

PROTEST IN A LIBERAL DEMOCRACY

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Summary

Rather than viewing protest solely as a legal or moral issue, it is better understood as part of a political struggle. Dominant groups, especially the liberal democratic state, use various methods to marginalise dissent. One way is to endorse a narrow conception of what is 'legitimate' political action. Others are to accept protest only so long as it is ineffective, and to defuse it through symbolic actions. Another is to restrict protest to the 'public' sphere, maintaining authoritarian power systems within corporations and state bureaucracies.

There is a double standard in state responses to protest. Protesters *are* enjoined to use 'normal channels' and, if they must go beyond this, to remain nonviolent and accept the legitimacy of the state and its actions. By contrast, states regularly have used spying, censorship and force against dissident groups.

Nonviolent direct action, far from being a threat to democracy, historically has been central to the introduction of most of the freedoms we enjoy. The challenge ahead is to expand the options for more people to use a variety of direct action techniques to pursue their political interests. This implies, among other things, developing alternatives to bureaucratic work structures, to entrenched technological systems, and to current military and police systems.

PROTEST IN A LIBERAL DEMOCRACY

The idea of 'protest' typically evokes images of a dissident minority taking a public stand, as in rallies against particular wars or against apartheid. Protest is usually associated with groups which are outside the mainstream, which lack inside connections with the wielders of power. Protest is often 'against' something or other, an attempt to stop a policy or practice which would otherwise go ahead unquestioned. To many people, protesters have a ratbag image: the rabble in the streets. Although the vast majority of protest activity in liberal democracies is nonviolent in reality and intent, an aura of actual or potential violence commonly accompanies media presentations and popular perceptions of protest. These images are part of an overall view which balances the 'right to protest' against a need for 'law and order'.

- The conventional presentation of protest by the media or by government focusses on political activity by a particular segment of the population. Protest activity is assumed to be problematical, whereas other political processes are taken as less so. To gain a wider perspective on what is normally called protest, it is useful to step back and take a look at the whole political system.

The liberal state serves to govern and to uphold the system of capitalism based on private property. Liberal democracy is essentially .liberal society plus the democratic franchise¹.

The dominant political actors in liberal democracies are corporations, the state and professions. Routine activities by these actors establish the ongoing political and economic framework for the society. Governments promote legislation, establish foreign policy and decide on policy. State bureaucracies both prepare and implement policies, and exercise administrative discretion in areas such as policing, welfare and the law. The electoral system ensures a ritualised competition between political parties.

Corporations routinely make investments, hire and fire employees, introduce new, products and services, and mould opinion through advertising. Professions hold monopolies on particular types of services -- such as medical and legal services -- and within those monopolies make decisions about the types and costs of services.

Permeating the dominant political stage are several organising principles, including hierarchy, the division of labour and male and white domination. Hierarchy and the division of labour are the key features of bureaucracy; most parts of the state and large corporations are organised bureaucratically, as are political parties. Almost all of the most powerful individuals within the state, corporations and professions are white men: women and ethnic minorities are marginalised.

Dominant groups occasionally engage in struggles with each other, as in the case of elections, corporate takeovers and the medical profession's resistance to state regulation. The actions of these groups are not usually called protest, though. The term protest is applied to actions of groups which are painted as outside the mainstream. When trade unions go on strike that is recognised as a form of political protest -- and often stigmatised -- but when corporations redirect investments out of a particular area (a 'capital strike') that is taken to be a normal exercise of corporate prerogatives. When women purposefully break a regulation to join an Anzac Day march, that is civil disobedience. When parliamentarians refuse to disclose their assets as required by law, when government departments fail to provide information by mandatory deadlines, when corporations continually flout environmental regulations, when prison warders beat prisoners or when ex-husbands refuse to pay child support, that is seen as cause for concern but is not categorised as civil disobedience.

For the most part, the activities of dominant political groups are nonviolent. Liberal democracies are not held together by brute force, but are sustained largely by acquiescence or support from relevant groups in society². Even the major political struggles in liberal democracies, such as between workers and employers, are usually about the balance of power within the system, not about the organising principles of the system itself. Nevertheless, the dominant institutions are backed in the last resort by force, namely by the police and the military. Whereas violence by 'protesters' is invariably condemned and often called terrorism, violence by the police or military is usually seen as legitimate.

The full Power of the state can be employed against those individuals and groups placed in the category of protesters. Direct action against the military, such as opposing conscription or encouraging desertion,, can

result in prison terms; recalcitrant trade unions may be threatened with deregistration. By contrast, prison terms for corrupt politicians or corporate executives are seldom contemplated; non-cooperative professions are never threatened with deregistration, nor are corporations ever threatened with deregistration of private property. The asymmetry is clear: the law and state power backed by force are used to thwart those who challenge dominant groups and used to protect institutions such as private property and hierarchical authority which sustain those same dominant groups.

I have said that the political system is sustained mainly through popular acquiescence and support. But this does not mean that everything is rosy. There are many problems in liberal democracies, including poverty, oppression of women, racial discrimination, alienation, corruption, inequality, political repression, thwarting of creativity, militarism, consumerism, environmental destruction, deskilling of labour and lack of a sense of community.

The existence of such problems does not by itself cause pressure for change. In many cases those who are victimised have no power to alter their plight: for example, children who are sexually abused. In other cases prevailing beliefs legitimate the present patterns: inequality in wealth and power is commonly believed to result from inequalities in intelligence and effort, and furthermore greater intelligence and effort are considered to merit greater wealth and power.

The issue of protest arises when challenges to the social structures underlying some of these problems are made by members and supporters of weaker groups in society, such as workers, women and minorities. (Many members of oppressed groups are socialised into dominant belief and behaviour patterns, but at times some of them escape this.) Such challenges are singled out for special attention, unlike the usual political manoeuvres of dominant groups. Student radicalism, or the lack of it, is a cause for comment. Business executives are up in arms about taxes, tariffs or subsidies -- or not up in arms about them -- are seldom seen as worthy of special attention. The difference is that business executives are a powerful group, while students are relatively powerless.

At this stage it may be useful to pause and define a few terms. The 'normal channels' of political action in a liberal democracy are those

associated with the electoral system: voting, participating in political parties, lobbying and writing letters to politicians. - All these methods involve trying to get someone else -- usually the government -- to take action on an issue. 'Direct action', by contrast is political action which does not act through the government as intermediary. Examples are sit-ins, strikes and boycotts. Many actions aim both to achieve immediate aims and to influence the government, such as rallies and hunger strikes.

'Nonviolence' refers to actions in which do not by themselves cause physical harm to humans, whereas 'violence' refers to those which do. If police attack and harm nonviolent demonstrators, it is the police who are violent, not the demonstrators'. Whether violence to property counts as 'violence' is an issue which has often been debated.

'Civil disobedience' can be defined as nonviolent direct action which breaks a law. Theorists of liberal democracy usually consider political actions to fall into the category of legitimate civil disobedience if they are deliberate, nonviolent, non-revolutionary, done in public and done mainly to educate or persuade the Majorit³.

The usual point of view of the dominant groups is that people should leave social problems to the elites and experts. If action isn't happening quickly enough, then they should work through 'normal' channels,- The trouble with so-called normal channels is that they are biased in favour of privileged groups. To expect Aborigines to get ahead by rising up through corporations or professions is ludicrous, since it is discrimination in such areas which is the cause of many of their problems. .Lobbying holds little hope, since lobbying is mainly Of benefit to those who have money, power or someother reason why their views should be listened to. -(Arguing on the basis of social' justice alone doesn't get lobbyists - very far.) Finally, Aborigines, as a stigmatised minority group, have little electoral impact.

Because the 'normal channels are biased,- it is not surprising that excluded groups turn to direct action to pursue their causes. .- I have argued that dominant groups regularly use direct action. 'Direct action by outsider groups is seen differently because it a threat to the usual acquiescence on which the political system is based. ' Because it 'comes from groups within the society, it holds the potential of -undermining the -system by eroding its legitimacy. '(By contrast, outside attack tends-to-Mobilize

and unify a society, which is why appeal to the fear of foreign enemies is regularly used to mobilise the population against internal dissidents.)

Limiting and controlling protest

-So far, I have argued that the category of protest selects out the actions of only certain groups in society for scrutiny, leaving analogous actions by powerful groups unexamined. But now to focus on what is usually called protest: what responses are made to it? Here I outline several ways in which governments limit and control protest: by attempting to define it in a limited way, by requiring protest to be to the government, by controlling the issue symbolically and by restricting protest to the 'public' sphere. Then I will turn to the repressive methods frequently used by governments against...protest movements.

Since protest is usually aimed at governments, it has been governments who have taken the initiative in dealing with it. One basic type of response is, to limit and control the protest; to contain it so that it poses no threat to established institutions and social relations.

It is, within this category that most of the debates about protest fall. ; Is civil disobedience ever justified? Must civil disobedience be nonviolent? Do disobedients have a responsibility to accept punishment according to the law?: Can the liberal state survive in the face of widespread challenges to its legal authority? These are the sorts of questions which exercise the intellects of political philosophers.

. 'Before commenting on some of these questions, it is fruitful to look at the debate itself. Far from being an academic analysis of the political process, the debate over the right of protest is part of the wider political struggle of which protest is only one part. Those analysts who take a limited view of the rights of protest are entering the struggle in a way which supports dominant groups. Those who argue for a broader view of which sorts of protest are legitimate are entering the struggle in a way that supports those groups for whom protest is a method of overcoming powerlessness in orthodox channels.

For example, are secondary boycotts a legitimate form of political action? Should they be legal or illegal? Should penalties be lenient or harsh? The answers to these questions arrived at by various scholars and pundits are tools in the struggle between employers and workers.

The intellectual arguments About civil disobedience` have been presented many times, with no agreement reached. The key factor causing differences in conclusions is the assumption about the legitimacy of the state. Those who assume the primacy and legitimacy of the state invariably take a narrow view of civil disobedience; those who question the state take a broader view.

For example, is it morally legitimate to break just laws` in order to protest against unjust ones? For example, is it legitimate to block traffic if one agrees with traffic ordinances but wants to protest against laws against homosexuality? A narrow perspective, which requires civil disobedience not to challenge and hence undermine respect for Valid laws, answers no. A broad perspective, which sees civil disobedience as part of a wider struggle for social justice, answers yes.

Must civil disobedients accept any legal punishment, which is imposed for their violation of the law, as right? A narrow perspective, which puts acquiescence to the law and the state as an unquestionable priority, answers yes. A broad perspective, 'which puts pursuit of justice above acquiescence to the law and the state and hence questions punishment as well as the unjust law, answers no.

Must civil disobedience be nonviolent? A narrow perspective, which is built on the assumption of the state monopoly over legitimate violence, answers yes. A broad perspective, which weighs state violence against countervailing violence without exempting either from moral judgement, answers no. (A broad perspective does not necessarily favour. Violence, since violence is often counterproductive. Rather, it does not accept the double standard of automatically condemning protester violence 'while justifying state Violence.)

These examples show that the intellectual arguments` about Civil disobedience are part of a wider Struggle in which the authority and power of the state are at stake. But the existence of the wider struggle is usually submerged, especially by those defending the state. By castigating protesters as disruptive, violent and illegitimate, critics are engaging in a political struggle against the goals of the protesters; by drawing their arguments from the unquestioned premises of the legitimacy-Of state power, they hide their own de facto commitments to particular parties to the struggle..

Another shortcoming of the theory of liberal society is its assumption of a degree of democracy that does not exist in practice. Without a more participatory democracy than provided by the electoral system, the usual liberal arguments about the political obligations of citizens hold little weight⁵.

The intellectual jousting about protest is fascinating, but just as important is the practical political response of governments as a method of limiting and controlling challenging groups. Protest is not a great threat to the power of the state so long as the protest challenges only policies and not the institutions of the state itself. The most effective way for governments to ensure that this happens is to appear to respond, usually by some form of symbolic action such as studying the issue, preparing legislation or setting up an inquiry. Most protest movements do not have the organisational or economic foundation to 'sit out' an issue and wait for normal processes to take account of the problem. ,

When steelworkers from Wollongong rallied outside Parliament House in Canberra and then broke down the doors to enter, they were defused when a minister consented to talk to a delegation of the workers, and their militance declined drastically after returning to Wollongong⁶. In 1985, 40,000 farmers protested outside Parliament House in the biggest demonstration in Canberra's history, but this didn't really change their plight. All that happened was a face-lift for Labor's rural policy.

A government that has widespread popular legitimacy has little to fear from protests that are directed to the government to change government policy. Sometimes the government can simply ignore the protests. More commonly they are listened to carefully, and symbolic concessions or changes are made: illusions rather than the substance of change⁷. Massive peace rallies have been held for several years but this has not led to changes in key areas **or** Australian military policy such as hosting US bases and allowing visits of nuclear ships. Instead, the efforts of the Australian Peace Movement have led only to such things as the appointment of an 'Ambassador for Disarmament' and to strong government rhetoric against nuclear testing. These symbolic stands serve to convince many people that the government is doing something to promote peace, while in practice the key parts of its military stance are left unaltered. Even when governments are elected to power on a particular platform, they are

regularly able to disengage from commitments made earlier in the face of widespread protest⁸.

The government strategy for limiting and controlling protest is based on an implicit restriction of the protest: it must be protest to the state to take action, not autonomous action itself. It is when protesters take direct action which in itself furthers their aims (rather than relying on the government to do it for them) that this action is commonly seen as 'out of hand'. Workers may lobby and demonstrate for industrial democracy; that is fine. It is when they implement it themselves on the shopfloor that police are brought in to smash their action. Concerned citizens can appeal to the government to end abuses by spy agencies; that is fine. But when they investigate the spies themselves and publish the identity of spies and details of their operations, it is time for legislation and harassment to stop them. Anti-uranium activists can organise public meetings, rallies and blockades; that is fine. But when they start talking to workers and undermining their commitment, it is time for special legislation and police action to keep them away, as happened at Roxby Downs.

There is not a hard and fast distinction between 'safe' protest to the government and 'dangerous' direct action in which protesters take matters into their own hands. Some protests to government are seen as grievous threats and some autonomous direct action poses no threat to vested interests. But a tendency does exist: if protests are kept to 'protest' in the sense of being demands on government to take action, the threat to the institutions of liberal society is minimised. Autonomous action is something for parliaments, corporations and other powerful groups.

Another important assumption about protest is that it is something that occurs in a narrow 'public domain'. In a public rally, individuals show their concern by their presence and collectively by their numbers. In quite a few cases, numbers provide protection from victimisation. But there are other types of protest which, while not unlawful, can result in severe penalties to the dissident. I think in particular of protest within corporations and state bureaucracies.

Both large corporations and government bodies are organised in the form of bureaucracies, that is built on hierarchy and a division of labour. Bureaucracies are very much like authoritarian states, the main difference being that most bureaucracies have only nonviolent sanctions to apply

against internal opposition⁹. Within classical bureaucracies, there is no room for protest; what happens in practice is that dissidents are ignored at best and sacked and vilified at worst. In between there are the possibilities of blocking promotion, transfer to undesirable posts, character assassination and demotion. A large number of case histories show that these responses are the usual pattern.

For example, David Berthelsen, a Commonwealth public servant, presented evidence to a Parliamentary Committee about practices in the Defence Department which he argued were wasteful. If Berthelsen had been working in the Defence Department at the time, his further career would have been short indeed. As it was, he was in the Auditor-General's Department. Key officials in Defence, rather than examining Berthelsen's claims, instead focussed on Berthelsen himself, putting pressure on the Auditor-General to take action¹⁰.

If Berthelsen had taken the action he did while working for a corporation (which produced military equipment for example) he undoubtedly would have been sacked without ceremony. As it was, his rights as citizen to present evidence to the parliamentary committee formally protected him from harassment. This formal guarantee did not prevent serious steps being taken against him which might well have terminated his public service career, but at least the formal guarantee plus his own willingness to fight with the support of a few others made possible a political struggle against victimisation. (Note again that formal guarantees do not in themselves provide protection, but are a tool to be used in a wider political struggle.)

Where does this leave the 'right to lawful protest'? Berthelsen had formal rights, but this did not protect him from harassment. Very few public servants are as willing as the few David Berthelsens of the world to take a strong public stand on an issue which might jeopardise their career, and for good reason: Berthelsen's own example stands as a warning to them. What then of the many activities which, while not illegal, would mean risking one's job and reputation, and for which there is no protection against victimisation for speaking out? Workers are dismissed because of their organising activities, or simply for complaining about conditions; scientists are cautioned about speaking out about environmentally destructive effects of industry; students know that their future careers

may be held back if they become too conspicuous in radical political activities; employees of all varieties are squashed because they exposed or threatened to expose unsavoury practices by their bosses¹¹.

Most employees realise the dangers involved in speaking out, and most of them remain quiet. Mass protest in the 'public domain' then becomes restricted to 'safe' issues -- such as peace marches in the 1980s -- for which there is so much public support that most participants cannot be victimised (though conspicuous radicals in the movements still can be). On other issues, which are much more risky for those with jobs and reputations to lose, a disproportionate number of those who join the protests tend to be students, the unemployed, activists in community groups and others who have less to lose by being identified as protesters. The tralatibago image of many protests results from the ingrained fear of protesting felt by many people, which leaves the field to those few who are willing, to take the risks of protesting and who are perceived as 'fringe' elements of the population.

Consider a small activist group, for example a prison reform group. There might well be some prison warders and officials who would be sympathetic, but any prison warder or official who openly supported the group would encounter severe difficulties (to be euphemistic) on the job. So the people who would provide the most valuable inside knowledge and credibility to the group are for the most part prevented from participating. Secondly, even those who are not directly, associated with the prisons may be reluctant about becoming involved because it might still be risky personally. Do you have a relative working at a prison? Would their job be put at risk? Would prison officials have a word with your own employer? Would the police take a special interest in your affairs, for example by looking for minor traffic violations? Will the stigma of prisons stick even to those who protest against conditions within them? Whether realistic or not, such fears are a great disincentive to involvement.

A final problem is inequality of resources. David Berthelsen was a single person trying to do his own job plus make informed criticisms of Defence Department performance. In attempting to discredit Berthelsen, officials in the Defence Department could call on virtually unlimited funds and personnel to mount refutations.

Academics, who claim the special privilege of academic freedom precisely so that they are not subordinated to special interest groups, are commonly responsive to the most prolific sources of funding. Engineers obtain grants from corporations, not community groups. Economists are more likely to look to governments for consultancies and future jobs than to trade unions. Without the slightest bit of conscious personal bias, many academics attune their work to serve their own careers and the ends of the dominant groups in society. Thus inequalities in resources can result in equalities in the availability of expertise -- academic expertise in this case -- to different groups in society. The result is that the material and intellectual basis for dissident views is eroded without any formal restriction on the right to protest. The suppression of intellectual dissent is not a minor matter in societies in which knowledge is increasingly critical both to economic performance and political legitimacy.

In summary, there are at least four ways in which protest is limited and controlled. The first is through narrow definitions of what is legitimate protest. The second is restriction of protest to attempts to influence governments rather than autonomous direct action. The third is symbolic politics by the government to give the illusion of response. The fourth is through lack of real economic and political protection for dissent within corporations, state bureaucracies and other major institutions, thus leaving protest to a narrow 'public domain'. These ideological and material constraints on protest are serious enough: they ensure a sizable gulf between protesters and those who make the crucial decisions in society, ensuring in most cases that protest can be restricted to the margins and either ignored or bought off with minor changes in policy. But in case this is not enough, there is a more direct and ruthless way of dealing with dissent: repression.

Repressing dissent

The use of repressive means to stifle dissent within a liberal democracy has been a routine occurrence, but the implications of this repression for arguments about 'the right of peaceful protest' are seldom raised. If the state represses dissent, this undermines the arguments that protesters should first work through orthodox channels and should remain

nonviolent and otherwise follow the strictures of the constitutionally-minded theorists on civil disobedience. The reality of repression undercuts the liberal assumption of a free and pluralist society and provides support for the idea that protest, and arguments about the justification of protest, are part of a wider political struggle.

There are a wide variety of measures taken in liberal democracies to repress political opposition. Most of these measures are taken by agencies of the state, especially by the police and the military which are the custodians of legitimate violence. The role of repression is a major one¹² but has been downplayed by most theorists of liberal society¹³.

The development of secret spying operations has been a conspicuous feature of states since Napoleon". Although sometimes initially set up to deal with criminals or violent enemies of the state, the familiar tendency has been for these agencies to increasingly focus on formally legitimate opposition movements. In some cases direct attempts are made to cause disruption in the opposition, as in the United States FBI's Cointelpro programme¹⁵. But even the collection of material and compilation of dossiers on members of groups such as political parties, trade unions, anti-nuclear groups and women's groups effectively operates to stifle dissent, simply because many people become apprehensive about taking conspicuous political action of any sort. The frequent jokes and concerns by members of community action groups about telephones being tapped are symptomatic of the inhibitory effect of spying.

Political censorship is an effective method of stifling dissent. There are a limited number of examples outside wartime in which Western governments take overt action to censor publications, such as the Progressive case in the United States¹⁶ and the documents on foreign affairs and defence in Australia¹⁷. It is not so much formal censorship as unofficial agreements which are important in keeping certain issues out of the mass media. The D-notice system in Britain and Australia is an example. The key here is the role of the mass media -- television, radio and large newspapers and magazines -- which are the source of information for the bulk of the population. The existence of small dissident presses often can be ignored if the information they present does not reach a wider audience. On a number of crucial issues the top executives of the mass media are reluctant to go out of their way to antagonise the government and

powerful corporations. For example, the Indonesian invasion and brutal policies in East Timor were almost entirely excluded from the mass media in the United States; the issue was one which was far away, and to pursue it would have been to antagonise the US government, the direct source of a great deal of news¹⁸. (On the other hand, the mass media often serve as a powerful challenge to government practices, including government repression.)

Harsh legal penalties often can be used to repress protest. It is widely recognised that the legal systems do not dispense neutral justice, but rather that arrest, conviction and sentencing are all part of a wider political struggle. Corporate crimes are often ignored or at most dealt with by token fines. Protest of a political nature on the other hand often is greeted with excessive penalties. One reason for the decline of the direct action campaign by British peace activists in the early 1960s was the heavy prison sentences given to civil disobedients. In the 1980s in the United States, a number of protesters who have entered military facilities and performed symbolic minor damage in nuclear facilities (hammering nose cones and pouring blood over files) have been given gaol sentences of 10 years or more¹⁹.

Another way to smash dissent is to selectively enforce laws. Laws in some countries against use or sale of certain forms of drugs are now so extreme that they could not possibly be enforced against even a fraction of violators. In the United States, Political activists have been charged for using marijuana and given years or even decades in Prison. When taken in conjunction with widespread ~~Police~~ corruption, including trade in illicit drugs, such actions expose the facileness of the argument that civil disobedience should be circumscribed because it undermines respect for the law.

Spying, censorship and selective use of the law all serve to inhibit political opposition. But such opposition still occurs, and when it becomes strong it is often met by. direct Police or military attack. Police monitoring and occasional attacks on demonstrators have become a commonplace in many countries. The military is brought in when the police are insufficient, most notably to break strikes, something which has recurred in Australian history. Also, the police in conjunction with spying agencies have sometimes been used to crush dissident movements, such

as the FBI's virtual extermination of the leadership of the Black Panther Party.

Direct police and military repression of social movements has occurred when these movements have become threats to dominant interest groups. For example, in the *US* from about 1880 to 1920, the police were regularly used to smash worker opposition to capitalist exploitation²⁰. Since the 1970s, massive police operations in France and West Germany have been used to disrupt protests against nuclear power, a technology heavily promoted by the governments of those countries. A conclusion commonly drawn from such experiences is that protest is allowed so long as it doesn't have much impact. Once protest on a massive scale develops in a way which threatens powerful interests in or allied to the state, police or military force is brought to bear against it. That protest is part of a wider political struggle is apparent in this double standard.

Challenges to the police and military are the most fundamental threat to the liberal state. It is for this reason that protest in this area has been met with the most severe repression. Opposition to conscription is a basic challenge to the state mobilization of the population for violence, and hence this form of protest has been dealt with severely in most countries even in 'peacetime'. In wartime Civil liberties of all sorts are drastically curtailed, so much so that a liberal democracy at war can be characterised as a 'constitutional dictatorship'²¹. Rights of free speech, assembly, protection from arbitrary arrest, the right of trial by jury: all these and other freedoms are reduced or removed in wartime. The standard argument in favour of this abridgement of freedom is that liberal democracies temporarily must become dictatorships to protect their long-term viability as democracies.

While this appears to have been the case in Britain and the United States during the world wars, it is also true that martial law imposed to mobilise against an external enemy has often been used against internal opponents. During and after World War One the powerful socialist movements in Europe were crushed by the governments there, a process enabled by the mobilisation of force against all those who opposed the war effort. After World War Two, the cold war provided in the United States the basis for a witchhunt of dissidents in trade unions, the media, education and elsewhere.

Finally there is the imposition of military dictatorships, something that has occurred in numerous countries in recent decades, including in countries with long traditions of liberal democracy such as Uruguay and Chile. Terrorism by states is a much greater problem than the small amount of non-state terrorism ²². The increasing prevalence of military dictatorship points to a fundamental flaw in the liberal democratic state's ultimate reliance on violence to protect itself from challenge. Who guards the police and military guardians of society? If the police and military are brought in to repress any fundamental challenge to the status quo, the extension of this process is military dictatorship rather than social revolution or even Major Social change.

The usual discussions of 'peaceful protest' ignore the vital role of state repression. An awareness of this repression exposes the narrowness of focussing on the actions of protesters and the immediate legal or moral context in which they operate. Rather than analyse protest solely in terms of rights, it can more usefully be seen in the context of a wide social struggle in which both the legitimacy and actuality of action and nonaction, violence and nonviolence are at stake.

Some consequences of protest

Far from destabilising democracy, protest has been instrumental in forcing the introduction of most of the freedoms that now exist in liberal democracies. - Direct action, mostly nonviolent, played a major role in the ending of slavery, extension of the franchise, curtailing ruthless aspects of the exploitation of labour and 'extending rights to women and minorities. Many of the so-called normal channels for working through the system, which are often recommended as prior to or preferable to direct action, have themselves been established through protest. Many of the constitutions which embody the tights and restrictions which come to be identified with the status quo were established not in calm contemplation but in the aftermath of social revolution or turthoil²³.

Protest thus often serves to promote Social justice and also to protect and promote the formal safeguards and institutions of liberal democracy which play some role in sustaining social justice.

Another important role of protest is to counter repressive governments and to prevent more tolerant governments from becoming repressive. Without

protest movements, a slow erosion of civil liberties can occur: press censorship, arrest of dissidents, manipulation of elections. Protest helps to delegitimize governments which encourage or tolerate such actions.

Nonviolent direct action on occasion has led to the downfall of dictatorships which were quite able to contain guerrilla threats²⁴. The collapse of the ruthless Guatemalan regime in 1954 was due to a widespread, withdrawal of support; the Iranian revolution, which lacked outside support: and faced a powerful government terror apparatus, was almost entirely nonviolent; and mass nonviolent action was instrumental in the toppling of the Marcos dictatorship in the Philippines.

While popular direct action has frequently been a powerful force for good, it can also take repressive forms, such as with the fascists and with various racist groups. In most of these cases, the most serious threat comes from mass violence, often unopposed or tacitly supported by the state. This is where considerations of nonviolence versus violence can usefully be examined. It is much more difficult to misuse methods of nonviolence than violence: a boycott can harm the business of innocent parties, but this is not nearly as serious as beatings or assassinations. Nonviolence ensures that the suffering caused -- including in the case where the cause itself turns out to be misguided -- is minimised.

Added to this are other practical disadvantages of violence in bringing about a more equitable society: the promotion of secrecy and centralisation of decision-making power; the exclusion of the young, the old, women, the disabled -- indeed all but young fit men from the core of the struggle; and the alienation of many uncommitted people. While for some people violence may be justified as a means of overcoming a greater evil, a careful comparison of violent and nonviolent strategies will often show that nonviolent approaches have been ignored or poorly developed.

The future of nonviolent action

My own belief is that nonviolent direct action is a powerful force for social justice, and against oppression and repression. Hence every attempt should be made to expand_ the opportunities for every individual and social group to be able to use nonviolent action should they feel it necessary. Some would say that there is some danger that this would lead to everyone flaunting social convention and challenging all sorts of procedures and

institutions with disruptive nonviolent action. Would this really be such a bad thing? In any case, most serious exercises in nonviolent action require quite a bit of time, energy and commitment, and are not likely to be entered into lightly.

Legal rights are important in protecting protesters; as I have argued, protest is not guaranteed by legal rights alone, and indeed the formal apparatus of rights is itself better seen as a tool in a wider political struggle. Rather than focus on legal issues, here I concentrate on some structural impediments to nonviolent action.

One key problem is the bureaucratisation of society. Elites claim special privileges to make decisions by virtue of their special access and insights into the complexities of modern institutions and bodies of knowledge. State bureaucrats hoard information (and continue to resist extension of freedom of information) in order to ensure that their actions cannot be scrutinised; scientific experts, doctors and other professionals claim exclusive understanding of bodies of knowledge which are vital in making decisions affecting the whole society; the division of labour prevents most workers from understanding the wider framework in which they work. All this means that dissidents who are outside the corporations, state bureaucracies and professions have little access to information and expert advice. As a result, protesters can be derided as uninformed, which in many cases they are because they have been kept that way.

- Extending rights of dissent to employees of corporations and state bureaucracies would help in rectifying this tying of knowledge to powerful institutions. The experience with legislation in the United States to protect whistle-blowers -- typically employees who speak out exposing abuses by their employers -- shows what can be done. It also shows that whistle-blowers often must risk their reputations, jobs and careers. This suggests that legal guarantees alone are insufficient to protect dissent within large organisations.

Two sorts of changes would make a big difference. First, providing economic rights to a moderate standard of living, for example by a guaranteed wage at a substantial fraction of the average wage, would provide economic security and encourage much more dissent. At the moment a small number of social activists choose to be unemployed and work --much harder than most salaried employees in my experience -- for causes in which

they believe. Economic rights would enable many more people to do the same. Second, the introduction of workers' control would remove the great power of organisational elites to suppress dissent. More democratic forms of work organisation would provide protection for people to take action towards social justice in other areas.

Needless to say, economic rights and workers' control are major challenges to present structures of power and privilege. The point is that the expansion of 'the right to protest' cannot be a legal project alone, but requires much wider changes in social structures.

Closely related to bureaucratisation is what may be called social change via the commodification of technologies and the manipulation of wants. This refers to technological systems which, especially through their widespread use as consumer products, have become so pervasive as to be virtually inescapable. This includes the road-automobile transport system, electricity grids, television, agribusiness (large-scale monocultures of hybrids, pesticides, fertilisers, factory processing of food), microelectronics and medicine. In these areas the technology is so entrenched²⁵ that nonviolent action or indeed any other action seems helpless to fundamentally challenge it. People may protest against the latest freeway proposal or the use of leaded petrol, but protest against the automobile seems futile, although there are many alternatives. The trouble is that the alternatives such as walking, cycling and public transport in a community designed to minimise travel between home, work and amenities -- constitute a deep challenge to powerful interests, including the vested interest of automobile Manufacturers, oil companies and main roads departments, and also the psychological attachments many people have to the car.

The point is that technological infrastructures are hard to protest against, and social decision-making has a reasonable Chance of dealing with them only if it is undertaken before the technological and social infrastructure is 'created, that is before the Social and political entrenchment. But there are few mechanisms for any sort of popular involvement in such decision-making, and so new systems based on microelectronics and biotechnology My become entrenched before hazards and alternatives are carefully evaluated.

One response to this problem is to promote technologies which are

flexible and which can be controlled local ^{15,26}. The archetype of an inflexible technology requiring centralised control is nuclear power, with its large capital investment and potentially catastrophic effects if not tightly controlled by experts and politically separated from nuclear weapons. For these reasons democratic control over nuclear power development is very difficult, which is one reason why protesters have opposed any form of the technology. Energy efficiency and small-scale renewable energy technologies -- such things as insulation, solar design, solar hot water heaters and wind generators -- are much more amenable to local control.

Another difficulty facing the use of nonviolent action is modernised forms of social control, including the monitoring of dissenters and new technologies for crowd control²⁷, as I have described above. The solution to this problem is logically straightforward: abolition of spy agencies and political police, repeal of laws which encourage Criminal activity (such as drug laws) and greatly expanded freedom of information. The political difficulties facing these steps are enormous. Very few activists take on the spy agencies, and the difficulties facing them are huge²⁸.

The ultimate restraint on any protest is the violence of the police and the military, the protectors of the state. The expansion of the realm of nonviolent action implies in the long term the replacement of police and military violence by nonviolent alternatives. This is the project of 'nonviolent revolution'²⁹. Political theorists have ignored this option and instead have assumed that social revolution must be violent revolution and have therefore raised all sorts of political and moral objections³⁰.

For replacing conventional police, 'community policing' is one proposal. The nonviolent alternative to the military is 'social defence', which is nonviolent community resistance to aggression using means such as strikes, boycotts, rallies and alternative institutions. Because states are founded on monopolies over what is claimed to be legitimate violence, these alternatives imply the dissolution of the state system and its replacement by some system not dependent on violence, such as a federation of locally self-reliant communities.

The possible details of such alternatives are only beginning to be worked out, and the desirability and practicality of such a society has been a matter of considerable debate among those few who question the role

of the state in modern society. My aim in mentioning such alternatives is to point out some of the assumptions underlying present-day discussions of protest, assumptions which are linked to the present ways of organising societies. In a society of federated self-reliant communities without militaries or armed police, the use of nonviolent action would be a central means for resolving conflict. (Eliminating conflict is, in my opinion, much more contentious proposal than eliminating violence.) Indeed, one way of evaluating freedom and democracy in societies is to examine the options for and restrictions on nonviolent action. From this perspective, bureaucratisation, 'entrenched technologies' and the military are important obstacles to freedom and democracy. Expanding the use of nonviolent action, and hence the legitimate uses of 'protest', is a vital way of struggling to overcome these obstacles.

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