

## 2 *Civil Disobedience and Corporate Authority*

Civil disobedience is generally described as a nonrevolutionary encounter with the state. A man breaks the law, but does so in ways which do not challenge the legitimacy of the legal or political systems. He feels morally bound to disobey; he also recognizes the moral value of the state; civil disobedience is his way of maneuvering between these conflicting moralities. The precise requirements of civility have been specified by a number of writers, and, while the specifications vary, they tend to impose a similar discipline on the disobedient persons. Above all, they impose the discipline of nonviolence. Civility, it is generally said, requires first the adoption of methods that do not directly coerce or oppress other members of society, and second, it requires nonresistance to state officials enforcing the law. I want to argue that there is a kind of disobedience that does not meet either of these requirements, and yet sometimes falls within the range of civility.

Perhaps the actions I am going to describe should not be called civil disobedience at all; I do not want to quarrel about names. But it is arguable, I think, that narrow definitions of civil disobedience rule out certain sorts of unconventional yet nonrevolutionary politics which should not be regarded as attacks on civil order. These may well involve both coercion

## *Civil Disobedience and Corporate Authority*

and violence, though always in severely limited ways. It is important to recognize the significance of such limits when making judgments about civility. The insistence on the absolute nonviolence of civil disobedience is, in any case, a little disingenuous, as it disregards, first, the coercive impact disobedience often has on innocent bystanders, and second, the actual violence it provokes, and sometimes is intended to provoke, especially from the police. I don't doubt that it is preferable that no one be coerced and that police violence be met with passive resistance, but there may be occasions when neither of these is politically possible, and there may also be occasions, not necessarily the same ones, when they are not morally required. Such occasions, if they exist, would have to be described and delimited precisely. One of the dangers of a narrow definition of civil disobedience is that it simply rules out the effort to do this. By setting rigid limits to civil conduct, it virtually invites militants of various sorts to move beyond the bounds of civility altogether, and it invites the police to respond always as if they were confronting criminals. (Sometimes, of course, the police are confronting criminals, but it is important that we know, and that they know, when this is so and when it is not.)

The limits of civility are a matter of academic interest in more than the usual sense just now, and I do want to speak to the problems of university radicalism and to help mark out the moral space within which students (and faculties) can legitimately, if not legally, pursue their demands. My more immediate focus, however, will be on the past—for the sake of clarity and dispassion. There are historical cases in which the coercion of innocent bystanders and resistance to police authority have in fact proven compatible, or so it seems to me, with a kind of civility. The sit-down strikes against General Motors in 1936–1937 provide a classic example, to which I will later refer in some detail. For now it is enough to indicate the general principles under which such cases may be justified. They may be justified when the initial disobedience is directed against corporate bodies other than the state; when the encounter with these corporations, though not with

## Part One: Disobedience

the state that protects them, is revolutionary or quasi-revolutionary in character; and when the revolution is a democratic revolution, made in good faith. I will suggest later on just what these principles involve and argue very briefly that some (at least) of the recent student sit-ins, though they have been defended by reference to the 1936 strikes, cannot be justified in the same way.

Americans today probably have a greater number of direct contacts with state officials than ever before. We continue, however, to have many contacts, perhaps more, that are mediated by corporate bodies. These corporations collect taxes on behalf of the state, maintain standards required by the state, spend state money, and above all, enforce a great variety of rules and regulations with the silent acquiescence and ultimate support of the state. Commercial, industrial, professional and educational organizations, and, to a lesser degree, religious organizations and trade unions all play government roles—yet very few of these reproduce the democratic politics of the state. They have official or semiofficial functions; they are enormously active and powerful in the day-to-day government of society, but the authority of their officers is rarely legitimized in any democratic fashion. These officers preside over what are essentially authoritarian regimes, with no internal electoral system, no opposition parties, no free press or open communications network, no established judicial procedures, no channels for rank and file participation in decision-making.<sup>1</sup> When the state acts to protect their authority, it does so through the property system, that is, it recognizes the corporation as the private property of some

<sup>1</sup> The list is adapted from Robert Pranger, *The Eclipse of Citizenship: Power and Participation in Contemporary Politics* (New York, 1968), esp. pp. 73-76. See also the excellent discussion in Grant McConnell, *Private Power and American Democracy* (New York, 1966), chap. 5. I should say at this point that I am not considering public corporations and civil services in this essay, though their employees may also be deprived of the benefits of internal democracy. Many of the arguments that I make later on may well apply to them, but their special position vis-à-vis a democratic government raises problems I cannot cope with here.

## *Civil Disobedience and Corporate Authority*

determinate group of men and it protects their right to do, within legal limits, what they please with their property. When corporate officials defend themselves, they often invoke functional arguments. They claim that the parts they play in society can only be played by such men as they, with their legally confirmed power, their control of resources, their freedom from internal challenge, and their ability to call on the police.<sup>2</sup>

Neither of these arguments justifies or requires absolute power, and some of the subjects of corporate authority have managed to win rights against it, rights which generally come to them as citizens and are also protected by the state. I am thinking of such things as the right to work no more than a specified number of hours, the right to work in at least minimally safe surroundings, and so on. The right to strike is of the same sort, though it was for a longer time unprotected. The claim of workers to shut down a factory they did not own was once widely regarded as a denial of the sanctity of private property and a threat to the efficient running of the economy. For years the strike (in the face of one or another court injunction) was the most common form of working-class civil disobedience, but it has long since been allowed, and the strikers legally protected, by the state. I should note that the right of students to strike is not similarly allowed, since students cannot, so far as I know, claim state protection against expulsion after an unsuccessful strike. In any case, such rights, even if securely held, would still not be comparable to the rights a citizen has in a democratic state, and just how far they can or ought to be extended remains unclear, a matter of continuing public debate. By and large, the subjects of corporate authority are . . . subjects, and state citizenship does not generate corporate citizenship even when it guards against the worst forms of corporate tyranny.

There is one argument in support of this subjection that at

<sup>2</sup> These are the implicit assumptions, for example, of Peter Drucker's *The Concept of the Corporation* (New York, 1946). In chapter 3 Drucker describes the suggestion box as a crucial channel for worker participation in corporate management, and suggests no other channels.

## *Part One: Disobedience*

least falls within the realm of democratic theory. This is the argument from tacit consent, which holds that corporate subjects are, in some morally significant sense, voluntarily subject. By their willing entry into, and acceptance of the jurisdiction of, one or another corporate body, they commit themselves, on this view, to obey rules and regulations they have no part in making. They join the firm, go to work in the factory, enter the university, knowing in advance the nondemocratic character of all these organizations, knowing also who runs them and for what purposes. They are not deceived, at least no one is trying to deceive them, and so they are morally bound for the duration of their stay. However subject they may be during that time to authoritarian pettiness and to oppressive rules and regulations, they are never the captives of the authorities. Their citizenship guarantees their ultimate recourse: if they don't like it where they are, they can leave.

This is a serious argument and deserves some attention. Residence in a democratic state does, I think, generate a *prima facie* obligation to obey the laws of that state—in part because of the benefits that are necessarily accepted along with residence, in part because of the expectations aroused among one's fellow residents, and finally because of the universality of obligation in a democracy, from which no resident can easily exclude himself. The effects of residence in a non-democratic state, however, are very different. There the right of resistance and revolution may well be widely shared, and there is no reason why a new resident should not associate himself with the rebels rather than with the authorities. It is not obvious that the same distinction applies to the corporation, since the strict forms of political democracy are often said to be impractical in corporate bodies organized for industrial or educational purposes. But this is precisely what is at issue in most cases of corporate disobedience, and I see no reason to prejudge the issue by agreeing that tacit consent to nondemocratic corporations establishes any greater degree of obligation than tacit consent to nondemocratic states. In any case, arguments about the possible reaches of democracy are carried on almost continuously within both the corporation

## *Civil Disobedience and Corporate Authority*

and the state; surely no one can bind himself not to join them; and it is one of the characteristics of political arguments in nondemocratic organizations that they will often take "illegal" forms. Such forms may even be necessary if the arguments are to be carried on at all. So there can be no binding commitment not to break corporate rules and regulations, or at least, there can be no binding commitment until the best possible democratic procedure for establishing rules has been adopted.

There is another reason for rejecting the argument from tacit consent: corporate bodies do not offer anything like the same range of benefits that the state provides. Membership in corporations in no sense replaces citizenship in the state. A man may well provide himself with new benefits and even incur powerful, perhaps overriding, obligations by joining a corporate body, but he cannot be conceived as having yielded any of the legal rights he has as a citizen. Corporate officials may offer him a trade: we will pay you so much money, they may say, if you surrender the right to strike. That agreement, whatever its moral force, is not legally binding so long as the right to strike is recognized by the state. But the legal rights of a citizen are also matters of dispute, and so it is always possible for a corporate subject to break the rules and regulations, appealing to the laws of the state or to the established rights of citizenship as his authority for doing so.<sup>3</sup>

It is when such an appeal is not recognized by state officials that civil disobedience may begin. But for the moment, I want only to suggest that disobedience of corporate rules is probably justified whenever it is undertaken in good faith as part of a struggle for democratization or for socially recognized rights. By the phrase "in good faith," I mean to limit the occasions of justifiable disobedience to cases in which four conditions hold: when the oppressiveness of the corporate authorities can be specified in some rational way; when the so-

<sup>3</sup> Perhaps there is a moral as well as a legal basis for such appeals: it can be argued, I think, that in discussing rights and obligations, one can always appeal from less to more democratic bodies. Obviously, this can work against the state as well as in its favor.

## Part One: Disobedience

cial functions of the corporation have been taken into account in judging the rights its participants might enjoy; when concrete proposals for corporate reorganization have been brought forward; and when a serious effort has been made to win massive support for these proposals. I would assume also that whatever channels for "legal" reform are available within the corporation have been tried. It is important, however, to stress the fact that such channels do not always exist in the sorts of bodies I am considering here. Indeed, in many of them any serious demand for democratization may plausibly be called revolutionary, for it involves an attack upon the established authority system of the corporation. This was certainly true, for example, of the demands of the labor movement, as one of its historians has noted: "If revolution is defined as a transfer of power from one social group to another, all forms of union activity which involve a challenge to the power of owners and managers are revolutionary."<sup>4</sup>

If this is so, then all the forms of revolutionary politics that we know from the history of authoritarian states may now be re-enacted on a smaller stage. In these kinds of situations, in fact, we ought to anticipate this kind of politics and not be shocked or surprised when it comes. Thus the presence of corporate police and spies (as in the auto plants before 1936) and the pervasive atmosphere of fearfulness generated by unlimited power will often impose secrecy and a severe discipline upon the revolutionary organization. At critical moments, initiatives may be seized by small minorities of militants who claim to represent their fellow subjects, but who also force them to make choices they did not anticipate and might well prefer not to make. Those who refuse to join the revolution may be threatened, mocked, perhaps beaten, their right to work systematically denied. Finally, the militants and their new supporters, now embattled and exposed, will often resist corporate countermoves, and may do so even if these countermoves have state support. All this, secrecy, discipline, coercion, resistance, still falls or may fall, I want to argue, within the limits of civility—so long as the revolution is not

<sup>4</sup> Robert Brooks, *When Labor Organizes* (New Haven, 1937), p. 112.

aimed at the state itself and so long as the corporate authorities really are as oppressive as the rebels claim.

There is another condition, of course: that the corporate revolution not take the form of a violent coup, an attempt to blow up the central offices of the corporation or to murder or terrorize its personnel. It is crucial that violence on this scale, if it occurs, does not occur at the initiative of the rebels. In fact it rarely does occur at their initiative; in almost all the cases I can think of (there may be some recent exceptions), the rebels have followed a different course. Their strategy is almost always to shut down the corporation, to curtail its operations or to stop them altogether, until some new distribution of power is worked out. It is important to note that this first shutdown is different from all those that come later. Once the authority and cohesion of the corporate subjects have been recognized, strikes may become a permanent feature of the power system. The simple withdrawal of workers from their routine activities will then be sufficient to close the corporation, and even the threat to strike will be a valuable bargaining point in its on-going politics. But this is not so earlier on, and the first strikes may have to take more direct and coercive forms. Generally, they involve the physical occupation of the corporate plant and the expulsion of nonstrikers. Occupation is preferable to withdrawal, because it can be achieved successfully without majority support, or immediate majority support, and majorities are not readily organized under authoritarian conditions. Occupation is also preferable because it precludes, at least for a time, the effective dismissal of the strikers and the resumption of corporate activity with new subjects. For these reasons, the sit-down or sit-in is a typical form of revolutionary activity in nondemocratic corporations.

Iranian  
Revolt

The state then comes into the picture not to enforce the laws against assault and murder, but to enforce the property laws. This is the paradox of corporate revolution: the revolutionaries encounter the state as trespassers. However serious their attack on corporate authority, they are guilty of only minor crimes in the eyes of the state, though one would not





## Part One: Disobedience

always guess this from the response of state officials. In fact, violence often, perhaps most often, begins with law enforcement. "A large proportion of the . . . disturbances we have been surveying," writes Charles Tilly in a report on European strikes and riots, "turned violent at exactly the moment when the authorities intervened to stop an illegal but nonviolent action . . . the great bulk of the killing and wounding . . . was done by troops or police rather than by insurgents or demonstrators."<sup>5</sup> The case is the same, I believe, in the United States.

In suggesting how disobedience to corporate rules and regulations might be justified, I have treated the corporation as a political community within the larger community of the state. I have discussed its government and the rights of its subject population. This is obviously not the way, or not the only way, the officials of the corporation and the state regard the matter. They see the corporation also as a piece of property, protected as property by the law. When corporate officials find "their" buildings occupied, their first response is to call on the police to clear them. The police sometimes come and sometimes do not. They are pledged to enforce the law, but they also take orders from the political leaders of the state, who may (and, I would suggest, ought to) see in the corporate revolution something more than a mere violation of the property laws. What is at issue here is not who owns the corporation, but what such ownership entails, above all, what, if any, governmental powers it entails. It is one of the characteristic features of feudal regimes that the ownership of property always entails governmental powers (and responsibilities): public functions such as war-making, tax-collecting, and adjudication are dispersed among a class of landlords and the right to carry out such functions is literally owned along with the land. Clearly no modern state, even more clearly no democratic state, can permit or tolerate such a dispersal of

<sup>5</sup> Charles Tilly, "Collective Violence in European Perspective," in *Violence in America* (A Report to the National Commission on the Causes and Prevention of Violence), ed. Hugh Davis Graham and Ted Robert Gurr (New York, 1969), p. 39.

## *Civil Disobedience and Corporate Authority*

powers. Corporate officials who carry out governmental or quasi-governmental functions (even the simple maintenance of social order within the corporation) must be responsible to the larger community, whose citizens they and their subjects are. This means that the state has an interest in the internal politics of the corporation, an interest that may or may not be served by police intervention on behalf of private property. It is not far-fetched, I think, to suggest that the interests of a democratic state are best served by corporate democratization—at least so long as this process does not seriously interfere with the social functions of the corporation, in which the larger community also has an interest.

It is important, in any case, for state officials to realize that when they enforce the trespass laws against strikers, they are also doing something else. They are acting to restore not merely the “law and order” of the state, but that of the corporation as well. They are enforcing another set of rules in addition to their own. And while they can argue that the strikers have every right and opportunity to work in public and try to change the first set of rules, they must recognize that the second set can, perhaps, only be changed by the very revolutionary action they are repressing. When police resist efforts to overthrow the state, they are behaving in a perfectly straightforward way, but the case is not straightforward when police resist efforts to overthrow corporate authority. Corporate authority is not the same as the authority of the property laws—it does not have their democratic legitimacy—and the differences between the two may require the police to use some discretion in moving against men who violate the laws of the state solely in order to challenge the authority of the corporation. The corporate rebels may, for example, be defending rights they actually have as citizens. Their violation of the law may be a means of bringing to the attention of their fellow citizens other, more important violations of the law.<sup>6</sup> Then the police must choose the laws they

<sup>6</sup> This is the way the 1936–37 strikes are justified in Joel Seidman, *Sit-Down*, League for Industrial Democracy pamphlet (New York, 1937), p. 38.

## *Part One: Disobedience*

will enforce and may reasonably choose to do as little as possible for the time being. Police inaction may even be justified if the rebels are wrong, or if the courts hold that they are wrong, about their rights as citizens, for the size and scope of the strike may suggest changing communal values which the political leaders who command the police may choose to respect, if only in order to avoid violence.

The rebels may, of course, be wrong in other ways: the militant minority may not have even the silent and fearful sympathy of the others; its demands may be inconsistent with the continued fulfillment of important social functions. But corporate authorities always claim that these two conditions hold, and have done so in many cases where they clearly did not. Because the truth is often difficult to discover, especially in the early hours or days of a rebellion, state officials must keep an open mind as long as they can. Police action may be necessary, but it is rarely necessary immediately. It is, however, almost always the demand of the corporate authorities that the police act quickly. If there is any hesitation, their subjects, they think, will rally around the militants—though it is obviously also possible that they will desert the militants, leaving them helpless and isolated. Time is the best test of the support the strikers actually have among the passive majority, but this has not, historically, been a test the authorities are willing to risk. Delay, moreover, pushes them toward negotiations with the strikers, and the beginning of talks is itself a victory for democratization even if no other demands are allowed. Hence any refusal to enforce the law probably constitutes a kind of indirect intervention by the state against the corporation. It would be naive to deny this; I can only suggest that the interests of a democratic state are sometimes served in this way.

If the police do enforce the law, then they must expect that the strikers will respond in the context of their own revolutionary situation. They are not at war with the state, but they are (or they may be) caught up in a political struggle of the most serious sort, and direct police intervention, whatever its supposedly limited purposes, brings the police into that strug-

## *Civil Disobedience and Corporate Authority*

gle and into what may well appear the closed circle of its strategic necessities. The more desperate the struggle, the less likely they are to meet with either obedience or a merely passive resistance. Even active resistance in such circumstances, however, does not necessarily constitute an attack upon the law and order that the state represents. It may do so, of course, if state officials are totally committed to the maintenance of corporate authority in its established forms and if their interference on behalf of that authority is not merely occasional but systematic. Clearly there have been governments so committed, and to their officials corporate revolution must look like (and may actually be) revolution *tout court*. But the history of liberal government is a history of retreat from such commitments, retreat from the total support, for example, of church prelates (ecclesiastical authority, and above all the right to collect tithes, was once protected by the property laws), of industrial magnates, and so on. The occasion for such retreats has generally been an act or a series of acts of corporate rebellion which state officials decided they could not or discovered they need not repress.

Continuous repression, if it were possible, would virtually force the rebels to expand their activity and challenge the state directly. There are always some militants among the rebels who assume that such repression is inevitable. Like the corporate authorities, they see civil order and corporate authority inextricably intertwined. But this is rarely the case. Law and order is indeed always law and order of a particular sort; it necessarily has a specific social content. But law and order is also a universal myth; the liberal state is at least potentially a universal organization; and in the name of its myths its leaders can always or almost always dissociate themselves from some particular piece of social oppression. For this reason, corporate rebellion is potentially a limited form of political action and potentially a kind of civil disobedience. The violation of property laws is not in itself an act of revolution against the state, and state officials acknowledge this and confirm it when they give up on such things as collecting tithes or clearing the factories.

## *Part One: Disobedience*

If they intend to be civil and hope to be treated civilly, the rebellious subjects of corporate authority must in turn be careful not to make revolutionary claims against the state. Doubtless the occasion calls for a certain rhetorical extravagance, but that can be ignored so long as the actions of the rebels bespeak a concern for the appropriate limits. In general, this is the case: the rebels argue by their actions that the commitments they have made to one another (their new-found solidarity) establish an obligation to disobey not all laws, but only *these* laws, for example, the trespass laws. They claim for their revolutionary organization not that it replaces the state or is a law unto itself, but only that it wins primacy in this or that limited area of social life. It requires its members to violate state laws *here*, not everywhere, and insofar as it justifies the use of violence against state officials, it does so only if they intervene against the revolution. The justification is local and temporary and does not challenge the general authority of the police to enforce the law. In fact, the rebels will often demand law enforcement—against the corporation—and explicitly pledge themselves to obedience, as they should do, whenever obedience is compatible with corporate democracy.

All the arguments I have thus far made are illustrated by the autoworkers' sit-down strikes of 1936–1937, and I think the illustration is worth presenting in some detail since so little has been written about this form of civil disobedience. The right of workers to strike has come to be so widely accepted that its illegal and semi-legal history and all the philosophical issues raised by that history have been forgotten. The sit-down, moreover, was not only called illegal by the local courts in 1937, it eventually was called illegal by the Supreme Court. Indeed, the strike that went so far to establish the right of corporate subjects to organize and defend themselves remains illegal today. Yet it is not the case that all corporate systems have been democratized, nor do all corporate subjects have the same rights. The questions raised in 1936–1937 still have to be answered.

## *Civil Disobedience and Corporate Authority*

I do not think that I need to describe at length the kind of oppression that existed in General Motors plants before the victory of the autoworkers. Corporate officials possessed absolute authority over hiring and firing, the conditions of work, the pace of work, and the rates of pay. They used this power not only to maximize production and profit, but also to maintain the established authority system. In effect, they ran a miniature police state in the factories, and the organization of the workers, their incipient union, took on in response the features of an underground movement.<sup>7</sup> This movement claimed a kind of legality not within the corporation but within the state: its spokesmen insisted that they were acting in accordance with the National Labor Relations Act, which made the encouragement of union organization a matter of public policy, and in defense of those legal rights that workers were said to have in their jobs.<sup>8</sup> But though they might argue that the activity of union organizers was democratically authorized outside the factories, inside it necessarily took revolutionary and sometimes nondemocratic forms.

There can be no doubt that the union enjoyed widespread sympathy among the workers, but union members did not make up anything like a majority at any of the struck plants, and in some of them this was true not only of members but even of supporters. Majority rule does not operate very well in the early stages of the struggle for democracy when the majority is likely to be both passive and frightened, justifiably anxious for its jobs, and often resentful of militants who do not share that anxiety or repress it in the name of possibly distant goals. Hence the way is always open for vanguard initiatives which are dangerous both practically and morally.

<sup>7</sup> See Henry Kraus, *The Many and the Few: A Chronicle of the Dynamic Auto Workers* (Los Angeles, 1947), chap. 1, for an account of what organizing was like before the sit-downs. Kraus was editor of the *Flint Auto Worker*, the local union newspaper, during 1936-1937. Sidney Fine, *Sit-Down: The General Motors Strike of 1936-1937* (Ann Arbor, 1969), appeared too late for me to consult it in preparing this essay.

<sup>8</sup> Solomon Barkin, "Labor Unions and Workers' Rights in Jobs" in Arthur Kornhauser et al., eds., *Industrial Conflict* (New York, 1954), p. 127. These claims were eventually rejected by the courts.

## *Part One: Disobedience*

Militants who seize the initiative always run the risk of finding themselves alone, deprived not only of effective support but of moral justification. In 1936, the risks paid off; the basis of a democratic movement did in fact exist, though this was not known, and could not be known with any certainty, in advance.

It is important to stress the risks the militants accepted and had to accept if they were to undertake any political action at all, but it is also important to stress all they did to minimize those risks. A long history of struggle and failure preceded the dramatic victory of 1937. The commitment of the union militants to corporate democracy is best evidenced by their months and years of work in the factories, building support, searching for activists, adjusting their own proposals to meet the interests of the men on the job. A strike might have been attempted without all that; angry men were never lacking in the auto plants. But there is a kind of legitimacy that can only be won by hard work. Without a disciplined base the civility of the strike would have been precarious at best, and it is not difficult to imagine isolated militants, faced with certain defeat, setting fire to a factory or shooting at the police.

A successful strike requires not only that the militants find majority support, it also requires that they coerce minorities, and often that they begin to do so before they have demonstrated the extent of their support. This is not a usual feature of civil disobedience against the state, but it has to be remembered that what is going on in the corporation is not civil disobedience at all but revolution. Exactly what this involves can be seen most clearly in the seizure of Chevrolet Plant No. 4, the turning point of the General Motors strike. The union was relatively weak in Plant No. 4, and its seizure required careful planning. Company police were lured away by a demonstration in another factory; several hundred union militants from Plant No. 6 were brought in during a change of shifts; and these men together with union supporters already inside succeeded in forcing the shutdown of No. 4. Before the strikers carried the day, however, there was a time when uncom-

## *Civil Disobedience and Corporate Authority*

mitted workers were attacked from both sides. Here is the account of a union official:

A few of the staunchest unionists got into the aisles and began marching around shouting . . . "Strike is on! Come on and help us!" Many of the workers stood waveringly at their posts . . . And meanwhile the superintendents and foremen . . . tore about, starting the conveyors up again, yelling to the men to "get back to work or you're fired" . . . Some of the men began working again or at least made a desperate effort to do so under the tumultuous circumstances as they were still anxious to differentiate themselves from the strikers. But the ranks of the latter grew inexorably . . . There was practically no physical violence. The men would merely act fierce and holler threats. There was huge Kenny Malone with wrench in hand tearing down the lines and yelling: "Get off your job, you dirty scab!" Yet he never touched a man.<sup>9</sup>

This is a graphic description of a revolutionary moment, the decisive overthrow of the absolutism of superintendents and foremen. It is clear, I think, that one can justify the coercion of the "wavering" workers only by reference to that end and to the legitimate expectation that it was widely shared. For the moment, however, the militants could only assume that the end was widely shared, and such assumptions may have to be sustained without proof for some time. In Plant No. 4 the political battle was won, but the moral outcome, so to speak, remained inconclusive:

The fight was over; the enormous plant was dead . . . The unionists were in complete control. Everywhere they were speaking to groups of undecided workers. "We want you boys to stay with us. It won't be long and everything will be settled. Then we'll have a union and things will be different." Many of the workers reached their decision (for the union) in this moment. Others went home, undeterred

<sup>9</sup> Kraus, *The Many and the Few*, pp. 214-215.



## *Part One: Disobedience*

by the strikers. About two thousand remained and an equal number went off.<sup>10</sup>

I do not mean to suggest that *any* degree of coercion of undecided or neutral persons can be defended by reference to the end of corporate democracy, but it is likely that, given the limits I have already sketched, virtually any degree of necessary coercion can be defended. Surely it would be dishonest for those of us who value democracy in corporations as well as in states to pretend that we would judge the GM strike differently if Kenny Malone had actually hit somebody with his wrench—though we are certainly glad (and should be glad) to be told that he did not. However, in discussing violence against state officials, somewhat different standards apply, at least they apply if we believe the state to be so constituted that attempts on its authority are not easily justified. Within the corporation, revolutionary initiatives may well be appropriate; within the larger democratic community, they are inappropriate, and the corporate rebels demonstrate their civility only insofar as they make clear, as the autoworkers did, that they intend no such initiatives. During the GM strike, for example, a number of workers were arrested, and the union leaders ordered mass demonstrations in front of the local police station. They thus used against the police legal forms of protest that they had declined to use against the corporation.

On the day after the seizure of Plant No. 4, a Michigan court issued an injunction against the strike, and the strikers began discussing among themselves what they would do if confronted by police or National Guardsmen. There were a few men in the factories and among the union's leaders who urged passive resistance. They thought the workers should allow themselves to be carried out of the factories. But a much larger group favored active resistance, on the pragmatic grounds that there was no working-class tradition of passivity and no religious or ideological foundation for a politics of nonviolence. The spectacle of strikers being carried, limp and

<sup>10</sup> Kraus, *The Many and the Few*, p. 216.

## *Civil Disobedience and Corporate Authority*

unresisting, in the hands of the hated police would have, they argued, a profoundly disillusioning effect on the families of the strikers and on all the men who had so far refused to join the revolution. It would seem a terrible defeat rather than a moral victory, an incongruous and humiliating end to a period of heroic action. This argument carried the day, and the strikers publicly committed themselves to fight back against any effort to use force to clear the factories.<sup>11</sup>

At the same time, they did everything they could do, short of leaving the factories, to avoid such an outcome. They established their own law and order, a strikers' discipline far stricter than that of the foremen; they banned liquor from the occupied plants, worked out informal agreements with the police which permitted workers to come and go and food to be brought in, and carried out all necessary repair and maintenance work on factory machinery.<sup>12</sup> Above all, they repeatedly stressed their willingness to negotiate a settlement. This last is a crucial token of civility. However radical their demands, and even if those demands imply that the corporate authorities ought not to be authorities at all, the rebels can never deny to their opponents the recognition they themselves seek. The call for unconditional surrender may sometimes be appropriate in time of war and civil war, but it is never a political demand, nor is it compatible with civil peace.

The argument in the factories indicates some of the problems of any absolute commitment to nonviolence. Men who live in a democratic state can plausibly be said to be obligated to preserve its peace, to accept the forms of its law and order. But the strikers did not live only in the state. They were members, as all of us are, of overlapping social circles, and within the spheres specific to them—General Motors, the auto industry, the capitalist industrial system generally—they did not enjoy the benefits usually associated with the words law and order. These were worlds of oppression and struggle, in which the mutual forbearance necessary to civil disobedi-

<sup>11</sup> In a letter to Governor Murphy. On the arguments within the union, see Kraus, *The Many and the Few*, pp. 220, 231–233.

<sup>12</sup> Seidman, *Sit-Down*, pp. 32–36.

## Part One: Disobedience

ence did not exist. In these worlds, state police had all too frequently played a role no different from that of company police, implicating themselves in the oppression and compromising their own authority. The point where the two circles overlapped had thus been dominated by the violence of the corporate world. It was only the refusal of Michigan's Governor Frank Murphy to enforce the court injunction—his own civil disobedience—that re-established the state as a universal organization and a sphere of nonviolence, within which autoworkers could conceivably incur serious obligations to the public peace.

Most of the criticisms of the strikers were simply refusals to recognize the pluralism of their social lives and the possible pluralism of their moral commitments. When A. Lawrence Lowell, President-Emeritus of Harvard University, said that the sit-downs constituted "an armed insurrection . . . defiance of law, order, and duly elected authorities," he was suggesting that the spheres of corporate and state authority coincided perfectly.<sup>13</sup> I have already argued that this is sometimes true, and, when it is, civility on the part of corporate rebels is almost impossible. But it was not true in Michigan in 1937. Governor Murphy, who had only a few months before become a "duly elected authority" with the support of the autoworkers, symbolized this fact. His affirmation of the independence of the state recognized that the primary focus of the strike was on General Motors and not on Michigan or the United States, and so ended the threat to civil order. By forcing negotiations between the corporate authorities and the union leadership, he began the long (and as yet incomplete) process of bringing some kind of legitimacy to General Motors. Until that process was well begun, I see no reason to deny to the workers the right to use (limited) force within the corporate world, against their oppressors and against any allies their oppressors might call in. ~~But~~ I do not mean to state a general rule; the argument depends upon the specific character of the overlapping social circles.

<sup>13</sup> Quoted in J. Raymond Walsh, *C.I.O.: Industrial Unionism in Action* (New York, 1937), p. 182.

## *Civil Disobedience and Corporate Authority*

Even if the police had gone in, the resistance of the workers would not have constituted an "armed insurrection," though it is not difficult to imagine an insurrection growing out of such an encounter. Particular, limited acts of resistance, coupled with appeals to community laws and values, do not necessarily break through the bounds of civil order. There was, in fact, an action of this sort early in the strike, a short, sharp battle between police and strikers (known, among the strikers at least, as the Battle of Bulls' Run) which took place at the initiative of the police.<sup>14</sup> I do not believe that incidents of this sort detract in any serious way from the double description of the strike that I have attempted to sketch: revolution in the corporate world, civil disobedience in the state. Obviously that dualism breeds difficulty; neither label is precise. Together, I think, they capture something of the social and moral reality of the sit-down.

Civil disobedience has often been divided into two types: direct disobedience, in which state laws thought to be unjust are openly defied; and indirect disobedience, in which state policies thought to be unjust are challenged by the violation of incidental laws, most often trespass laws. I have tried to describe a third type, more indirect than the second, in which the state is not challenged at all, but only those corporate authorities that the state (sometimes) protects. Here the disobedience takes place simultaneously in two different social arenas, the corporation and the state, and in judging that disobedience different criteria must be applied to the two, though I have tried to show that the two sets of criteria are not entirely unrelated. When revolution is justified in the corporation, then certain limited kinds of resistance, even violent resistance, may be justified against state officials protecting corporate property. I assume a strong presumption against

<sup>14</sup> Kraus, *The Many and the Few*, pp. 125ff. It should be noted that compared to previous strikes in American history, "the sit-down strikes were exceptionally peaceful." Philip Taft and Philip Ross, "American Labor Violence: Its Causes, Character and Outcome," in *Violence in America*, p. 363. This was true largely because the workers were in the buildings, disengaged from company agents and the police. In labor disputes, violence most often erupts on the picket line.

## *Part One: Disobedience*

such violence, however, and I would want to justify the use of force only when the oppression of the corporate subjects is palpable and severe and the interference of the police of such a kind that leaves the rebels no alternative but resistance or defeat. At the same time, it seems to me that state officials, recognizing the oppression, ought not to interfere, ought to refrain, that is, from enforcing the property laws, and so avoid even limited violence.

The character of private governments obviously varies a great deal, and so the argument I have developed on the basis of the General Motors strikes will not apply in any neat and precise way to all other sit-downs. The student rebellions of the sixties, for example, are very different from the labor rebellions of the thirties. But I do believe that the same criteria can be used in framing our judgments in these two, and in many other, cases. This suggests the sorts of questions we must ask student militants: what is the nature of the oppression you experience? have you worked seriously among your fellow students (and among your teachers) to build support for your new politics? do you have, or potentially have, majority support? what are your specific proposals for university reform? and so on. By and large, I think, these questions have not been adequately answered—chiefly for two reasons that I can only mention here. First of all, contemporary universities are very different from the General Motors plants of 1936 (or even of 1969). However authoritarian their administrations, their students enjoy personal and civil liberties undreamt of in the factories, and these liberties open the way for a great variety of political activities short of the sit-in, or at least, short of the sit-in as I have described it, with its attendant coercions. Yet, and this is the second point, contemporary student movements have rarely been able, in fact, they have rarely attempted in any politically serious way, to win and hold majority support. Their militants have often rushed into adventures that cannot hope to win such support, in part because they have nothing to do with corporate democratization, in part because they call into question the very functions of the university the militants profess to value.

## *Civil Disobedience and Corporate Authority*

It is, nevertheless, not difficult to imagine universities so rigidly authoritarian and student movements so committed as to justify the sorts of politics I have been examining. There have certainly been justified sit-ins during the past several years, sit-ins that actually moved this or that university closer to whatever form of democracy is appropriate to the academic community. There have also been sit-ins justified in part, open at the same time to severe criticism, that resulted or might have resulted in similar movements. The theoretical model I have tried to elaborate permits us, I think, to defend such movements and their necessary methods—but always in a way that reveals to the participants themselves the nature and limits of their action.

The problems of university government indicate clearly the great importance of arguing about the possibilities of democracy in every institutional order and not only in the state. I do not mean to prejudge these arguments—at any rate, I do not mean to prejudge them absolutely. A government of equals may be possible in one setting; weighted voting, or some such recognition of inequality, may be necessary in another; collective bargaining between employees and managers may be appropriate in a third. The range of political decision-making or of bargaining may have to be limited in this way or that, or it may not be limited at all.<sup>15</sup> There is no single desirable system of internal adjudication. Nevertheless, I think it can be said flatly that some kind of democratic legitimacy is always necessary to corporate authority. Insofar as corporations lack this legitimacy, their very existence breeds revolt, and the more private and autocratic their government is, the more angry, perhaps violent, the revolt will be. If democratic states choose to shelter corporate autocrats, then they must learn to shelter corporate rebels as well. And if the rebels are asked, as they should be, to maintain civility, then the authorities must see to it that civility is a genuine option for them and not merely a convenience for the autocrats.

<sup>15</sup> Democratic decision-making in the university does, I think, have to be limited: it is appropriate, for example, in the organization of day-to-day student life; in the classroom, not so.