

CIVIL DISOBEDIENCE AND DEMOCRATIC SUSTAINABILITY IN NIGERIA: A STUDY OF ACTS 5: 17-42

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Abstract

Civil disobedience was made famous in the 1950s' protests against racial discrimination in the United States of America. Arising from this are different views on whether it is right or wrong for good citizens to disobey civil authorities. From biblical perspective, civil disobedience is neither condemned nor commended directly but there are cases of individuals and groups of people who refused to obey civil orders in the Bible. In the recent time, the importance of civil disobedience to sustainability of democracy in Nigeria has not been given rapt attention by scholars. Hence, this article examines an act of civil disobedience in Acts 5: 17-42 and its implications for democracy in Nigeria. Using contextual hermeneutical approach, it is argued that civil disobedience is more advantageous than disadvantageous in democratic societies. It is concluded that while Christians are asked to obey all authorities, the New Testament allows non-violent civil disobedience.

Keywords: Christians, Civil, Democracy, Disobedience, Nigeria

Introduction

It is said of Socrates that he refused to escape the death sentence placed on him by the jurists in Athens because he believed that doing so would create nihilistic tendencies among young people and also lead to undermining the authority of the state with its good laws as well as the bad laws.¹ Socrates wanted people to respect civil authorities whether the authorities were right or wrong and he demonstrated it by not resisting the death sentence placed on him. To Socrates, civil disobedience was morally wrong even when there were justifiable reasons for it. Socrates' position seems to be in consonance with the teaching of the Bible in Romans 13:1-7. It is recorded in the gospels that when Jesus was arrested his disciples, who would have fought to defend him, were discouraged and refrained from doing so (Matt 26:47-54; Luke 22:49-51; John 18:10-11). Besides, believers are enjoined to obey the governing authorities God has placed over them in three occasions (Romans 13:1; Titus 3:1; 1 Peter 2:13-17). However, cases abound in the New Testament (NT) of people who blatantly disobeyed civil authorities. Such cases warrant a reinterpretation of the texts cited above.

In the modern period, the importance of civil disobedience has been re-examined and re-enacted through the activities of Mahatma Gandhi in India and

Martin Luther King Jr. in the United States of America and it has become a rite of passage for individuals who crave to be called civil rights activists.²

Different scholars have worked on civil disobedience, mostly, from philosophical, political and sociological perspectives. Works from these perspectives define,³ justify⁴ and set requirements⁵ for an act to be regarded as civil disobedience. There are also theological works on civil disobedience which emphasise mainly the biblical grounds for civil disobedience with the conclusion that Christians can engage in civil disobedience if there are policies or laws which forbid them to worship God.⁶ Arguing from a theological point of view, this study moves a step further by bringing out certain principles from Acts 5: 17-41 and applying them to democratic sustainability in Nigeria. Based on these principles, it is concluded that non-violent civil disobedience is unavoidably necessary to sustain democracy in Nigeria and that the NT does not forbid Christians from participating in it whenever it is appropriate.

Conceptualising Civil Disobedience

Civil disobedience can be defined as an act of deliberate disobedience to laws or policies of a state with the aim of advocating a change or cancellation of those laws or policies.⁷ The definition implies that civil disobedience is precipitated by laws and policies of civil authorities which are considered unacceptable by certain citizens; obedience to such laws or policies is not only seen as acting against one's conscience but as an immoral step which must be rescinded. Civil disobedience is different from revolution which is aimed at overthrowing the government. It is also different from common non-political crimes. It is simply a "principled disobedience to law."⁸ Singer considers civil disobedience as one of the ways through which the minority "can demonstrate the intensity of its feelings to the majority."⁹ Singer sees civil disobedience as an issue between the majority and the minority in the society. It is a protest by the minority which makes the majority to reconsider decisions which the minority regards as unjust.¹⁰ Singer's definition is informed by the civil disobedience which trailed white supremacy and discrimination against black people in the United States of America. Black people were the minority who protested to force the white, that is, the majority, reconsider their decisions. The definition assumes that it is only the minority that always protests against government policies which will benefit the minority at the expense of the majority. Civil disobedience is like a two-pronged fork. It can be employed by the majority against the minority (especially if the minority are the policy makers) or vice versa.

The origin of the term "civil disobedience" has been traced to Henry David Thoreau who was its exponent in the United States of America during the slave trade era. Gandhi was also known to be a promoter of non-violent civil disobedience. He made reference to Thoreau in his writings.¹¹ However, civil disobedience did not become a popular term or a topic of interest to political scientists and philosophers until the early 1950s when there was a mass boycott

of the public bus in Montgomery which sparked off civil right activists' struggles against inequality in the United States of America.¹²

Various reasons have been suggested as justification for civil disobedience and what it constitutes. Betz gives the following characteristics of civil disobedience:

- a. Civil disobedience is an act which breaks a law;
- b. Civil disobedience is an act which breaks one of those laws which are not immediately requisite to the existence of society or to the essence of social order. Such law must be viewed as unjust or unnecessary because breaking it does not result to breaking down of orderliness in the society;
- c. Civil disobedience is always aimed at some specific law or governmental policy, and never repudiates the whole system of laws or the entire government. Based on the supposed difference between revolution and civil disobedience, Betz refutes the claim that Henry David Thoreau and Mahatma Gandhi participated in civil disobedience. They were non-violent revolutionaries;
- d. Civil disobedience is open and non-secretive;
- e. Those who are civil disobedient are always ready to accept the judicial punishment meted out to them;
- f. Civil disobedience is an act of protest;
- g. Civil disobedience, though a form of protest and thus communication, is an extreme form of protest and communication and so requires both antecedent control and subsequent justification and explanation.¹³

Not many scholars would agree with Betz that Gandhi's and Thoreau's non-violent protests were not civil disobedience. While it may be true that Gandhi's agitation led to revolution and the overthrowing of the colonial government in India, the result of his actions needs to be separated from the actions themselves which can be regarded as civil disobedience. The implication of this is that a civil disobedience can lead to revolution or the overthrow of a government especially when it is incessant. In addition to Betz's characteristics of civil disobedience, those who participate in civil disobedience always protest against a specific aspect of an institution or constitution with the aim that the conflicting aspect will be revoked.¹⁴ This differentiates civil disobedience from revolution which is aimed at totally overhauling or overthrowing a system of government.

Civil disobedience is an act that is performed by people who are morally motivated to protest against an unjust law or policy. Such protests are carried out publicly as political protests. Hence, acts that are morally motivated but are not political protests carried out publicly cannot be regarded as civil disobedience.¹⁵ Civil disobedience is also to be recognised as an illegal act and people who participate in it are not unaware of this fact. They are readily prepared to face the consequence of their disobedience. The willingness of the disobedient to dare the

consequence of their action in the court of law makes civil disobedience different from criminal offence. In other words, civil disobedience is different from murder and other crimes even if they are committed openly.

Civil Disobedience in the Hebrew Bible and Intertestamental Period

There are cases of civil disobedience in both the Hebrew Bible and intertestamental literature. They include the refusal of the Hebrew midwives to kill the male babies of the Jews (Exodus 1:12-21). In this case, even though the midwives knew the consequence of their disobedience, they were resolute in their disobedience. Rahab's refusal to hand over the spies who lodged in her house (Joshua 2:1-21) to the detriment of her life is another example of civil disobedience led by a woman. Obadiah's decision to hide the prophets against the King Ahab's order (1 Kings 18:13); and the cases of Daniel and his friends Babylon, Shadrach, Meshach and Abednego who disobeyed the king's orders which would have made them to sin against Yahweh (Daniel 3 & 6) are good examples of civil disobedience in the Hebrew Bible. In the cases cited above, some of the disobedient were not punished for their disobedience and in the cases where they were punished they were supernaturally saved from the punishment.

The agitation and fighting for faith continued in the intertestamental period. The writer of 1 Maccabees 2 reports how Mattathias, a priest and son of John, son of Simeon, was zealous about his religion and defied the order of Antiochus Epiphanes to desecrate the sacred places in Israel. Mattathias and his sons did not only defy the king's order but fought against Antiochus' army and won. They were not deterred even though many of their followers were killed because of their agitation. This period marked the beginning of unrest because of religious piety in Jerusalem and its environs until the time of Jesus. Kostenberger reported that Pilate, in his attempt to 'Romanise' the Jews, put the statues of Caesar in Jerusalem. This aggravated the Jews who protested violently. Pilate responded by asking the Roman soldiers to draw their swords thinking this would stop the protest. But when he saw that the Jews were not moved by his intimidation and were even ready to die to defend the sanctity and sacredness of Jerusalem, he removed the statue.¹⁶ Cases of civil disobedience in the Hebrew Bible and intertestamental periods were usually fuelled by zeal and passion for God and the land of Israel.

An Exegetical and Expository Analysis of Acts 5:17-42

It is the consensus of scholars that Luke, the writer of the Gospel according to Luke, wrote the Acts of the Apostles as the second volume of the Gospel.¹⁷ There are various views about the genre and purpose of the book but most scholars believe it is both historical and apologetic.¹⁸ Acts is a transitional book. It contains the record of the first three or four decades of incipient Christianity which is not in any of the gospels and letters.¹⁹ Luke was writing to Theophilus, a public figure, telling him how Christianity started in Jerusalem and

spread to Rome. Luke wanted the Roman officer to know that not even persecution could hinder the gospel of Christ.²⁰ The early Christians are presented as harmless people who did not have political power but were empowered by the Holy Spirit to boldly proclaim the gospel. Acts 5: 17-42 is one of the passages written to prove that Christianity was harmless both to the Jews and the Roman government. The writer wanted Theophilus to see how the Jewish leaders hated and persecuted an innocent and harmless sect. The text for this study, Acts 5:17-42 is a testimony to that claim. In the text, Luke wanted his readers to understand that no threat from civil authority could discourage the “powerless” but fearless disciples from following Jesus. The text depicts the disciples as harmless but courageous people who are ready to defy the order of the ruling class and damn the consequences.

English Translation of Acts 5: 17-42

¹⁷ But the high priest rose up, along with all his associates (that is the sect of the Sadducees), and they were filled with jealousy. ¹⁸ They laid hands on the apostles and put them in a public jail. ¹⁹ But during the night an angel of the Lord opened the gates of the prison, and taking them out he said, ²⁰ "Go, stand and speak to the people in the temple the whole message of this Life." ²¹ Upon hearing *this*, they entered into the temple about daybreak and *began* to teach. Now when the high priest and his associates came, they called the Council together, even all the Senate of the sons of Israel, and sent *orders* to the prison house for them to be brought. ²² But the officers who came did not find them in the prison; and they returned and reported back, ²³ saying, "We found the prison house locked quite securely and the guards standing at the doors; but when we had opened up, we found no one inside." ²⁴ Now when the captain of the temple *guard* and the chief priests heard these words, they were greatly perplexed about them as to what would come of this. ²⁵ But someone came and reported to them, "The men whom you put in prison are standing in the temple and teaching the people!" ²⁶ Then the captain went along with the officers and *proceeded* to bring them *back* without violence (for they were afraid of the people, that they might be stoned). ²⁷ When they had brought them, they stood them before the Council. The high priest questioned them, ²⁸ saying, "We gave you strict orders not to continue teaching in this name, and yet, you have filled Jerusalem with your teaching and intend to bring this man's blood upon us." ²⁹ But Peter and the apostles answered, "We must obey God rather than men. ³⁰ "The God of our fathers raised up Jesus, whom you had put to death by hanging Him on a cross. ³¹ "He is the one whom God exalted to His right hand as a Prince and a Savior, to grant repentance to Israel, and forgiveness of sins. ³² "And

we are witnesses of these things; and *so is* the Holy Spirit, whom God has given to those who obey Him."

³³ But when they heard this, they were cut to the quick and intended to kill them. ³⁴ But a Pharisee named Gamaliel, a teacher of the Law, respected by all the people, stood up in the Council and gave orders to put the men outside for a short time. ³⁵ And he said to them, "Men of Israel, take care what you propose to do with these men. ³⁶ "For some time ago Theudas rose up, claiming to be somebody, and a group of about four hundred men joined up with him. But he was killed, and all who followed him were dispersed and came to nothing. ³⁷ "After this man, Judas of Galilee rose up in the days of the census and drew away *some* people after him; he too perished, and all those who followed him were scattered. ³⁸ "So in the present case, I say to you, stay away from these men and let them alone, for if this plan or action is of men, it will be overthrown; ³⁹ but if it is of God, you will not be able to overthrow them; or else you may even be found fighting against God." ⁴⁰ They took his advice; and after calling the apostles in, they flogged them and ordered them not to speak in the name of Jesus, and *then* released them. ⁴¹ So they went on their way from the presence of the Council, rejoicing that they had been considered worthy to suffer shame for *His* name. ⁴² And every day, in the temple and from house to house, they kept right on teaching and preaching Jesus *as* the Christ (NASB).

This narrative is sequel to the miracles and healings that followed the death of Ananias and Sapphira his wife. Even though their death made people to be afraid of the apostles, sick people were brought before them for healing (Acts 5:12). The apostles were becoming popular and as such, a threat to the priests, especially those who belonged to the sect of the Sadducees. The Sadducees did not believe in resurrection of the dead and angels while the main teaching of the apostles was the resurrection of Jesus Christ and the healing miracles that were also done in his name. The Sanhedrin believed that the apostles were misleading people. But the healings were real. All the sick people and those who were possessed with demons were healed (Acts 5:16). People were coming to the apostles even in the temple, the territory of the Sanhedrin. This means that the prestige and recognition accorded the priests by the people were at stake. Hence, the priests were filled with jealousy (*ἐπλήσθησαν ζήλου*). The word translated jealousy, *ζήλος*, may be misleading in the sense that it connotes both negative and positive meanings. It appears seventeen times in the New Testament.²¹ In a positive sense, it means zeal and it is used thus by Paul in Rom 10:2; 2 Cor 7:11;

9:2; Phil 3:6. But in this passage it has a negative sense. It is also used by Paul in this sense in Rom 13:13.

The apostles were arrested (ἐπέβαλον τὰς χεῖρας ἐπὶ τοὺς ἀποστόλους, literally, they laid hands on the apostles) and put them in public prison probably in the temple area, but certainly not the Roman prison. They were miraculously saved by the “angel of the Lord” (ἄγγελος κυρίου (Act 5:19) who instructed them to stand in the temple and continue to speak (λαλεῖτε) to the people all the words of this life (πάντα τὰ ῥήματα τῆς ζωῆς ταύτης). The phrase “πάντα τὰ ῥήματα τῆς ζωῆς ταύτης” refers to everything about Jesus Christ. This is another way of referring to the gospel. The instruction of the angel was a direct violation of the order of Sanhedrin that the apostles should stop teaching people in Jesus’ name (Acts 4:18). The apostles were not deterred by their detention but continued teaching in the temple at daybreak (ὄρθρον, Act 5:21), as they were instructed by the angel, until they were seen by the officials of the priests. Daybreak or early in the morning was the time they were supposed to be summoned from the prison for interrogation by the Sanhedrin. The apostles were lucky that they were not lynched like Stephen in Acts 7.²²

The Sanhedrin summoned them and reiterated the earlier warning that prohibited teaching and preaching or doing things in the name of Jesus (Acts 4:18). The words used for “strict orders” in v. 28 (παραγγελία παρηγγελία) indicate that the orders were not expected to be violated.²³ The apostles’ answer is emphatic: “It is necessary for us to obey God than men” (Πειθαρχεῖν δεῖ θεῷ μᾶλλον ἢ ἀνθρώποις). Πειθαρχεῖν is a verb infinitive present active from πειθαρχέω which means to obey authority or follow advice of or be obedient.²⁴ Using it with δεῖ (an impersonal verb which means “it is necessary”, or “one must or has to”)²⁵ implies how mandatory the preaching of the gospel was for the disciples. God’s authority is superior to the civil authority. The apostles repeated the accusation that the Jewish leaders murdered Jesus. This infuriated the Council members who would have killed the apostles but for Gamaliel’s advice.

The Council took Gamaliel’s advice, flogged (δεῖραντες) the apostles and warned them not to preach or teach in the name of Jesus. Luke concludes the narrative with the apostles rejoicing for what they had suffered; they were also preaching and teaching right in the temple and from house to house (ἐν τῷ ἱερῷ καὶ κατ’ οἶκον) that Jesus is the Christ. They were happy for suffering for Christ.

Civil Disobedience in Acts 5:17-42

There is no doubt that the act in the passage is civil disobedience. All the major features of civil disobedience as listed above are present in the text.

1. There was an order which was considered as unjust by a certain people (the apostles) (Acts 4:18);
2. The order of the Sanhedrin was not sacrosanct to the existence of the society;

3. The disciples were supernaturally motivated. An angel inspired them to disobey the order of the Sanhedrin (vs. 19);
4. They violated intentionally the order of the Sanhedrin that forbade teaching and preaching in Jesus' name;
5. Their disobedience was made public as they were seen in the temple teaching (v.20) and moving from one house to another preaching the gospel (v.42);
6. They were not deterred by the threats of the Sanhedrin;
7. They were ready to face the consequence of their disobedience;
8. The apostles protested both verbally and physically; verbally by telling the Sanhedrin that they would not abide by the order (5:29); physically by going into the temple to teach openly everyday (5:42).

Civil Disobedience in the light of Romans 13: 1-7

Commentators unarguably believe that Romans 13:1-7 is controversial.²⁶ It is apparently difficult to absorb the fact that Paul would write to Christians in Rome to obey the constituted authority in a world filled with anti-Christian rulers. Paul himself had suffered greatly in the hands of such rulers. It is also difficult to believe that Paul would refer to every authority as Godly ordained in the world where there were ruthless rulers. Paul probably wrote the letter about 57 AD, some years after Nero became the Roman Emperor (Nero ruled between 54 and 68 AD).²⁷ Ten years before Paul wrote the letter, Claudius had expelled the Jews from Rome because of disputes about the messiah. Expectedly, in such a situation, Paul would advise the Christians in Rome to be law abiding.

As mentioned above, Nero was the Emperor when Paul wrote the letter and was under the guidance of the great philosopher Lucius Annaeus Seneca who restrained him from carrying out his excessive behaviour. The letter to the Romans came out during the time Nero was under the influence of his tutor Seneca. Paul would have no reason to instruct the Christians in Rome to disobey the emperor who was, at that time, reasonable and quiet. In other words, if Nero had started his ruthless ruling before Paul wrote the letter, Paul would not have included Romans 13 in the letter. It is also possible that Paul included the passage (even though he was aware of Nero's ruthlessness) in accordance with the ancient practice which implored parents to teach their children how to be good citizens and how to obey constituted authority.²⁸ This argument is weak. Paul is known to be a free-minded man who would not obey traditions religiously to his own detriment.

Based on the lack of consensus among scholars on how to interpret the passage, some scholars take the passage to be an interpolation. The proponents of interpolation argue that instruction on civil authority does not appear anywhere else in other Pauline letters. They exclude the pastoral letters from Pauline corpus. By extension, it is argued that Romans 13 is out of context and its content

does not logically follow the previous chapter. The interpolation theory has been practically refuted by Greg Herrick.²⁹

Opponents of civil disobedience find a biblical support for their position in their interpretation of Romans 13:1-7 which suggests that the passage rejects outright civil disobedience. Though it is beyond the focus of this article to interpret Romans 13:1-7, it is to be stated, however, that there are certain statements in the passage which imply that Paul expected the government to be good and do the will of God for his people. Such a government is “not a terror to good conduct but to bad” (Romans 13:3). It is also stated in v.4 that a ruler is supposed to be “God’s servant for your good.” These are indications that Paul had a good government in mind when he advised the Christians in Rome to obey the civil authority. Paul would not expect the Christians to obey an order which prohibits the worship of God and imposes the worship of the emperor or any Roman gods on people.

Acts 5: 17-42 and Civil Disobedience: Implications for Nigeria Democracy

Protests against civil authorities are not unknown to Nigerians. Different groups of people had staged one protest or the other in the past. Protests were one of the few ways Nigerians could make their grievances known during various military regimes that have ruled the country. Right from the first military government in 1966 to Abacha’s regime which came to an end in 1998, all military leaders promulgated decrees to ban and criminalise protests. However, this did not deter Nigerians from protesting against what they perceived as unjust government policies. These protests were led by students’ unions and civil rights organisations. Protests in Nigeria reached a crescendo after the regime of General Ibrahim Babangida annulled the elections of June 12, 1993 through which Bashorun Moshood Kasimawo Olawale Abiola could have emerged as the civilian president. June 12 of every year was marked with massive protests especially in the Southwestern Nigeria. This continued till 1998 when Abiola died mysteriously during the regime of General Abdusalami Abubakar. Nigeria continued to witness protests even when a democratically elected government took over in 1999. It is to be noted that past civilian governments did not use force to quash protests like the military. Instead, they employed divide-and-rule tactics, bribing of union leaders and elimination of opponents or temporary detention of opposition leaders. This is different from the military governments which employed shoot-at-sight orders, torture of protest leaders, proscription of students’ and labour unions, arrest and unlawful detention of protestants to quash protests.³⁰

A good example of civil disobedience in the Nigerian democratic setting is the peaceful protests that trailed government’s policy on the deregulation of the downstream sector of the oil industry, subsidy removal and attendant increase in the price of Premium Motor Spirit in January 2012. Nigerians came out *en masse* to protest what they regarded as an unjust government policy. Private and

government businesses were halted for about a week and the government of President Goodluck Jonathan was forced to reduce the price of petrol.³¹ The protest of January 2012, as well as its attendant success, underlined the magnitude of civil disobedience in a democratic sustainability in Africa.

Unlike democratically elected leaders or military leaders, the civil authority in Acts 5:17-42 was the Sanhedrin which was the highest Jewish authority in Palestine. The Sanhedrin consisted of priests, elders, scribes, Sadducees and the Pharisees. Although its jurisdiction was curtailed by Herod, its authority was respected by the Jews. Hence, the apostles were supposed to obey the decision of the Council (i.e., the Sanhedrin). However, the sect which interrogated the apostles was the Sadducees. Since the decision of the Council would affect the apostles' relationship with God, they decided to please God rather than the Council. They had been punished for it before they were miraculously released by the angel of the Lord.

Unlike the understanding of civil disobedience in the postmodern world, the apostles' civil disobedience was not used to demand for any change from the authorities. The policy which could prevent them from preaching in the name of Jesus had been made. They did not ask the Council to rescind it but they would not obey it. The Council is free to enact laws but the apostles will only follow the ones that are just in their view. This can be referred to as "Passive Civil Disobedience", meaning, "We will not kick against the unjust policy through protest but we will not obey it."

The disciples used their discretion to determine when to disobey civil order. It is not all the time that one should disobey civil order. Like the apostles, it is better one studies the situation carefully and counts the cost before embarking on it. Martin Luther King Jr. in the US is a good example of this. He suffered for what he believed but was not discouraged. There is always punishment for civil disobedience. The apostles were punished for their disobedience. The apostles were ready to die for what they believed was a just cause. They were ready to go to jail because of it. They did not appeal to Caesar as Paul did. Appealing to Caesar would take time. Like the three Jews in Daniel 3 they believed God would save them and if he did not save them, they would not bow for the Council.

Government leaders are humans who commit errors from time to time. Citizens are expected to be vigilant and call civil authorities to order whenever it is necessary; and if the leaders refuse to 'reconsider', to use Singer's word, citizens are bound, in such a situation, to protest through civil disobedience. For a nascent democracy like Nigeria's and those of some African countries, it is to be expected that government will make policies that are unfriendly to people. Non-violent protest can be applied to make the government reconsider its anti-people policies.

Conclusion

Civil disobedience is one of the weapons used to fight repressive policies and laws in democracy. It is the submission of this study that non-violent civil disobedience is good and indispensable in any democracy, especially in Nigeria. The position taken in this study is similar to Asira's position which canvasses for civil disobedience from a philosophical perspective.³² This position is contrary to Dukor's view who argues that non-violent disobedience and other peaceful modes of protest may not have any meaningful effect on the ruling powers in a country like Nigeria.³³ In the case of the apostles their disobedience is demonstrated in a non-violent way. This implies that Christians can participate in non-violent civil disobedience whenever the policies of the authorities go against their religious beliefs and conscience. A justified civil disobedience does not constitute any threat to the society. Rather, it is a means of making the civil authorities do that which they do not want to do for the benefit of all. As more African countries embrace democracy, civil disobedience will continue to serve as a challenge to bad governance in Africa.

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