Research Paper Philosophy

Civil Disobedience: A Catalyst for Transformative Leadership & National Development

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ABSTRACT

There is a preponderance of opinion among political philosophers that civil societies as we have them today were borne out of social contract resulting from the observed insecurity and non self-sufficing nature of man. However, the activities of most leaders elected for the purpose of interpreting the terms of the contract and championing the common welfare of the people smack of betrayal of the people's mandate. The aim of this paper is to demonstrate that civil disobedience is a veritable mechanism for engendering transformative leadership and national development. It provided support to this position by undertaking a review of some civilly disobedient acts carried out by certain public-spirited individuals at different points in history and their attendant positive results. Since the act of civil disobedience is anchored on the existence of a higher moral standard, the paper justifies its use only as a weapon of last resort in relation to constituted authorities.

KEYWORDS civil disobedience, leadership, development, social contract.

Introduction

Every known human society, state, or organization is borne out of the consciousness of the non self-sufficing nature of man. Both the state as a "demand of nature" theorists and the state as a "social contract" theorists are in agreement that man is by nature not self-sufficing. If it were to be otherwise, then there would have been no communities or states as we have them today. The coming together of men to form a civil society made the constitution of a government an imperative.

From the background of the social contract theory of state, those who happened to be appointed or elected to lead the people are expected to rule in strict compliance with the terms of the contract. It is believed that by so doing, the common welfare and aspirations of the society will be realized. Members of a state or society are equally expected to make financial contributions towards the running of the state and for the provision of infrastructural development and other services.

Problems, however, arise when the rulers begin to rule in ways that are contrary to the terms of the social contract. Therefore, the idea of civil disobedience is the fall-out of the violation of the terms of the contract establishing the community, state, or the civil society. In this modern era, the crop of leaders we have are the type that see leadership positions as avenues for looting the public treasury as well as perpetrating other forms of corruption. Our leaders are elected to provide us with water, electricity, good road networks, hospitals, security, etc, but none of these amenities are forthcoming from them. Those elected in various communities to oversee the implementation of the agreement seem to have silently resolved to be appropriating the supposedly common welfare to themselves, just as most of the times they tend to interpret the agreement in ways that will suit their own whims and caprices to the detriment of the rest. By so doing, they have made themselves the worst enemy of the people. It is, therefore, not surprising that civil societies and the general public take to civil or non-violent (and sometimes violent) protest against the government from time to time. What is surprising is that most of the amenities (or better conditions of life) the masses enjoy come to them as the end result of their agitations.

This paper, therefore, is a demonstration of the fact that a strong relationship exists between civil disobedience and transformative leadership on the one hand, and national development on the other. In other words, the paper sets out to demonstrate that civil disobedience is a catalyst for transformative leadership and national development. Accordingly, it recommends civil disobedience as a healthy phenomenon that should be encouraged in all democratic societies.

Civil Disobedience: A Thematic Exposition

Civil disobedience is a concept that has gained common usage and acceptance among our people. The common usage of the term is such that many have started viewing the concept "civil society" as being synonymous with civil disobedience. This raises the question: what actually is civil disobedience? What is its nature? Is civil disobedience related to civil society? What are the basic features that make a given act of disobedience civil?

In his conception of civil disobedience, Gonslaves (1989:402) observed that it is a deliberate breaking of a government law one is bound to obey. For him, such disobedience is non-violent, non-revolutionary, and the aim is not at overturning the state itself, but on the contrary, at rectifying an evil or attaining a good within the existing political setting. On this understanding, civil disobedience reflects a refusal to obey the very law against which protest is directed in the event that such a law is thought unjust or otherwise immoral. Gonslaves further observes that as an indirect method or passive disobedience, civil disobedience is the only way when a law is needed but does not exist, or when the breaking of the unjust law would cause too much disturbance. For David Thoreau, a civil disobedience activist, civil disobedience is "an illegal action committed publicly as a protest against some other law or social institution that cannot be confronted directly (The New Encyclopedia Britannica, 1980:955). Thoreau's conception of civil disobedience is based on two main principles, namely,

1) that the authority of the government depends on the consent of the governed, and
2) that justice is superior to the laws enacted by the government.

To the latter, he adds that the individual has the right to judge whether a given law reflects justice or flouts it. The individual has the duty to disobey the law and accept consequences of such disobedience non-violently.

Bruce and Ingram (2002:287) observed that civil disobedience involves a peaceful and public refusal to obey a law that is deeply unjust and that the majority refuses to change. They contend further that civil disobedience may be a legitimate response even when those protesting are not excluded from political participation so long as those protesting think that

the law is deeply unjust. Coming from the same perspective, Echekwube (1999) and Idike (2002) conceived civil disobedience as a deliberate act of non-compliance perpetrated by the public-spirited individuals in society. Echekwube specifically described civil disobedience as "a deliberate withdrawal of obedience or refusal to obey a constituted authority's command. He sees civil disobedience as describing a situation whereby people deliberately chose to disobey the government visa-a vis its laws and would be ready to offer reasons for their non-compliance with the demands of the law. In line with Echekwube's conception, Idike (2002:23) defined civil disobedience as an organized protest against unjust laws and efforts made to change them. Suffice it for me to observe that even though there are as many conceptions of civil disobedience as there are philosophers and scholars who have reflected on them, the whole definitions tend to suggest that the idea or concept of civil disobedience is characterized by the underlying principles of "non-violence" and "non-compliance".

The idea or concept of civil disobedience raises the question as to what extent a citizen is obligated to obey the laws. That is to say, are we under obligation to obey the laws - both just and unjust laws? Or as Arnhart (2003:17) put it, how can the moral claims of individual human beings be given some political recognition without violating the minimal conditions of a stable political order by leaving all people free to judge their own claim? Can certain laws of a state perceived to be unjust (even though it is validly enacted by the legislature) be challenged by the individual or a group on the basis of a higher moral law? In other words, is there a standard of justice that goes beyond the legal conventions of a country to which its citizens can appeal to? These questions are coming on the heels of Socrates' contemplation on the justifiability of individuals questioning the laws validly made by their community. This Socratic contemplation came on board during his trial. His reasons for contemplating in that wise include that:

1) It is the community that provides the basic bodily needs of life which must be satisfied as a precondition for cultivating the mind;
2) It is the community that provides the physical security that makes possible the pursuit of intellectual activity; and
3) It is the community's education that instills in a civil disobedient(s) or social reformer(s) the intellectual independence that leads him to challenge the traditions or laws of his community.

On the strength of these observations, Socrates submitted that anyone who pursues the life of the mind is indebted to the community. This does not in any way suggest that Socrates condemned civil disobedience. After all, he, like many other protagonists of civil disobedience took the position that there are standards of justice beyond the laws of a state and that individuals ought to resist laws that do not conform to these standards.

Advocates of civil disobedience seem to agree with Socrates' observation on why a reformer should be indebted to the community, but they do not appear to reason that unjust and anti-human laws should be left unchallenged. Unjust laws are challenged or rejected on the basis that human beings are naturally endowed with rights, and that part of the manifestations of these rights is by way of rejecting or disobeying laws they considered unjust. A close look at the Indian and African concept of duty as well as some classical Greek tragedies will reveal elements of belief in the existence of a law that transcends the laws of the state and that in the event of a conflict between these higher standards and particular laws of the state, the individual is expected or have the obligation to disobey the laws of the state. It is this conviction that made David Thoreau to oppose the injustice of slavery by refusing to support any law that protects it. Thoreau justified his opposition in this regard by appealing to the declaration of independence, arguing that the right to revolution included the right of any individual to make a "peaceful revolution" by refusing to obey a government that sanctions injustice (Arnhart, 2003:17).

Civil disobedience is, to a large extent, a response to Pericles' declaration that "the secret of liberty was courage" (Echekwube, 1999:303). Pericles' reason for this declaration was that a free person does not remain a passive recipient of all instructions on him. The spirit of this Periclean declaration was greatly reflected in Martin Luther King Jr's "letter from Birmingham Jail". In the letter under reference, Luther observed among other things that:

Just as Socrates felt it was necessary to create a tension in the mind so that individuals could rise from bondage of myths and half-truths…..so must we see the need for non-violent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism (Arnhart, 2003:18).

As Bruce & Ingram (2002) rightly observed, democratic justice implies that there should be a limit to obedience. This means that those who are arbitrarily denied the right to participate in democratic governance are under no obligation to obey laws that discriminate against them. Civil or passive disobedience finds justification in this reason.

Thomas Aquinas is not left out among those philosophers and scholars who postulated that the concept of civil disobedience is founded upon the belief or conviction that there are standards of justice beyond the laws of state. Aquinas held that even though the state rules the behaviour of her citizens through the agency of laws, it is itself limited by the requirements of just law. Since natural laws, according to him, is man's participation in Gods eternal law, law-making must not be an arbitrary act, but rather has to be situated within the frame-work of it (i.e. the natural law). He went to the extent of declaring that any law that violates the natural law loses its character as law, just as it is a pervasion of law and loses its binding force in the conscience of men. The underlying reason in his argument is that all political sovereigns are appointed by God from whom they receive their authority. In Aquinas view, a sovereign's authority to legislate is from God, and the purpose of this authority is for the collective welfare of the citizens. It follows from this, therefore, that a sovereign who does not act in line with the realization of the common welfare of the people is bound to face civil or passive resistance.

A question may be asked: are people justified in civilly disobeying the laws, policies, and actions of the government of a community or state of which they were part and parcel of its formation? The answer to this question can be seen in John Locke's reasons for endorsing civil disobedience. John Locke was a social contract theorist who argued that the civil society is a product of the social contract entered into by men upon their decision to quit the state of nature. Locke argued that although men surrendered their right at the point of the social contract, they did not surrender their right to rebellion which is exercisable only when the sovereign goes astray. He believes that in a democracy, the ultimate power lies with the people and that the people can invoke this power at any time to unseat an erring sovereign. After all,

The community perpetually retains a supreme power of saving themselves from the attempts and designs of anybody, even of their own legislators whenever they should be so foolish or so wicked as to lay and carry on designs against the liberties and properties of the subject…(cited in Idike [2002:86]).

Spinoza's reason for endorsing civil disobedience is in line with that of Locke. In finding the basis for civil disobedience, Spinoza reasoned that the present political society emerged from the pre-political state of nature. At the formation of the civil society, men transferred their natural right or power to all members of their society collectively. With this arrangement, the holders of the sovereignty become the protectors and interpreters of both the civil and sacred rights. Spinoza nevertheless observed that there is a limit to what the rulers can de-

mand from their subjects. Anything beyond this may provoke rebellion from them. His reason is that notwithstanding the formation of the civil or political society, the people still retain a latent power of rebel that cannot be taken away from them. The major task of the sovereign is to be in constant search for the means or ways of realizing the common good or welfare for which the state was formed. Hence, the declaration by Spinoza that every dominion depends on the faithfulness, virtue, and steadfastness of its subjects (Spinoza, 1957:207)! Seen thus, the phenomenon of civil disobedience finds its justification mainly in the doctrine of the social contract, and in the belief that there exist standards of justice beyond the laws of a state and which the state laws are meant to reflect.

On Opposition and Defense of Civil Disobedience

Some people are known to be against the act of civil disobedience. The thrust of their argument is that civil disobedience can hardly be morally justified. In defense of their opposition to civil disobedience, its opponents are wont to claim that every society is an entity that requires order for its existence; and that the only sure way of preserving this order is through the instrumentality of the law. It follows from their argument that any act of disobedience against a society's laws amounts to a revolution against the society. They also argue that within the framework of every society is contained the mechanism for legal interpretation and conflict resolution. Citizens of a society are, therefore, expected to exploit this mechanism of legal interpretation and conflict resolution rather than resort to extra-legal means. Individuals are free to appeal against the decisions of a lower authority to a higher one. What is more, it is argued by the opponents of civil disobedience that the social consequences of disobedience are always worse than those of obedience. This argument is coming on the heels of the claim that civil disobedience cannot be carried out without violating somebody's rights. If not for any other thing, it violates the right of the public to peace and order. Added to this is the fact that the supposedly short-term or immediate gain derivable from civil disobedience is eroded by its long-term effect which is a lessening of respect for law and an increased contempt for constituted authority.

Further to these, the anti-disobedience forces contend that experience has shows that every act of peaceful civil demonstration is prone to being hijacked and manipulated by hoodlums and people with ulterior motive who would see the peaceful demonstration as an opportunity to act out their own hidden agenda. In such a situation, the disobedience ceases to be representative of a genuine cause, thereby becoming a demonstration for demonstration's sake. Gonslaves (1986:403) notes that "Riots, with the accompanying looting and destruction, are an inexcusable descent into barbarism and are normally indefensible".

The protagonists of civil disobedience often react to the above charge against civil disobedience by arguing, among other things, that an analysis of the concept of civil disobedience will reveal that by its very nature, it is not an attack on society itself. This is because no society is so perfect that it never needs reform (Gonslaves, 1986:403). It does not aim at the abolition or over-throw of society, but rather for the correction of identified defects (Shortcomings) and injustices for the benefits of the society. Again, they defend civil disobedience by noting that it is meant to be an instrument of last resort used only when every available legal means have been exploited and exhausted. This argument is put forward on the ground that it is not the case that legal means are always available or that appeals will always be heard. In the fashion of the situation ethicists, the proponents of civil disobedience contend (on a serious note) that an appraisal of the worth or otherwise of civil disobedience should not be done in isolation with the very purpose of the law. The laws, they argue, does not exist for its own sake but for the sake of guaranteeing to the people their rights as human beings. Laws do not exist singly and independently but rather form a system of means for the common good. What is more, it is out of place to think that some people must continue injustice indefinitely for the reason that civilly disobeying in an effort to correct the injustice will result in inconveniencing others. We must find a way of striking a balance or maintaining the principle of proportion. This has to be achieved by ensuring that the cause agitated for must be worth the disturbance, just as the means must be kept within reasonable bounds. After all, the best way to lessen respect and produce contempt for the whole system of law and authority (as the defenders of civil disobedience tell us) is to keep unjust laws on the books or administer even just laws in an unjust manner (Gonslaves, 1986:403).

Civil Disobedience, Transformative Leadership, and National Development

From the foregoing discussion, one thing becomes clear: it is the fact that upon forming the civil society, men appointed or elected some people from among themselves with the mandate for the elected to champion the welfare of the entire members. They are to provide members with those things they (members) could not provide for themselves individually. In modern times, such amenities may include things like road network, electricity, pipe-born water, etc.

It is understandable from the above reasoning that leaders occupy their positions in trust or representative capacity. Leadership is all about service. It involves lifting people's vision to a higher level. Leadership also entails the ability of an individual or the leader to influence and motivate others in a way that will make the realization of the common good and the common goal of the society possible. Two major ideas are implied in the concept of leadership - people and goal. Once there is a leader, it means there are people he is leading. In the same vein, leaders are appointed or elected with a goal in mind. As human development in its integrative aspects includes physical, intellectual, personal and social development plus the environment and experience that influence and shape development itself (Njoku, 2014:4), good leaders are measured or assessed by how far they performed in improving the lots of man and society in those aspects that are constitutive of the indices for measuring development. A transformative leadership, therefore, is leadership that is geared towards radical integrative development (of man and society). It is leadership that is always conscious of the condition that warranted the social contract and the subsequent formation of the civil society, just as it is ever ready to implement the contents of the contract in ways that will ensure the realization of the common end or welfare the contract envisages. These observations vis-à-vis transformative leadership and development raise the question as to what connection there is between civil disobedience and transformative leadership. In other words, is there any relationship between civil disobedience and transformative leadership on the one hand, and national development on the other?

If civil disobedience is a response by individuals or people to laws or policies which they deem to be inhuman or unjust; and if the chief aim of civil disobedience is to effect a change in government policies and to act in line with the terms of the social contract, then civil disobedience is surely a mechanism through which the citizens not only conscientize the authorities about the wishes or desires of the people, but also make the government of a state to be alive to its responsibilities to the people. Idike (2002) echoed similar thing when, in connection with the positive dimensions of civil disobedience, he noted that the refusal to obey a law through civil disobedience helps to bring the unjust and iniquitous law vividly to the attention of the general public and may thereby mould public sentiment by appealing to the conscience and sense of fairplay of the majority of the citizenry.

Civil disobedience does not seek for the abolition or overthrow of the government; its primary concern is resistance of an identified injustice with the aim of correcting it. Its advocates are conscious of the worth and dignity of the human person and the need to give all men equal or fair treatment in accordance with the terms of the social contract upon which the society was founded. Through the mechanism of civil dis-

obedience, the civil disobedient checkmates the activities of those in authority. It is in this sense that civil disobedience becomes a mechanism for bringing stability in our society. In most parts of the world, the phenomenon of civil disobedience has successfully been used to influence the society to accommodate the minority opinion or rather a dissenting point of view.

Experience has shown that people in government or leadership positions perform better when they feel they are under pressure or the watchful eyes of organized oppositions. A leader who does not have challenges, especially those coming from critics or organized opposition groups hardly do well in terms of providing the citizens with democracy dividends. The reason for this is obvious. Such a leader is comparable to a monopolist in the business circle. Our politicians will perform better when they are conscious of the fact that civil protests or disobedience await any unpopular policy they introduce. Instances abound all over the world with respect to how public-spirited individuals have used the mechanism of civil disobedience to bring different state authorities to abrogate laws or rescind decision or policies adjudged to be unjust and anti-human. It was through civil disobedience that the segregation law of the United State of America was fought to a stand still; it was through civil disobedience that the greater welfare of workers in various sectors in Nigeria was achieved; it was through civil disobedience that the authorities of most higher institutions in Nigeria were prevented from arbitrarily hiking the school fees payable by students. It was through civil disobedience that the Nigerian labour congress has forced the government to reverse the prices of petroleum products considered to be outrageous to their former prices. It was civil disobedience that the rule forced federal and various state governments to reinstate some labour activists they had already sacked for their anti-government policies. The list is indeed endless. In civilly disobeying, civil disobedient adopt varying measures ranging from sit-in and sit-down strikes, blocking of streets, peaceful demonstrations, with placards, trespassing, disturbing the peace, to acting without license, etc.

From the foregoing, it becomes clear that there is a strong nexus between civil disobedience and transformative leadership cum national development. Once our leaders are acting out the script of the social contract (contract based upon the pressure or hit from the civilly disobedient) they are directly improving our society, while indirectly providing the individuals conductive environment that is necessary or imperative for human development.

Conclusion

So far, we have taken an in-depth look at the concept of civil disobedience with a view to establishing how it engenders transformative leadership and national development. It is high time we concluded the exercise. In conclusion, it is worth noting that the rationale behind the projection of civil disobedience is not just for the purpose of challenging the authority for challenging sake. It is rather a concept that is borne out of higher moral principles. For this reason, everything about it should be geared towards the attainment of justice in society. Civil disobedience should be seen as a weapon of last resort in a protracted struggle, peaceful protests, petitions, lobbying, legal tussle, writing letters etc, all aimed at getting the authorities to reverse an unjust law or policy. What this means is that the injustices presently suffered and which will continue to be suffered are enough to motivate people to go against all odds to sacrifice personal comfort, to give up their freedom and go to jail, and to even lay down their life if only that is what is needed to enthrone justice. Government itself should equally see civil disobedience as part of the beauty of a democratic society. It should also view civil disobedience and indeed constructive opposition as a veritable tool for a transformative and issue-based leadership in a democratic society. It is by so doing that the basis for establishing human society would have been upheld.

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