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The Perils of Illegality

Dave Foreman

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Certainly one of the highest duties of the citizen is the scrupulous obedience to the laws of the nation. But it is not the highest duty.

—Thomas Jefferson

I say, break the law.

—Henry David Thoreau

Some of the perils of conscientiously disobeying the law quickly become apparent to anyone who chooses to do so. The indignity and boredom of arrest, booking, incarceration and court proceedings can be nearly insufferable. Sparring with the legal system costs money, time and energy. Finally comes the penalty, with further loss of money (fines) or freedom (jail sentences). Other hazards may arise as well. The Sapphire Six, who occupied a logging site in Oregon, have been sued by the contractor for down time. Tex Earth First!er James Jackson injured his leg when a Forest Service office chopped down a tree in which he was sitting. Peace activist Brian Wilson lost his legs to a train. Students who campaigned against tyranny in Beijing have been lined up against

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the wall. When one engages in deliberate civil disobedience, one quickly begins to understand the authoritarian maxim, "Political power comes out of the barrel of a gun."

Having just been arrested while asleep in my bed by a posse of gun-wielding FBI agents playing Sylvester Stallone, and now facing a possible five year sentence in a federal pen on a set-up charge, I have no desire to downplay these dangers. Anyone who chooses to stand against a corrupt and brutal establishment (and to varying degrees all political states are such) must accept that he or she may eventually face that ultimately lonely moment shared by Joan of Arc, Nathan Hale and George-Jacques Danton.

But there is another kind of pitfall in choosing to break the law. It is more subtle than those above, but no less dangerous.

The danger is simply that when one begins to break the law, even an unjust law, with regularity, breaking the law can become seductively easy. It becomes common, even normal to break the law. The more one becomes involved in conscious law breaking, whether non-violent civil disobedience or monkeywrenching, the more one needs to be scrupulously deliberate about doing so. Without such fastidiousness, one chances damaging one's psyche and cause.

(I should acknowledge here that public civil disobedience and covert monkeywrenching are generally considered entirely separate strategies and that very different people engage in them. Although both involve consciously breaking the law, for many monkeywrenchers, breaking the law is incidental. Their aim is to thwart destructive machinery threatening natural diversity. Such tampering with machinery, however, happens to be illegal. As such, monkeywrenching shares the perils of civil disobedience discussed here.)

At the risk of sounding too much like a septuagenarian essayist scribing moral lessons for schoolchildren of a century ago, let me point out the specific pitfalls one faces by becoming an outlaw—even a well-intentioned outlaw.

Wise guerrillas know that they are part of society and need support from the population base. The isolated, alienated guerrilla is just as lost and vulnerable as the isolated, alienated gorilla. We primates are social animals. We have a long, deep heritage of being part of a tribe, of defining ourselves by the cultural context in which we were born.

We deny human ecology when we argue that we can operate totally apart from the mores of society, when we define ourselves as ethical islands, beholden to no one, without responsibility to others for our own actions. There we enter uncharted waters, beyond anthropology, beyond biology, into modernist alienation and nihilism, into Hobbes's nightmare of all against all, a dark and fearful place as far from the wilderness as we can imagine.

all, to varying degrees, guilty of the destruction of the Earth. Try to separate the doer from the deed.

- Be wary of the tar baby of the legal system; avoid being sucked into considering it your primary focus. (If your emphasis really is injustice instead of wilderness preservation, that is fine. Such activists are needed.)
- Guard against becoming an "arrest junkie" or a thrill-seeker. Periodically examine your motivations for participating in civil disobedience or monkeywrenching.

No doubt some who are deeply committed to the defense of Earth and to opposing tyranny would disagree with the above. Some of these people may have engaged in many brave actions involving deliberate violation of laws of the state. They may argue that they have no obligation to honor any of the rules or customs of this society, that they are free agents, or are in the process of creating a new society with a new morality.

I wish I was so sure of myself. It would be an easier, simpler world. It was so, for the heroes of manatee Westerns when I was growing up in the fifties. I wanted to be like them—strong, silent, secure and whole in myself. Ayn Rand constructed the same heroes, more pretentious, more urban, far more long-winded, but still characters from that Simon and Garfunkel song: rocks, islands apart from society.

I do not argue that having fallen prey to the above pitfalls one cannot still accomplish good. Yet, questions and concerns remain for me—and I hope for others who believe in ethical law breaking. How do you change a society when you are apart from it? How do you understand yourself when you deny the social environment that produced you? How can you gain support for your goals and actions when your behavior alienates potential supporters?

Although the laws of a modern state are created by and for an economic elite to maintain their financial position and to defend the philosophical orthodoxy to which they subscribe, many laws are necessary when millions of people live in close proximity. I believe in laws against rape, assault and invading Wilderness Areas with vehicles or chain saws.¹ All human societies have customs and rules governing interactions between and among individuals. They are natural; they should be obeyed. When we break unjust political laws to obey higher ethical laws, we must guard against developing a laxness toward standards in general. Indeed, when one deliberately engages in civil disobedience from time to time, one needs to attend to *just* laws with an even greater sense of responsibility.

After identifying a certain law as evil, and choosing to disobey it, it is somewhat easier to ignore all laws. If we become sloppy about the need to chart our course according to certain standards because we become used to breaking unjust laws, then we enter a state of moral chaos.

Often a key element in civil disobedience or monkeywrenching is gaining public accepting or understanding of the need to break unjust laws. If our ethical disobedience becomes unfocused, untargeted and ethically ambiguous, then we appear as hooligans and common criminals to the public. The real criminals are the executives of multinational corporations and the politicians and bureaucrats who do their bidding. If law-breaking for a good cause to not act deliberately, then the ethical statement made is demeaned and it is easier for the oligarchy and their goons to turn the public against just causes.

By conscientiously breaking unjust laws or by carefully targeting wilderness-destroying property for destruction, one places one-

¹ I also recognize, of course, that most acts of robbery, rape, assault and murder in this country go unpunished because they are committed by accountants, lawyers and managers hiding behind the legal facade of non-living corporations which are permitted to function legally like human persons.

self in a position of opposition to the creators, beneficiaries and enforcers of those laws, or to the owners and user of that property. It is an easy step from that to creating a dualistic world of *Us* versus *Them*. When we create such a world, our opponents become the enemy, become the *other*, become *evil* men and women instead of men and women *who commit evil*. In such a dichotomous world, they lose their humanness and we lose any compulsion to behave ethically or with consideration toward them. In such a psychological state, we become true believers and any action against the enemy is justified. One needs only to look at Adolf Hitler or the Ayatollah Khomeini to see the results to one's psyche of holding this attitude.

For practitioners of civil disobedience in defense of natural diversity, the fundamental issues are wilderness and wildlife. Our opponents our federal land managing agencies and resource extraction industries. After arrest, incarceration and court sentencing, however, we sometimes become confused and begin to see the injustice of the legal system as a fundamental issue with which we must deal, and we begin to regard the deputies, jailers and judges whom we encounter as our primary opponents. When this occurs, our focus on wilderness is diluted.

Civilization has turned the world into pablum. In reaction against the dull security and safety provided by modern society, some turn to thrill sports like rock climbing, sky diving or dirt bike racing for a much-needed dose of adrenaline. Some seek titillation in drugs and casual sex. The regular CDer may become an "arrest junkie" who hungers for the excitement of planning an action, being arrested, and standing nobly before the court. The monkeywrencher may be captivated by the intoxication of destroying machines and getting away with it. In each case, the tingle of action may be a justifiable part of the reward for courageous defense of wildness; the danger is when it becomes a delirium or the primary reason to break the law.

Enough generalities and moral posturing. Should we ever break the law?

Of course.

But we must accept the responsibilities that go with law-breaking.

- Be careful and deliberate in choosing the laws you break for ethical reasons, or the targets for monkeywrenching. Be sure you are justified, that you have exhausted every legal means.
- Even if justified for itself, consider the consequences of your civil disobedience or monkeywrenching in the larger strategic sense.
- Avoid frivolous law-breaking that may weaken the statement you are trying to make with conscientious civil disobedience. For example, if you are caught shoplifting while on the way to a non-violent protest or to a monkeywrenching action, your cause, no matter how noble, is cheapened in most eyes by the moral dubiousness of your petty theft—even if you can justify it yourself through moral gymnastics such as "ripping off the system is OK because the whole system is corrupt."
- The worst form of cowardice is ratting on your compatriots in order to receive less immunity or a reduced punishment. **UNLESS YOU ARE ABSOLUTELY CONFIDENT YOU WILL NOT BREAK DOWN AND GINGER YOUR FRIENDS, DO NOT ENGAGE IN MONKEYWRENCHING WITH ANYONE ELSE.** There is nothing lower than this kind of traitor.
- Resist the temptation to creation an *Us* versus *Them* universe. Anger, rage and intransigent resistance to evil are all proper, but for the sake of your own mental health and the sake of the movement, don't demonize others. Accept that we are