the concept as a 'fig leaf' invoked by international development agencies to 'invade safely the minefield of domestic politics', Grindle describes it as referring to a 'list of admirable characteristics of how government ought to be carried out'. Implying the notion that 'good governance is a positive features of political systems and that bad governance is a problem that countries need to overcome' (Grindle, 2010). Michael Johnston defines it as the 'legitimate, accountable, and effective ways of obtaining and using public power and resources in the pursuit of widely accepted social goals' (Johnston).

**Administrative Justice, Good Governance and the Nigerian Society**

Nigeria has made many policies and legislative efforts and reforms to capture the essence of good governance and translate it into reality (Ocheni & Nwankwo, 2012). We have the *Economic and Financial Crimes Commission Act, 2004, the Independent Corrupt Practices and Other Related Offences Act, 2000, The Fiscal Responsibility Act, 2007, the Code of Conduct Bureau and Tribunal Act, 1989, and, more recently, the Freedom of Information Act, 2011.* All these legislations have, as their main purpose, the entrenchment of good governance through accountability.

In spite of these legal and institutional reforms, good governance has eluded Nigeria. Abuse of powers and gross misuse of official discretion have become the key characteristics of public administration in the country. Corruption persists at all levels of government. Graft and embezzlement of public resources have perverted the exercise of official discretion.

Allocation and revocation of rights of occupancy in the name of public purposes have been turned into a private property acquisition scheme. Privatization of government businesses and properties to cronies and a near-total collapse of state institutions and apparatus due to poor, abusive or improper use of discretionary powers by administrators (CLEEN, 2010). And 'lootocracy' by public officials has become a common phenomenon. Odinkalu attributed the problem to the people for vesting the management of public trust and the control of resources and institutions on individuals who have turned embezzlement into 'the raison d'etre of public office' (Odinkalu, 2010). Although it is difficult to agree with this conclusion, the gravity of the situation is immeasurable. Sanitizing a public system turned upside down is undoubtedly a herculean task. Arguably, one fails to fathom the increasing push for unworkable reforms in the face of these realities. It may be argued further that the reforms were not instigated by genuine desire for good governance (Jibrin, 2001).

## 5. Conclusion

Having now examined Thoreau's address to his American audience it is pertinent to agree that he meant well for them so that they could eliminate misrule to install the best government which they could sustain *ad infinitum.* Before that time, the state of affairs in America was poor. But today, the changes are discernible; the economy flourished both to the government and the governed.

Thoreau rejected all forms of civil obligation and asserted that because government is typically more harmful than helpful, they therefore cannot be justified. Thoreau's rejection of all forms of civil obligation was simply because the government of his time was not carrying the people along. Thoreau condemned paying of taxes by individuals because the government does not consider the plight of the people in taking decisions or making policies which in most cases are draconian in nature. According to him, paying taxes is one of the ways in which well meaning people collaborate injustice. He wondered why people who proclaim that war is wrong, and that it is wrong to enforce slavery continued to fund both (war and slavery) by paying taxes.

Thoreau's opinion was that the abolitionists and all those who condemn war as something wrong should completely withdraw their support of the government and stop paying taxes even if this warrants them being imprisoned. The problems are too pressing to wait. Administrators of justice legislation is urgently needed in Nigeria. It should be the 'Bible' for administrators. Decision-makers must be aware of the legal constraints. This, it is hoped, will lead to attitudinal change and enhance the capacity of administrators while at the same time protecting the public.

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