

Critics — especially judges — often equate disobedience with undemocratic behaviour. Writing from prison, *Stellan Vinthagen* argues that civil disobedience can be profoundly democratic — and that civil obedience can be murderously immoral.

Obedience is the Enemy

Stellan Vinthagen

As a teenager, learning about the Nazi Holocaust was a shocking experience. Like so many others, I was especially shocked to hear ordinary soldiers and workers saying, “I was only obeying orders!” But when I heard about the commander of one concentration camp, in which several thousand people were murdered, trying to explain his actions during the Nuremberg trials, I got really confused. He said that he had “never killed anyone” — that he had “only been giving orders”! These words have followed me ever since, disturbing my understanding of responsibility and complicity. During my visit to Auschwitz in Poland in the summer of 1989, they were especially haunting.

How is it possible to get normal and decent people to commit abnormal deeds without them protesting or even showing remorse? Why does it happen so often in human history? The sociological researcher Stanley Milgram showed in a classic experiment that obedience to authority — even when a person is asked to do clearly evil acts without the threat of punishment — is the foremost normal social reaction. Milgram performed his research on US citizens in an attempt to explain the horrors of Nazi Germany. His conclusions are still a great challenge to the “normal” citizens and the “free” societies of the western world. Criminal or immoral obedience is not performed by abnormal or sick people but by the ordinary, “normal” citizen.

In this article, I intend to explore these issues of power, law and obedience and relate them to the development of the existing practice of national democracy in the western world. My basic argument is that the development of democracy and the struggle against abuses of power strongly depends on a movement’s use of civil disobedience. Whereas our parents viewed obedience as a virtue, I would suggest that obedience is the root of evil — worse even than war or oppression, because it makes all these things

possible. We have to reclaim individual and collective responsibility for what we do or choose not to do.

Systems of obedience

The worst horrors of history — the Nazi Holocaust, the Soviet Gulag, capitalist slavery and colonialism — are not sudden explosions of human evil, but effective, well-organised, almost machine-like, products of civilisation. I think that such horrors are happening again but on a much greater scale, this time by immensely powerful western liberal democracies and their transnational companies. Our modern-day “abnormal” and “unthinkable” acts equivalent to the Nazi Holocaust — and carried out in the same machine-like way - are global starvation and ecological destruction. We live in a world where we easily could feed everyone, but still 20 percent of the world’s population owns 80 percent of the world’s resources and an estimated 30,000 children starve to death each day! That is the numerical equivalent of one Holocaust every year — but without any corresponding headlines in the newspapers. At the same time we continue to ruin the ecological foundation of our existence.

It amounts to an everyday act of industrial-mass-murder. To understand how it is possible to render such abnormal deeds normal, we need to look at clearer examples — at models of obedience.

Some social systems require absolute obedience — for example, prisons, mental hospitals or military organisations. These experiments in social engineering are sometimes called “total institutions” because they control the whole life of their inmates. But I would argue that they also create obedience in their own servants. All social systems consist of normal people. Even in “total institutions” people do not behave like abnormal mass-murderers. Normally most individuals working inside an oppressive system are friendly, ethically oriented and competent. Often they show more helpfulness than is required, pose respectful questions, greet old friends with warmth... You get the feeling that horror is created elsewhere.

In modern society it seems that mass murder is done unconsciously, as part of “business as usual”, with the left-hand, but murder is something that is done consciously by the right-hand. That is why someone prepared to administer the death of thousands from behind an office desk would be horrified if they were asked to kill someone with a

knife.

This “magic” is created by the way systems connect small acts together, producing a possible social chain-reaction a lot more dangerous than the nuclear chain-reaction. The evil of the system as a whole stems from its geniality in turning innocent and reasonable acts into cruel, heartless and unreasonable acts, through the simple process of linking them together. At each link of the chain, each of the acts seems to be the only reasonable choice. Put together — linked to what others have done before and what will be done later — the acts suddenly take on another meaning. Tightening bolts or delivering mail, electricity or steel to a company don't seem in themselves to be serious, dangerous, immoral or illegal acts. But it is through such small individual acts that the chain of, for example, nuclear weapons production is completed. The exactness and formality of bureaucracy, automation, administrative routines, hierarchies within hierarchies and so on — all these make an individual's moral responsibility for his or her work disappear. Instead of moral responsibility, we get job responsibility. The range of alternatives connected to each single position in the system is defined and controlled in honour of the system. Careers are created through the development of skills, through achievement and competition — all giving job “satisfaction”. Even small acts are controlled through surveillance and different disciplinary techniques. And then there is always money...

One company is one small system within a bigger one, the capitalist system, which also strictly limits our available courses of action. If any of the workers, managers or even company owners ever decided to refuse to do their work, they would immediately be replaced. The system would not have been affected, but the person exhibiting great courage would have lost a career, friends and the ability to economically support her or his family.

If on the other hand, anyone — for example, a prison officer, soldier, worker, manager or civil servant — decides to stay and advance her- or himself inside a particular system, there is a realistic chance that that person will be able to make a difference. Even if that person does not reach the influential top of the hierarchy, she or he can still make an important difference. A friendly, respectful and helpful state servant dealing with a case that matters to you will make a huge difference. The problem is just that the system and

its basic and normal processes and plans will not be affected. As a matter of fact smiling officers possess even greater power to manipulate and dominate.

Humans are the most important “parts” and “bolts” of systems. Still, well-meaning individuals are unable to change the system from inside, as long as they comply with central rules and laws of the system. There are different systems of rules in prisons or companies, or in the military and state. It becomes important to discern these special rules and show how they are linked together and make the system work. And it becomes essential to distinguish between central and peripheral rules.

The conclusion for resistance against such blind obedience is a strategy that respects humans as individuals and, at the same time, breaks central systems functions — distinguishing between people and the system. Nonviolent resistance is required against the central rules of the system — for example, against impersonal rules and the decision-making-power of those in authority.

Law as power

The prime obedience system of them all is the judicial system, the law. It brings together the political and economic systems, giving them an internal order and effectiveness. The judicial system establishes and regulates the rights of any sovereign body to exercise power, be that sovereign the King, a leader, the government, a citizen or an individual. Since the eighteenth century democratic revolutions have made the judicial system a system of “public rights” — ie the rights of the people, or rather of the majority of the representatives of the people.

The law is considered to be blind towards those accused of an unlawful act — that is, uninfluenced by power and able to treat everyone equally. The law is understood to arise from the collectivewill or opinion of the people (through elections, lobbying etc) and given shape by the highest authority of the land — the universally elected parliament. The law is supposed to be implemented by an independent body, the courts, applying the law to everyone equally.

But as the French sociologist Michael Foucault says, politics is the continuation of war by other means. Law, I would claim, is a temporary and negotiated outcome of the confrontation between power and truth. The judicial system explicitly treats people differently. For example, an individual convicted for murder gets a much stiffer

punishment than a company responsible for the deaths of a hundred workers killed because of unsafe working conditions. There are also certain limits as to what lawspoliticians can make. These limits are decided mainly by economic, military, ethnic or religious power structures. Today even the speeches of government ministers have effects on stockmarkets — they are judged by and often tailored to an unelected economic elite.

This means that laws are not neutral tools for finding just solutions to conflicts — but are mainly political instruments for the existing powers (economical, military, political, cultural, social) and therefore the law protects an unjust world order. The law is an instrument of the privileged, and works in the interest of preserving power and rules that only get changed when it suits their new interests of those in power. The legal system changes slowly and is a battlefield between competing powergroups — sometimes it can be used against the interests of the privileged. And sometimes it does partly protect the life of the individual and the values of a community.

The law is given legitimacy by being “democratic”. But national law is basically undemocratic when it concerns issues that are international. Majority decisions are not democratic when they concerns minorities. Representative democracy is not democratic if the representatives do not reflect the views and interests of the people they represent. International law is undemocratic since it is founded by agreements between governments — the governed people do not have any effective say whatsoever.

The judicial system becomes conservative by trying to be apolitical. In the courts you can't use political arguments and in political discussions and struggles you can't break the law — so say the defendants of the existing order... Since the legal system sets the rules and limits of a particular political power struggle and the law is written by the powerful leaders of today — the line between law and politics can't be absolute. Even the law says that if it can be shown that some serious and immediate danger cannot be averted through legal political means, then a case can be made for averting it through apparently illegal means — if it is done in a reasonable way (sometimes referred to as the “defence of necessity”). But, in most cases, the judicial process reduces political actions to a matter of private believes (not facts about the conditions of society)and narrows facts down to what happened on the day of the “crime”. This political

reductionism of the judicial system makes complex processes and chains of commands irrelevant — “politics” becomes excluded. If you narrow down the scope of perspective enough, the circumstances that gave rise to the action in the first place disappear and the reasons become obscure and irrelevant. An action involving “damage to train tracks” is very different from “damage to the very train tracks that lead into Auschwitz during the genocide of Jews”. The judicial system, like the economic system, makes processes of injustice disappear by treating them as isolated acts. The practical genius of the system is to connect seemingly unconnected acts to a whole complex production chain. The ideological genius of the system is to seemingly disconnect the very same acts, and dissolve their meaning.

The law is a state-sovereignty-oriented system of rules. The law is either nationalistic or a compromise between nationalistic states (international law), which means the law can never essentially challenge the interests of the nation state (and only exceptionally does it challenge individual nation states). Therefore the worst expressions of state interests — war and dictatorship— enjoy the protection of the law, and even war crimes — genocide, torture, starvation, executions, aggression — are tolerated in practice. The few times when war crimes or other international crimes are effectively prosecuted is when it serves the interests of the dominating powers (states or transnational companies) to bring the losers of a war, their enemies or unimportant allies to trial — in order to weaken them or create scapegoats.

Why should anyone obey a law in the first place? A law is a law and nothing more than its words if not respected by its legitimisation. Ideally a law is a reflection of the moral opinions of the people, social norms and a society’s ethical discussions. The legal system takes its basic legitimisation from a language of fairness, reasonableness and the stated aim of protecting individuals and society. And some parts of laws are in fact fair, reasonable and protective. The problem is that a law is usually legitimised simply by being a law. But obedience is not a virtue in itself, irrespective of the issue and situation. Obedience — as well as disobedience — can be dangerous, unethical or illegal. Obedience can even legally constitute a crime as pointed out in the Nuremberg Principles, formulated in the War Tribunals after World War II and adopted by UN as international law. When law and morality are in conflict, I would claim that “criminal laws”

(“unlawful laws”) and “criminal obedience” exist. If so, it becomes our moral responsibility to be disobedient and to break the law — in order to change the system of power.

Morality and law are necessarily connected. Morality qualifies or disqualifies the judicial system — morality establishes the obligation to follow a specific law or to break it. There is often an argument made against appealing to morality in the sense that it can't be proved which moral principle is right or wrong. But the same problem exists for the law — we do not know for sure which law is right or wrong. I am not saying that we should not care about what the law says just because it is relative to time and place, but I am saying that the judgement of any act as being criminal or legal should involve a moral consideration — to avoid extreme misjudgements just because some present day power is obstructing genuinely democratic influence of the law.

The limits of national democracy

The existing notion and practice of national democracy is not sufficient for radical social change. Basically that is so because of its poor democratic quality, depending as it does on the unfair distribution of power, and inadequate national and majority systems. The belief in its authority is a major hindrance for social change since we are led to believe that it is the best possible system. But I would suggest there is and has always been a need for extra-system — extra-legal — means of changing an existing system. For radical social change we often need to break the basic rules of the game.

By “existing national democracy” I mean the kind of representative parliamentary democracy we see in the western world — liberal, party-based elections where the majority of adults, through elected representatives, decide. “Democracy” basically means people's (*demos*) rule (*-kratia*). I understand the idea of democracy to be that everyone who is concerned with an issue has the possibility to freely, together with everyone else concerned, discuss and decide what should be done. Such decisions are then implemented. Genuinely free discussion and decision-making assumes that there is no influence from power-systems. Even if it is impossible to reach such perfect democracy, the ideal gives us a direction in which to develop and a measure by which we can compare the quality of democratic systems.

The problem of contemporary democracy is that it only gives voice to a particular

majority on Election Day and, even then, only to their choice of (a set of) representatives. These politicians and parties are unbound representatives — ie their political promises do not legally need to be implemented after election. After an election and in any single issue it is impossible to say clearly what the voters said since they cast votes for different reasons. Between elections it is even harder to determine what the will of the majority is. We only vote once every few years during which time parliament decides on hundreds of laws (approximately a thousand a year in Sweden). Democracy as currently formulated will never give voice to its national minorities (unless they can create a coalition big enough to influence the majority) or global majorities. In international terms we do not live in a democracy but a “global apartheid society” where your rights in practice are not universal but national. Effectively, because of centralisation and majority-power, only a couple of hundred — predominantly male — politicians create the main decision-making body. This political democracy is disproportionately influenced by global and national economic bodies — which are not democratically controlled. And national democracy is further influenced by global or regional international political bodies — eg the EU or UN — in which structures the possibility for ordinary citizens to influence decisions is even smaller than in their national ones.

With the vote the people — in theory — can elect any representative they want but they can't choose not to have any representative: they can't elect a new system (even in theory). Even if fewer people vote than don't vote, the majority is still counted from those who voted. The existing democratic system could correctly be described as one consisting of a “*competition between groups of dictators*” (eg 349 dictators or Members of Parliament in Sweden). In a way it should be understood as the political equivalent to the market economy, being a strictly limited political market. Politicians are competing for votes, but not about the system — since their competition is based on and within the existing system, by necessity they are all supporting the system itself. The lack of questioning of the system is thus built into the system. Obscure examples have appeared, where parties have originally claimed they wanted to get elected in order to thoroughly change the system — but since that would involve getting elected to throw yourself out nobody has yet managed it...

Still, I would emphasise that since several competing dictators is preferable to just one dictator, it is still possible to call this system “democratic” — one of several possible democratic systems. The major democratic achievement with existing democracy is the possibility to get rid of the existing government. That threat creates some kind of necessary political accountability.

The democratic and moral basis of disobedience

The dangers of criminal obedience created by our social obedience systems and by the poor democratic quality of our national democracies and judicial systems means that disobedience sometimes becomes necessary and morally legitimate. But resistance or disobedience is not always right. It can be part of the improvement of democracy — depending on how it is done, in what situations and for what kind of issues. It can also contribute to a break-down in social order and help create violence and chaos. It needs to be judged case by case.

Disobedience disturbs the very basis of power: a hierarchical system of subordination - where the leaders are in fact totally dependent on the obedience of the lower levels. If a hierarchy is not respected, the leaders are effectively not able to be leaders anymore. In reality, all the resources of power lie outside the direct control of the leader: authority, economic wealth, sanctions (rewards and punishments), the exercise of violence, obedience, ideology etc. In the last resort a power-system depends on the exercise and threat of violence. But if ordinary people — the lower levels of the power pyramid — still refuse to obey orders, the disintegration of the power-system is unavoidable. If you break a central system’s rules, it is a form of resistance that can’t be ignored. When disobedience grows it begins to threaten the existence of the system itself.

In cases where the resistance movement which has created the growth of disobedience is itself badly organised, poorly democratised and has unclear political demands, the risk of social breakdown is high. But when resistance is well organised and held together, when there are few instances of violence and chaos, and when resistance is carried out with an openness to, and willingness for, dialogue — then there exists a possibility to improve democracy through a new and negotiated social order.

Democracy has been changing constantly during history but at every historical stage and in every system of the day, the attitude has been and still remains the same - “our

system is the best and ever more shall be so (and if it does change it will be through our system)”. But every new generation finds it hard to understand how people could have accepted earlier systems as “democratic”. Even western liberal democracy will probably be remembered in the future in such a way, when people are used to a more advanced and proper democracy. Ancient democracy in Greece provided no say for women and slaves. Still it was a form of democracy, since it was a new invention in a time of autocratic leaders. Early bourgeois democracy gave power to the owning class. Contemporary western liberal democracy is a constitutional representative parliamentary system, accompanied by freedom of speech, religion, association and the secret election of representatives. This present day form of national democracy ensures the rule of the professional representatives of the majority.

Such democratic development has been brought about through resistance and disobedience. For example, every stage of Sweden’s transition to liberal democracy and every part of its contemporary constitution involved the disobedience of popular movements: universal suffrage, the right to create trade unions and engage in strikes, freedom of speech/religion/association, the right to a civil alternative to military conscription etc. The first trade unions as well as the first strikes were illegal and the early leaders of the workers movement were imprisoned (eg prime-minister-to-be, Hjalmar Branting).

Civil disobedience, in the tradition of Thoreau and Gandhi, is a particular form of disobedience in which a law or regulation is broken, without the use or threat of violence and where the actor takes responsibility for her or his act. The word “civil” refers to a civilised or polite way of breaking the law. I would suggest it is the best form of disobedience with which to fight our lack of democracy — as it is a profoundly democratic tool.

It is possible to justify civil disobedience through its support for the values of democracy and its (likely future) improvement of democracy — for example, in the way that disobedience towards slavery laws contributed to creating equal rights. It would be naive to believe that our existing liberal representative majority system represents the end of the historical development of democracy. Activists’ defence of their disobedience could and should be made by means of internal democratic criticism — offering strong

arguments against the defects of existing democracy with reference to democratic ideals and by making specific demands for democratic improvements.

Some people insist that it is necessary to have exhausted legal means before anyone can turn to disobedience. That position makes nearly all disobedience unnecessary because there's always the possibility of trying harder or longer. Instead, I would claim that it is more reasonable to ask for a pre- and parallel use of legal means. This creates the possibility of conflict resolution before disobedience is used and before it evolves into the breakdown of social order. The use of legal means makes a continuous and parallel dialogue — and openness about plans, intentions and reasons — important components of disobedience. In some circumstances, there are no real possibilities of using legal means before breaking the law — there is not enough time and the values at stake are too high (eg giving sanctuary to someone on the run). But these situations are exceptions and bring with them a need for further exploration and explanation.

Systems of obedience make unthinkable horrors possible. The moral duty of our resistance is to make the dreams of human solidarity a reality. We need to disobey and fight with the tools of democracy and responsibility — the very same moral ideals that are the victims of systems of obedience.

Stellan Vinthagen, aka prisoner number BT8233, is a Swedish peace researcher and plowshares activist. The morning we go to press (4 May) is the morning he and two co-defendants begin their trial for “conspiracy to commit criminal damage” to one of Britain’s four Trident submarines. By the time *PN* returns from the printers (7 May), there may well be a (legal) verdict on their particular act of disobedience...

Bread Not Bombs Plowshares, Blomstigen 10, 424 37 Angered, Sweden (+46 31 7110316; email plowshares@hotmail.com; <http://plowshares.se/bnb/english>).