

BRIAN MARTIN explains how to combat attempts to suppress dissent.

Energising dissent



DISSENT IS UNDER THREAT in Australia. Openly expressing views that challenge powerful groups or dominant ideas too often is met with threats, reprisals, restrictive policies and punitive laws. But dissent is necessary for a well-functioning society: it is a feedback process to prevent abuses of power (Sunstein, 2003).

Nothing new?

Is dissent more difficult than before? The recent book *Silencing Dissent* is entirely composed of recent examples, giving the impression that things have become worse. Actually, though, dissent was often quite difficult in earlier periods, under both Labor and Liberal governments. During World War II, civil liberties were severely constrained, a standard experience in wartime. In the late 1940s and early 1950s, left-wingers came under attack in Australia's lesser version of the US McCarthy witch-hunt. The

1954 Petrov affair provided the pretext for the Australian Security Intelligence Organisation to pursue dissidents on the left. The 1952 Defence Special Undertakings Act criminalised collection of information in prohibited areas, and still covers Pine Gap and other US bases (Heath, 1997). By the 1960s and 1970s there was an upsurge of activism by the peace, feminist, labour, environmental and Aboriginal movements, but dissent was still difficult.

And the problems are not peculiarly Australian. There is plenty of documentation of similar attacks on dissent in other countries (Borjesson, 2002; Curry, 1988; De Baets, 2002; Ewing and Gearty, 1990; Goldstein, 1978; Hillyard and Perry-Smith, 1988; Jansen, 1988; Jones, 2001; Roberts, 2006; Soley, 2002).

Although dissent has always been risky, some changes have made it easier. If, decades ago, the mass media were unreceptive to

challenging views, the main communication options were leaflets, meetings, community radio and the small alternative press. The advent of the Internet has made it far easier to circulate challenging ideas and to circumvent censorship. Defamation threats often deter mass media coverage but are far less effective against websites, which can be mirrored on foreign servers.

In the past two decades, the word 'whistleblower' has evolved from being a term of abuse to one of guarded respect. The mass media, in reporting whistleblower stories, have both reflected and aided this transformation.

Whistleblower websites abound and are being widely read, so ever more individuals are better informed about how to be effective.

It has been widely documented that in western countries public respect for authorities has steadily declined for decades. This often leads to a greater willingness to

challenge orthodoxy: people are less willing to trust experts, especially when a vested interest might be involved, as testified by the existence of self-help and activist groups in a wide range of areas.

These are hopeful signs, but they are not cause for complacency. The ongoing efforts to discourage dissent need to be challenged. But how?

Resisting

In the final chapter of *Silencing Dissent*, the editors Clive Hamilton and Sarah Maddison write about 'Signs of resistance'. It is a short chapter, with a few inspiring examples of dissent but not a lot of guidance for dealing with the government's systematic attacks. This is an example of a more general pattern: there is quite a bit of analysis of the problems, but little on what to do about them.

Deciding what to do is especially challenging when attacks are subtle rather than obvious: it's harder to mobilise support, because only some people realise what's going on. The same sort of difficulty occurs when different sectors are separately targeted, because there is no ready avenue to unite in a common cause.

To get a handle on responding to attacks, I use a framework for analysing tactics commonly used by perpetrators of injustice (Martin, 2007). By looking at a variety of injustices – such as shootings of peaceful protesters, unfair dismissal, police beatings, and torture – it can be seen that powerful perpetrators regularly use five methods to reduce public outrage. They cover up evidence and information about the event, devalue the target, reinterpret what happened, use official channels to give an appearance of fairness, and intimidate or bribe participants and observers. To challenge these methods, there are five corresponding approaches:

- expose the actions;
- affirm the value of the targets;
- interpret the situation as unfair;
- mobilise support and avoid or discredit official channels;

- resist and expose intimidation and bribery.

A look at effective resistance shows the importance of these methods.

Exposure

Revealing what is happening is essential, enabling as many people as possible to be informed. Exposure is highly threatening to perpetrators, which helps explain why the government has gutted freedom of information processes, put gags on public servants, legislated extreme penalties for talking about arrests under antiterrorism provisions, and prevented journalists from visiting refugee detention camps.

Exposure is the foundation of effective protest. Andrew Wilkie, in challenging the government's justification for joining the 2003 invasion of Iraq, went straight to the media and had an enormous impact. Trade unions, in challenging the IR laws, have taken their message to the entire community through leaflets, rallies and advertisements. Individuals, such as chemical weapons expert John Gee and Air Marshall Angus Houston, have publicly challenged government claims (Hamilton and Maddison, 2007, pp. 224-226).

Getting the facts right is vital for effective exposure. Sometimes it is better to collect more information and wait for the right opportunity than to rush into print. There are many skills to effective exposure of issues. Exercising those skills is an essential part of dissent and regularly practising them is a key to energising dissent.

Validation

Attackers frequently denigrate their targets: if someone is seen as unworthy, then what is done to them doesn't seem so bad. Hence asylum seekers are called illegals, queue-jumpers and even terrorists, protesters are called rabble and rent-a-crowd, science policy critics are called anti-science or anti-progress, and concerned citizens are called bleeding hearts and latte sippers.

To counter this sort of devaluation, targets need to be

portrayed as worthy and valuable members of the community. Images and stories about refugees make them human rather than abstract threats. Actually meeting refugees can be a powerful antidote to denigration.

The union movement has presented photos, videos and personal stories of victims of the IR laws, thus powerfully making the point that the people suffering are ordinary members of the community who deserve better. Behaving in a sensible, respectable way helps to validate dissent.

Interpretation

The government, if it can't hide the damaging consequences of its actions, tries to frame the issues to its advantage, for example saying that IR laws benefit the economy, antiterrorism laws protect the community, and requirements on NGOs ensure accountability. Gunns, the Tasmanian company, presents its legal action against environmentalists as protection of its corporate rights, not about muzzling public criticism. When abuses are exposed, a standard response is to say someone else is to blame, for example when politicians, after exploiting children-overboard photos, claimed they hadn't been informed about the circumstances.

To challenge self-interested explanations and denial of responsibility, it is necessary to explain what is actually going on and bring the focus back to the unfairness involved. Opponents of the Gunns legal action have continually emphasised that it is a use of civil law for political purposes, namely deterring public comment.

Mobilisation, not official channels

Official channels include courts, royal commissions, ombudsmen, appeals tribunals, anti-corruption agencies and the Fair Pay Commission. Many people believe such bodies dispense justice but, unfortunately, when injustice is caused by a powerful group – such as government or big business – official channels give only an

illusion of justice. They are expensive, slow, procedurally complex and have narrow terms of reference. Many who work in official bodies do their best but are hampered by inadequate funding, bureaucratic requirements and limited mandate.

An official inquiry can take months or years and soak up vast amounts of energy. In many cases the outcome is a whitewash. Even when the recommendations are worthy, such as with the Royal Commission into Aboriginal deaths in custody, the government may not act on them. Directing an official body to investigate a problem is a good way to assure the public that something is being done while actually little is happening.

Most whistleblowers have an implicit faith in the system, which is why they speak out in the first place: they think their superiors will investigate the problem. When, instead, they suffer reprisals, they typically seek justice in another agency, such as a grievance procedure, ombudsman or court. The evidence is that they are almost never helped (De Maria, 1999). It is far more effective to go to the media or otherwise publicise the matter.

The government has set up an incredibly complex system of rules through which asylum seekers must jump to obtain refugee status. Enormous efforts are required to negotiate the rules, and few outsiders realise how biased the system is. Freedom of information laws give the appearance of access to government documents, but there are so many loopholes for resistant agencies that they serve more as instruments of freedom from information. If the laws were abolished, the degree of censorship would be more obvious and the virtues of leaking would be more clear-cut.

The biggest official channel of all is electoral politics. Many campaigners think that if their party is elected, problems will be solved. Unfortunately, historical experience shows that radical parties often become much more conservative after being elected

(Boggs, 1986; Miliband, 1969). The basis for opposing injustice is a mobilised public. Mobilised politicians can help, but it is a mistake to rely on them. It could be argued that the biggest weakness of the IR campaign is its focus on election of the Labor Party. Even if Labor is elected, it will not be the end of the struggle.

Sometimes there is no easy way to escape dealing with official channels, in which case the best approach is to use them as campaigning tools. Gunns used a legal action as a method of attack; defendants have fought the legal case, using it to raise awareness about Gunns' forestry practices as well as its intolerance of criticism. Whether official channels are ignored, attacked or used, the prime focus should be on mobilising support.

Resisting intimidation and bribery

The penalties for dissent can be severe. Non-violent protesters risk years in prison. Agencies that speak out may lose their funding. Whistleblowers lose their jobs. Workers who strike can suffer massive fines and union officials risk imprisonment for unauthorised actions. On the other hand, acquiescent agencies stand to gain increased funding. Public servants who do the government's dirty work may receive promotions.

To create outrage about injustice, intimidation and bribery need to be resisted and exposed. But this needs to be done in a carefully judged way. Not everyone is in a position to risk loss of income or liberty.

Every prominent figure who speaks out makes it easier for others. Every agency that publicly refuses to acquiesce to the government's agenda makes it easier for others to do the same.

Conclusion

Dissent is vital to challenge abuses of power. But dissent is seldom safe and easy: perpetrators use a range of means to hide and explain away their actions and to reduce the likelihood that anyone will be concerned. Enabling dissent

requires an ongoing effort.

Governments and corporations have learned from experience how to be more effective in crushing dissent, but in response dissenters and their allies have learned as well. Non-violent activists, through decades of experience, now know much better how to run campaigns and design direct actions (Burrowes, 1996). Refugee activists have learned ways to touch the hearts of community members. Trade unions are learning how to make connections in the community, outside their memberships. Sharing insights and experience is the foundation for amplifying dissent.

Brian Martin is a professor at the University of Wollongong and the author of many books and articles about dissent, non-violence, scientific controversies, democracy and other topics. Web: <http://www.uow.edu.au/arts/sts/bmartin/>

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