Christiania, the Freetown—what (if anything) can justify a relatively anarchistic society within a (in other respects) well-ordered society?

‘You can’t kill us cause we are a part of yourself’
*The Album ’Christiania’* (1975)

‘Clear out Christiania, tear the whole place down; they should never again smoke a joint’
*Danish right-wing song. Origin unknown*

‘A Freetown—what on earth is that?’
(Birgit Busk. Parliamentary Debates (PD) 08.05.1974: 6284)

I. Introduction

Denmark, an egalitarian Scandinavian welfare society, harbours a realised utopia or an intentional community called Christiania or the Freetown. It is driven by an opposition to the established society and a flower power vision of liberty or freedom. It is based on a series of special rules—rules different from, and often more lenient than, those obtaining in the rest of society. The paper asks what (if anything) may justify such a relatively anarchistic realised utopia or society within a (otherwise) well-ordered and fairly egalitarian society. The combination appears attractive; allowing for relatively anarchistic communities within (in other respects) well-ordered societies appears to constitute a significant instance of accepting experiments with styles of life. Making room for such experiments may, in turn, in itself be valuable. That is, it may constitute an attractive property of a society, to wit its respect of a principle of individual liberty. Furthermore, it may be instrumentally valuable in the sense of contributing towards individuals making reflective and informed choices about styles of lives (this arguably being important for self-respect) and a more progressive society at large. It is not, however, unproblematic if really achievable at all. Exceptions to the general rules of society are very hard to justify. They may be bad in themselves, in that they flout a basic norm of equality and/or they may be bad in virtue of their potential undermining effects on the general rules of society. The argument of the paper is that such communities as Christiania within otherwise well-ordered egalitarian societies may indeed under certain conditions be justified. That is, *some* exceptions can be allowed.
within an egalitarian society and these suffice to allow for social experiments such as Christiania. The paper starts off, in section II, with a brief history of Christiania, giving especial attention to the nature of the special rules applying to Christiania. In section III I state the argument for allowing relatively anarchistic communities to exist within otherwise well-ordered societies.

II. The history of Christiania

In 1971 a bunch of hippies occupied an attractive plot of land in the Danish capital, Copenhagen. 26 September the same year they founded the so-called Freetown (Ministry of Defence, Ministry of Justice, 6 May 2003: 2). It is placed in the heart of Copenhagen surrounded by famous buildings and places (see map at the end of the paper). The size of the place is approximately 34 hectares (say, 34 soccer fields). It includes sites of great historic importance, namely the major part of the rampart of Copenhagen. The latter combines sea and land defence which makes it unique in Europe (The committee on Christiania, 23 January 2004). Christiania contains as well an urban area with several valuable buildings such as barracks, workshops and small guardrooms—approximately 150 at the time of occupation (The National Museum, 1975: 5). The original buildings have been modified by the inhabitants and new ones have been erected—the number of buildings is today approximately 325 (Ministry of Defence, Ministry of Justice, 6 May 2003: 3). To get an impression of the area one might think of a university campus or a complex of military barracks placed in the middle of the beautiful capital of a relatively wealthy egalitarian Scandinavian welfare society. Following the occupation, many individuals immigrated to the Freetown. By New Year 1972 200-300 people lived on the area. In 1975, the number was 800-900 (The National Museum, 1975: 14). The same is the case today (Committee on Christiania, 23. January 2004: 26). The values driving the settlement stem from the youth revolution in the 1960ties. Crucial is an opposition to established society and a notion of liberty or freedom (The National Museum, 1975: 16).

The site occupied was and is public property; the formal owner was and is the Danish ministry of defence. In 1967-1971 the activities on the area under the auspices of the ministry were discontinued and the area abandoned (The committee on Christiania, 23. Januar 2004: 1). The plan of the government was that the area should be
handed over to the ministry of culture (PD, 26.04.1974: 5824-5825). It should facilitate an alternative use of the area. The intention was that parts of the area, the rampart and surrounding areas, should be a public recreational area, while other parts, the urban site, should include housing on the normal conditions obtaining in Copenhagen as such (rented or owned) (PD 14.03.1973: 4702). This intention could not be implemented right away, the reason being that the local authorities in Copenhagen had not produced a plan for the use of the area, meaning that the area could not, for example, simply be sold off (PD 08.05.1974: 6236). Meanwhile the area was left virtually unguarded. This made possible the occupation of the area by several citizens. Following the occupation, the handing over of the area to the ministry of culture was dropped (PD 26.474: 5825). So the ministry of defence still was, and remains to be, the formal owner of Christiania.

The occupation in 1971 and the use of the public buildings by the occupants were clearly illegal (The Lawyer for the Danish State, 2003: 2). It may simply be categorised as an instance of trespassing. No legal measures to evict the occupants were, however, taken in the first place. Instead negotiations began between the ministry of defence and a group representing the inhabitants of the Freetown. In May 1972 an agreement between the parties was made granting the Freetown the right of use with respect to the area. This right was given to the group collectively (The Lawyer for the Danish State, 2003: 3). The corresponding obligation consisted primarily in a fee covering the expenses of the ministry of defence to electricity and water (PD 26.04.1974: 5826). Furthermore, the inhabitants were expected to cooperate with the ministry in undertaking necessary works of renovation and general maintenance of the area. The local authorities had still not produced a recognized plan for the use of the area.

In March 1973 the government decided that the area should remain in state possession for the next three years, ending 31 March 1976 (PD 26.04.1974: 5826). During this period ideas for the use of the area to the benefit of the public were to be considered and a reasonable one decided upon. Pending this period the present inhabitants could retain their right of use. In June 1973 the ministry of defence officially granted this right of use (The Lawyer for the Danish State, 2003: 2-3). As a part of this plan the government, in August 1973, announced that the present users could retain
their right of use in the shape of a social experiment and that by the end of the period an alternative use of the area should be facilitated (PD 26.04.1974: 5827).

In 1974 a new government rejected the idea of Christiania as a social experiment. They were, for one, dissatisfied with the inhabitants’ lack of compliance with the abovementioned obligations. On the other hand they affirmed the right of use for the present occupiers granted by the former government and that a new use of the area should be facilitated by the end of three years period, 31 March 1976 (PD 26.04.74: 5828-5829).

Approaching 31 March 1976 the plan for an alternative use of the area was taking shape. The plan was that the area should be sold to the local authorities. 25 June 1975 the local authority passed a plan for the use of the area. In general lines it suggested that houses should be built only on a limited part of the area while the remaining part should be a public recreational area, i.e. quite close to the original intention with respect to the area before it was occupied. In 1976 this was confirmed by the planning authorities as a useful foundation for the concrete planning of the area. The detailed planning for the area was not expected, however, to be finished before 1978-9. Furthermore, another 2 years, so experts predicted, had to pass to pass until actual constructing activity on the site could take place (PD 19.02.1976: 6229; PD 08.02.1978: 5941-2). This suggests that the shape of the plan was still unclear and that the local authorities could not take over immediately by the end of the period of the social experiment or the right of use of the present inhabitants.

The inhabitants, to make the situation less settled still, showed no sign of being willing to move voluntarily. Indeed they were actively campaigning for an extended stay and tried to influence and/or delay the planning process (PD 8.2. 78: 5941-2). Consequently, the state initiated an legal process designed to evict the present inhabitants of Christiania. This ended 2 February 1978 in the Danish high court. The high court ruling affirmed the ruling of a subordinate court decision stating that Christiania could legally be cleared at any time should the Danish parliament decide so (Ministry of Defence, Ministry of Justice, 6. May 2003: 3; The Lawyer for the Danish State: 3; PD 8.2. 78: 5941).

The parliament, however, was reluctant to take measures to clear out Christiania. 8 February 1978 the minister of defence announced in the parliament that
the use of the area could be continued until a recognized plan for the use of the area could be implemented (expectedly 1980). The continued right of use was conditional on the inhabitants complying with the following guidelines: the inhabitants should pay, and pay sufficiently, for electricity, water and other such expenses relating to the area; they should contribute towards the satisfaction of the rules and regulations with respect to the area and its buildings given by the local authorities and applying to the ministry of defence as the formal owner of the area; and they should make possible, or not make impossible, ordinary policing activities (with regard to, for example drugs) (The Lawyer for the Danish State, pp. 3-4; PD 78). The right of use as well as the conditions attached were announced in the official periodical of the Danish state (announcing passed laws, sales of public buildings etc.).

As a part of the work towards a concrete planning of the area the government decided, in 1980, to acquire the services of a private consultancy firm. Its task was to suggest ways of using the area giving regard to the interest of the population of Copenhagen as such as well as to facilitating the conservation of valuable activities already in place in the area (PD 09.03.1982). Other initiatives towards the same goals were decided upon by the parliament in the 1980s (PD 31.10.91: 1348-1349). Alongside these initiatives were reoccurring right-wing proposals for clearing out Christiania ones and for all (16.03.82: 3745; 26.11.1982: 2396; PD 22.06.1988: 839-840). The actual policy with respect to Christian was not, however, altered. That is, the inhabitants continued to enjoy a right of use and continued to be accountable with respect to the several conditions stated in the official periodical of the Danish state which they to varying degrees complied with.

An important change of events took place in 1989. In this year the Danish parliament, with a considerable majority, passed a law, still valid, for Christiania (Ministry of Defence, Ministry of Justice, 6. May 2003: 2). Its purpose is to allow the continuation of Christiania in accordance with a special national planning directive and a local plan published by the ministry of environmental affairs (Law no. 399 of 07/06/1989 (Valid, Gældende), §1). The Danish ministry of defence was, as the formal owner, put in charge of administrating the restrictions. This included means of sanctioning (fines). This is a kind of public regulation which substitutes the normal public planning procedures (Ministry of Defence, Ministry of Justice, 6. May 2003: 2;
The Lawyer for the Danish State: 7). The law introduced a complicated system of regulations based on permissions granted by the ministry of defence to individual inhabitants of Christiania with respect to the use of the sites and the buildings (The Lawyer for the Danish State: 5).

The system of individual permissions was never, however, implemented. Instead the government and Christiania collectively, in 1991, signed a framework agreement for the use and development of the area (The Lawyer for the Danish State: 5-6; PD 31.10. 91: 1351). This agreement is congruent with the intentions of the law (i.e. to facilitate a use of the area in accordance with a special national planning directive and a local plan published by the ministry of environmental affairs)—it just specifies the party dealing with the ministry of defence to be Christiania collectively and not, as the law suggested, individual inhabitants. It includes additional general guidelines for the use and development of the area. The key points are: 1. Right of use: the right of use to the buildings and the area is confirmed; 2. Economy: Christiania is responsible for the payment of electricity, water, renovation, chimney sweeping as well as for contributing to fire-fighting services and other expenses according to agreement between Christiania and the ministry of defence. The latter includes the payment of property taxes (Ministry of Defence, Ministry of Justice, 6. May 2003: 3-4). The inhabitants do not, however, pay any regular rent for living in the public buildings (Ministry of Defence, Ministry of Justice, 6. May 2003: 4; The Lawyer for the Danish State, 2003: 11; The committee on Christiania 12 March 2004: 6). With respect to income tax the inhabitants are recorded by the local authorities and thus have the same social rights as other citizens in Copenhagen as well as similar obligations, including the payment of income tax. According to the public information the citizens of Christiania are relatively poor. It belongs, however, to the picture of the economy on Christiania that alongside the mentioned formal or quasi-formal arrangements an informal and internal economy exists. People who work for the community receive a Christiania-salary which can be used in the shops of the community only (The Committee on Christiania, 23. January 2004: 24ff.). Furthermore, the sale of cannabis is presumably a major source of informal income. 3. Development of the area: to ensure the environment and cultural values of the area. This included making the area more open and inviting to the public at large; 4. Maintenance: To maintain the buildings and
the area; 5. Privatization (measures to avoid): to make sure that the building are not marketed; 6. Restaurants and pub: should have a permission and only those who are recognized by Christiania can obtain permissions. 7. The agreement: is subject to continual renegotiation as experience make necessary. This has often taken place. The mentioned mains point remains, however, in place. The present agreement is valid until 1 July 2004 (PD 31.10 91: 1352; The Committee on Christiania, 23. January 2004: 4-5).

A general principle behind the rules is the idea that Christian should follow the ordinary rules of the country as such. This includes the laws against dealing with cannabis. Furthermore, it requires Christian not to erect obstacles for the police to uphold the law within Christian as well. The national planning directive was published by the ministry of environment in 1989 (PD 31.10.1991: 1350). The local plan, also published by the ministry of environment, followed in 1991 (Ministry of Defence, Ministry of Justice, 6. May 2003: 2). The Christiania law of 1989, the framework law of 1991 as well as the planning directives (1989, 1991) underlies the right of use granted to Christian. The ministry of defence plays, as stated above, an important role in undertaking the actual public administration with respect to Christiania. This foundation for Christian rested on a broad consensus among the parties in the Danish parliament, including the responsible right which earlier had been keen on clearing out Christiania (PD 31.10 91: 1348ff.).

Christiania has to varying degrees complied with the stated rules. On the one hand the Freetown has regularly, since 1994, paid for energy, water, property taxes, renovation etc; pubs and restaurants have achieved the necessary permissions. Individually those eligible have paid income tax. On the other hand, the Danish policies on drugs are openly flouted within the Freetown and the police find that they are incapable of upholding the law in Christiania (Ministry of Defence, Ministry of Justice, 6. May 2003: 4). Furthermore, the planning directives have not been followed consistently. In the 1990s the ministry of defence adopted a consensual approach with respect to planning. That is, they did not use their rights in according with framework law to issue commands backed by sanctions. The consequence of the lenient policy has been a development of the area in certain respects inconsistent with the frame work law. For instance, an important aim of the local plan was that buildings should not be erected on the historic rampart. This has been disobeyed quite dramatically: during the period 1989-2002 building activity has increased by 34 percent. Another (related) example is
the important aim of the Christiania law, the framework law and the planning laws, which is to make the area open and inviting to the public at large. This has been seriously curtailed by a widespread building activity to the effect that previously open areas now take the form of private plots (The Committee on Christiania, 23. January 2004, pp. 11-12). Motivated by these problems the responsible right (presently in government) has begun using the opportunities in the framework law to prohibit certain uses of the area and buildings within it. Indeed steps have been taken towards actually using the complicated individual system of granting permissions contained in the law of 1989. Furthermore, the government regards this as only a step in a new policy regarding Christiania. It wants to create a new legal foundation for administrating the area (Ministry of Defence 12 March 2004). The policy is driven by an emphasis on the principle mentioned already in relation to the 1989-1991 foundation, namely the principle of normalization. Those law that are valid for Danish citizens at large, the government suggests, should be valid within Christiania as well. This includes some kind of payment of rent and compliance with the usual planning laws as well as drugs laws of the country (Ministry of Defence, Ministry of Justice, 6. May 2003: 5ff.; Ministry of Defence 12 March 2004: 10; The committee on Christiania 12 March 2004: 5-10).

III. Can the Freetown be justified?
1. “What if everyone did that?”

The idea of a pluralistic society allowing for experiments with styles of life seems to enjoy widespread support in Danish debates about Christiania (this idea seems also to be reflected the laws of Danish society, in the sense of a series of civil and political liberties as well as a system of social security making these rights more than formal. This is part of the reason why I, below in this subsection, designate the Danish society just or nearly just). It is, however, just as strongly denied that experiments in the sense of non-compliance with the ordinary rules of society, an instance of which Christian appears to be, could in any way be justified. Consider a member of the Danish right-wing liberal party Venstre to this effect:

People may adopt a style of life of their own choosing but they must comply with the rules of the law (PD 25.02.1976: 6479. Christiansen).
Non-compliance with the rules of society may be considered wrong in itself and wrong in virtue of its potentially undermining influence on society. In the Danish debates on Christiania this point has been made by reference to the idea of a public consciousness of right. The latter implies a common public knowledge that justice is done—that is, other people generally comply with the rules, if necessary induced by the fear of public sanctions. It is considered wrong in itself that some do not comply with the rules of society, while others do so, i.e. make the sacrifice of restraining themselves:

We intent to stand up for the public consciousness of right and emphasize the ancient saying that law is law and law should be obeyed…When one gives credit to experiments such as Christiania in which people openly fail to comply with the rules of society, one makes fun of ordinary citizens who still try to provide a valuable life for themselves within the rules of society (PD 09.01.1974: 189. Schlüter).

Notice the term ‘still’, in the latter sentence of the quote above. It indicates the point that instances of non-compliance with the rules of society are wrong because others may not, in the light of such instances, continue to obey the rules of society. This, in turn, may undermine society:

Citizens in this country must naturally pose the following question: why go through the troubles of providing a home and paying for it, when others can break into public property and live there without paying for it? Why should hard-working citizens pay taxes when others don’t?...Why should the grocery be burdened with complex tax accounts when you can have a business in Christiania where you do not have to accept such burdens? (PD 08.05.1974: 6255. Simonsen).

How is it possible that some can do as they please while others, if they were to do so, would face serious legal sanctions? Would it surprising if they said: when others can do as they please, why can’t we? (PD 08.02.1978: 6067. Møller).

The point referring to the public consciousness of right is usually made by right-wing politicians. It is, however, taken seriously by left-wing politicians as well. While they have not, like the right-wing, used it as a reason for clearing Christiania, they have consistently recognized it as a serious concern (FT08.05.1974: 6239; FT25.02.1976: 6476; PD 08.02.1978: 5946). Indeed, the debate on Christiania appears to have evolved around the public consciousness of right and a corresponding aim to ‘normalize’
This would be unsurprising to Immanuel Kant. He stated what has become a very influential moral principle and held that this was in fact the principle affirmed (although somewhat confusedly and imperfectly) by ordinary citizens and their representatives (Kant 1785/1993: 15-16). This principle, I claim, together with a consequentialist or utilitarian interpretation of it, underlie the appeal to the public consciousness of right. To see this, and to state the principle as well as its relation to Christiania, we need first to consider an intermediate principle operating very close to the idea of the public consciousness of right. This, in turn, rests on Kant’s principle and the consequentialist interpretation of it. The principle I have in mind is the principle of fairness. In the words of John Rawls, who again draw on H. L. A. Hart (1955), the principle reads as follows:

This principle holds that a person is required to do his part as defined by the rules of an institution when two conditions are met: first, the institution is just (or fair), that is, it satisfies the two principles of justice; and second, one has voluntarily accepted the benefits of the arrangement or taken advantages of the opportunities it offers to further one’s interest. The main idea is that when a number of persons engage in a mutually advantageous cooperative venture according to rules, and thus restrict their liberty in ways necessary to yield advantages for all, those who have submitted to these restrictions have a right to a similar acquiescence on the part of those who have benefited from their submission. We are not to gain from the cooperative labours of others without doing our fair share (Rawls 1999: 96).

I assume, first, that the Danish welfare society may be considered a just or nearly just society and, second, that the inhabitants of Christiania have voluntarily accepted and taken advantage of the benefits offered by society (e.g. social benefits). Hence, according to the principle of fairness, the inhabitants of Christiania are required to do their part in the sense of complying with the normal rules of the Danish society. It seems wrong in itself that they do not comply with the usual rules of society; everybody who benefits from the scheme should do their part in return. Furthermore, it may, the principle of fairness suggests, be wrong not to do one’s part in virtue of the consequences of this act. It is namely the case that others, according to the principle of fairness, are not required to do their part in the light of breaches of the rules; they are only required to do their part (Darwall 1998: 100-101). Others may in these
circumstances predictably refrain from doing their part. Their reasons may be deontological and/or consequentialist. With respect to the former they reason: “others should make the same sacrifices as me, and if they don’t, I’m not obliged to make mine” (Hume 1739-40/2002: 490; Levi 1988: 69). According to the latter they reflect: “if others fail to comply, then my compliance would be of no avail—the public good it was supposed to make a contribution towards would not be forthcoming anyway” (Hobbes 1651/1985: 190). To avoid misunderstanding I note that the presumed reasoning of others fall within the consequentialist account for the wrongness of abstaining from doing one’s part. The latter requires that one should take account of the likely consequences of one’s act against the background of others’ predictable acts whether based on deontological or consequentialist reasons.

The principle of fairness may suffice to generate an obligation on the part of those who benefit from a cooperative venture to comply with its rules. In this way it may suffice as a principle underlying the political appeals to the public consciousness of right, which in turn gives rise to an objection to Christiania. We may, however, reasonably ask for further and deeper reasons for the suggested wrongness of not doing one’s part in a cooperative venture. Especially, we may want to give further content to the implied notion of equality (if I make sacrifices you should do so too) and combine this with the consequentialist case for doing one’s part.

We may do so, I claim, by first invoking Kant’s fundamental principle of morals (Kant 1785/1993: 14-15, 30). In general lines it tells us to check the acceptability of our rational, self-interested, maxims or rules of conduct by asking whether we would want that everyone else acted in the same way as we, in virtue of the contemplate maxim, consider. If we could not want that others did in fact act in the same way as we are contemplating, then the maxim in question is morally unacceptable. Another way of stating this is to say that unacceptable maxims are characterised by individuals trying to make exceptions for themselves—we want in fact that others do not follow the maxim we contemplate. One of Kants famous example is the false promise. The maxim contemplated is one saying that “if I am in some kind of distress, I may make a promise with the intention not to keep it (a false promise)”. This maxim, Kant claims, is clearly unacceptable. It is so, in the sense that I cannot will that everyone should follow maxim. If they did, then the institution of promise would be
undermined (no one would believe promises made). In consequence, my false promise 
would not be believed and hence would not in fact allow me to escape the distress I am 
in. What I do in fact hope in virtue of my contemplated false promise is that others do 
not make false promise (Kant 1785/1993: 32-33; Sullivan 1994: 51). Consider Kant to 
this effect:

If we now attend to ourselves in any transgression of a duty, we find that we actually do not will that our 
maxim should become a universal law—because this is impossible for us—but rather that the opposite of 
this maxim should remain a law universally. We only take the liberty of making an exception to the law 
for ourselves (or just for this one time) to the advantage of our inclination (Kant 1785/1993: 32-33)

We may now, appealing to Kant’s principle, expand on the wrongness of failing to do 
one’s part in a cooperative venture. It lies, precisely, in the fact that the individual who 
are contemplating not doing his part, or is in fact not doing so, could not will that other 
member of the venture acted alike. If they did so, then the point of his contemplated 
action, not contributing to the venture but still receiving benefits from it, is 
undermined—no benefits would in fact be forthcoming in that the scheme as such 
would fail to exist. In the case of Christiania we may say that what the inhabitant of this 
community is seeking is precisely an exception for themselves. Their maxims is not to 
live up to a range of the normal rules of society while hoping, on the other hand, that 
others do in fact live up to those rules—if not, they would not received social benefits 
and would not have access to public institutions such as schools and hospitals. This way 
of grounding the principle of fairness gives, I claim, further content to the notion of 
equality implied in this principle (everybody who benefits should contribute as well)—it 
does so by saying that morally wrong acts are characterized by excepting oneself from 
the ordinary rules of society, in this way ensuring special advantages for oneself.

For reasons internal to Kant’s system of philosophy as such, including the 
practical as well as the theoretical part, Kant was keen to base his moral principle on an 
a prior foundation only. That is, he wanted to avoid appeals to consequences. He tried 
to do this by claiming that the contradictions in one’s will suggested by one wanting one 
standard for oneself and another for other people (wanting inequality to obtain) were 
purely logical, and that the wrongness of the act could be accounted for purely in virtue 
of this contradiction. Other moral philosophers as well as social theorist have, however,
made exactly the appeal to consequences Kant denounces. While perhaps not consistent with Kant’s philosophical system, it is unclear that his moral principle could not in fact have a consequentialist foundation as well. That is, it might be combined with the consequentialist account for the wrongness of not doing one’s part sketched above in relation to the principle of fairness. This account stresses that making exceptions for oneself is morally unacceptable in that the very survival of the scheme of cooperation is brought in jeopardy by such acts (Mill, 1861/1993; Urmson 1958).

The appeal to the public consciousness of right then seems to rest on a strong and sound philosophical foundation. Indeed, it seems that any plausible justification of the Freetown must in some way meet the charge for unfairness resting on it.

2. Can the “what if everyone did that” objection be answered?

I believe that the ‘what if everyone did that’ objection can be met. That is, I claim that certain exceptions to the rules of a just or nearly just society can in fact be justified, and that they suffice for justifying the survival of Christiania, if not necessarily in exactly its present shape. First, making exceptions for oneself might be a part of a justified act of civil disobedience. The case of Christiania, in turn, may not implausibly be seen as a case of justified civil disobedience. Second, rules are not equal, that is, well-defined exceptions to some rules may be justified if these exceptions promote important values, such as allowing for significant cases of experiments with styles of life. Third allowing for some exceptions may in fact, contrary to the standard considerations with respect to the consequences of exceptions, be crucial to avoiding several other exceptions and hence important for the stability of society as such.

2.1. Christiania as a case of civil disobedience

Given that the Danish society is a just or nearly just society or a society well-ordered according to a reasonably fair conception of justice, Rawls’ notion of civil disobedience for such cases may be useful. Rawls defines civil disobedience in the following way:

I shall begin by defining civil disobedience as a public, non-violent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. By acting in this way one addresses the sense of justice of the majority of the community
and declares that in one’s considered opinion the principles of social cooperation between free and equal men are not being respected (Rawls 1999: 320).

Civil disobedience, Rawls holds, is justified if three conditions are satisfied. First, the political wrongs protested by the use of civil disobedience should be substantial and clear cases of injustice (Rawls 1999: 326-7). This is appropriate considering that an instance of civil disobedience is trying to address the sense of justice of people (cf. definition above). To Rawls this first condition implies that civil disobedience should be restricted to cases of breaches of civil and political liberties (Rawls 1999: 326). Rawls consistently claims that civil and political liberties are more substantial than social and economic rights and that their public checkability is superior to principles of social and economic justice (Rawls 1993: 227-30; 1999: 53-54). Accepting that the political wrongs at stake in an act of civil disobedience should be substantial and clear, I deny, however, that civil and political liberties are necessarily more substantial and publicly checkable than social and economic rights. Rawls’ own theory, for one, suggests a well-defined and, I believe, reasonable principle of economic justice giving priority to the worst off, to wit the difference principle saying that social and economic inequalities are justified only if they benefit the worst off in society. Many breaches of this are, I submit, quite clear and offend the sense of justice of citizens of a modern welfare state such as Denmark at least as much as some instances of breaches of civil and political liberties. If, to mention recent Danish cases, individuals occupying important roles in the major institutions of society are given golden handshakes much more generous than could be plausibly be seen as necessary for getting someone to take up such positions this is regarded as a clear case of disrespect for principles of social and economic justice whereas governmental attempts to restrict in special ways the civil liberties of bikers are not necessarily regarded so. In general, it is integral to the idea of the welfare state that social rights are necessary elements of a satisfactory scheme of rights (Marshall, *).

The second condition for civil disobedience being justified is that the normal political and judicial channels have been appealed to in good faith, but unsuccessfully (Rawls 1999: 327-8). Civil disobedience is a last resort. I find the general thrust of this condition reasonable. It should, however, I submit, be adapted to allow for the fact that civil disobedience may be a last resort in other ways than that the normal channels have sincerely but unsuccessfully been appealed to. The fact may be
that some groups lack the political take up power of making appeals and that civil disobedience against this background is their last resort.

The third condition is related to the discussion above (in subsection III.1) concerning the potentially destabilizing effects of making exceptions for oneself. While a given group may be justified in an act of civil disobedience in virtue of satisfying the two conditions above—they protest a substantial and clear wrong and they have already made sincere appeals to the normal channels—other groups may be so too, and if they all act accordingly they may undermine society. The third condition for civil disobedience is then that groups, in such circumstances, refrain from bringing about the latter state of affairs, that is abstain from all engaging in act of civil disobedience at the same time or in such a sequence that is likely to undermine the constitution. Satisfying this condition requires difficult collective action on the part of groups with otherwise justified grievances against society, which they would like to protest (Rawls 1999: 328-9).

Acts of civil disobedience, given that they fall within the mentioned conditions, may have the important effect of stabilizing a just or nearly just society (Rawls 1999: 335-343). This is clear from the intent of civil disobedience as well as the conditions pertaining to it (especially condition 3). Acts of civil disobedience are appeals by people who are motivated by justice to others assumedly similarly motivated to the effect that unjust rules and arrangements should be substituted by just ones. Such appeals may then contribute towards upholding a society characterised by a just set of rules.

The foundation of Christiania may, I submit, be conceived as an act of civil disobedience. It was certainly public. Few actions by a group of citizens have drawn the same public attention as Christiania. It has been debated continuously in the Danish parliament, it has been taken up by the Danish high court, and the media have followed it from the beginning. It was non-violent in the sense that the area occupied was unguarded. The occupant only had to overcome a small material piece of prevention (a fence). Furthermore, it was (as stated in section II) clearly illegal. Whether it was a predominantly conscientious yet political act intended to address the sense of justice of the majority in order to change certain laws and policies of society is not uncontroversial. In parliamentary debates opponents of Christiania often portray the
occupants of Christiania as bullies who have trespassed public property and now shamelessly live there without paying anything (e.g. PD 14.3.1973: 4699ff.; PD 08.05.1974: 6253-4). Proponents, on the other hand, tend to describe Christiania as a justified response to serious problems in the Danish welfare state with the aim of changing the present laws and policies (for example by allowing such alternative communities) (e.g. PD 08.05.1974; PD 08.05.1974: 6275; PD 30.03.1976: 7954 PD 30.03.1976: 8012). It appears, however, to be a fact of some importance, suggesting that Christiania can be seen as an act of civil disobedience, that the government in charge in the years just after the occupation conceived Christiania as a reaction towards social problems and correspondingly recognized Christiania as a social experiment (PD 08.05.1974; The National Museum, 1975: 5). That is, it was not only some radical left-wing parties who adopted this stand. Furthermore, even members of the responsible right recognized Christiania as a protest against some problems in the Danish welfare state (PD 08.05.1974: 6256). It seem justified to say that Christiania was regarded as, and conceived themselves as, a reaction towards the established welfare state, which, for all its social programmes, was conceived as leaving behind a small minority of ‘looser’ with no place to go (The National Museum, 1975). Finally, it seems unreasonable to hold that a given act in order to be considered an act of civil disobedience must unanimously be recognized as such. Opponents of equal civil rights, for example, would also tend to regard acts of civil disobedience undertaken by black as reckless acts intended to destabilize society.

If the foundation of Christiania can be considered an act of civil disobedience, is it a justified one? This depends on it ability to satisfy the three conditions mentioned above. First, Christiania should plausibly address a matter of substantial and clear injustice. It appears to do so in so far as it addressed, which it plausibly did, what was regarded as being the failure of the welfare state to care properly for different minorities who in different ways did not fit into it. While these problems might mainly be social and economic, this fact does not—if, that is, my comments on the importance and relative clearness of social and economic injustice (also) are pertinent—imply that the problem in question could not be a clear problem of justice. Second, civil disobedience should be a last resort in one of the senses stated above. I claim that it might be seen as a last resort in the sense that it gave voice to the
concerns of groups who were ill adapted to the institutions of modern society, including political ones. Third, Christiania should not be a reckless act of civil disobedience on the part of a given group without any consideration of the potentially undermining effects of several acts of civil disobedience on the part of other groups. Christiania appears, in effect, to satisfy this condition quite effectively. While the exact nature of coordination taking place is unclear, it seems clear that Christiania has managed to be a sort of representative of disobedience to the established society, in this way preventing a series of acts of disobedience in the end undermining society.

If the foundation of Christiania may be seen as a justified act of civil disobedience, then the following events, described in section II above, may been seen as changes of laws and policies in response to this act. That is, we may regard the granting of a right of use to Christiania, reaching its high point around the consensus in 1989-1991, as changes of laws and policies in order to address the problems emphasised by the original act of civil disobedience. Further, if these changes of laws and policies may be regarded so, then the act of civil disobedience appear to have made society more just, or have ensured that just institutions were restored following temporary problems respect addressed by the act of civil disobedience.

There is an apparent problem in this positive account for Christiania as an act of civil disobedience in the end contributing to the stability of the Danish society as a just or nearly just society. The problem is this. Civil disobedience constitutes an exception in the sense that a group breaks a law. The group does so with the intent of bringing about a change in the law. The latter it expects to apply to all including its own member. Hence, civil disobedience amounts to a temporary exception with the intent of establishing a situation in which no exceptions obtain. Christiania, on the other hand, has worked for and been granted a set of special laws and policies, that is, exceptions from the ordinary laws and policies of society. It is still an open question whether such permanent exceptions could in any way be justified within a modern welfare state. Another way of putting this is that while citizens may reasonably demand that society responds to their concerns about matters of justice, it is indeed unclear that they could reasonably expect that society should respond by granting them special rules.
2.2. Not all rules are equal

The claim I defend in this subsection is that permanent or long-term exceptions from some general rules may be justified. This is the case when exceptions to them promote values more important than those realised by a universal compliance with the rules in question. Relevant values of the former kind may be, I claim, those related to experiments with styles of life. The rules with respect to which exceptions may be allowed are rules which do not fall within the category of rules of justice. With respect to the latter I claim that no exceptions could be justified. Recapitulating the rules at stake with respect to Christiania (see section II) we have:

(1) Property rights
(2) Taxes
(3) Rules enabling law enforcement
(4) Rent and expenses (electricity, water etc.)
(5) Planning laws
(6) Drug laws

I argue below that (1)-(4) are rules of justice whereas (5)-(6) are not so. Hence it is the latter, and only the latter, with respect to which exceptions may be justified in so far as such exceptions promotes other values (than those related to a universal compliance with a given rule) such as those related to experiments with styles of life. This distinction provides guidelines for a public policy with respect to Christiania (as well as other intentional communities relevantly similar to Christiania). Christiania may persist in a justified way in virtue of exceptions to rules which are not rules of justice, but the community should comply (or be made to comply with) the guidelines of the exceptions granted, as well as, of course, the rules of justice.

2.2.1. The consequentialist case for permissible exceptions

The distinction may be drawn, I submit, both by appeal to Kantian or deontological reasoning and consequentialist such. The idea of the degree of importance of different rules arguably being more natural to consequentialist reasoning than deontological such (i.e. the importance of rules reflecting the seriousness of the consequences likely to follow from it being disobeyed), I begin by a consequentialist account for the distinction.
Rules of justice include truth-telling, promise-keeping, abstinence from murder, theft, illegal occupation, violence, tax-fraud and shirking with respect to the normal rules concerning rent and expenses (cf. Urmson 1958: 208-9). Included as well are plausibly rules, or second-order rules, necessary to uphold the mentioned rules. These rules, and individuals generally conforming with them, guard individuals against physical harm (violence and murder); provide security in one’s possessions (theft and illegal occupation); ensure stable expectations allowing for mutual advantageous exchanges (truth-telling and promise-keeping); make for mutual assurance by policing free-riding on the social system (tax-fraud and shirking with respect to the normal rules of rent and expenses) such that no one may fear being suckers (paying, making sacrifices, when others fail to do so). (1)-(4) fall within this category of rules. These rules have a special importance. It derives from the fact that the general observance of these rules appears to be a necessary condition for society as such. They rule out fundamentally anti-social behaviour. Correspondingly, Inflexibility or strictness, indeed one that comes close to pure prevention or physical necessity, it may plausibly be claimed, properly pertains to these rules (cf. Mill 1861/1993: 43ff.; Cohen 1997: 28). Wanting personal security risks propelling society into a Hobbesian state of nature. Wanting assurance that others too do their part in upholding universal public benefits undermines in time the system of benefits.

In addition to rules of justice, there are rules of policy or simple expediency. These are rules protecting different common public interests or interests of all people taken individually. I take (5)-(6) to be rules of policy. A range of policies may permissibly be promoted within the rules of justice (i.e. these rules neither enjoin nor forbid a number of policies). Environmental policies including restrictions on the use of areas and building are important instances of rules of policy protecting our general interest in a clean and inviting environment. Drug policies aim at a prudent dealing with the sale and use of drugs for the benefit of the public at large (say avoiding that the youth is destroyed by drugs and thus the destruction or serious deterioration of the future labour force) and for the benefit of people individually (saving the youth for its own sake). Regarding drugs as a question of policy implies not regarding it as a requirement of justice that the use of cannabis should be prohibited. Emphasising the essentially other-regarding nature of justice, I find this reasonable. It implies as well not
seeing it as a demand of justice that the use of cannabis should not be prohibited. I find this reasonable in that ensuring reciprocity with respect to abstinence from making physical attacks on others and from taking a free-ride on the social system, as is done by the former rules, is more important to each person and hence to the stability of society as such than is ensuring the access to the use of certain drugs or, say, the use of cars without safe-belt and motorcycles without a crash-helmet. This is not to deny that it might be a good policy to let people drive around without crash-helmets and smoke pot; it is just the case that people cannot at the bar of justice claim that they should be allowed to do such things.

Rules of policy are different from the rules of justice in the sense that the interests they protect are less important. Accordingly, exceptions with respect to these rules do not appear as problematic as is the case with respect to rules of justice and may be justified if such flexibility promotes other important goals. The very society is not put at risk by allowing such flexibility; the worst that may happen seems to be that the rule promoting one goal of the society is undermined. The latter may happen due to the evident failure on the part of some group of society to comply (or this group being granted an exception as well as using it). Such instances of non-compliance may lead others to fail to uphold the rule; they may refer to the fact that this group does not do its part (making it unclear, they may say, that they should do theirs).

If, however, making or allowing exceptions with respect to rules of policy has the predictable effect of undermining the rule in question, then it is unclear that allowing such exceptions would promote any other values, thus unclear that the exceptions would be justified. The reason is that the exception and the significant experiment with styles of life it may facilitate, would then be short lived, in that the rules itself with respect to which exceptions are made would be temporary.

Rules of policy seem certainly to be subjected to the same powerful mechanism of common knowledge of universal compliance or mutual assurance (or rather lack thereof), which may undermine rules of justice. The requirement of equality or reciprocity is important for every case of collective action. It is not, though, necessarily equally important and hence flexibility is not equally threatening to the stability of all rules. With regard to rules of justice it seems very strong. If threats to security are allowed, then others (at least those clearly threatened) can justifiably fend
for themselves. The spread of non-conformity to the rules protecting security justifies still others (at least these clearly threatened) in fending for themselves and so on until a self-help system obtain (Hobbes 1651/1985: chap. 17). If tax rules, and the normal rules with respect to rent and expenses, are not clearly enforced, this gives rise to strong temptations to instances of non-compliance (in the light of the significant sacrifice that may be avoided). The general awareness of these temptations may finally cause the scheme to collapse (Rawls 1999: 211). The temptations in the light of breaches of rules of policy may be less strong; correspondingly, the rule may persist even in the light of some exceptions. For example, the fact that more lenient rules for the use of land and buildings obtain for inhabitants in Christiania than those valid outside of the Freetown, is not likely to constitute a significant temptation for ordinary citizens not to comply. Some of the normal planning rules may, however, be so annoying to the ordinary citizen, and the exceptions granted to Christiania in this respect so blatant, that the exceptions are experienced as just as bad as exception with respect to the rules of justice would. Indeed, such cases have often been brought up in the Danish parliament. For example, it has been pictured as very burdensome to the ordinary man that he cannot, without very costly consequences, build a car-port in the way he pleased, while the inhabitants of Christiania, de facto nearly unregulated, can build houses in all shapes and sizes (PD. Erhard, p._). In order to ensure that a given rule of policy is not being undermined in the light of certain exceptions—thereby losing the value of the nearly universal compliance with the rule as well as the benefits deriving from the exceptions to the rule—the parliament must make sure that the normal rules are not unreasonably rigid and that the nature of the exceptions or special rules granted to such communities as Christiania are public and that they observe these rules. Uncertainty in this regard would make the exceptions harder to bear for the ordinary citizen and thus threatens the rule as well as exceptions to it. Exceptions with respect to the use of cannabis differ in important respect from exceptions from planning law (as well as from the disallowed exceptions from, for example, tax laws). They do so in the sense that an actual public good does not appear to be at stake. That is, an exception with respect to the use of cannabis is not an exception from doing one’s part in the realization of some public good. If any good derives from not smoking pot, then this accrues to the person abstaining from doing so, not to the public at large. Accordingly, those who are not
excepted in this respect cannot meaningfully claim that when other do not do their part they intend to refrain from doing theirs too (i.e. smoke cannabis).

2.2.2. The deontological case for permissible exceptions

We saw above, in subsection III.1., that Kant asks us to test our maxims or rules of conduct by seeing whether we would want that they were the maxims of all citizens. If we cannot will them in this universal sense, then they are morally unacceptable. In fact, Kant distinguishes two ways in which maxims may fail to be universalised. They, in turn, give rise to rules of different natures, the one set stricter than the other. The first way in which a maxim may fail the test of being universalised is that it may fail even to be *conceived* as a universal maxim much less be willed as such. They are self-contradictory. The lying promise is an instance of such maxims. If the policy of making lying promises were universalised, then the practice of making promises would be undermined, and lying promises could no longer be made. Maxims generating this kind of contradiction make for duties that are strict or rigorist involving no questions with respect to what to do or what not to do. The second way in which a maxim may fail the test of being universalised is that while it can be conceived as a universal maxim, it is not self-contradictory, it cannot be *willed* as such. One instance of such maxims is a maxim of not intending to help others who are in need. It is formulated by a man who finds that things are ‘going well for himself but sees others (whom he could help) struggling with great hardships; and he thinks: ‘what does it matter to me? Let everybody be as happy as Heaven wills or as he can make himself; I shall take nothing from him nor even envy him; but I have no desire to contribute anything to his well-being or to his assistance when in need’ (Kant 1785/1993: 32). This maxim is not self-contradictory. The man could indeed live according to his maxim while others did so too. It is unclear, however, Kant thinks, that he could in fact *will* a world in which it were a universal rule that people did not assist each other when in need; for the man may, for what he knows, become needy at some point in the future and if so he would rationally want to be helped and thus he cannot rationally want a world in which people do not help each other. Contradictions of this nature give rise to imperfect duties allowing for some flexibility with respect how and to whom they are due.
(1)-(4), I claim, or rather contemplated or actual maxims not to comply with them, are instances of maxims that one cannot even conceive as universal maxims. In consequence, they give rise perfect or strict duties with respect to which any exceptions are disallowed. The resulting duties are essentially other-regarding. Given the latter characteristic as well as the strictness of the duties, I call them rules of justice, that is rules compliance with which we owe to others and which if we fail to comply can be extracted from us like a debt (Urmson, *). The rules in question are: (1) respect for property rights; (2) payment of taxes; (3) not obstructing law enforcement; and (4) paying for rent and expenses. Relevant maxims for test are those who say that for some rational self-interested reason I may not respect property rights, not pay taxes, not not obstruct law enforcement and not pay rent and expenses. Each of these maxims cannot be conceived as ones that everyone acted on—the maxims would defeat themselves. The rational self-interested maxims each depend for their efficaciousness on others not in fact acting on the maxims, but follow their opposites instead. The maxim saying that I may in some circumstances not respect property right depends on others in fact doing so, because if not, the system of property would be undermined. The maxim would not in fact allow me a secure access to a good. The maxim that I may for some reasons refrain from paying taxes depends on others continuously in fact pay tax. If they did not, then there would be no public system, and I not paying my share would fail to give me benefits from the system without paying for them. The maxim that I may in some circumstances obstruct law enforcement cannot conceivably be universalised either. If all did that, then there would be no law enforcement at all. The prospective good of an instance of obstruction of law enforcement (to one’s benefit) would not be forthcoming in that law enforcement as such would be undermined. That law enforcement is generally (not universally) in place is plausibly a precondition for the prospected benefit by exception one self. I conduct, say, an illegal business in my house and contemplate the maxim that I may obstruct law enforcement. If, however, this maxim were universalised then law enforcement as such would be undermined, and I would not for long, unaided by law enforcement, be capable of obstructing the intrusion of individuals and groups on my premises. The maxim saying that I may refrain from paying rent and expenses is questionable as well as a conceivable maxim. The fact is that if the policy of not paying rent and expenses is universalised then there would be no housing market
and no electricity supplies etc. Thus the policy of free-riding would be of no avail—there would be nothing to free-ride on.

The fifth rule in question with respect to Christiania is planning laws. A relevant maxim would say that I intend to give my house the shapes and colours of my choosing. Could this be universalized? It certainly does not seem inconceivable as a maxim. That is, it is not that the success of my maxim is dependent on you not following it and instead constraining yourself, together with others, with respect to the uniqueness of your house. It may of course be thus dependent in the sense that my work on my house might seem less eccentric and inventive if you act unconstrained with respect to your house as well. This, however, appear to say more about my limited creativity than about the morally unacceptable nature of my act. While not inconceivable as a maxim it is not given, however, that it can in fact be willed as a universal maxim. The resulting social world may be of such an unaesthetic nature that it cannot reasonable be willed. Take a young hippie contemplating the maxim of giving his house precisely the shape and colour of his choosing (perhaps under the influence on LSD). Asking himself whether his maxim could be universalised he may be tempted to say that certainly it could, indeed the world would be a brighter and more inviting place if all did as his contemplates doing. It is not clear, though, that he could in fact reasonably will all to follow this maxim. Not all have the same preferences as the hippie has and he can easily predict that a universalised maxim of laissez-faire with respect to planning would imply large ugly carports, not to mention big shopping malls and hotels in the middle of vulnerable natural environments. If this is true, then planning laws may be imperfect duties, allowing for some exceptions.

The sixth rule to consider with respect to Christiania is drug laws. It seems clear that a maxim to smoke the pot I want is not dependent on others refraining from doing so (except as a matter of supply, but this does not seem morally relevant). Thus abstaining from smoking pot is not a strict duty. It is not clear, though, that all maxims with regard to the use of drugs can pass the test of being willed universally. While we may from a self-interested view reflecting our inclinations want a policy of free use of drugs with, at least with respect to some drugs, the foreseeable consequences of neglecting the development of our talents, we cannot from the rational universal point of view will such a maxim, in that we as rational creature cannot but want to
develop our talents with their accompanying usefulness for a range of purposes (cf. Kant: 31). Being an imperfect duty only, exceptions are not out of the question.

2.2.3. Implication for Christiania

It has been showed (in the two preceding subsections) that an important distinction between the rules of relevance to the case of Christiania can be made; and it can be made on both consequentialist and deontological grounds. I now consider the implication of this distinction for the question of whether Christiania can be justified if not necessarily in its present shape.

Recall that the crucial distinction is between on the one hand, (1) Property rights, (2) taxes, (3) rules enabling law enforcement and (4) rent and expenses (electricity, water etc.) and, on the other, (5) Planning laws and (6) drug laws. With respect to the former no exceptions are allowed. As concerns the latter, exceptions are not necessarily ruled out. Concerning (1) Christiania meets perhaps the hardest test. The occupation of the abandoned area was indeed an instance of trespassing. The act may be considered an act of civil disobedience, but even so this would not seem to justify the situation that people have remained on the site. In fact, the public decision to let people stay on the site might be seen as rewarding them for an act of trespassing. I believe that the occupants of Christiania could in fact and perhaps should, be evicted from the premises by reference to their original act of trespassing. The moral seriousness of the exception applying to Christiania in this respect, to a rule with does not allow for exceptions, may, however, be mitigated by it having being confirmed by the highest authority in Denmark, the parliament, through a complicated and difficult process. In virtue of the latter the exception might not be, and not of less importance, might not be seen as, a reproducible exception. In this sense it may not be problematic in consequentialist terms, but it remains controversial on deontological grounds. Reasons of the former kind may (together with those states in subsection 2.3. below), furthermore, speak against a controversial programme of completely ending an intentional community that many have come to appreciate, and more have grown used to. Reasons of the former kind, again, be unaffected by such considerations.

Regarding taxes Christiania does not face the same problems. Income taxes, as stated above, have more or less been paid in the same way as in the rest of the
country. So no morally problematic exceptions in this respect exist. The same is true with respect to property taxes.

The third relevant rule is law enforcement. Here Christiania in its present shape faces serious problems. The community have continuously obstructed normal procedures of law enforcement. This is clearly unacceptable on both deontological and consequentialist ground and must be rectified if Christiania is to be a justifiable part of a just or nearly just society. A significant contribution to this process may be that Christiania, as I suggest below, gets an exception from the normal rules with respect to drugs such as cannabis. The incentive to obstruct law enforcement derives namely in important respects from an interest in protecting the sale and use of such drugs (Ministry of Defence, Ministry of Justice, 6 May 2003).

With respect to rent and expenses, it seems that some processes of normalization must take place in order that one may say that no morally problematic exceptions pertain to Christiania. Especially, it is clearly problematic that the inhabitants do not pay any rent. The state may of course, as it does outside of Christiania, arrange for affordable accommodation for poor people. But it should not be free. Hence schemes such as those outside of Christiania must be implemented so that the poor citizens of Christiania get reasonable accommodation in exchange for an affordable rent. Other inhabitants of Christiania would not qualify for such housing, because they are better off financially. A fortiori they should not enjoy a rent-free accommodation. Perhaps an auction of some sites for private houses may be arranged in Christiania, and wealthy inhabitants could bid on them and live in them on the normal conditions for private housing (each paying interest and repayment, property tax, expenses etc.). The recent programme of the Danish government mentioned at the end of section II includes suggestions to this effect. It distinguishes between a market model and a model based on the present inhabitants, involving programmes of the mentioned type. I believe that a regard to the values realised by Christiania as a significant experiment with styles of life may justify the latter programme.

With respect to planning, controlled and non-arbitrary exceptions are acceptable. If so, the present system of planning may be applied, and applied consistently and in a publicly verifiable way. Exempting the area from several normal rules they should, even if universally conformed to, allow plenty of room for experimentation. In this respect
the recent policy for normalization sponsored by the government seems overly restrictive by requiring complete normalization in this respect also (*). It is, as the distinction between types of rules suggest, possible to take seriously the “what if everyone did that?” objection without requiring no exceptions with respect to planning.

Finally, consider drugs. Given that exceptions in this respect are permissible why not allow an exception with respect to Christiania at least from the rules regarding soft drug such as cannabis? While this may not plausibly be fundamental for experimenting with the styles of life, even those in Christiania, it may carry important symbolic value as an aspect of such and hence, given that we are dealing with matters of policy or imperfect duty, there might be good reasons for allowing them in Christiania, and only in Christiania. A further attractive aspect of such a policy would be that it is likely to reduce the problems with respect to law enforcement in that these problems are closely linked to the attempt to uphold drug law and some of the inhabitants resistance towards these attempts.

2.3. Making vivid what ordinary people should refrain from doing.
I want to end the paper by suggesting a more offensive approach to justifying Christiania as an exception to the normal laws of society. Influential philosophers have in different ways pointed out that for ideas to have vivacity and importance for us they need some kind of concrete instantiation. Following Hume ideas must have an ultimate foundation in impressions if we are to believe in them, and if they are to be reliable guides for our actions (*) According to Kant we need guidance from ideals in the sense of concretely instantiated ideas, such as the idea of a moral person instantiated in a concrete moral person, an ideal (*). The thought deriving from these claim with respect to Christiania are as follows. It might be that we the ordinary law-abiding citizens, in order for us not to discontinue our law-abiding behaviour, need concrete examples of what we would not want all to do. If we have a concrete and public community including cases of acts and institutions which we would not want everybody to pursue, then we might more easily and effectively, than if we only had the idea of such acts and institutions, imagine what our social world would be like if everyone acted thus. This, in turn, may contribute to our moral determination not in fact to act in such ways. In other words, such communities (if they are not to numerous, which we, by reference to the
idea of coordination above in subsection 2.1.) might assist our moral sensibility and hence provide moral guidance.

IV. Conclusion

Exceptions to the normal rules of society, such as those instantiated by the case of Christiania, are indeed very hard to justify. Strong consequentialist and deontological reasons speak against permitting such exceptions. Not all exceptions are, however, equally severe and exceptions to some of the less important rules may be justified in so far as they contribute to facilitating experiments with styles of life of which Christiania is an example. Some exceptions pertaining to Christiania such as exceptions to planning laws and drug law may in this way be justified. The exceptions, however, should be open to public view and the public conditions attached should be followed (which cannot plausibly be claimed to be the case with respect to Christiania in its present shape). Other exceptions relevant for Christiania such as its foundation in an instance of trespassing cannot be justified in this way. The rules prohibiting such acts are too important to admit of any exceptions. The fact that this exception has been granted to Christiania through a complicated public parliamentary process mitigates the morally problematic nature of the exception and may indeed (together with other consequentialist considerations) justify Christiania on consequentialist ground or at least not render it clearly unjustifiable. Still, on deontological ground not justification for exceptions in this respect appear to be forthcoming. This does not entail that Christiania should be cleared as suggested by the right-wing song I quoted in the beginning of the paper. A perfectly reasonable stand to take on Christiania against the background of this paper is first, with respect to the problem of trespassing, to give priority to consequentialist considerations. Second, one may appeal to the same considerations as well as deontological and hold that exceptions with respect to planning laws and drug laws (publicly stated and publicly complied with) can be justified, and the further existence of Christiania facilitated, in that they promote the values related to experiments with styles of life. Hence I end by a cautious affirmative reply to my leading question, to wit, whether a relatively anarchistic community can be justified within the frame of a (in other respects) well-ordered society.
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The location of the Freetown (Christiansborg is the residence of the Danish parliament. Kgs. Nytorv is a fashionable place in downtown Copenhagen)