

# 2016/6/1: Moral responsibility versus the Majesty of Law

## Moral responsibility versus the „Majesty of Law“ - political- and law-theoretical remarks on an eternally topical suspenseful relationship between obligation and insubordination

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Nowadays matters of conscience and personal motivation are often hardly scrutinized profoundly. According to the present-day prevailing attitude they are not respected in the spirit of the ideology of a political self-righteousness, nor are they tolerated in discussions, because whoever rejects an attitude - no matter for which reasons - supports those who it applies to, thus being on his side. Often a sophisticated contemplation is not carried out at all, neither. Thus, if political self-righteousness deals with the incident, this is reduced to the mere differentiation between "right or wrong", with the implication of legal and moral "good and bad". There is no assessment of the inner attitude of the actors. Thus individuals are done wrong in the end. In the centre of the considerations, which are based on the following statements, is the in fact perennial question, to what extent action out of inner conviction has primacy over legal codifications, or has to step back because of the law. One example, which has been used time and again, for acting against obedience towards the government out of inner conviction, is the behaviour of Prussian officers during the campaign against Russia: Prussia's uprising against Napoleon was initiated by Hans David of York (1759-1830), who had command of the Prussian relief corps, and who was a resolute opponent of the Prussian reformers, but as a Prussian he was nevertheless as eager as them to overthrow the French dominance. Cut off from the French army detachments while withdrawing from the Baltic, without having been authorised by the king, he made a convention on the provisional neutralization of his troops with General Hans-Karl von Diebitsch, who had been advised by Carl von Clausewitz, on 30th December 1812 in the Poscherun Mill near Tauroggen. This arbitrary act developed enormous effective power, triggering the liberation wars by Prussia's joining the alliance against Napoleon. The uprising of 1813 had begun with York's - a strict monarchist's - turning away from authoritative policy. Thus, it can be said that a people revolted against a decision of their rulers who had either surrendered or collaborated. York's attitude was certainly politically and maybe militarily justified. Concerning the object of the essay at hand, however, only the inner conflict which may have caused the decision for the deed can be considered: to violate the command of soldierly obedience, thus accepting all personal risks resulting from it, against the inner obligation, to induce a military-strategic and at the same time political turning point for the benefit of the state, which was to become decisive for the fate of Prussia and Europe. In future all those people who have to avert a terrorist attack by airliner will have to face this kind of dodgy and uncertain situation. For this reason, the matter dealt with above, in different constellations, will always be new and relevant time and again. Thus, apparently the individual is left alone when having to stand the test.

