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Legal Studies 250

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### To Obey or Disobey: The Role of Power in Obedience

People's decision to obey or disobey the law is based on how much power (in its various forms) they perceive the law to have behind it. The power of coercion is one maintained by every government in human history: the power to punish. The power of legitimacy is a much more subtle power: the power to appear as an authority and let others presume that you know best. While enforcing law, authorities will exercise both these powers. Both powers underscore government and society's ability to control us and to get us to obey.

Why do we obey? Stanley Milgram's *Obedience to Authority*, a series of experiments in which subjects were told to administer what they believed to be high-voltage electric shocks to people who they thought were experimental subjects, shows us the disturbing extent of people's obedience in the face of power. Whereas it was hypothesized that few of the subjects would actually shock their supposed experimental subjects, the actual experiments showed a "disturbingly high level of compliance with authority figures despite the apparent pain evinced by the false experimental subjects." (Cover 223) Even when the false experimental subjects (actually just a tape recording of responses) screamed with supposed agony, the vast majority of the subjects, although showing some hesitation and concern for their "victims", still nevertheless shocked them again and again at the behest of the authority, even after the "victims" had gone silent. (Cover 223) The almost blind obedience of these subjects was due to the power of legitimacy and expertise they perceived the authority figures behind the experiment to have. The

authorities were able to impose their will on the subjects with little resistance because the subjects thought that the authorities must know what they were doing since they appeared to be Yale professors and the subjects were absolved from all responsibility. Although there was no actual law that the subjects had to comply with the authorities, the authorities were perceived to have enough power for the most of the subjects to follow their instructions completely and without question. Because of the results in his study, Milgram hypothesizes that we have a “human predisposition” to obey our authorities in the face of power. (Cover 223)

So why does it seem that we naturally tend to obey? It may not be purely human nature. Peter Kropotkin argues in “Law and Authority” that it is the government’s power to impress upon us the importance and necessity of obedience that molds most of us all into law-abiding, obedient members of society. According to Kropotkin, the government uses education as its main weapon, brainwashing us from an early age into thinking that the law reigns supreme above everything else in our lives: “Cleverly assorted scraps of spurious science are inculcated upon the children to prove necessity of law; obedience to the law is made a religion; moral goodness and the law of the masters are fused into one and the same divinity.” (Kropotkin 159) The heroes we learn about in school are those who obey the law and defend it against the bad guys. This brainwashing does not stop when we become adults, for society, media, and literature all continue to reinforce within us respect for the law until our “intelligence is successfully befogged, and always to maintain our respect for law.” (Kropotkin 159) Because it has become a virtue to be obedient and servile before the law, it is so exceedingly difficult for people to disobey the law without knowing (or at the very least, feeling) that they are doing something morally wrong, even when that may not necessarily be true. But since morality is relative, and

society impresses law on us with such vigor and repetition, Kropotkin argues that we obey laws to the extent that we think they are synonymous and interchangeable with law itself.

However, rarely do laws go completely unquestioned, and in some cases, certain laws are directly challenged and disobeyed. Martin Luther King Jr., one of the most famous advocates of civil disobedience since Henry David Thoreau, tells us in his “Letter from Birmingham Jail” when law fails to have enough perceived power for people to obey. King argues that “he would be the first to advocate obeying just laws”, but “one has a moral responsibility to disobey unjust laws”. Quoting St. Augustine, he adds that “an unjust law is no law at all.” (King 251-252) In the case of unjust laws, the threat of punishment goes ignored and the legitimacy of both the law and the power behind it become questioned. The segregation laws that King and his followers defied lack the power of legitimacy because many believed that those laws were unjust laws. Although the government still maintains the power of coercion while enforcing them, King believes that his disobedience of what he sees as unjust laws is ordered by God, and grants him a higher and far superior power than the government: a holy power. Since unjust laws are out of harmony with the moral law of God, King believes it would be a violation to God to obey unfair laws. King also reminds us that everything Adolf Hitler did in Germany was “legal, while it was “illegal” to aid and comfort a Jew in Hitler’s Germany. (King 252) Therefore, King proves that just because something is law does not make it morally right or what God wants us to do. Naturally, the power of God outweighs the power of coercion, and people had no trouble disobeying these unjust laws. The actions of King and his followers would lead to the removal of the unjust segregation laws that they had refused to obey, proving that they were indeed right in their choice of civil disobedience.

Tom Tyler delves into the cause of obedience in his 1990 publishing, "Why Do People Obey the Law," which concluded that law breaking is both morally wrong and a violation of an obligation owed to authorities. (Tyler 495) This supports Kropotkin's argument that obedience, through constant reinforcing by society, has become expected behavior. However, Tyler's study also supports King's, for it also mentioned that personal morality is double-edged in that it may accord with the dictates of authorities and as a result help to promote law obedience, but on the other hand it may lead to resisting the law as well. (Tyler 477) When it is suspected that certain laws are drastically against moral righteousness, a law loses its legitimate power, which can result in noncompliance and disobedience. If the two essentials of obedience, morality and legitimate power, are ever found to be contradictory to each other within the parameters of a certain law, the law is certain to be questioned. If both are found to be against a law, then it is doubtful that the law will stand. Therefore, no amount of coercive power the power of legitimacy is essential to whether or not a law will be obeyed and followed. Tyler found that coercive power alone (namely the influence of deterrence) has an overrated effect on obedience, for his study found little evidence of deterrent effects. (Tyler 495) Although power is extremely important, no amount of power, coercive or legitimate, alone can ensure that a law will be obeyed and preserved. Tyler, like King, believes that the greatest influence on obedience may well be our own morality. (Tyler 495) Until power can twist and manipulate our morality (Milgram and Kropotkin seem to conclude that it can), which is the very thing that makes us human, we will always retain our freedom of thought and our decision to obey or disobey.

## Works Cited

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