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New development: Myanmar's civil service—Responsible disobedience during the 2021 military coup*

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IMPACT

The question of civil service responsibility and possible disobedience is of fundamental importance for the public sector, and the more government legitimacy is publicly doubted, the more relevant it becomes. The reaction of Myanmar civil servants via a large-scale, fundamental disobedience movement is noteworthy in its own right as a real-life case of what is possible, regionally in South-East Asia, and globally in that it renews and sharpens the question civil servants must continuously ask themselves regarding what their responsibility vis-à-vis government and citizens actually is.

ABSTRACT

Myanmar's civil servants have responded to the February 2021 military coup with a resistance movement that seems globally unprecedented in intensity and scale. For the ongoing debate about responsibility, disobedience, and resistance in the public sector, this is a crucial case in that it demonstrates how far civil servants can go to resist the hostile takeover of a government. This article describes the coup and its background in general and the civil disobedience movement and the Myanmar civil service in particular, and it uses Hannah Arendt's framework to place them within the theory debate.

KEYWORDS

Civil service; disobedience; Hannah Arendt; Myanmar; Myanmar 2021 military coup; responsibility

Myanmar's civil servants are primary participants in an unparalleled civil disobedience movement (CDM) resisting the 1 February 2021 takeover of the country by a junta. At immense personal cost, risking life and liberty, civil servants have refused to work in such numbers so as to constitute a special case not only in quantity but also in quality. We assume civil servants to serve whoever is in power, along the quip, 'constitution disappears, administration remains' (after Mayer, 1924, p. xi). There are many excuses available for doing so (Bovens, 1998, pp. 113–125), and even some good ones, but the Myanmar CDM participants do not revert to them. And while this ongoing resistance is relevant enough for public management in its own right, it also gives a special empirical perspective to the discussion of civil service disobedience (CSD) generally, because what is often referred to as merely a theoretical ethical option is chosen by Myanmar civil servants in dire reality.

The first civil servant who paid the ultimate price was likely Ko Tun Htet Aung (aged 24), a forestry official from Monywa. After being abducted and tortured for having joined CDM, he was kept in military prison without medical treatment, which to deny—including assaults on ambulances and rescue teams, doctors, nurses and hospitals—is a signatory habit of the junta. 'But when the family received him back after they had signed a confession saying that he would return to his work after recovering, Ko Tun Htet Aung was unable to walk, his eyes were a bluey-purple colour and he was conscious only for short periods before he passed away' (Irawaddy, 2021a) on 18 March 2021.

The coup

The coup by the *Tatmadaw*, as the Myanmar military is called, pre-empted the swearing-in of a new parliament led by the previously-ruling, now overwhelmingly confirmed, National League for Democracy (NLD). Myanmar (formerly Burma) had been a military dictatorship for decades, but transitioned to more democratic rule since 2011 and especially 2016. The *Tatmadaw* is a self-ghettoized state-within-the-state led by officers exploiting the country for their own financial gain. Myanmar is a multi-ethnic country created by the subjugation of several non-Bamar states, and the army has tried to create an identity by waging wars against regional autonomy and federalism. The most notorious of those is the genocide attempt against the Muslim Rohingya. The NLD government did not counter this and even justified the military's actions and, by and large, the civil service was no locus of resistance then either. Nonetheless, even for many ethnic 'minorities', the NLD was largely the party of choice, and its landslide victory endangered the army's supremacy.

The military has little support among the people, beyond direct profiteers and Bamar nationalists, but they were seemingly not fully aware of this; apparently, the junta thought it could easily get away with this coup. That however was not the case, as there was immediate, massive resistance by—one can really say—the people, including 'minorities', even supported by the Rohingya, and this resistance has not stopped.

International reaction has condemned the coup and especially the atrocities as well, although—as was to be

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expected—some neighbouring countries, especially China, and ASEAN have proceeded with limited accommodation of the junta, often under the label of non-interference, and Russia supports it directly, whereas several Western countries have invoked United Nations R2P ('responsibility to protect'). The formation of an alternative National Union Government (NUG) and an alliance between most liberation armies of the 'minorities'—some of them highly successful—and Bamar resistance further render the regime unstable.

More importantly, the *Tatmadaw* have used their suppression tactics, honed in the fight against other nations of Myanmar, in a way that meets the definition of terrorism against their own people, something that, according to Arendt's classification, also makes the junta's regime not 'merely' a dictatorship, but totalitarian (1964/2003, pp. 32–33; soldiers are universally called 'terrorists' on English-language social media and 'dogs' locally.) However, through advances in ICT the generals had not fully realized, these atrocities have been broadcast live to the rest of the world. Belated attempts to shut off all internet access—also in order to keep their own rank and file in line, as there have been desertions—have not fully succeeded.

'Not content to kill, rampaging regime forces have turned to burning the living and the dead. The junta has made gratuitous cruelty towards its victims and their families a hallmark of its efforts to terrorize a nation into submission' (Myanmar Now, 2021a). Next to clips of looting, arson, open-street abductions, and murders, the pictures of the tortured-to-death and of intentionally killed children have provoked the greatest outrage (Beech, 2021; Irawaddy, 2021b).

All this has led to the recognition that this is neither a 'normal' military rule nor a realistically to-be-accepted change of government. As is often remarked, if there ever was a clear-cut case for an illegitimate regime just tenuously in factual power, this is it.

CDM

The main reason for the junta being unable to consolidate its power is the CDM, which does not only entail the core civil service, but all public sector employees and beyond. But, together with banking and the medical profession, the civil and public service has spearheaded, and carries, the movement and has brought the country almost to a halt. This includes railroad and harbour workers, as well as academics and teachers. Especially the first have been kicked out of their housing (one of the main benefits of public employment), and many have been terminated or put on notice—and plenty have been jailed or executed. Attempts at replacement have not worked even to create a façade of a working public service.

Numbers are contested but, according to April 2021 integrated information, between 30% and 50% of employees are on strike in the Ministry of Religious Affairs and Culture, depending on departments, whereas in the Ministry of Foreign Affairs—which employs many members of military families—much less, and in the Ministries of Education (ME, including teachers) and of Health and Sports (MHS), the most. Teacher strikes so far, at least in cities, have probably gravitated at around 50%. Most CDM staff is junior, but in ME and MHS, many senior people joined as well. It was, for example, reported that on 7 April alone, the

Ministry of Investments and Foreign Economic Relations fired 83 employees, 34 of which from the management level—out of 756 employees, i.e. more than 10% (Myanmar Now, 2021b).

It is noteworthy that the lowest-wage earners seem most engaged in CDM; a point Arendt has also made about anti-Nazi resistance (1964/2007). 'We have nothing more to lose', said one [striking railway employee]. The NUG plans to substitute salaries for civil servants participating in CDM, especially junior ones, and to fund this from donations and frozen Myanmar government assets abroad (Myanmar Now, 2021c).

However, even if every civil servant in Myanmar returns to work (under duress), the scale of CDM and CSD, and the duration, are in my assessment unparalleled in modern memory.

Myanmar civil service

This resistance is all the more remarkable because the Myanmar civil service does, or did not, have a good reputation, both for being dominated by ex-military and, partially in conjunction, for being ineffective, lazy, and corrupt. For the usual international organizations, the civil service was always a programme item for reform (see only UNDP Myanmar, 2020).

However, I have rarely come across any serious studies of the Myanmar civil service—there are almost no international scholarly articles. Together with Cambodia and Laos, we do not have a good idea about how public administration in Myanmar actually works. It is largely fair to say that Myanmar was a weak, even fragile, military-dominated state, with little policy capacity (Hook et al., 2015)—but it did work; operability was there. The NLD administration went for gradual, global-Western-type public management changes with uncertain success so far, viewing the bureaucracy mostly as a 'stumbling block' for their reforms (Liu & Chau, 2019).

But there is a cognitive dissonance here: If the civil service was that bad, how can it now be at the core of CDM? My fieldwork-based answer is that it wasn't that bad at all on the individual level, and the better the more junior one went—some of the most intelligent and socially-minded young people in Myanmar did go for the civil service. The junior level in the ministries has often impressed me as competent and motivated, working in a tricky context, although underpaid and suffering from a neglected higher education system.

But no such consideration is necessary if we accept that CSD in a case like this is the ultimate proof of civil service quality. But is it?

The responsible civil servant

In public management, CSD is a well-considered topic, brought to prominence again by the Trump Presidency, and usually meaning non-compliance with specific orders (Nou, 2019). Yet Myanmar today is different, and it is different on a universal ethical level, as well as because of the time aspect, which is why the standard CSD analyses are not very helpful.

What does apply is Weber's differentiation of ethics of conscience and ethics of responsibility (1919/1992, pp. 237–

250)—but not in the sense in which he employs the concept, i.e. that when one has taken over a function, one cannot just insist on following one's conscience regardless of the consequences. Rather, the focus on genuine responsibility is what gets us further in the Myanmar case.

The framework that then seems to best ground this case is Hannah Arendt's aforementioned one. She developed this when dealing with (the lack of) resistance against National Socialism in the context of the Eichmann trial (1964/2003, 1964/2007). It is especially helpful because the larger point of Myanmar CSD is not that civil servants *have* to behave like that in a given context, but that they *can* and actually *do*. There is, as far as one can tell, an overwhelming consensus in Myanmar that at the moment resistance is more important, even at a terrible cost, than public service delivery. Ethically responsible performance then would mean denial of performance.

On the individual level, Arendt argues that there remains a 'personal responsibility under dictatorship' (1964/2003). Arendt applies Jaspers' differentiation between legal, political, moral and metaphysical guilt, of which the latter two can only be judged by oneself and on the religious level, respectively—the former pertains to commission, the latter, to omission (Jaspers, 1946/2020, pp. 19–23). One is never powerless, one can do things—maybe one doesn't have to legally and politically, maybe not even morally, but the option remains (Arendt, 1964/2003). Maybe, as Jaspers states, 'the demand from a citizenry to revolt against a terror state demands the impossible' (1946/2020, p. 62); maybe 'an obligation to behave heroically is ... untenable' (Bovens, 1998, p. 125). The amazing thing in Myanmar is that this highly improbable, individual ethical stance happened in reality, and on a large-scale level.

Second, the civil service is both crucial for any system to survive, and it is an impersonal system, behind which individuals can easily withdraw (Arendt, 1964/2003, p. 31). Obedience means support of the regime (p. 46), 'And we have only for a moment to imagine what would happen ... if enough people would act "irresponsibly" and refuse support ... to see how effective a weapon this could be' (p. 47). It is therefore exactly not responsible to 'stay on the job' (p. 35) in the case of an evil regime, which the Myanmar junta surely embodies.

The idea that resistance against illegitimate government is the ultimate litmus test for the bureaucrat is, of course, a classic one. Paradigmatically, Sir Thomas More, the patron saint of civil servants, is a saint for not putting obedience to the government first (Motu Proprio, 2000). However, in the post-colonial context of Myanmar, it is important that this is not just a global-Western concept either. The need for a mandarin to retire to the countryside when forced to serve an unjust ruler is a staple of Chinese literature and poetry, and the Taoist deity Fu, the classic scholar-bureaucrat identical with Good Luck, partially derives from a semi-historical figure who resisted a king who had demanded that handicapped children were sent to the court for amusement (Drechsler, 2021). Although these are more 'normal' CSD examples, what Fu would have said about a regime bent on killing children is easy to imagine.

Worries about 'state collapse' and 'state failure' in Myanmar seen in some Western and East Asian media therefore miss the point (Gagnon & Paul, 2021)—rather, CSD keeps the legitimate state alive and takes down the

imaginary reality of an ongoing criminal takeover. In the *Politika*, Aristotle states that the state 'comes to be for the sake of life, and exists for the sake of the good life' (Aristotle, Pol. I.2. 1252b). Junta Myanmar does not aim at the good life, not even at life; it does not mind, and often enough appears to enjoy, the random deaths of its fellow citizens, and therefore is no state at all.

Coda

If ethics and performance constitute good public administration as part of legitimate government, this changes radically once that legitimacy is absent, and true civil service, especially during a time of general resistance, then lies in not performing, both on the individual level and functionally—'irresponsibility' becomes responsible. CSD in Myanmar demonstrates in an unambiguous context that this is realistically possible. The price Ko Tun Htet Aung and many of his colleagues have paid and will pay would surely be too high for most civil servants anywhere, but they show that the ideal of truly responsible civil service may lie, when put to the test, not in functioning, but in disobedience.

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