

ABSTRACT

Title of Document: ABORTION ESCORTS AND DEMOCRATIC PARTICIPATION

Steven Douglas Maloney, Doctor of Philosophy, 2008

Directed By: Professor C. Fred Alford
Department of Government and Politics

My dissertation explores the theoretical value of political participation. I argue that some acts of political participation, such as abortion escorting, constitute “political action” as Hannah Arendt used the term. These acts do not fall under the umbrella of either civil society or activism. As such, a more nuanced account of political participation is need. This account must include participatory, deliberative, and republican ideals, and it must take political action more seriously than the predominant procedural, communicative, or economic visions of liberalism currently do. Here, abortion escorts exemplify the type of political participation that Hannah Arendt argued was missing at Little Rock Central High School during the period of integration. Arendt called for citizen escorts during integration, and abortion escorting provides a positive example of this behavior today.

Arendt confessed she was moved to write her essay only from a photograph that she saw, and she was criticized for her lack of fieldwork. However, I went into

the field to observe abortion escorting. Moreover, while Arendt's factual statements about integration and American racial politics have been somewhat discredited, I argue there are still important theoretical insights in her essay—and in Arendt's theoretical work more broadly—that need resuscitating even if her empirical account is troubled at times.

As such, I use abortion escorts as an example—a means of rescuing Arendt's theory of political action and integrating it into a contemporary body of American political theory that has been both inspired by Arendt and unsettled by her contributions.

ABORTION ESCORTS AND DEMOCRATIC PARTICIPATION

By

Steven Douglas Maloney

Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, College Park, in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
2008

Advisory Committee:
Professor C. Fred Alford, Chair
Professor Stephen Elkin
Professor James Glass
Professor Mark Graber
Professor Peter Levine
Professor Ruth Zambrana

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Preface

Tennessee

You've been good to me

Yes I've come to believe

You're where I want to be

You may not be what everybody needs

But Tennessee

You're good enough for me

I can see

Stars shining in your night

Your daytime sings

Like Cash and Patsy Cline

They may not be what everybody needs

But they touched my soul

And that's good enough for me

You may not be what I will always need

But I call you home...

If I can call you home...

Then you're good enough for me

-Mindy Smith

Dedication

For Sybil

Acknowledgements

The terror of writing one's first book-length work is compensated by the joys of exploration, conversation, and companionship fostered along the way. I want to thank all of the members of my dissertation committee for their support and for teaching me how to be a scholar—a job whose significance I did not understand in the slightest when I began. Thank you to Dr. Stephen Elkin, Dr. James Glass, Dr. Mark Graber, Dr. Peter Levine, and Dr. Ruth Zambrana for serving on my committee.

It was ten years ago this semester that I, as an undergraduate student at Maryland, walked into Shoemaker Hall to take my first political theory course. I had never read a philosophy book. I thought that I wanted to work in politics, participating in the “great game” of politics and elections when I graduated. That changed two weeks into Dr. C. Fred Alford's “GVPT241: Introduction to Political Theory.” I found myself making absent-minded mistakes like forgetting to order food at the dining hall because I was not paying attention. Instead, I was thinking about questions of forgiveness, obedience, and justice. When I look out into my own classes of students every day, teaching five courses while finishing this project, I remember that if I do my job well, they too might wake up in wider, more exciting world than they had realized the day before.

I do not think that I could have become the sort of person who could write this piece without the acceptance, friendship, and challenge of some special friends: Evan Coren, Andrew Daniller, Phil Folkemer, Sean Kates, Brendan Leary, Jason Koepke, Brad Morse, and Jeff Williams. In graduate school, I am particularly grateful to Jonas Brodin, Sean Eudaily, Eduardo Frajman, Anthony Kammas, Anna Kogl, Greg

Schwann, and Avital Shein for being my friends and mentoring me even though I was an annoying, undisciplined, and immature twenty-one year old boy when I started.

I am grateful to Middle Tennessee State University for employing me as a part-time and now full-time employee the last three years. In particular, Department Chair Dr. John Vile has been helpful, supportive, and kind to my needs in balancing work and writing. I have also been fortunate to have two political theory colleagues in my department, Dr. John Maynor, and Dr. Robb McDaniel, who have offered supportive words and insight on my work and other fascinating topics. At Vanderbilt University, I am indebted to Dr. Robert Talisse for his friendship and for allowing me to sit in on two of his graduate seminars, the first on deliberative democracy and the second a joint course with Vanderbilt Law School on democracy and moral conviction, for which I owe thanks to Professor John Goldberg as well.

I want to thank others who have commented on my work. I wish to thank the Western Political Science Association, and David Plotke, Joel Olson, and John Holzwarth for their comments on chapter two. I also had the privilege of presenting chapter four at the first annual Hannah Arendt Circle, and I am thankful for the comments by James J. Barry, Stephen Schulman, and Elizabeth Minnich (who not only had helpful comments, but was wonderful enough to share many of her memories of being Hannah Arendt's graduate assistant). I also would like to thank Stephen Macedo and Seyla Benhabib for conversations that helped steer me through difficult questions. Thanks also for the indescribable level of support from my friend Josh Miller, with whom I collaborated on two other projects. I hope that I have been

able to support his dissertation experience as he has mine, though I would highly doubt this is possible.

I also would like to thank the people at the Washington Area Clinic Defense Task Force for allowing me access into their world for a brief period of time, putting up with my questions, and explaining my presence to security staff at clinics. Thank you to Planned Parenthood for allowing me to wait in their atrium for a few minutes on cold mornings when it was too cold, sometimes even despite the warm coffee. I would also like to thank the abortion protestors, who never seemed quite sure what to make of me, for their cordial behavior towards a stranger with a legal pad.

The only side that I have taken in this dissertation is Hannah Arendt's. I spent my time with escorts and not protestors because I was certain that I had found a group of people doing something that would have captured Hannah Arendt's imagination. That's the reason I studied escorts and not protestors. The reason that I study Hannah Arendt can be traced back to the feelings I experienced in the classrooms at Maryland, George Washington, Middle Tennessee State, and Vanderbilt—and that feeling is wonder. Like Hannah Arendt, I am fascinated, not simply by the intellectual challenge of trying to understand politics, but by the wonder of politics. I relate to Arendt's sense of wonder, especially as demonstrated in the wonderful biography of Arendt by Elisabeth Young-Bruehl. I consult this book frequently to remind myself that a crazy approach to politics can be accepted and celebrated. If this dissertation is at times difficult to read or follow, I beg your pardon. I wished to do more than analyze, I wanted to try to understand and convey the wondrous nature of human

beings engaging in public life as I saw it, and this at times requires abilities way beyond my own.

Finally, Sybil Dunlop has been through the fun parts, where we would review edits on chapters while trading barbs about legal writing versus philosophical (see: anarchic) writing styles. She has also been around for the less fun parts, like crises of confidence, the panic that forms when writing so far away from a committee that you cannot visit, and the utter frustration of having the word processor insert lines at random into your document.

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Chapter 1: Introduction

John Dewey wrote that “[t]he idea of democracy is a wider, fuller idea than can be exemplified in the state even at its best. To be realized it must affect all modes of human association, the family, the school, industry, religion.”¹ I submit adding “the sidewalks in front of abortion clinics” to Dewey’s list. A compelling example of democratic politics unfolds every Saturday morning outside of abortion clinics. On these sidewalks, abortion escorts volunteer to accompany strangers safely into abortion clinics while protesters pressure the entrants to turn around. Over cups of coffee in the winter and cold drinks in the summer, escorts and protestors engage in a contestation that exemplifies the “full idea” of democratic politics that theorists like Dewey describe. Abortion escorting embodies the competitive side of democratic politics—it is a valuable case study helping us to understand the competitive political struggle inherent with living in a plural, political society.

The abortion-escorting case study exemplifies a particular type of political action. Hannah Arendt defines it this way: “To act, in its most general sense, means to take an initiative, to begin, to set something in motion.”² Arendt writes further that, “[i]n acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world.”³ Arendt’s definition of acting has to take place in the public, because, as Arendt explains, “It assures the moral actor that his passing existence and fleeting greatness will never

¹ John Dewey, *The Public & Its Problems* (Athens, OH: Ohio University Press, 1954), 144.

² Hannah Arendt, *The Human Condition* (Chicago: University of Chicago, 1998), 177.

³ *Ibid.*, 179.

lack the reality that comes from being seen, being heard, and generally appearing before an audience of fellow men.”⁴ Arendt’s understanding of action provides a way to understand why people act regarding the public for the public’s sake. Moreover, her definition explains why people fight bitterly over abortion in the first place—their concerns are related to questions of identity and existence, as well as with the moral status of fetuses.⁵

Political thinkers articulate varying accounts of political participation, but few, if any, have given as comprehensive an account of how political participation exists in the public sphere as Hannah Arendt. However, taking Arendt’s ideas of participation or the public seriously involves critiquing much of contemporary liberal political theory. The democratic theorist engaging in this critique must realize that he is not merely criticizing a body of political theory that has been intelligently developed and fiercely defended, but one that has also been used as a point of reference for explaining other political behaviors. The liberal tradition as it has evolved has not only served as a common public philosophy, but, as such, has served as the background set of assumptions under which a heavy volume of empirical political science research operates. However, contemporary liberal theory tends to describe behaviors, and nothing more than behaviors—an approach that is problematic because these scholars describe the political world as one without the possibility for action. Benjamin Barber derisively calls such liberal accounts, “politics

⁴ Ibid., 198.

⁵ See Kristin Luker, *Abortion & the Politics of Motherhood*, ed. Brian Barry and Samuel L. Popkin, California Series on Social Choice and Political Economy (Berkeley: University of California, 1984), Faye D. Ginsburg, *Contested Lives: The Abortion Debate in an American Community* (Berkeley: University of California, 1998).

as zookeeping.”⁶ Hannah Arendt’s writings, however, demonstrate the importance of public political participation and, here, her ideas are underscored by empirical examples of political action like abortion escorting. In short, the “politics as zookeeping story” cannot provide an acceptable account of the political world that explains abortion escorting. Nor, can liberal theory explain why abortion escorting has the characteristics of action as defined by Arendt as, “not only ha[ving] the most intimate relationship to the public part of the world common to us all, but [as the] one activity which constitutes it.”⁷ In sum, contemporary political theory is missing some pieces in its conception of political practice and the abortion-escorting example supports and limits important theoretical and normative claims about civic engagement.

The actions of the abortion escort privileges the liberal-revisionist arguments offered by the “republican revival” in contemporary American political theory.⁸ This

⁶ Benjamin Barber, *Strong Democracy* (Berkeley: University of California, 1984), 3-25.

⁷ Arendt, *The Human Condition*, 198.

⁸ The term “republican revival” comes from S. D. Gerber, “The Republican Revival in American Constitutional Theory,” *Political Research Quarterly* 47, no. 4 (1994). Gerber coins the term in a review of the work of Cass Sunstein, Bruce Ackerman, and Frank Michelman. Sunstein later wrote a piece entitled, “Beyond the Republican Revival,” furthering the use of the term and the discussion in the literature on American Constitutional thought, Cass R. Sunstein, “Beyond the Republican Revival,” *The Yale Law Journal* 97, no. 8 (1988). Aside from the discussion in the public law community, the “Republican Revival” encompasses writings of political theorists such as Hannah Arendt, Richard Dagger, Stephen Elkin, Iseult Honohan, Phillip Pettit, J. G. A. Pocock, Michael Sandel and Quentin Skinner. See Hannah Arendt, *On Revolution* (London: Penguin, 1990), ———, *Crises of the Republic* (San Diego: Harcourt Brace, 1972), Stephen L Elkin, *City and Regime in the American Republic* (Chicago: University of Chicago, 1987), Stephen L. Elkin, *Reconstructing the Commercial Republic: Constitutional Design after Madison* (Chicago and London: University of Chicago Press, 2006), Iseult Honohan, *Civic Republicanism*, ed. Tim Crane and Jonathan Wolff, *The Problems of Philosophy* (London: Routledge, 2002), Phillip Pettit, *Republicanism: A Theory of Freedom and Government* (Clarendon, 1999), Philip Pettit, “Keeping Republican Freedom Simple: On a Difference with Quentin Skinner,” *Political Theory* 30, no. 3 (2002), J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton and Oxford: Princeton University

revival is growing; however, it has yet to develop a full account of its project of political imagination. The “republican revival” movement is scattered across disciplines and is oftentimes at cross-purposes. It has thus far reached few conclusions about its commitments to questions regarding deliberation, epistemology and privilege.⁹ It has had a difficult time piecing together its common cause with other liberal critiques, such as postmodernists like Michel Foucault or Chantal Mouffe and Ernest Laclau.¹⁰ The “republican revival” has unified around the idea that standard accounts of political theory disregard what people in this movement would call “the public.” As Bonnie Honig writes, “When Arendt calls for the protection of political space, she does so largely out of the conviction that plurality and difference (and magnanimity toward them) are the first casualties of the displacement of politics and the closure of political space.”¹¹ Studying abortion escorts lends credibility to Hannah Arendt’s concern for the relationship between action and public space because they show this concern to be both plausible and existent.

Press, 1975), Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998), Michael Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA: The Belknap Press of Harvard University Press, 1996).

⁹ For example, see the debate between Richard Dagger and Michael Sandel on how liberal republicanism should be and in what ways in Richard Dagger, "The Sandelian Republic and the Encumbered Self," *The Review of Politics* 61, no. 2 (1999), Michael J. Sandel, "Liberalism and Republicanism: Friends or Foes? A Reply to Richard Dagger," *The Review of Politics* 61, no. 2 (1999), Richard Dagger, "Rejoinder to Michael Sandel," *The Review of Politics* 61, no. 2 (1999).

¹⁰ See Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), Ernest Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (Verso, 2001), Chantal Mouffe, *The Return of the Political* (Verso, 2005).

¹¹ Bonnie Honig, *Political Theory and the Displacement of Politics*, ed. William Connolly, *Contestations* (Ithaca and London: Cornell University Press, 1993), 10.

Civil Society and Activism

Traditional accounts of civil society cannot account for the phenomenon of abortion escorting. Many contemporary civil society scholars have diverted their attention away from politics' competitive side. As a result, issues of conflict, power, and autonomy—issues that belong in any discussion of political practice—end up neglected or ignored by these writers. These writers describe civic associations as organs, and so their research asks what the function of these “organs of democracy” are—as if “civic life” is to “politics” what the “small intestine” is to a “human being.” Nancy Rosenblum labels this view the “transmission belt” view of civil society. Those ascribing to the “transmission belt” theory understand civil association as a means to an end with positive spillover effects for participating individuals, the collective interest of the group, and the public as a whole. This model makes some intuitive sense, but Rosenblum argues that this account of civil society is incomplete, and more importantly, unproven. Rosenblum notes that these spillover effects from participation are presumed “[a]s if we can infer enduring traits from behavior from one sphere to another. As if we can infer enduring traits from behavior in a particular setting.”¹²

Rosenblum's discontent with the “transmission belt” view leads her, amongst others, to raise an important question: if the “transmission belt” view of civil society is incorrect, incomplete, or both, then what *is* the relationship between group

¹² Nancy Rosenblum, *Membership and Morals* (Princeton, New Jersey: Princeton University Press, 1998), 48.

participation and political practice? The answers that Rosenblum and other democratic theorists offer are varied, and this piece does not purport to offer a detailed explanation of these theories at this time. Importantly however, if we choose to doubt the theories that understand civic associations as “organs” or as “transmission belts,” then we must view civil society as doing more than merely reinforcing values and maximizing public welfare.

One such “transmission belt” theorist, Mark E. Warren, suggests that our understanding of associational life is derived from the answers to two questions: “*what* we should expect associations to do for democracies or *why* we should expect associations to carry out these democratic functions.”¹³ In these pages, however, I examine a specific type of participation, abortion escorting, that reveals the shortcomings of these two questions. Abortion escorting is a particular *type* of political volunteerism that is set apart from other types because of the democratic functions it facilitates, namely the warding off of mass social pressure and the creation of a space that protects law-abidingness and preserves what Arendt and Wolin will call proper political space. My interest in abortion escorting is as an example of a non-conventional form of political action, and I am *not* concerned with the practice of abortion or the moral debate surrounding the issue. , It is my hope that grounding Arendt’s theory of action in a real-life example will lend it more credibility and relevance.

¹³ Mark E. Warren, *Democracy and Association* (Princeton, NJ: Princeton University Press, 2001), 4.

Activism

Just as civil society literature fails to account for behavior like abortion escorting, theoretical accounts of activism also fail to explain this type of volunteerism. Unlike civil society literature, which frequently runs into the “transmission belt” problem, activism literature poses a different problem. Activist scholars define activism as a commitment to an “epistemically immodest” position that one militates for and cannot be expected to accept reasonable defeat. Critics of activism, like Robert Talisse, question whether organizational power, even in the form of activist movements ought to be tolerated if they are merely pushing for a Hobbesian truce between powers rather than an exchange of reason.¹⁴ The abortion escort, however, avoids Talisse’s criticism because the escort is not participating in an organizational power. The difference in organizational power between activist movements and individual abortion escorts is comparable to the difference between YMCA basketball and a neighborhood pick-up game. At its most disparate, the difference can be as wide as that between the National Basketball Association and the aforementioned neighborhood game. In sum, because abortion escorts are not part of larger activist movements and organizational powers, standard critiques of activism are inapplicable to the work of abortion escorts—abortion escorting does not fall within the standard definitions of activism.

Abortion escorting can be further distinguished from activism insofar as the former can be viewed as part of “the political” whereas the latter is mere “politics.”

¹⁴ See Robert Talisse, *Democracy after Liberalism* (New York: Routledge, 2005).

Sheldon Wolin defines this distinction between “politics” and “the political.”¹⁵ Wolin notes that “the political” involves the foundational values of any working political society whereas “politics” concerns the unceasing conflict over resources once those foundational rules for governance have been established.¹⁶ Activist movements fight over the politics of distribution and recognition. By contrast, abortion escorting belongs to “the political.” Abortion escorting helps prevent the intimidation of clinic entrants by protestors. Their ultimate goal is to allow nothing more than that those wishing to enter the clinic do so. Drawing on her arguments from “Reflections on Little Rock,” Hannah Arendt would likely argue that escorts are not engaged in the “politics of abortion” or “the politics of motherhood,” but are instead engaged in “the political” as they refuse to accept the rule by threat of the mob.¹⁷

Move Over, Harold Lasswell

Abortion escorting is not just another example of an amorphous “civic association” whose specific content is ignored for its perceived utility. Asking stock liberal questions such as “does this civic association promote values of toleration?” does not provide us with ample means of judging the activity or its value. Instead, the abortion escorting case hints that we might live in Dewey’s political world whereby “the public consists of all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences

¹⁵ Sheldon S. Wolin, “Fugitive Democracy,” in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, New Jersey: Princeton University Press, 1996).

¹⁶ *Ibid*, Sheldon Wolin, *Politics and Vision*, Expanded ed. (Princeton: Princeton University Press, 2004).

¹⁷ See Hannah Arendt, *The Human Condition*, 1st Edition Paperback ed. (New York: Doubleday Anchor Books, 1958), ———, *On Violence* (San Diego: Harcourt Brace & Company, 1970), Arendt, *Crises of the Republic*.

systematically cared for.”¹⁸ Benjamin Barber describes this possibility in similar terms, as “a rag and bone shop of the practical and the concrete, the everyday and the ambiguous, the malleable and the evanescent.”¹⁹ In this world, the importance of making and following law is of utmost importance, not because the law and the state are somehow universally justifiable, but precisely because they are *not* so. We, as the public, are responsible for the constitution of our own society, and not merely players in the games of a politics. We care about more than Harold Lasswell’s famous definition of politics—“[w]ho gets what, when and how.”²⁰

Law is the tool by which we negotiate our interactions with each other—we agree to act in some cases, and refrain from acting in others. While no doubt those who volunteer to escort women into abortion clinics are motivated by their pro-choice beliefs,²¹ primarily their volunteerism upholds and fulfills the spirit of the law. Montesquieu noted that it is through this process that our laws are reinforced—through state policy, culture, habit, environment, and memory²². Abortion escorts volunteer to facilitate nothing more than what our current law already permits—that anyone who wishes to go to an abortion clinic for consultation or to have a procedure performed is allowed to do so. It has become popular to call acts of this nature *juris-*

¹⁸ Dewey, *The Public & Its Problems*, 16.

¹⁹ Barber, *Strong Democracy*, 130.

²⁰ Harold D. Lasswell, *Politics: Who Gets What, When, How* (P. Smith, 1950).

²¹ The terms “pro-choice” and “pro-life” are labels that are common currency and are often used as self-descriptions, it is for these two reasons, and not due to some blissful ignorance of how loaded both terms are in their meaning, that I use them in my work.

²² Montesquieu, *The Spirit of the Laws*, ed. Anne M. Cohler, Basia C. Miller, and Harold S. Stone, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 2000), 310 (Pt. 3, Bk. 19, Ch. 4).

generative,²³ but this phrase undercuts the importance of such acts. Political action is not simply “law generating,” because “law generating” behavior creates not only law, but the laws and the manner in which they are created, obeyed, enforced, lived with, etc. Abortion escorting goes beyond an act of *law generation* to something which is embedded in a wider web of relationships that constitute *world generation*.²⁴

Abortion escorts engage in a quasi-confrontational volunteerism that, from time to time, involves incidental physical contact with strangers, and verbal abuse. Moreover, escorts are often unable to know if their contribution is making any instrumental difference. Both escorts and protestors spend long stretches of their “volunteering time” waiting around for something to happen. The idea that people would volunteer with various pro-choice causes may not raise any eyebrows, but to choose *this particular* means of participation deserves a serious look. Abortion escorts are not merely organs of the broader pro-choice movement. They are citizen-actors whose deeds literally shape the political space of their neighborhood sidewalks.

Most escorts that I talked to are what Putnam would call “joiners.” These “joiners” volunteer for lots of different activities, but almost all of them told me that clinic escorting was the most satisfying type of volunteer work that they had encountered. In fact, many escorts told me that after participating in “clinic defense”²⁵

²³ Seyla Benhabib, *Another Cosmopolitanism*, ed. Robert Post (Oxford: Oxford University Press, 2006).

²⁴ Arendt writes, “Living beings, men and animals, are not just in the world, they are *of the world*, and this is precisely because they are subjects and objects—perceiving and being perceived—at the same time. Nothing is perhaps more surprising in this world of ours than the almost infinite diversity of its appearances, the sheer entertainment value of its views, sounds, and smells, something that is hardly ever mentioned by thinkers and philosophers.” See Hannah Arendt, “Thinking,” in *The Life of the Mind* (San Diego: Harcourt, 1971), 20.

²⁵ “Clinic defense” is another term for escorting, since escorting may inadvertently conjure up the wrong image in certain contexts. I use it in quotes as I believe the term is used as a self-

for a sustained period, they became less active in other voluntary associations and more active in escorting. In my interviews and field research, escorts reported frequently that they derived more satisfaction from abortion escorting than they did from other political activist groups. Perhaps this preference can simply be attributed to selection bias, as it would make sense that people continue with activities that they find satisfying. Nevertheless, escorts describe their satisfaction with the activity in ways that reinforce the ideas of civic republicans and participatory democrats.

A Field Test for a Republicanism with a Participatory Purpose

In *City and Regime*, Stephen Elkin argues for a school of thought that believes

(1) that the study of local politics should be normative, (2) that it should be normative not just in an evaluative sense but in a way that pointed to political practice, and (3) that this normative focus should chiefly concern the contribution that local political institutions could make to a desirable political way of life.²⁶

My work here provides an opportunity to “field test” Professor Elkin’s vision.

Therefore, my data collection is focused—designed to test the sorts of accepted and contested explanations of political practice that I am interested in, and not to amass facts and let them “speak for themselves”. To quote Dewey once more, “If one wishes to realize the distance which may lie between ‘facts’ and the meaning of facts, let one go to the field of social discussion.”²⁷ I take this to mean that empirical analysis is uninteresting on its face without the ability to contextualize data in a larger theoretical context. On one hand, the importance of context seems obvious, as we would never generate research interests if we did not generate theories that were interesting and

description by escorts and is a term that many anti-abortion activists would object to as a non-neutral description.

²⁶ Elkin, *City and Regime in the American Republic*, 1.

²⁷ Dewey, *The Public & Its Problems*, 1.

worthy of testing. On the other hand, context creates serious difficulty for political theory, as accounts of political life must draw from an enormously wide array of facts and theories that are situated amongst one another in a massively complex manner. The array of learning and knowledge that is relevant to political theory's task is so broad, that it is no wonder that Aristotle named the science of politics the "master science."

There is so much information to incorporate into our broad understandings that contextualize political knowledge, that the relationship between fact and theory is always one of reflexive uneasiness and uncertainty. One way that political science has dealt with this challenge is a compartmentalization of "theorists" and "empiricists" that often cuts off avenues of productive conversation and abandons the reality that both sides need one another. No one is a "pure empiricist" or a "pure theorist", for there would be no interest in researching facts without a theoretical sense of why learning such a thing would be important in the first place, and there is political theory, no matter how "otherworldly" it may seem, that is entirely devoid of appeal to fact.

To the extent then that we proceed with the understanding that theory and fact need one another, there are challenges to note before undertaking a project that attempts to bring the two together to illuminate the virtues and deficiencies of contemporary political theories. Perhaps Thomas Kuhn's most important contribution to method is revealing that the process of integrating facts into a broad theoretical context is much more political than most scientists would be willing initially to confess. Kuhn explains his own argument by quoting the famed physicist Max Planck

that, “a new scientific truth does not triumph by convincing its opponents and making them see the light, but rather because its opponents eventually die and a new generation grow up that is familiar with it.”²⁸ Dewey provides further insight by noting that some of the facts of the political world are generated *by* politics, as evidenced by when he writes that “[t]he more sincerely we appeal to facts, the greater is the importance of the distinction between facts which condition human activity and facts which are conditioned by human activity.”²⁹

Hannah Arendt believes political science commonly fails to distinguish between “causes and consequences.” This tricky relationship, complicated by Dewey’s above-cited insight, stems from the fact that “[r]eason’s aversion to contingency is very strong”.³⁰ For Arendt, the strong aversion to contingency will be a problem because contingency is the result of freedom and action, and thus to devise ways to limit contingency is to eliminate action. If a mode of thinking informs our action, it tends to over inflate the validity of our perception of the causes and consequences, “as in the case of the murderer who *says* that Mrs. Smith has died and then goes and kills her.”³¹ In this example the intermediary action does not justify the prediction, but the example shows the lengths to which people will go to make objective statements about the world appear as true.

For my part, I am taking the observed consequences of a specific form of political participation, and I am attempting to evaluate the implications of these observed consequences for their usefulness in giving a valued normative account of

²⁸ Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 3rd ed. (Chicago: University of Chicago, 1996), 151.

²⁹ Dewey, *The Public & Its Problems*, 7.

³⁰ Arendt, *Crises of the Republic*, 12.

³¹ *Ibid.*, 13.

this particular instance of political practice. Specifically, I have conducted a series of interviews and field observations with an eye towards examining how political action confirms the practical value of thinking about the political life of citizens. Stephen Elkin explains that this political action is, “defined, in part, by the posing of public regarding questions to one another.”³² Here, I believe that Elkin’s definitional claim works in conjunction with Hannah Arendt’s definition of “freedom.” Arendt does not associate freedom as directly related to the faculty of willing, as contemporary liberal political theory does. Instead, she treats freedom as a condition—as the very possibility that people can act in the world and overcome “the chances that tomorrow will be like today [which] are always overwhelming.”³³ This sort of understanding of political freedom also overlaps, as I will develop more in chapter five, with Phillip Pettit’s attempt to revive the non-domination principle of freedom, what he calls “freedom as antipower.”

The construction of freedom, action, and political life I develop need not be complete, for my arguments are not aimed towards creating a counter-ideology. I do not seek to overthrow the arguments of those who disagree, but note the possibility that the prevalent view on these matters oversimplifies the situation. Arendt’s definition of freedom and action is not meant as an overhaul of our semantic understandings of all key political terminology, but merely to suggest our contemporary conceptions of such things omit part of what such words used to mean in a way that described the world in a manner now largely forgotten, but still useful.

³² Elkin, *City and Regime in the American Republic*, 191.

³³ Hannah Arendt, "What Is Freedom?," in *Between Past and Future* (New York: Penguin Books, 1993), 460.

I explore whether Arendt's vision of politics, carried on by contemporary theorists like Jeffrey Isaac, exists as an alternative merely in thought or in fact. No matter what one believes about abortion as a political issue, it should be quite apparent that the reason protestors assemble outside of abortion clinics is to coerce by voicing their disapproval to those entering the clinic. Some may argue that the protestors are raising public questions, and that may very well be so. But, it is the *kinds* of public questions abortion escorts are raising that distinguish them as a unique case of inquiry. Abortion escorts are, by nature of the content of their actions, facilitators of *law abidingness*. Mainstream thinkers focus on the "abortion debate" at the expense of examining the political action taking place outside the clinics. Inspired by Arendt's theory of action, we can see acts outside of the clinic for what they are. To paraphrase Sherlock Holmes, we find it simply because we were looking for it.

In other words, abortion escorts are not defending "pro-choice values" as much as they are protecting one's ability to conduct one's own affairs as protected under the law. One escort put it to me this way: "Imagine if you were going to the dentist and there were people outside yelling at you as you were trying to go in, you wouldn't allow that!" The escorts' actions have nothing to do with the issue of abortion except abortion serves as the catalyst for the contentious situation. Likewise, if the situations were reversed, and the pro-life movement was organizing to protect law-abidingness, the study would be no less interesting.

I also wish to highlight that simply because I believe the kinds of public questions that the presence of abortion escorts raise are more interesting than those raised by the protestors' actions, that I am not judging the importance of abortion

protestors. The history and mechanics of political protest and protest movements has been a long and carefully studied subject, and on this topic I have little new to offer. In chapter three, I will trace social activism scholarship's understanding of its own meaning with an eye towards arguing that abortion escorts do not "fit the mold," so to speak. I do not intend for my arguments about social activism's shortcomings to imply that protests are unimportant, only limited. From time to time, the protestors may appear as "others" in the story since they oppose those who are the object of my study. This view is undertaken merely because I am interested in the political questions raised by the actions of abortion escorts and not the types of questions raised by the organizations formed by abortion protestors. Protestors have the legal right to assemble as they do, and I would not want my work to be misconstrued as saying that this is not the case, nor would I wish it were so. As a political theorist, I am simply interested in the organizations and activity of escorts and not that of the protestors.

Abortion is unavoidably an incendiary subject, and I have not intended to carry on an argument that weighs the relative ethical implications of legalized abortion. I recognize, however, that I am examining the political behavior of a group who happen to identify as pro-choice, and that this may give the appearance of ideological endorsement. I was surprised, perhaps naively, that the escorts I interviewed interpreted my study and interest in their work as an endorsement of their political views. All assumed that I was pro-choice. Many assumed that I was a member of the Democratic Party, and perhaps most shockingly, all of them seemed to assume that I was not religious.

Rather than weigh in on a moral controversy, I am studying a group of people *involved in* a moral controversy. Significant moral controversies generate the spaces where political theorists expect participatory action to emerge. I went to the source of a moral controversy to see it in action. Further, I would simply draw attention to the various attempts of political theory to take the moral question of abortion head on. Those who have written on abortion often use it as a testing issue various political positions must resolve in order to maintain their credibility. We see this in the legal theory of Lawrence Tribe and Ronald Dworkin,³⁴ the disputes over liberalism and religious tolerance between Robert George and Stephen Macedo,³⁵ the attempts at comprehensive political theory by John Rawls and Michael Sandel.³⁶ Sandel believes he has an answer as to why even Rawls' *Political Liberalism* cannot find a way to "bracket off" the disagreement when it comes to abortion. Sandel writes, "The moral price of political agreement is far higher if abortion is wrong than if it is permissible. How reasonable is it to bracket the moral and religious views depends partly on which of those views is more plausible."³⁷ Meanwhile, Bonnie Honig argues that the legacy of *Roe v. Wade* is a lesson in how the law is not enough to foreclose

³⁴ See Ronald Dworkin, *Life's Dominion* (New York: Vintage Books, 1994), Laurence H. Tribe, *Abortion: The Clash of Absolutes* (New York: Norton, 1990).

³⁵ See Robert P. George, "Law, Democracy, and Moral Disagreement," *Harvard Law Review* 110, no. 7 (1997), ———, "Public Reason and Political Conflict: Abortion and Homosexuality," *Yale Law Journal* 106, no. 8 (1997). Also see Stephen Macedo, "Liberal Civic Education and Rebelious Fundamentalism: The Case of God V. John Rawls?," *Ethics* 105, no. 3 (1995). Macedo actually responds to George's position in this article by telling him to "grow up." So much for conflict resolution.

³⁶ For many Rawlsians, Rawls' comments on abortion in *Political Liberalism* are referred to as "the footnote." His footnote is well-known because instead of bracketing a problem for which there is no overlapping consensus, Rawls claims that the basic principles of political liberalism, "give a woman a duly qualified right to decide whether or not to end her pregnancy in the first trimester" has been a source of much wrangling amongst liberal political theorists (see George and Macedo, above). See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 243-44.

³⁷ Sandel, *Democracy's Discontent: America in Search of a Public Philosophy*, 21.

contestation. Honig writes, “In the mistaken belief that the agon had been successfully shut down by law, pro-choice citizens ceded the agon to their opponents and found, years later, that the terms of the contest had shifted against them.”³⁸ What Honig offers as a criticism to all of the commentators cited above, and many more who have written similar pieces, is to argue that they have all forgotten about the perpetual competition of politics. For Honig, “To affirm the perpetuity of contest is not to celebrate a world without points of stabilization; it is to affirm the reality of perpetual contest.”³⁹ The relationship of perpetually competitive politics and the stability of norms, laws, and common obligations to one another is a theme important both to theorists like Hannah Arendt and Sheldon Wolin. Abortion politics, writ large, brings out this relationship in sharp relief.

Politics of Virtue, Politics of *Virtù*

Contemporary discussions in democratic theory, civil society literature, as well as moral and political philosophy teach us to understand human beings as they find themselves in their world. In a fundamental way, there always must be *some* degree of civil society, always *some* degree of politics, and some occasional space that opens up where people can act. As long as human beings live among one another, then what we might call the public, the social, and the private all necessarily components of our world.⁴⁰

³⁸ Honig, *Political Theory and the Displacement of Politics*, 15.

³⁹ *Ibid.*

⁴⁰ There will be many instances in which these terms political, social, and private will be referenced and defined throughout, but here is a sampling for clarity’s sake at the beginning. The public is a word that, tracing back to Aristotle, is used to recognize, “the special relationship between action and being together.” Hannah Arendt uses the term public in this way, and further clarifies what she means by saying, “No human life, not even the life of the

The inevitability of the “social” means that politics, society, and the self, while they are malleable, have elements to their character that are, if not fixed, are at least given. It also implies that *how* we change the settings of these three realms changes the world we find ourselves “at home” in the same way that building a skyscraper on an empty piece of land would do so. What makes the democratic “good society” actually good is that it provides the fullest ability to navigate the different characteristics of humanity as it finds itself in the world with as close to the appropriate amount of prudence and humility as fits human beings, not as they could potentially be, but fits them best as they necessarily *must* be. In particular, they must be largely autonomous and always pluralistic.

Enter the contemporary debates between liberalism and its constructive critics. Theorists like Benjamin Barber, Bonnie Honig, Jeffrey Isaac, Hannah Arendt and Sheldon Wolin are but a few of the contemporary theorists that have pushed back against a worry regarding the perceived “totalizing” nature of mainstream political liberal ideology in a way that is attempting to save liberalism’s virtues from its own vices. The essence of this critique is that attempts to summarize all of the political world under the aegis of liberal political values sells short the autonomy of subjects

hermit in nature’s wilderness, is possible without a world which directly or indirectly testifies to the presence of other human beings.” Arendt writes further, “The distinction between a private and a public sphere of life corresponds to the household and political realms.” The private is the affairs of the household, and is concerned with the necessary conditions of survival and the necessities of daily life. The social is concerned with the affairs of the household on the level of the masses rather than one household. Arendt describes this by saying that “social economy” (as opposed to “home economy”) is indicative of a “kind of ‘collective housekeeping’; the collective of families economically organized into the facsimile of one super-human family is what we call ‘society.’” See Arendt, *The Human Condition*, 22-23, 28-29.

and the plurality of human life in ways that are detrimental, even though liberalism's primary aim is to protect and nurture those same values.

Jeffrey Isaac and Benjamin Barber have both noticed that there is an apparent problem with contemporary liberalism's ability to combat different elements of willful zealotry. Despite Francis Fukayama's musing about the end of ideological alternatives to liberal democratic existence following liberalism's apparent triumph over Marxism, Barber and Isaac point to numerous nationalist and religious political forces that seem to be gaining momentum rather than losing ground. Isaac writes,

My prognosis for democracy is not heartening. I do not believe that we have entered a dawn of liberal democratic triumph or that antiliberal politics has been ideologically vanquished by liberalism, nor do I believe that there exist at present either the resources or the political will to strengthen or deepen liberal democratic forces or to master our difficulties in any more profound way.⁴¹

Isaac's *Democracy in Dark Times* raises the possibility that contingencies in political behavior in the world change on too small a level for liberal nation-states and their institutional arms to deal with many of the "political plagues" running loose in our current state orders. One gets the feeling that Isaac sides with Camus' character Tarrou in his belief that "[o]fficialdom can never cope with something really catastrophic. And the remedial measures they think up are hardly adequate for a common cold. If we let them carry on like this they'll soon be dead, and so shall we."⁴² In *The Plague*, Camus commonly cites the state of lacking the imagination and the ability to respond nimbly to the crisis in Oran. Lt. General Romeo Dallaire's account of dealing with Western governments and the United Nations during the Rwandan genocide eerily

⁴¹ Jeffrey Isaac, *Democracy in Dark Times* (Ithaca, NY: Cornell University, 1998), 3.

⁴² Albert Camus, *The Plague*, trans. Stuart Gilbert (New York: Vintage Books, 1991).

mirrors Camus' fictional account of dealing with officialdom.⁴³ The ideal of perfect administration seems quite distant in the context of such stories.

Benjamin Barber highlights an aspect of the problem noting that, “[a]lthough liberalism has benefited from democracy, it has rarely acknowledged the benefits and has generally treated democratic practices (if not also democratic ideas) as perilous.”⁴⁴ Barber argues forcefully that the crises that most threaten the individual’s political liberty are “the consequence not of too much democracy and not enough liberalism but of too little democracy and too much liberalism.”⁴⁵ The lesson to take from both Barber’s and Isaac’s criticisms is that democratic practice offers a far more adaptive and creative means to take on many of the world’s ever-complicated changes and challenges than do large legalistic institutional bodies.

Isaac and Barber seem to agree that democratic practices in the current liberal democratic political world are, to use Barber’s term, too “thin”. Isaac talks about this in terms of liberalism’s inadvertent closing down of an individual’s ability to “neither rule nor be ruled.” He highlights this “thinness” when he discusses the central role

⁴³ An excerpt from Dallaire’s book reveals how miserably small the assistance from the outside world truly was, “After much wrangling, the United States authorized its mission in Somalia to ‘loan’ UNAMIR six old, stripped down (no guns no radios and no tools), early Cold War-era APCs in mid-April. Brent (Dallaire’s Aide-de-Camp) had taken a call one night from the NCO at the Pentagon, who asked why we needed the APCs. With some eloquence, Brent described our substantially reduced force structure, our desperate logistics state and our precarious situation on the ground, ending his explanation with, ‘It gives a whole new meaning to the word ‘light forces,’ doesn’t it?’ The good old boy in Washington responded, ‘Buddy, you’ll get your APCs, good luck to you and God bless.’ We got more and faster support from one sergeant than from the rest of the United States government and armed forces combined.” Romeo Dallaire, *Shake Hands with the Devil* (New York: Carroll & Graf Publishers, 2003), 331-32.

⁴⁴ Benjamin Barber, "Liberal Democracy and the Costs of Consent," in *Liberalism and the Moral Life*, ed. Nancy Rosenblum (Cambridge: Harvard University, 1989), 55.

⁴⁵ *Ibid.*, 56.

that isonomy plays in Arendt's political theory.⁴⁶ Thin liberalism unintentionally eliminates political space for people to live free isonomically, neither ruling over or being ruled. The possibility for appearing before one another as equals becomes less of an important quality in one's daily life the more that the administrative state steps in to administer politics on one's behalf.

Barber expresses a similar criticism in more systematic terms when he lays out the differences between a conception of a "thin" and "strong" democracy. When the schema of democratic participation for the citizen is reduced to procedural institutional activities, such as voting, then there is an increased reliance on considering the citizen as merely a legal person.⁴⁷ Barber gives the following example to illustrate the flattening of democratic political ideals,

The very term *constituent* has been transmogrified from a noble word signifying constitutional author into a term for voter and thence into an almost derisive synonym for *client*—for the individual whom representatives must please and pacify in order to retain their offices.

This patron-client relationship is an institutional relationship between officeholder and voter, and not one where "citizens relate to one another as beings equally possessed of needs, wants, and limits, who collectively decide on their common interest through free and open dialogue."⁴⁸

Judith Shklar's critique of "legalism" also notes that liberal political theory that prioritizes rule following and conceptions of justice. Shklar notes that, "[a]ll politics must be assimilated into the paradigm of just action ... for here it is not

⁴⁶ Jeffrey Isaac, *Arendt, Camus, and Modern Rebellion* (New Haven: Yale University, 1992), 114 & 49.

⁴⁷ Barber, *Strong Democracy*, 213-60.

⁴⁸ Isaac, *Arendt, Camus, and Modern Rebellion*, 114.

logical deduction but pure chaos that reigns.”⁴⁹ Rules are created with the intent that they are to be followed, and that in following them, they tend to create predictability and desirable ends. The spontaneity and “messiness” of everyday practical political engagement frequently leads to layers of complexity in both decision-making and outcomes that generally ruins any hope of understanding much of civil society by general rules. Shklar writes about the chaotic realm of politics and what legalism is doing to it,

To subdue this irrational political world it becomes all the more necessary to insist on a policy of uncompromising rules and rule following. Either rules for their own protection must be magically lifted out of politics, or society itself must be made safe for justice by imposing a unity upon it, which will make possible a consistent policy of justice according to universally accepted rules. The first is the positivist program, the second that of natural law.⁵⁰

This conception of politics often runs into serious trouble in its ability to “recognize its real place in it—not above the political world.”⁵¹ Shklar’s concern is again echoed by Isaac when he writes that, “a good deal of political theory has thus retreated from the world of politics altogether.”⁵²

Barber, Isaac, and Shklar share an understanding of politics that is not held together by some sort of “Newtonian Frame,”⁵³ but that instead tries to understand the

⁴⁹ Judith Shklar, *Legalism: Law Morals, and Political Trials* (Cambridge, MA: Harvard University, 1986), 122.

⁵⁰ *Ibid.*, 122-23.

⁵¹ *Ibid.*, 123.

⁵² Isaac, *Democracy in Dark Times*, 6.

⁵³ See Barber, *Strong Democracy*, 26-46. Barber’s “Newtonian Frame” recalls that Thomas Hobbes’ liberalism is an attempt to mimic the “resolutive-compositive” approach to theoretical systems. The “resolutive-compositive” method names all of the agents in a system, determines a starting point, and then sets them in motion. Galileo and Sir Isaac Newton used this method to great effect and their efforts left an impression on Hobbes, who employed the approach in *Leviathan*. As a result, this model is the reason why liberal theory always begins with a view of human nature, a state of nature, and human life set in motion until a social contract is formed. Barber argues that the analogy between descriptive science and political theory does not hold, and thus all “thin liberalism” derives from false analogy.

messy exchanges of political practice and harness the energy of such practices. Machiavelli wrote in *The Prince* that as a rule, a wise prince always arms his subjects “for by arming them, these arms become your own.”⁵⁴ In a similar vein, the tools of democratic power are best put in the hands of the people, as it is the best way to create loyal partisans for democracy. There is a growing sense in democratic theory that the more that centralization and bureaucracy govern the everyday lives of citizens, the less likely liberal democratic societies will be capable of fighting off great challenges because the citizenry will be largely inert political subjects.

Bonnie Honig distinguishes between this participatory brand of democratic politics from more systematic constructions by distinguishing between what she calls the politics of virtue as opposed to the politics of *virtù*. Honig calls the politics of virtue those positions that share the “assumption that success lies in the elimination from a regime of dissonance, resistance, conflict, or struggle.”⁵⁵ Practically all formulations of civil society also share in the same assumptions. Even scholarship on activism, which might seem to be engaged in the type of perpetual politics that Honig is interested in, ends up ultimately as part of the “politics of virtue.” This is because activists and activism scholars are still committed to the idea that their task is “to resolve institutional questions, to get politics right, over, and done with, to free modern subjects and their sets of arrangements of political conflict and instability.”⁵⁶

The politics of *virtù*, by contrast, believes “that every politics has its remainders, that resistances are engendered by every settlement, even by those that

⁵⁴ Niccolò Machiavelli, "The Prince," in *The Prince and the Discourses* (New York: The Modern Library, 1950), 77.

⁵⁵ Honig, *Political Theory and the Displacement of Politics*, 2.

⁵⁶ *Ibid.*

are relatively enabling or empowering.”⁵⁷ The politics of abortion, and the disagreement that leaves reasonable liberals at wit’s end, appears to be such a remainder of our systematic politics. Rather than forcing a settlement through law, which it has already been noted that Honig thinks is impossible, and rather than thinking the gathering of protestors and escorts is failure of politics, Honig’s compelling perspective is to suggest that we develop an understanding that this is a critical component of how politics gets done.

Politics Without Resolution

Many scholars believe that the values of being active and willful defenders of democracy and liberalism are protected and exercised through citizen’s joining a variety of groups. The goods that flow from these associations range from an increased tolerance and respect for others to more tangible public goods like decreased crime rates. Accounts of civil society celebrate the lessons of community and diversity that can be learned and in turn proclaim that good civil associations help the state attain its goals. However, the picture of citizen participation is not entirely a cheery one. Civic engagement entails grappling with groups that are intolerant and hostile to others, liberal democracy, or both. Some civic groups are not very good at “bridging” across to others with points of view hostile towards their own. Is this necessarily a bad thing? Outside the abortion clinic, democratic partisans take to the streets on both sides. One side assembles to protest the law, the other side to help facilitate it. Boundaries of acceptable behavior are drawn and occasionally fudged, but at the end of the day contention and coexistence usually carry the day.

⁵⁷ Ibid., 3.

The scene above can only be explained as an example of citizens realizing their democratic power “against the grain” of a continued deracination of liberal democratic politics. Crowds of protestors assembled to protest the IMF, the World Bank, or the invasion of Iraq by the United States and her allies are ineffectual in reaching those with the ability to actually make policy changes on such subjects. The continuation of these movements, in spite of their futility, suggests that these movements are engaged in a different kind of political project than abortion escorts. Mass protests seek to petition officialdom, claiming their citizen status as clients who are unhappy with their patrons. Instead, abortion escorts and protestors are acting out as citizens with a source of self-sovereignty and flexing real power to shape the dynamic of a political situation.

Abortion escorts, volunteers whose organization consists of little more than an email list, participate to engage in action that is agonistic by its nature. The escorts’ political participation is necessarily confrontational in nature, and portrays a participation in civil society that sounds less like coming together to build “social capital” and more like the fractious politics of Madison’s Federalist Paper writings.⁵⁸ Robert Putnam’s *Bowling Alone* argues that maintaining America’s social networks and cooperative civic-mindedness is important because “our schools and neighborhoods don’t work so well when community bonds slacken, that our economy, our democracy and even our health and happiness depend on adequate stocks of social capital.”⁵⁹ Such claims may be empirically justifiable, but they are

⁵⁸ James Madison, "The Federalist No. 10," in *The Federalist Papers*, ed. Garry Wills (New York: Bantam, 1982), 43-46.

⁵⁹ Robert D Putnam, *Bowling Alone* (New York: Simon & Schuster, 2000), 27-28.

also generic to the extent that the goods are uncontroversial and the means by which the goods are achieved are not specified.

Putnam's work, Rawl's political theory, and civil society authors who stand for some sort of liberal egalitarianism prioritize a commitment to standards of justice and equality aimed at divining a polity that negotiates the priorities of liberty and equality. However, on issues of genuine political conflict, particularly on issues where one group is likely to win absolutely or lose absolutely, these scholars appear to have faith that their rules will somehow be the final appeal. As William Galston notes, liberty and equality form a tension and, "it is not possible to establish a generally valid lexical ordering between them."⁶⁰ The tensions between liberty and equality promote certain types of conflicts in and of themselves. Many attempts to promote values of equality are seen as claims that come at the cost of someone else's liberty, and vice versa. Furthermore, the promotion of "value pluralism" is supposed to create an environment in which individuals are free to cultivate their own particular point of view, and that these varieties of point of view are supposed to overlap with alternatives to the point where reasonable discussion is still possible. In practice, when it comes to maintaining a reasonable society of diverse opinions, it has been difficult to keep the lid on opinions developed that are hostile to all other points of view.

The switch from reasonable pluralism to unreasonable pluralism requires only that some group obtain a temporary advantage. Will Kymlicka writes "many liberal egalitarians hoped that conflicts between state and civil society would be limited and

⁶⁰ William Galston, "Liberal Egalitarianism: A Family of Theories, Not a Single View," in *Civil Society and Government*, ed. Nancy Rosenblum and Robert C. Post (Princeton: Princeton University Press, 2002), 121.

temporary. However it is now clear that this was too optimistic.”⁶¹ It is at times difficult to tell whether or not diversity of opinions matter so long as certain people *want* things and will go to great lengths to get them at the expense of others. Liberalism, by itself, cannot negotiate the challenges this problem presents.

The importance of understanding concepts of civil society in relation to abortion escorting relates to an observation by Warren, who writes, “[T]he forces and capacities distinctive of the state are increasingly overlaid by numerous other forces and contingencies, so much so that the terrain of politics is no longer focused solely by state-centered institutions, organizations, and movements.”⁶² The more that these “forces and contingencies” alter the terrain of politics and, perhaps more to the point, alter our ability to understand this terrain, the more difficult it becomes to navigate politics. In practical reality, there is an ongoing negotiation of power that occurs once individuals engage in activities that spill out into the world and affect one another.

A question arises—how are supposedly “free and equal” citizens to cope with this ever-changing terrain of the political world where authority is located in nebulous or contestable hands? Civic association has been the long-storied answer, but the answers here are varied and carry with them some legitimate doubts regarding their explanatory power. Both the aims and the practical advantage of civil association appear suspect.

Nancy Rosenblum challenges what she calls the “Logic of Congruence” that exists in much civil society literature. Rosenblum wonders if the values learned in

⁶¹ Will Kymlicka, "Civil Society and Government: A Liberal-Egalitarian Perspective," in *Civil Society and Government*, ed. Nancy Rosenblum and Robert C. Post (Princeton: Princeton University Press, 2002), 103.

⁶² Warren, *Democracy and Association*, 4.

civic associations are necessarily carried outside of their respective associations and into more general democratic practice. Furthermore, she wonders whether or not it is feasible to suspect that what makes one successful in associational life necessarily will *be* the values one would want spilling outside of the organization anyway. In other words, the concern Rosenblum is raising here is that overlapping consensus may not be overlapping at all when people form ties in civil association. Rosenblum writes that associations “fail to serve moral development if they cannot create the conditions for effective rules and roles and settled expectations.”⁶³ Rosenblum describes a liberal standard of moral development that sees, as Rawls and Putnam both seem to see, civil associations as practice grounds where one cultivates the habits of being governed effectively by a liberal regime.

Furthermore, to say as Stephen Holmes does, “A liberal nation is a nation which keeps the worthier aims of liberalism steadily in view”⁶⁴ is not particularly illuminating when groups can stake out a place to defy liberal expectancy and exercise various sorts of authority in a variety of societal domains. As a group, abortion protestors are not engaging in reasonable pluralism, but instead a form of intimidation by which they mean to scare people away from clinics with the reminder that “God is watching them.” Their threat is reinforced by the more concrete reality that even if God is not watching, the protestors themselves certainly are. Abortion escorts “push back” against this group leverage, and there is, in its own special sort of way, an enforced equilibrium between the two. The equilibrium has little to do with mutual respect, toleration, overlapping consensus, or any other of the “liberal

⁶³ Rosenblum, *Membership and Morals*, 55.

⁶⁴ Stephen Holmes, *Passions and Constraint: On the Theory of Liberal Democracy* (Chicago: University of Chicago, 1995), 41.

expectancies” from civil society, and much more to do with simply the limits each side reaches with what they can practically get away with in the presence of the other side.

Abortion is an issue that is of moral and political relevance to many Americans, most of whom frequently appeared divided primarily by nothing more than commitments to slogans and cliché. While this divide may give classical liberals heartache, there is much more behind the commitments to pro-choice and pro-life positions than the stock arguments for one side or the other. Kristen Luker’s *Abortion and the Politics of Motherhood* explains that doctors who were eager to form professional associations that would distinguish medically credible physicians from others first politicized abortion in the mid-nineteenth century. Luker emphasizes, “[i]t is in the context of this drive for professionalization that the political activity of American physicians against abortion must be understood.”⁶⁵ In its contemporary context, abortion activists still view the issue as emblematic of their larger political agenda. Faye Ginsburg’s interviews found many contemporary pro-life activists who believe that legalized abortion is “a sign of growing narcissism in American society, symbolize by the unwillingness of women to carry an unwanted pregnancy to term.”⁶⁶

For those in favor of legalized abortions, Luker gives the following overview:

If the first abortion controversy was a reaction to the declining economic value of large families to nineteenth-century Americans, then the second abortion controversy can be seen as a reaction of the increasing economic cost of children to *women* in the twentieth century. When women wanted control over their own bodies, they wanted control over the number, and more important, the timing of their births because an untimely or unintended birth could have dramatic consequences for their lives.⁶⁷

⁶⁵ Luker, *Abortion & the Politics of Motherhood*, 29.

⁶⁶ Ginsburg, *Contested Lives: The Abortion Debate in an American Community*, 82.

⁶⁷ Luker, *Abortion & the Politics of Motherhood*, 125.

In short, to say that abortion is simply a disagreement over moral and political points of view seems to minimize the account of this disagreement. Acting upon the world changes its conditions for others. Ultimately, abortion is not only a battle over ideas; it is a battle for terrain. How we practice and govern such battles may say as much or more about our polity than do our ideals.

Proceeding Chapters

Chapter two argues that abortion escorting does not fit into the standard accounts of civil society, and thus explores alternative ways to understand its significance. Chapter two argues that civil society scholarship is an important, but limited line of inquiry into the workings of the political world. Further, the assumption (which I argue is a false one) that abortion escorts are part of civil society reveals that civil society does not justify comprehensive “thin democracy” liberal doctrines, as most civil society theorists quite casually assume they do. Much civil society literature focuses on the beneficial value of developing norms and values in accordance with the principles of “tolerance” and “overlapping consensus,” concepts most famously explained in the works of John Rawls.⁶⁸ Rawls’ theories on liberty and equality, according to William Galston, “are the defining features of the citizens whose agreement is required to constitute a stable, well ordered society.”⁶⁹ Instead, I argue that this view of civil-society-theory-as-comprehensive-doctrine fails because

⁶⁸ See John Rawls, *Political Liberalism* (New York: Columbia University, 1996). Particularly pp 388-391 in “Reply to Habermas” lays out a view of overlapping consensus whereby “If we can make the case that there are adequate reasons for diverse reasonable people jointly to affirm justice as fairness as their working political conception, then the conditions for their legitimately exercising political power over one another—something we inevitably do as citizens by voting, if in no other way—are satisfied.”

⁶⁹ Galston, "Liberal Egalitarianism: A Family of Theories, Not a Single View," 112.

one can look at abortion escorts as an example that such accounts are, in fact, *not comprehensive*. In short, a model of liberalism as the public philosophy with civil society as a theory of liberal practice is not a description of the political world that could credibly be called complete, precise, or accurate. The chapter concludes arguing that in order to explain abortion escorting, one is better off using the language of republicanism.

Chapter three makes a similar argument, but uses the example of abortion escorting to reveal the limitations of activism scholarship when it places its narrow empirical research in the context of a “transmission belt,” “thin,” “politics of virtue,” etc., vision of democratic politics. This critique is not intended to marginalize the importance and relevance of social movement, protest, and contentious politics research. Scholars who work on such subjects hold an important place in contemporary scholarship in describing the behaviors of activist movements with increasing clarity.⁷⁰ Nevertheless, the normative implications of their descriptions as a complete one of political practice, or as a complete description in combination with civil society, are problematic. While the above-mentioned sociologists do not explicitly integrate their work into a broader conception of the political, Iris Marion Young tried to make this integrative move. Her work and the criticisms following it demonstrate her difficulty in creating a cohesive story while linking deliberative virtues to epistemic virtues. As David Estlund, Cheryl Misak, and Robert Talisse highlight, she is unable to reconcile the value of communicating together with the object of communicating together. Finally, the chapter concludes arguing that s

⁷⁰ For a book that has a piece from all of the authors cited above, see Marco Giugni, Doug McAdam, and Charles Tilly, eds., *How Social Movements Matter* (Minneapolis: University of Minnesota Press, 1999).

where neither civil society nor activism explain the significance of abortion escorting, neither can then claim individually, nor taken together, to be a complete account of meaningful political activity.

Chapter four argues that where “thin democracy” theories cannot explain abortion escorting, we must turn to Arendt for answers. Arendt gives us a simple explanation for our troubles in the first two chapters—the “thin” accounts of human behavior do not adequately explain the acts of abortion escorts because *behavior is not the same as action*. Arendt elaborates her view in *The Human Condition*, *On Revolution*, and *On Violence*. She specifically tried to ground her ideas in the real world in “Reflections on Little Rock,” “Lying in Politics,” and of course, *Eichmann in Jerusalem*.

Some of Arendt’s commentary in these essays has proven incorrect. As a result, political thinkers have drawn away from her theoretical work. In chapter four, I set out to rescue some of Arendt’s theoretical work and demonstrate its ability to explain and help us understand the importance of the political participation that the abortion escorts undertake. While Arendt may have made flawed comments in both *Eichmann* and “Reflections on Little Rock,” chapter four focuses on Arendt’s theoretical work.

In “Reflections on Little Rock,” Arendt wonders why no one in Little Rock saw it as their responsibility, as a law-abiding citizen, to walk African American children to school so as not to subject them to an angry mob alone. Arendt refuses to believe that our potential for political engagement has been reduced to the “passive resistance” of the mob or the “massive resistance” of calling in Federal Troops. Many

have dismissed Arendt's thoughts here as ridiculous. They wonder why regular citizens would want to stick their neck out to help others and stand up to the pressure of a mob of protestors. While this seems to be a compelling objection, it cannot explain the existence of abortion escorts.

Arendt's thoughts on Little Rock also call for basic decency in the face of psychological pressure that disrupts political freedom. Liberalism acknowledges the potential power available from the psychological element in making order out of free citizens. Hobbes's *Leviathan* regime is founded upon the idea that a fear of grim and untimely death will compel all to join a monarchy that will protect them. John Stuart Mill and Alexis De Tocqueville famously wrote about the dangers of mass public opinion, with Mill writing that the "demand that all other people shall resemble ourselves grows by what it feeds on."⁷¹ Hannah Arendt's theory of action, and her criticism of both "the mob" in the form of segregationist protestors and the administration of force by Federal troops is meant to serve as a call to action that resists the growth of society. In both the power of society and of the administrative state is there the dangerous tendency for each to "grow by what it feeds on," and in the process, to swallow up the particulars that Arendt claims to be at stake when human beings do politics. Arendt's claim is one that appears to be verified by the deeds of abortion escorts.

Chapter five advocates bringing political action back into our understanding of the constitution of good political regimes. Hannah Arendt argues in *the Origins of Totalitarianism* that the imperialist ethos of Western Europe "boomeranged" back

⁷¹ John Stewart Mill, *On Liberty* (New York: Penguin, 1985), 140.

around into the ethos of Europe itself in the form of totalitarian ideology.⁷² Arendt makes the case that a constitution of political regimes that turns its back on the importance of action completely and pretends that there is only behavior likewise “boomerangs” back in ways that are damaging to the fundamental relationships of human association that we found meaningful enough to care for governance in the first place. Likewise, the contrary is also true. A society that provides space for political action, even on the smallest scale, reminds citizens of their power, and of the virtue of living in an isonomic polity, one where they “rule and are ruled in return.” This effect has the potential to positively “boomerang” all the way through the constitution of the polity.

In chapter five, I try to offer the case for why abortion escorting privileges an account of the meaningfulness of politics on a local, participatory level because of its ability to disclose ourselves as meaningful, individual human beings. I advance the idea that Abortion escorting is a type of political action that reinforces Phillip Pettit’s notion of “freedom as antipower,” and supports Sheldon Wolin’s account of “fugitive democracy,” the idea that true democracy is spontaneous, episodic, participatory in nature and concerned with “one’s stake in public happiness.”⁷³

⁷² Richard H. King and Dan Stone, eds., *Hannah Arendt and the Uses of History* (New York and Oxford: Berghahn Books, 2007), 2-6, Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 197-227.

⁷³ Hannah Arendt argues that American colonists had experienced a particular type of freedom, “[t]his freedom they called later, when they had come to taste it, ‘public happiness’, and it consisted in a citizens right to access the public realm, his share of public power.” See Arendt, *On Revolution*, 127.

Finally, I highlight the importance of episodic acts that reinforce citizen's stake in "the political"⁷⁴ by asking what life would look like without political action. This chapter explores Arendt's discussion of thoughtlessness, and both hers and Wolin's development of theories of organizational power first worked through by the likes of Max Weber and Robert Michels.⁷⁵ The fears expressed by Arendt and Wolin reveal what is at stake in maintaining the isonomic status of participatory citizens. Arendt calls this "the twofold gift of freedom and action."⁷⁶ This chapter concludes with a new narrative—one that ties the work of Arendt, Barber, Elkin, Isaac, Pettit, Sandel, and Wolin together with the political practice of abortion escorts. There is a relationship between citizen and the state that we ignore at our own peril ... and in the current constitution of our public philosophy, it is commonly and consistently ignored.

⁷⁴ This will be defined later as well, but for Wolin, there is a difference between what he calls "politics," the never-ending agonistic conflict over resources—what Bonnie Honig might call agonistic politics—and "the political" which are the rare times when actions go beyond normal politics and relate to defining the relationships between the political community on a very fundamental level. See Wolin, "Fugitive Democracy."

⁷⁵ Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (Routledge, 2001), Robert Michels, *Political Parties*, Second Free Press Paperback ed. (New York: Macmillan, 1962).

⁷⁶ Arendt, "What Is Freedom?," 460.

Chapter 2: The Limits of Civil Society

When I started researching abortion escorting and political participation, one of my first experiences in the field was going to observe a Washington, D.C. abortion clinic on the anniversary of the *Roe v. Wade* decision. It was, in almost every way, an exaggeration of what it is actually like outside of this abortion clinic on most Saturday mornings. On this morning at the clinic, there was an uninterrupted row of people lining the sidewalk the entire length of the property on the street and all along the walkway leading into the clinic. The crowd mostly consisted of protestors, but there was an escort clad in an orange penny every so often, spaced out one for every few protestors along the line to ensure a consistent presence. Two tall chain-link fences on both sides of the walkway closed off the grass on the property. They formed two large square metal cages in which nothing was contained, but pushed all those who were outside of them up against its perimeter.

When I arrived that morning, the escorts who were designated the site captains⁷⁷ for the day welcomed me and generously gave me a spot to observe near the door. This allowed me to be where most of the action was and made it appear as if I was just a “site observer,” someone brought in by either the protestors or the escorts to document possible inappropriate behavior by the other side. The presence of these observers was rare, but not unheard of. However, the *Roe v. Wade* anniversary was an

⁷⁷ A site captain is an escort-volunteer who serves as a liaison to the police or to staff or security inside of the clinic to the extent that it is necessary. On the *Roe* Anniversary, this is a tough job. On a normal weekend at a clinic, their primary responsibilities are little more than throwing out all of the discarded pro-life leaflets from the receptacle that they place just inside of the door at many clinics and to decide when it is time to leave early on a slow day.

exceptional weekend on the calendar, and so I could stand outside the site with a notebook and no one would really be all that surprised or feel the need to bother me with questions.

As I stood there trying to take notes while the snow fell, a young girl was told to stand beside me to my left on the fence line. I would guess that she was about fifteen years in age. There was a man with a black beret coordinating the protestors' efforts—he told her to stand there next to me. He was constantly on his cell phone getting information and giving out instructions and he was coordinating the actions of the protestors carefully. He seemed in constant conversation about how many more people were coming and when, and he even gave instructions as to who was to hold what signs and where.

This girl he placed to my left came in with a small group, one that seemed of some importance by the way in which the man with the black beret greeted the person who was leading this group. Handshakes were exchanged and then a spot was cleared right next to me: at the good spot, where all the action is. This girl got right into things and started by saying a prayer or two. Then she started rocking back and forth, as she prayed. At first, I thought that this motion must have been due to the cold, but as she continued praying she started to rock faster and faster until suddenly she burst into tears. She was bawling. She went on like this for a good long time, crying and asking quite loudly, through sobs and sniffles, “oh why Jesus? Jesus *pray* for us.” After about forty-five minutes of this at a consistent rate, she cried more quietly and spoke much more softly. It seemed to me that her conviction had not faded, and that it

was not that she had become bored with standing out there, but instead it seemed much more likely that she had simply exhausted herself with grief.

The incongruence between such scenes out in the real world and the highly formalized accounts of civil society (what it is and what it does), seems to me to be quite striking. Politics cannot only at times be “messy,” as Judith Shklar said: it can be utterly bizarre. Theories of democracy and civil society are supposed to clarify this “messiness” by providing a comprehensible analysis of political realities within some type of generalized understanding. The stories we tell about political behavior on a generalized level are supposed to be in a continuously reciprocal relationship with the realities that they explain, so that the push is towards an understanding of the world made more accurate. Doing so and translating it into a generalized understanding hopefully creates better sources of political judgment that guide our actions in the particulars of the world of politics. Volunteer abortion escorting casts some of these political stories, particularly many procedural and deliberative accounts of political behavior, as at best incomplete accounts because they do not seem to be entirely useful perspectives for completely understanding the form and substance of the type of political jostling that takes place between parties outside of the abortion clinic.

Civil society can explain why someone might act the way that his young woman did outside of the abortion clinic, and many accounts of civil society (and activism for that matter – more on this later) would take special notice of how choreographed the whole clinic protest seemed to be, replete with cameras, organizers, and pre-fabricated slogans of protest. A sharp attention to the story might

note that this crying person was likely strategically placed to take advantage of her wailing tendencies. Where civil society seems to run into trouble, though, is when we try to consider that this young woman actually *genuinely felt* the tears that she shed. Regardless of the external manipulation of the situation by others, I feel quite comfortable in saying that this fellow citizen rocking back-and-forth next to me seemed quite pained by, what was for her, the great injustice of the world. Not only this, but in the face of such wailing... *nothing changed*. Escorts kept their places, protestors continued their chants and songs of protest (with all due respect to Catholicism, I never want to hear “Ave Maria” ever again), and no one spoke to this young woman⁷⁸ nor did she to anyone else. There was nothing deliberative about this gathering of people on the *Roe v. Wade* anniversary: there was nothing deliberative, not much that could be said to be economic, and not much that we could call a combination of the two. When such gatherings emerge, the reaction of civil society paradigms is to identify such scenes as “problems.” For such approaches to politics, the problems in question appear to be the rare place where communication, reasonable pluralism, solidarity, or whatever grand principle one believes can actually unite everyone behind the same common cause enough to treat others with due respect, break down. This approach is misleading because it appears that contestation over political differences are frequent occurrences. There is also good reason to believe that they are not even problems.

⁷⁸ In retrospect, I wish that I had, but it was my first ever day of doing fieldwork on my own, and alas I had not yet felt comfortable with what I was doing out there enough to think to speak to her. Also, in my defense, I was also genuinely quite thrown by her behavior.

Two Views of Civil Society

Civil society is generally thought of as valuable to democratic theorists for one of two general reasons. The first of these general reasons is the idea that there is something useful about civic participation. The second reason usually boils down to some claim that civic association is a good in itself because it is more like a mode of being than it is a thing. This first reason can be further broken down into the *kinds* of goods that democratic theorists believe flow from civil association. Civil society scholars value different goods differently, but despite these differences, they all can be held to be in loose agreement about the statement, “civil association is good for something.”

The second reason to value civil society understands civil society as part of being and is necessary condition in the fullness of human life. If man is, as Aristotle claims, a political animal, then the point of civil society is not as means to lower rates of burglary, but to serve as a habitat where humans can be humans. Hannah Arendt writes about this as “the human condition of plurality... the fact that men, not Man, live on the earth and inhabit the world.”⁷⁹ This sentiment is an example of interpreting civil association as something born out of the natural fact that human beings find themselves in contact with one another. While they may have different views of how this necessity comes to be and what such necessity may entail, all who share this view of civil society agree that *some* necessity brings people together in civil society. In other words, the case need not be made *for* civil society, because civil society is unavoidable once we have multiple and unique human beings.

⁷⁹ Arendt, *The Human Condition*, 7.

The view of civil society here is not one of treating civil association as a tool that gives us other benefits, but to see it as part of the “home” in which human beings unavoidably reside. A belief that there is something fundamental, unavoidable, and negotiable in civil society that is important to understand beyond its mere use-value is a key difference between this approach to civil society and functionalist views.

Whereas functionalists are going to speak in a language regarding the benefits of civil society as if we each choose or do not choose civic engagement, this second view, which we might call a *conditional view*, is going to emphasize the realities, duties, and conflicts that the unavoidability of civil society asserts upon us.

The examples that the political acts of abortion escorts and the type of resistance that they face provides strong evidence that the first version of civil society, the functionalist version of civil society, is a far less compelling account than the second, conditional account. The functionalist view is forced to either omit or discount certain elements of the story of abortion escorts in order to fit it within its comprehensive political vision, or else it is forced to throw its hands up in the air and label such a scene a “tragedy.” While the functionalist view struggles with the conflict between abortion escorts and protestors, the view of civil society as part a necessary condition of human life anticipates such action as both possible and desirable. The idea that civil society as a place where we are at home with doing politics as free and equal persons is able to construct an interpretative framework, that, unlike functionalist civil society, “supports a conception of democracy under which contestability takes the place usually given to consent.”⁸⁰

⁸⁰ Pettit, *Republicanism: A Theory of Freedom and Government*, ix.

Three Functionalist Views of Civil Society

The functionalist view of Civil Society can be roughly subdivided into three different categories: economic, quasi-economic, and deliberative. Economic functionalism assumes that the value of participation is for the maximization of some perceived benefit for the individual who is participating in the group. Thus, civil society is subject to the same types of behaviors and collective action problems that one encounters in markets. Quasi-economic functionalism attempts to split the difference between deliberative functionalism and economic functionalism by arguing that civil society has the anarchic power structure of the free market but provides the public goods that economic markets cannot because of civil society's natural deliberative character. Finally, deliberative functionalism claims that civil society is valuable because the natural byproduct of civil association is a fully inclusive and strongly deliberative democratic society that allows for a full public conversation even in the political framework of a representative government.

Economic Functionalism

The chorus of voices that sing in unified opposition to strictly economic models of democratic participation is so vocal and numerous, that it is of little benefit to present a particularly thorough outline of the who's and why's of such opposition here. Seyla Benhabib covers the most generalized form of this criticism when she writes that it is a "methodological fiction" for economic models of political behavior to assume "an individual with an ordered set of coherent preferences."⁸¹ Jon Elster echoes a similar

⁸¹ Seyla Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, New Jersey: Princeton University Press, 1996), 71.

concern when he writes “the task of politics is not only to eliminate efficiency, but also to create justice – a goal to which the aggregation of prepolitical preferences is a quite incongruous means.”⁸² These comments hit upon a difference between deliberative democratic functionalists who are going to take issue with what types of political goods are being facilitated through democratic participation in general, and through a means like civil association in particular.

In regards to abortion escorting as a particular case, it is certainly conceivable that some imaginative person could develop an economic model that explains why escorts would organize and volunteer their time. However, the facts of the case seem more sympathetic to arguments like Elster’s and Benhabib’s insofar as, at least on some level, what is happening outside of the abortion clinic is a competition between competing visions of ideals on visions of justice, morals, and the good life. Even if conflicts in views on justice, morals, and the good life are ultimately going to be conflicts that are tied in with interests and power, there still appears to be a much more complicated story at work than mere social choice problems. When one scans the pages of Dennis C. Mueller or Mancur Olsen, it is hard to recall anything that even remotely resembles an explanation for the young lady bawling at my side on the *Roe v. Wade* anniversary.

This is perhaps, in part, because of the fact that the economic view of civil society is that, “Society represented not only a spontaneous and self-adjusting order, but a condition untroubled by the presence of authority.”⁸³ Such a view attempts to

⁸² Jon Elster, "The Market and the Forum: Three Varieties of Political Theory," in *Deliberative Democracy*, ed. James Bohman and William Rehg (Cambridge, Massachusetts: The MIT Press, 1997), 10.

⁸³ Wolin, *Politics and Vision*, 270.

make civil society a sphere of aggregation without reference to a good beyond the product of what the aggregation of individual choices select. As such, “qualities of social action—absence of authority, spontaneousness, and the tendency toward self-adjustment—were taken to mean that social action lacked the characteristic element of political action, the necessity to resort to power.”⁸⁴ In contrast to this view, power seems to be very much “in play” with regards to the contestation between abortion escorts and protestors.

Given the problems cited above with economic functionalism, it is not exactly a comprehensive view of civil society that is in fashion. However, there is much about the economic account that it is tempting to maintain, for as much as it may be a “methodological fiction” to argue that values are best described by preference aggregation, the descriptive power of economic modeling is still too good for many civil society theorists to pass up on altogether. Elster may indeed be correct that justice is a value that trumps efficiency. Nevertheless, the genius of Robert Putnam’s studies on civil society is the way that he tries to combine the two values rather than have them in opposition. For Putnam, the function of civil society for the state is going to lie in the fact that it facilitates justice efficiently, and thus he tries to have the best of both worlds. Putnam claims the values of the deliberative functionalist and the economic functionalist together in one model.

Quasi-Economic Functionalism

Robert Putnam’s *Bowling Alone* represents perhaps the most comprehensive approach to talking about civil society in terms of quasi-economic functionalism. In

⁸⁴ Ibid.

Bowling Alone, Putnam employs the phrase “social capital,” which he uses as term to define the general byproduct of association. Mass social energy generates this measure of social productivity, whose utility increases with increased participation. The continuation of this accumulation of this capital creates specific observable byproducts, such as reductions in crime for socially engaged communities⁸⁵. Putnam’s account suggests that civil society is not an inherent good, but a good because of the demonstrable public goods which flow from it. However, this distinction gets messy in arguments like Putnam’s because his account of civil society is one in which the byproducts of association are almost unfailingly positive. Putnam, and civil society theorists like him, link participatory value in such a tight causal relationship with the goods that flow from them that they, if successful, reduce the difference between those who value the functionalism of civil society as opposed to those who value the participation in civil society to a chicken-or-egg question. This would render the distinction between the two views, remarkably, meaningless if Putnam were able to pull it off. However, it is difficult to believe that Putnam has actually argued successfully on this count.

The bold functionalist stroke Putnam makes is using the term “social capital” to understand what flows from civic participation through a single unit of measurement. We may question whether Putnam’s attempt to unify all possible different types of use-value created by civic association under one term ultimately succeeds. Putnam’s task is a difficult one even in the framework of his own creation, much less as a more general empirical claim. Putnam himself is not entirely faithful to this unitary measure when he splits this single unit early on in his work into

⁸⁵ Putnam, *Bowling Alone*, 310-18.

bridging and bonding social capital. Putnam defines bonding social capital as “inward looking” and bridging social capital as “outward looking.” Where one seeks to unify internal linkages, the other tends to cross boundaries and cut down the distances between internally formed identities.⁸⁶ It is not clear whether these sub-units have enough in common that they can be recombined into a more generalized unit called “social capital” in any type of meaningful way. Nevertheless, Putnam’s efforts exemplify the functionalist understanding of civil society in its simplest form. Putnam’s argument could not be more straightforward in this regard. Civil society is a good thing because it produces public goods that are useful to society and these goods are derived from civic engagement.

The manner by which civil society manifests itself, who directly commands this tool, and how much leverage one who commands has at aiming it at what he or she sees fit is not really provided in Putnam’s account. Take, for example, Putnam’s data and interpretation about the relationship between social capital and pugnacity (via the survey responses to “I’d do better than average in a fist fight”⁸⁷). Putnam writes, “citizens in states characterized by low levels of social capital are readier for a fight (perhaps because they need to be), and they are predisposed to mayhem.”⁸⁸ Here, Putnam looks at the results from survey data and jumps to an enormous amount of speculative value claims.

Leaving aside possible methodological questions we could ask about the correlation between the “fist fight” survey and actual mayhem, there is an implied normative claim to consider. It is not entirely clear why the goal of having a social

⁸⁶ Ibid., 22.

⁸⁷ Ibid., 310.

⁸⁸ Ibid.

order that is docile is somehow automatically preferable to having individuals who may see themselves as rugged, tenacious, and self-reliant. Putnam's description of building social capital assumes that this is some sort of natural process, and then further assumes that this process is somehow benevolent. Putnam shows his cards with regard to this view when he writes things like, "Henry Ward Beecher's advice a century ago to 'multiply picnics' is not entirely ridiculous today. We should do this, ironically, not because it will be good for America – though it will be – but because it will be good for us."⁸⁹

Uneasiness with this theory about "the power of picnics" is not difficult to find. The possibility and promise of promoting tranquility in the state to the extent that Putnam seems to be reaching for meets resistance from numerous commentaries. Machiavelli writes in Book IX of *The Prince* that "a prince cannot base himself on what he sees in quiet times, when everyone has need of the state; for then every one is full of promises and each one is ready to die for him when death is far off."⁹⁰ The promises at picnics that Putnam is looking for may resemble the promises in peacetime that Machiavelli cautions us about placing too much faith in. Montesquieu wondered, "[d]oes not the greatness of genius consist rather in knowing in which cases there must be uniformity and in which differences?"⁹¹ When he wonders this, he is wondering it from the point of view not of the participatory citizen subject, but that of the maker of law, one who is granted authority and charged with managing the

⁸⁹ Ibid., 414.

⁹⁰ Machiavelli, "The Prince," 39.

⁹¹ Montesquieu, *The Spirit of the Laws*, ed. Raymond Geuss and Quentin Skinner, trans. Anne M Cohler, Basia Carolyn Miller, and Harold Samuel Stone, *Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge University Press, 1989), (6-18) 617.

order and chaos of political life directly, and not leaving it to fall out as the byproducts of something like civic engagement.

A defender of Putnam might respond that characterizing his view of civil society as static is unfair because the very thing that Putnam promotes is increased activity and participation in civil society, and this certainly is a fair point. However, it appears a strikingly difficult challenge to uphold the point of view that Putnam can be for a massive increase in political interaction *and* identify the byproduct of this increased activity as just a lump of public goods that generally improves the disposition and quality of life of everyone. Since at least Hobbes, major strains of political theory have been constructed around the idea that political problems *occur* precisely when people come into contact with one another, and the more frequent they come into contact, the more likely they are going to find competing needs and differences in points of view.

To his credit, Putnam does raise the question “Is social capital at war with liberty and tolerance?”⁹² Putnam’s answer to all of these challenges is that it is a deficit of “bridging” social capital, capital that reaches across groups, that is ultimately the culprit. He writes “for our biggest collective problems we need precisely the sort of bridging social capital that is toughest to create.”⁹³ But this is a fallback position that is in many ways anti-political as it assumes that the process of reaching out will cure all and no political actors need to be specifically identified as necessary to use force to carry the day. The passivity of Putnam’s sentences in this section of his book betrays his inability to put his suggestions in a context of political

⁹² Putnam, *Bowling Alone*, 351.

⁹³ *Ibid.*, 363.

action. We can spot the problem by sampling Putnam's grammar, "What if we need to choose," "our biggest collective problems," "[f]rom a collective point of view," and "[h]ere a little 'familism'...". None of these sentences introduce *subjects* that are capable of acting upon Putnam's political designs. This seems to imply that surrender to the process of increasing social capital need only be rightly understood in order to work, and that we need not ask any questions about the role of power and authority in regulating civil society's condition.

This observation makes the social capital analogy that Putnam uses to describe social engagement a much tighter analogy to its economic counterpart, for Putnam appears to be making a Nozickian ultra-minimalist move by making the realm of social capital essentially anarchic.⁹⁴ Putnam's game is then to provide the public goods that an ultra-minimalism cannot deliver on through state institutions (because that would be coercion, and for the ultra-minimalist, coercion is bad) simply through creating a separate market. Rather than the "parallel polis," Putnam makes a "parallel economy" that can provide many of the public goods that economic markets to fail to deliver while pretending that coercion by the state can still be avoided.⁹⁵ This is what makes Putnam's functionalism a "quasi-economic" one, for he is trying to keep his hands in both the economic and deliberative cookie jars at the same time.

To show that Putnam's ambition is emblematic of a wider array of civil society thought, consider that Mark Warren describes his vision of civil association as follows: "Associations promise other ways of getting things done, from supporting public spheres and providing representation to cultivating the virtues of citizens and

⁹⁴ See Robert Nozick, *Anarchy, State, and Utopia* (United States: Basic Books, 1974).

⁹⁵ Vaclav Benda, "The Parallel Polis," *Civic Freedom in Central Europe* 36.

providing alternative forms of governance.”⁹⁶ Warren makes this underlying approach to civil society even more explicit when he writes, “associations formed for a variety of goods and purposes may serve democratic goods and purposes as well.”⁹⁷ Both Warren and Putnam believe that we should see a ring of Tocquevillian familiarity in their conceptions of civil society. Warren writes, “The message handed down from Tocqueville is that social integration through associations is necessary for democratic institutions to work.”⁹⁸ But we should pause to notice a discernable difference between Tocqueville’s “art of association” and the associative models presented by the likes of Putnam and Warren. Whereas Tocqueville seems quite aware of the many different coercive factors that go into the body politic, Warren and Putnam are trying to place the rational, liberal individual into a model of civil society that can properly run itself through decentralized individual participation as long as its value is properly understood by participants. This logically sound but realistically narrow conception of the participatory market falls victim to the same attack that Barber levies at the Nozick’s conception of the economic market. Namely, that both are,

a utopia: an argument which stands quite literally, nowhere and – like those haunted concrete bridges that can be found at abandoned highway projects – soars from midair chasm to midair chasm, a magnificent abstraction going from nowhere to nowhere, its dignity forever a prisoner of its uselessness.⁹⁹

It is utopian because “rule by no one” is an impossibility given the relationships of power and authority that naturally form between individuals. Michel Foucault’s

⁹⁶ Warren, *Democracy and Association*, 3.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*, 30.

⁹⁹ Benjamin Barber, "Deconstituting Politics: Robert Nozick and Philosophical Reductionism," *The Journal of Politics* 39, no. No. 1 (1977): 7.

search for the deep foundational roots of power and the technologies which facilitate it serve as a profound example of why this type of anarchistic theorizing is dangerous.

For example, in *Discipline and Punish*, Foucault writes that disciplinary power,

is exercised through its invisibility, at the same time it imposes on those whom it subjects a principle of compulsory visibility. In discipline, it is the subjects who have to be seen. Their visibility assures the hold of power that is exercised over them.¹⁰⁰

If Foucault is correct, then quasi-economic models of civil association are risky ventures. Participants in civil society make themselves visible and reveal themselves (and thus expose themselves) to various forms of coercive power. This problem is, as Foucault notes in the above quotation, especially real when the sources of power are invisible or unclear. This presents a critical question to this view of civil society: what if this system does not reduce the influence and reach of political power as much as it obscures its sources and purposes? This question presents us with a real danger to read into the subject-less explanation of civil society that we get from the likes of Warren and Putnam.

Early theorists of civil association, like Tocqueville, were much more cognizant of this difference, and he makes this clear in his discussions of “democratic despotism”. Sheldon Wolin noted that Tocqueville was interested in repressing democracy by means of giving the *demos* a place in government, but not the authority to rule.¹⁰¹ This can be attributed to the disciplinary power that Tocqueville could see was quite strong in the *demos*. He writes,

¹⁰⁰ Foucault, *Discipline and Punish: The Birth of the Prison*, 187.

¹⁰¹ Wolin, "Fugitive Democracy," 36-37. Wolin writes that modern constitutional democracy's “modern ideological justification can be found in Harrington, the English republicans, *The Federalist*, and Tocqueville. Each was a critic of democracy. Each records a reaction to revolution, although not a reactionary reaction. Each of their constitutions is

In America the majority draws a formidable circle around thought. Inside those limits, the writer is free; but unhappiness awaits him if he dares to leave them... Everything is refused him, even glory. Before publishing his opinions, he believed he had partisans; it seems to him that he no longer has any now that that he has uncovered himself to all; for those who blame him express themselves openly, and those who think like him, without having his courage, keep silent and move away. He yields, he finally bends under the effort of each day and returns to silence as if he felt some remorse for having spoken the truth.¹⁰²

Here, Tocqueville sounds much more like Foucault than he does Warren, and the behavior of abortion escorts and protestors seems to be much more consistent with this more “Foucaultian” part of Tocqueville. One of the primary political moments that arises between escorts and protestors is essentially a pitch battle over the state of mind of those individuals who have chosen to visit the clinic. One escort told a story at a training session about how he witnessed one protestor who had followed a woman towards the door, leaning in close to her face and talking loudly and quickly at her and not waiting for her to respond to his questions. She appeared to feel overwhelmed and turn and left before ever getting to the door. The protestor then pulled out his cell phone, dialed a number, and triumphantly exclaimed, “I just saved a baby!”

This type of political engagement seems to appear as problematic for models of civil society that look like Putnam’s. Consider Putnam’s analysis of busing programs to forcibly integrate certain schools. Putnam writes,

Proponents of busing believed that only through racially integrated schools could America ever generate sufficient social capital... across the racial divide. Opponents of busing replied that in most parts of America, neighborhood schools provided a unique site for building social capital... The deepest tragedy of the busing controversy is that both sides were probably right.¹⁰³

constructed against democracy; while each seeks to repress democracy none seek to suppress it.”

¹⁰² Alexis De Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop, Paperback ed. (Chicago: University of Chicago, 2002), (Pt. 2 Ch. 7) 244.

¹⁰³ Putnam, *Bowling Alone*, 362.

Putnam does not really address the fact that when political disagreements have this type of dynamic, the situation is often only resolved through some employment of coercive forces. This takes us out of some deliberative mechanism where we may target our best efforts at “getting it right” and into a realm where we are simply trying to get our way in the face of others that we cannot convince and who are equally intent on getting their way.

We can see this as the central dynamic in abortion escorting. Perhaps it is a deep tragedy that we cannot rule that one view or another regarding abortion is the “correct” opinion,¹⁰⁴ or that there is at least some political stance that the state should reasonably hold with regard to the issue. More to the point is that in the absence of being able to collectively carve out such political views, a transition takes place from talking and thinking to *doing*. This *doing* does not take on the properties of activity in Putnam’s general description, where a rising tide of political action seems to raise the social welfare of all boats. Action in this instance comes in the form of privileging certain conceptions of what is good for some at the cost of others. On issues like having an abortion, or busing a child into a different school, the competing ideas may be held as each intellectually powerful, but in the realm of reality, it is sometimes the case that there can be only one winner. The man who proclaimed “I just saved a baby” did not reason that woman out of an abortion, and his statement shows his

¹⁰⁴ Mark A. Graber, in fact, begins his *Rethinking Abortion* by resigning the irreconcilable differences between Pro-Choice and Pro-Life moral positions, at least in their extreme formulations. He writes, “[t]he following pages do not speak directly to those who draw no distinction between Dachau and the abortion clinic down the street. Repeating the usual litany of reasons why abortion differs from murder is not likely to be very persuasive’ most sophisticated pro-life advocates have already heard and rejected such recitals.” See Mark Graber, *Rethinking Abortion: Equal Choice, the Constitution, and Reproductive Politics* (Princeton: Princeton University Press, 1996), 10.

interest was in something much more specific and more tangible than simply making a minor discursive breakthrough in the marketplace of ideas.

Deliberative Functionalism

Another common view of the good that flows from civil society relates to the infrastructural importance of civil society to solidifying visions of (usually deliberative) democratic theory in way that solves many practical questions. In such cases, civil society is often portrayed as a “black box” into which many practical challenges that models of democracy face get sent into and subsequently never return back from. In some ways, that makes this type of theorizing the strange opposite of Putnam, who seems to send social capital into the “black box” of politics from which the results seem to spring magically outwards from. Seyla Benhabib uses civil society as a rather general justification for the practicality of deliberative democracy in modern politics:

Nonetheless the reason why a deliberative and proceduralist model of democracy does not need to operate with the fiction of a general deliberative assembly is that the procedural specifications of this model privilege a *plurality of modes of association* in which all affected can have the right to articulate their point of view. These can range from political parties, to citizens’ initiatives, to social movements, to voluntary associations, to conscious-raising groups, and the like.¹⁰⁵

Benhabib uses the vast social exchange that she would have us believe takes place on the level of civil association to serve the purposes of mass deliberation. This conveniently eliminates the need for her to formally structure any type of mass deliberative institution or mechanism in order to facilitate her vision of deliberative democracy. In this same essay, her next statement is italicized to drive the point

¹⁰⁵ Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," 73.

home, *“It is through the interlocking net of these multiple forms of associations, networks, and organizations that an anonymous ‘public conversation’ results.”*¹⁰⁶

Benhabib’s claims raise two points of discussion. First, there is concern about how much and how effective a deliberative dialogue takes place in this “interlocking net” of civil association. Secondly, Benhabib’s conception raises doubts about how complete a treatment of the relationship between civil society and democracy her vision can provide. On both points, the example of abortion escorting helps practically navigate some of these claims a little bit easier than critically reading the literature alone can offer. The political activity of abortion escorts reveals that the mass anonymous public discussion does not feel so anonymous for those who dare to step out in defiance of commonly held views, and they reveal, once again, that it is the result of contestation, and not communication that describes the primary plot points of the story.

With regard to the scope and effectiveness of Benhabib’s public conversation, there are questions that have been raised about how “interlocking” this interlocking net of relationships truly is, and what complications this may create for the models of democracy that assume that the interconnectivity is strong enough to support their claims of a functional model. Also, there are concerns that we can generally describe as “interfacing” concerns in having civil society fulfill some sort of mass deliberative purpose. These interfacing problems include problems with groups whose purpose is to reinforce ideas that are not up for discussion, problems of membership and psychological need, and problems with the variance in sophistication of the various parties in the “mass conversation.” We have already mentioned how Robert Putnam

¹⁰⁶ Ibid., 73-74.

breaks his findings on social capital down into issues of “bridging” and “bonding” social capital. Putnam believes that both types can be found in the world of civil society and that furthermore, “some kinds of bonding social capital may discourage the formation of bridging social capital and vice versa.”¹⁰⁷ Given that some bonding social capital may potentially preclude the ability to bridge across certain groups, the interlocking network of public discussion that Benhabib envisions may actually be a set of partially, but not sufficiently overlapping group networks. If this is so, then it implies that large pockets of people in civil society may form in virtual isolation from other such pockets.

Nancy Rosenblum writes in *Membership and Morals* that types of associations can be formed so that they do not “bridge” across to other types of people, and she further notes that groups have fought many controversial legal battles to explicitly prevent this bridging. Take a legal case that Rosenblum cites to support this claim, *Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos*. In the *Amos* case, a janitor was fired from a non-profit Mormon gym because he had not kept with the tenets of the Mormon faith. Rosenblum notes that the district court “found the Desert Gymnasium indistinguishable from any other health club operated for profit, and the janitor’s job similar to jobs in those facilities.”¹⁰⁸ The Supreme Court overturned the lower court ruling on the grounds that, as Rosenblum writes, “any risk of having to demonstrate the religious nature of any activity would effect the groups ongoing ‘self-definition’, and is too risky.”¹⁰⁹ This grants organizations broad powers of self-definition through the exclusion of

¹⁰⁷ Putnam, *Bowling Alone*, 362.

¹⁰⁸ Rosenblum, *Membership and Morals*, 89.

¹⁰⁹ *Ibid.*, 90.

those who they define as dissimilar. Regardless of the legal value of the opinion, it seems to countermand in practice what many deliberative democrats assume ought to be happening.

Rosenblum's examples get even more anti-foundational for deliberative democracy than this when she discusses the large numbers of cults, racist, sexist, and anti-liberal paramilitary and political organizations whose collective purpose is to advocate an active disdain for "the other" that scholars like Jürgen Habermas and John Rawls are trying so hard to forcibly include. While democratic theorists of this sort try to come to terms with "the fact of pluralism," there exist a wide variety of groups that simply do not wish to play along. Rosenblum notes that, "there is an incredible array of hate groups and objects: rabid lesbian feminists, 'men's liberation' groups, racist-environmental groups, even an organization of homosexual Nazis."¹¹⁰ While Habermas concludes, "Hence the public use of reason, legally institutionalized in the democratic process, provides the key for guaranteeing equal freedoms"¹¹¹,

Rosenblum warns

Romantic militarism thrives on the discipline and homoeroticism of a military-style brotherhood; hate groups exhibit their superiority and loathing and are prepared at least for violence; separatist communities must defend themselves from hostile outsiders and millenarians must prepare for the final conflict and triumph.¹¹²

Such anti-foundational views and tactics, whether reasonably or unreasonably held, present a tremendous difficulty for a liberal deliberative politics that organizes itself towards accommodation of private values and equal access into the public for all. The

¹¹⁰ Ibid., 253.

¹¹¹ Jürgen Habermas, "'Reasonable' Versus 'True'," in *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greiff (Cambridge, Massachusetts: MIT Press, 1998), 101.

¹¹² Rosenblum, *Membership and Morals*, 253.

types of groups that Rosenblum is describing would take advantage of such accommodations and mutual respect for the purposes of undermining and destroying it.

More generally, this view of politics gets forced to make difficult choices about who is even allowed into the public conversation. If it can be established that there are those with fundamentalist convictions strong enough to willfully ignore all attempts to rationally persuade them that they are wrong, and who stay in the public conversation only to try to persuade others, then the fundamental assumptions of deliberative theory are called into question. This exemplifies another important part of this discussion; one that relates to the problems of creating a deliberative model where people engage one another communicatively as reasonable equals. There are legitimate questions as to whether the assumption that either deliberations amongst equals or rational deliberations can form coherent long-term institutional expectations. These two problems listed above echo Jon Elster's comment, "that even in the good society, should we hit upon it, the process of rational discussion could be fragile, and vulnerable to adaptive preferences, conformity, wishful thinking and the like."¹¹³ This is to say that, even if the problems of making civil association more "bridging" than "bonding" were to be addressed, there are still persistent challenges to precisely how democratic such deliberation would be in terms of either being democratic in and of itself or good for democratic government. William Galston writes

On the practical level, very few individuals will come to embrace the core commitments of liberal society through a process of rational inquiry. If children are to be brought to accept these commitments as valid and binding, it can only be through a

¹¹³ Elster, "The Market and the Forum: Three Varieties of Political Theory," 19.

pedagogy that is far more rhetorical than rational. For example, rigorous historical research will almost certainly vindicate complex 'revisionist' accounts of key figures in American history. Civic education, however, requires a more noble, moralizing history: a pantheon of heroes who confer legitimacy on central institutions and constitute worthy bodies of emulation. It is unrealistic to believe that more than a few adult citizens of liberal societies will ever move beyond the kind of civic commitment engendered by such a pedagogy.¹¹⁴

This quote recommends quite a bit about the limitations of being able to deliberate as equals. One of these limitations is that it suggests that civic education is going to be constrained by the practical necessity of securing complicity from most citizens through the use of "magnificent myths" which only a few will be able to move beyond and maintain an allegiance to the body politic for more complex and principled motives. This begs the question as to how deliberation between the enlightened few and the enchanted many is supposed to work.

This also speaks to one of the concerns that Elster has about the value of deliberative unanimity, which "were it to be realized, might be due to conformity rather than to rational agreement."¹¹⁵ The quotation by Galston from above indicates that civic conformity can be manufactured in much of the populous for the purposes of practical necessity, and there are echoes of Walter Lippman in Galston's understanding of how education engenders a civic appreciation. Those who see civil society as a space where the public conversation takes place in a deliberative democratic model in some form or another seems to be ignorant, at least in part and perhaps willfully so, of Lippman's claim

The creation of consent is not a new art. It is a very old one which was supposed to have died out with the appearance of democracy. But it has not died out. It has, in fact, improved enormously in technic, because it is now based in analysis rather than

¹¹⁴ William Galston, "Civic Education in the Liberal State," in *Liberalism and the Moral Life*, ed. Nancy Rosenblum (Cambridge, Massachusetts: Harvard University, 1989), 91.

¹¹⁵ Elster, "The Market and the Forum: Three Varieties of Political Theory," 16.

on rule of thumb. And so, as a result of psychological research, coupled with the means of modern communication, the practice of democracy has turned a corner.¹¹⁶

A significant problem emerges from the “manufacture of consent”. The problem relates back to Galston’s claim that it is difficult if not utterly unrealistic to expect that most democratic citizens will be able to answer such attempts to manufacture consent. At least not with enough sophistication to see their way through. Citizens are not likely to be even willing to accept sophisticated critiques of such manufacturing leveled by others who appeal to them for support or understanding.

Abortion escorting lends itself as a relevant case in talking about this account of the relationship of civil society to public discourse and its criticisms. There is not much going on in particular between escorts and protestors that could be thought of as deliberative in the ways that the likes of Benhabib, Habermas, and Manin use the term. I have attended a couple of the workshops that escort groups put on to teach the new volunteers. While it is made clear that communication is not expressly forbidden between escorts and protestors, new escorts are told they do not have to talk to the other side. It is mentioned that conversation can help “rehumanize” the other side in yours and their eyes, however it is also stressed that talking can potentially escalate a situation. It is suggested that one’s political views on abortion and abortion related issues are exactly the sorts of things that is best for one *not* to talk about with their opposite numbers.

The veteran escorts, I have noticed, push this advice as far as they can. Perhaps it is because they have more experience in knowing the consequences of such statements, but the veteran escorts oftentimes like to talk quite loudly about politics.

¹¹⁶ Walter Lippman, *Public Opinion* (New York: Free Press Paperbacks, 1922), 158.

They would sometimes solicit my opinion, and rather than remain silent, I would try to respond in benign factual claims. If someone would ask me about Catholicism, I would try to reply somewhat blandly with some phrase such as “You know Augustine wrote...” These neutral facts would quickly get twisted, again, usually at a volume enough that those protestors not preoccupied by reading the rosary, praying out loud, or singing “Ave Maria” would be able to hear them.

One escort wondered out loud to me once why anyone would want to be Catholic. I informed him that many members of my extended family were in fact, Irish-Catholic. Rather than backpedal, he asked, again in loud amazement, “and you’re *okay* with that?” I responded with some attempted witticism about all of the standing and sitting one has to do at a Catholic wedding, but even this seemingly harmless joke was taken by a couple of the escorts to be evidence of why religious beliefs are “stupid”.

At this point I should note that I have encountered and talked with escorts who in fact are religious, and in fact, one of the site captains who volunteers at that particular clinic also comes from a Catholic family background (though she was not there that morning). The point was not really that the escorts were trying to make truth claims with any sort of accuracy when they would say things like this. Instead, they were employing communication in ways that are borderline nightmarish for the likes of Benhabib or Gutmann and Thompson. Political conversations amongst escorts tend to serve three purposes. The first thing to note is that it serves as a means of passing the time. Escorts have a lot of time on their feet where nothing is actually

happening. The protestors sing quite a bit to serve this end, but for everyone else who is listening, this is generally not a pleasant way to experience time passing.

Conversation serves not only as a diversion, but it also serves as a sort of mini internal pep-rally for their political views. Most escorts beliefs fall under what we would call the “political left” in America. I have asked many escorts that I have interviewed if they knew of anyone who was pro life that volunteered as an escort and the general response was to look at me as if I was crazy for asking such a thing. Most escorts appear to see eye to eye on most political issues, and they often use talking to one another as a means to reinforce their political opinions and also as a means of validating their resolve for standing outside for six hours on a Saturday morning. Whereas Gutmann and Thompson argue that deliberation “can help participants recognize the moral merit in their opponents’ claims when those claims have merit”¹¹⁷, the internal and partisan self-validation that flows from these conversations amongst the escorts tends to have the opposite effect inasmuch as it is to provide reassurance in political conviction through an expression of solidarity.

The other purpose of conversation, and again, this is particularly a tool of the well-practiced abortion escorts, is to try to get under the skin of the protestors by talking loudly about political opinions that they know are at least moderately offensive to their opposite numbers. This is why outlandish proclamations about religion are boldly expressed within earshot of the protestors and also why other escorts who may be offended by such statements in another setting do not even raise an eyebrow in this one.

¹¹⁷ Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, NJ: Princeton University Press, 2004), 11.

Abortion escorts often have a couple of different motives for using these conversations for irritating protestors. Sometimes these conversations are meant to serve the same purpose as “trash talk” does in sports. Abortion escorts and protestors fight a non-contact (mostly) battle for physical positioning near the patient as they walk towards the clinic, and to some extent, it is a game of skill to get to the optimum positions around a person entering the clinic before someone else does. Once someone is in position, one cannot impede their natural forward progress down a public sidewalk because that is against the law. So, like in many sports, once in a certain position one is entitled to a certain amount of space that no one else can violate without committing a foul. This early positioning becomes important for the success or failure of a protestor getting access to someone entering the clinic. When the escorts execute perfectly, the protestors get essentially shut out of any chance of reasonably direct contact. Because this is so important, the last thirty minutes of escort trainings often resemble sports teams practicing various plays and formations. It also implies that any verbal jabs that can get inside the head of one’s opposites, like in a sporting event, can maybe, just maybe make them a half step slower and gain the other side one extra little slight advantage in doing their job.

Another motive is born out of what we might call a perverse sense of reciprocity. From the escorts’ perspective, they must endure the songs, prayers, pamphlets and general proselytizing of the abortion protestors week in and week out. Loud statements regarding their own political views, some escorts have told me, strikes them as simply giving the escorts “a taste of their own medicine”. This motive seems a little more symptomatic of the fatigue that comes with having to listen to the

same protests over and over again, week in and week out, for up to six hours at a time. It indicates that the protestors are able to get under the skin of the escorts from time to time as well. I have been told that it does not take long to find the “n hundredth” time one has heard “Ave Maria” sung off key more than a little irritating to listen to. Escorts often look to irritate without escalating the situation in return.

It should be noted that none of these motives look at all like a goal “to promote mutually respectful processes of decision making”, which is a goal that Gutmann and Thompson specifically relate to the political issue of abortion in its practical significance.¹¹⁸ Mutual respect is supposed to flow from deliberative processes because of how controversially irreconcilable moral views of abortion appear to be to so many people. However, whatever political friendship exists between the two sides that meet outside of the abortion clinic, it exists out of the mutual understanding of what it means to volunteer and to be out there in those conditions. It does not in the slightest way appear to stem from enlightened discourse with one another.

As for communication with those trying to gain access to the clinic, the communication again serves largely strategic ends. For the escorts, the goal is to provide comfort, support and solidarity. Escorts are also encouraged, as one training document suggests, to “[t]alk to a patient as a distraction, when appropriate.”¹¹⁹ This document further recommends that an escort should

Avoid asking for personal information and posing insensitive questions, i.e. asking ‘how are you?’ if the patient is visibly upset. Good topics include: the weather and the trip to the clinic; telling a patient that she doesn’t have to listen/talk to the antis;

¹¹⁸ Ibid.

¹¹⁹ Escort Training Document, received 1/11/2005. On file with the author.

reassuring the patient that the clinic is open; urging the patient to keep walking forward when the door is only 'x' feet away¹²⁰

The protestors try to get in close to the patient, hand pamphlets to the patients, and talk fast. The pitches I have heard made by protestors and the pamphlets that I have recovered reveal a “good cop/bad cop” routine within the appeals of the protestors. On the one hand, protestors try to communicate help, comfort and alternatives. On the other hand, they also try to push their moral position that abortion is murder. The former takes the form of offering places for the mother to go and the possibility of adoption or ways to afford raising the child at home through various public and private assistance programs. Pamphlets offer such statements like “Maybe *YOUR* child will grow up to find the cure for HIV or cancer,” or promising that certain volunteer agencies are “a network of love” and “a refuge from the storm.”¹²¹ On the other hand, protestors also sometimes suggest that God will exact revenge upon those who get abortions. Pamphlets, sometimes the same ones that have the softer message, often contain pictures of aborted fetuses, and generally, they tend to opt for the pictures that show fetuses covered in as many bodily fluids as possible for maximal dramatic effect. It is unclear where discussion crosses the line between rational and irrational, but one suspects that it is not genuine persuasion that is invoked when one gives a person a picture of fetuses covered in blood while they nervously wait in the sitting room of a clinic.

The “soft message” portion is also an example of where communicative value seems to break down. Again, the escort training document offers this advice regarding the pamphlets, “If the patient has accepted a pamphlet from the antis, advise her that

¹²⁰ Ibid.

¹²¹ Yellow and Blue Pamphlets, received on 2/12/2005. On file with the author.

its information is unlikely to be medically accurate and offer to dispose of it for her.”¹²² I had more than one interviewee suggest to me that it is not just that the facts regarding abortion that are misstated in the pamphlets, but that it was their impression that the offers of help and support are actually disingenuous. They claimed that the protestors simply want to turn people away from the clinic and that these offers of help are an enticement to do so and nothing more. When I asked escorts what made them believe this, rather than source this claim empirically, they all opted for explaining the logic of why this made sense to them that this was what the protestors were doing. In other words, they created a logic that satisfied themselves, and thus looked no further.

So, as for communication with patients is concerned, one side must make quick, “sloganized” banal statements because their audience affords them little time to do much more while the other side talks deliberately about banal topics for the purposes of creating a comforting “white noise” to make it harder for the protestors to be heard. Banal forms of dialogue are usually judged based on their content, and in turn judged to show a type of political thoughtlessness. In particular, political theory tends to still grapple with these types of “banalities” in terms Arendt’s evaluation of Adolph Eichmann, and the relationship between thoughtless statements, thoughtless deeds and how they come to service mass inhumanity.¹²³ In this case however, seeing the banal forms of dialogue outside of the abortion clinic in this way misses a critical

¹²² Escort Training Document, received 1/11/2005. On file with the author.

¹²³ see Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1994), 252. Arendt’s thoughts on Eichmann’s moment of execution, in her mind portray, “the lesson that this long course in human wickedness had taught us – the lesson of the fearsome, word-and-thought-defying *banality of evil*” (author’s italics). Eichmann’s last words were, “the cliché used in funeral oratory... he was ‘elated’ and he forgot that this was his own funeral.”

point: that abortion escorting is a realm where action triumphs over articulation. This brand of civil association is contentious, tactical, and about force and power in very real ways. It does not require participants to have detailed understandings and articulate explanations because the adversaries involved do not engage one another on such grounds.

If we return to Galston's claim about how surface-level stories satisfy most people about being secure about acting upon their convictions, we seem to find a suitable home for this concern outside of the abortion clinic. Individuals only need to know enough to be out there to act. Once they arrive, they will find plenty of reinforcement for their previous held views through activities of support by peers and resistance by opposites that seems to reinforce rather than bridge. Thus, a situation that appears intractable in terms of public opinion opens up the possibilities of political action. In this particular case, political action tends to boil down into nothing more than various attempts to intimidate people so that they do not want to go into abortion clinic and attempts to make people feel safe and supported as they enter and exit the premises.

Civil Society as a Necessary Condition

There is an argument that is usually thrown into almost any defense of a particular model or type of model of deliberative democracy or civil society: "Model/theory x is not perfect, but consider the alternatives." This argument is usually made in a way that follow the logic through to the exclusion of all such alternatives and thus favors model/theory x. In thinking of civil society as a necessary condition, the version of this argument need not be so strong as to be advanced to the

exclusion of all the earlier models of civil association and democratic practice. Instead, I have attempted to consistently carve out a position that something is clearly missing in these earlier views. I have also advanced the position that abortion escorting serves as an example of what that hole looks like and why it is important.

Civil society as a necessary condition holds that the “fact of pluralism” is an important statement about the reality of the world that human beings find themselves inhabiting. What separates it from deliberative models that take the fact of pluralism seriously is that civil society as a necessary condition places a greater emphasis on pluralism leading to conflict in political *moments* rather than just conflicts in political *values*. These conflicts in political moments are situations in which political events turn in one direction or another based upon action as much as on reason. Thus, issues of reasonable and even unreasonable disagreement are contentious not simply as ideas but because the manner by which these issues play out in the real world is going to be subject to actual contestation. Benhabib makes this distinction herself when she says that she departs from the likes of Arndt, Barber, Connolly, and Mouffe because she is interested in “closely tying normative foundations of democratic legitimacy to a general moral theory based on a discursive model of validity.”¹²⁴

Here there is particular interest in Benhabib’s difference of opinion with Barber and Arendt, who exemplify the idea of civil society as a necessary condition. Benhabib writes on Arendt that her “political philosophy is ultimately rooted in her ‘phenomenological essentialism,’ and cannot clarify the normative foundations of democratic politics.”¹²⁵ About Benjamin Barber’s *Strong Democracy*, she makes the

¹²⁴ Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," 70.

¹²⁵ Ibid.

claim that it is “like Hannah Arendt’s, based on an opposition between moral theory and political philosophy that is conceptually overdrawn and politically unrealistic.”¹²⁶

This critique helps bring out the difference between thinking of civil society from a functionalist perspective and civil society as a necessary condition. Arendt and Barber’s take on civil society cannot clarify “the normative foundations of democratic politics” because they do not advocate understanding politics through a set of unchanging normative foundations. The “phenomenological essentialism” of Arendt is a commitment to thinking about politics as a relationship to necessity as it imposes itself upon human beings in the form of reality. When Arendt writes about the events that lead to the signing of the Mayflower Compact, she argues it was signed because “they obviously feared the so-called state of nature, the untrod wilderness, unlimited by any boundary, as well as the unlimited initiative of men bound by no law.”¹²⁷

Benjamin Barber’s strong democracy is “particularly sensitive to the element of necessity in public choice” in a similar manner to Arendt’s view “because it is rooted in participatory action and in a keen sense of the public character of politics.”¹²⁸ Both of these views share a participationist commitment that “sees power as inevitable.”¹²⁹ The general argument that both Barber and Arendt represent on behalf of views of civil society as a necessary condition is that politics involves many changing things in nature, some man made, some not, some within the control of human beings and some out of control. This presents a view of politics that is

¹²⁶ Ibid., 70-71.

¹²⁷ Arendt, *On Revolution*, 167.

¹²⁸ Barber, *Strong Democracy*, 134.

¹²⁹ Ibid.

inherently dynamic and will be virtually impossible to reconcile with political views that aim at more formalistic philosophical foundations.

In this regard, the charge of “unrealistic” can be hurled in either direction between deliberative and participatory democrats. The difference that I would suggest here is that abortion escorting serves as a clear example that Benhabib’s claims that Barber and Arendt’s foundations for politics are “unrealistic” appears to be incorrect. This is not to say that there may not be troublesome or unrealistic parts of the work of Barber, Arendt, or even other similar projects in various facets of their construction. However, in this instance, it is clear that Benhabib is criticizing the fundamental, foundational values of this approach. For her audience to find her own project persuasive, she has to do this. If the fundamental statements about politics put forward by Arendt and Barber are convincing, it leads scholars to depart from the deliberative view on these critical issues, as Jeffrey Isaac does in *Democracy in Dark Times*. He issues the following critique of the deliberative approach, “they overemphasize the democratic potential of a politics rooted in civil society, and underemphasize the challenges posed to democracy by the cross-purposes and antagonisms that are endemic to social life.”¹³⁰ While Isaac claims “close affinities” to Habermas, Benhabib, Cohen and Arato, his criticism cited above is an indication of a major break away from their theoretical approach and towards the approach of the likes of Arendt and Barber.¹³¹

¹³⁰ Isaac, *Democracy in Dark Times*, 13.

¹³¹ *Ibid.*, 12.

John Rawls correctly characterizes the viewpoint of civil society as a necessary condition even as he criticizes it as a “fundamental opposition” to functionalist views. Rawls writes,

For as a form of Aristotelianism, it is sometimes stated as the view that man is a social, even political, animal whose essential nature is most fully realized in a democratic society in which there is widespread and vigorous participation in political life. Participation is not encouraged as necessary for the protection of basic liberties of democratic citizenship, and as in itself one form of good among others, however important for many persons. Rather, taking part in democratic politics is seen as the privileged locus of the good life. It is a return to giving a central place to what Constant called the ‘liberties of the ancients’ and has all the defects of that.¹³²

Rawls rejects this description of civil society as a necessary condition by saying that it will only be true for some that they will “find their most important good in political life.”¹³³ Rawls believes that the belief in the fundamental importance of thinking of civil society as a place where action takes place is insufficient to be assigned priority because only some and not all value it. As will be discussed in the activism chapter, there is reason to believe that Rawls’ criticism here is an example of him trying “to have it both ways.” Rawls claims that he can accommodate a different fundamentalist view of the public good under a thin, functionalist view of liberal politics while at the same time denying the legitimacy of the ground that this fundamental commitment is based upon. In trying to “have it both ways,” Rawls may be crowding out the view of civil society as a necessary condition in practice more than he claims to, and the expression of the difficulties entailed by functionalist views of civil society in this chapter seem to evidence this claim.

Abortion escorting seems to provide empirical cause to side with understanding civil society as a necessary condition. The obvious tactical strategy and

¹³² Rawls, *Political Liberalism*, 206.

¹³³ *Ibid.*

contentious political action that takes place outside of the abortion clinic is a clear example of “cross-purposes and antagonisms” that are not going to be resolved in theory through discussion. Nor will they disappear from the politics of the real world simply through agreement not to talk about them or by adopting a position of philosophical fallibility. To understand this type of political confrontation, we need suggestions that are more substantial than those offered by functionalist models. While the particulars of different views of civil society as a necessary condition need to be further explored, it seems like it is comparatively the most ideal starting place for a theoretical investigation into the types of political actions taking place just outside the abortion clinic.

Conclusion

I have attempted to lay out an argument for how we can think about different models of civil society based on how they combine empirical observations with normative claims about civil society’s value to politics. In the process of doing this, I have attempted to show that all of the various “functionalist” approaches tend to view civil society as serving a functional purpose that tends to drive some sort of larger political theory for each of the authors who advances a certain functionalist view. In this regard, civil society becomes much more functionally useful for the theorist who is trying to advance their larger intellectual project than it does for the behaviors of those who are actually supposed to be participating in the model of civil society itself.

With regard to the limits of the views mentioned above, neither escorts nor protestors seem to behave in a way that either a straight market or a quasi-market view of civil society can explain. In fact, as we noted with the example of Putnam on

busing, these sorts of problems tend to get labeled as “tragedies” that have no solution. For the deliberative democrat, abortion escorting seems to exemplify the theoretical concern that they have overplayed their hand with regards to their emphasis on normative democratic values. While there is much about deliberative models of democracy that is valuable, their account of the political world is incomplete and leaves us to consider the possibility that deliberative models of democracy are at best an incomplete conversation on politics.

Finally, this leaves open the possibility that models of politics that emphasize the importance of political participation and political activities that sometimes have uncertain consequences in an uncertain world are a better starting place to think about cases like abortion escorting. The contentious political environment outside of the abortion clinic recommends a view of politics that takes a serious look at the normative values of democratic politics while at the same time looking at tactical and behavioral incentives. Both market and deliberative views of civil society fail in this regard because both, in their own way, are naïve about the power relationships that exist in political activity. The market assumes a “rule by no one” that is fictitious, and the deliberative democrat assumes a rule by rational agreement where one cannot survive. This forces us to honestly return our attention back into the mire of a messy and sometimes surreal world of political participation where human beings genuinely interact with one another rather than conform to prescribed rules and norms of behavior.

Chapter 3: Activism and Political Action

Activism scholarship does not constitute a complete account of an individual's potential contributions to political activity. As such, the body of scholarly literature on activism, while important, is misread when it is interpreted to be a complete account of actions that do not fall within activism's domain. Sidney Tarrow writes that social movement research¹³⁴ often finds itself in an "intellectual ghetto," and that one of the ways out of this ghetto is by "linking movements to processes of democratisation."¹³⁵ The activist scholar focuses on this "intellectual ghetto" because he or she is able to perform high-quality research within its boundaries. These scholars frequently leave the broader questions of political interpretation for others. As such, the activism scholar essentially concedes the main argument of this chapter: the study of activist movements is an important, but limited, field of inquiry. Because of this limitation, the activism scholar utilizes a certain set of assumptions about how activism fits into a broader domain of political interpretation. These scholars take their cues from the work of functionalist theorists discussed in the previous chapter.

¹³⁴ I take the terms social movements, activism, contentious politics, and protest movements to mean roughly the same thing. It is my understanding that the level of variance in meaning when any two different scholars use one of the terms is not much different than the variance in use amongst scholars between the words.

¹³⁵ Sidney Tarrow, "Foreward," in *How Social Movements Matter*, ed. Marco Giugni, Doug McAdam, and Charles Tilly, *Social Movements, Protest and Contention* (Minneapolis: University of Minnesota Press, 1999), vii. The comments cited are in reference to two articles in the same book which exemplify this sort of work. See Donatella della Porta, "Protest, Protestors, and Protest Policing: Public Discourses," in *How Social Movements Matter*, ed. Marco Giugni, Doug McAdam, and Charles Tilly, *Social Movements, Protest, and Contention* (Minneapolis: University of Minnesota Press, 1999), Hanspeter Kriesi and Dominique Wisler, "The Impact of Social Movements on Political Institutions," in *How Social Movements Matter*, ed. Marco Giugni, Doug McAdam, and Charles Tilly, *Social Movements, Protest, and Contention* (Minneapolis: University of Minnesota Press, 1999).

Frequently, activist theorists take their research and plug it into an understanding of the world dominated by the views of procedural liberal political thought. In short, activists see themselves as part of the great “transmission belt” of politics that Nancy Rosenblum found such a disheartening way to view the sum of the human political experience. While activism scholars understandably view their decision to link their research into “democratic processes” as benign, they have made conceptual mistake.—activism scholars have accepted that Tarrow’s “democratic processes” are themselves a complete description of political engagement. The abortion-escorting example highlights this mistake by showing that both sides of the link, the theorists and the activism scholars, have forgotten about political action.

In this chapter, I explore the difference between activism and political action by highlighting four different objections to the general views held by activism scholars. Once again, the example of abortion escorts and their weekly activity serves as a concrete way to get at some of the critical differences between activism and political action. First, definitions of activism vary from author to author. Primarily, this variation stems from different author’s theoretical assumptions. Because activist authors want activism literature to accomplish different ends, the literature has not settled on cohesive definitional terms. Despite this variance, the literature on activism does agree on important themes as to what “counts” as activism and what falls outside of its scope. Activism’s self-described objectives fit into three broad categories: resource mobilization, the formation of structured resistance to unpopular institutional

outcomes, and the changing major legal and political points of view.¹³⁶ However, none of these three categories belong *exclusively* to the domain of what anyone would term activism. Moreover, there is little to no consensus about what these categories mean when taken together to form an understanding of an umbrella term, activism. For example, if one were trying to argue that abortion escorting is a type of activism, activism scholars would disagree as to what this would mean. This lack of consensus raises questions about the descriptive quality of labelling abortion escorting as activism.

Second, due to activism's lack of conceptual clarity, activism scholarship tries to tie itself to thin aggregative or deliberative theoretical constructs. Rather than creating an activist account of politics within their "intellectual ghetto," activism scholars skip this step and instead place their work in an already existing aggregative or deliberative schema. As was the case with civil society scholars, activist scholars justify a choice between the "market and the forum." For example, market social movement theorists, focused on resource mobilization and formalized models of patterns of resistance, study the emerging trends in activism as preference-aggregative collective choice structures. This is compared to "forum" theories, focused on the claims of justice, examine activism's role in promoting deliberative virtues. In either case, theories of activism and activist movements can be distinguished from abortion escorting in either a "market" or a "forum" construction. Both descriptive models are interested in understanding activism as a type of

¹³⁶ David A. Snow, Sarah A. Soule, and Hanspeter Kriesi, "Mapping the Terrain," in *The Blackwell Companion to Social Movements*, ed. David A. Snow, Sarah A. Soule, and Hanspeter Kriesi (Malden, MA: Blackwell, 2004).

perpetual politics—a series of political conflicts with no end. However, abortion escorting limits the domain of perpetual politics and fosters an understanding that some concerns are, in the words of Camus, “everyone’s business.”¹³⁷ Abortion escorts do not petition the majority or large-scale political institutions for change, they act within the bounds of the law on their own authority to create a space that tries to mitigate the effects of activism, not promote a particular type of activism. Whereas activists militate, abortion escorts facilitate. The actions of escorts are not directly linked to the perpetual politics of a particular side in an activist movement. Instead their actions are directed to the common business of assisting people to act within their rights in the face of public harassment. While it is true that actions of abortion escorts also privilege a particular side in a protest movement, the linkage between deed and movement is not enough to casually lump the two together simply because the actors may find common political cause. The qualitative import of the doings of social activist movements and abortion escorts differ substantially. Thus, abortion escorting resembles activism in the manner that a baseball bat resembles a stick. While there is some degree of similarity, their contextual value differs enough that it is worth considering what makes them distinct.

Third, theoretically overdrawn accounts of activism with a “thin” or “transmission belt” view of politics actually eclipse the meaningfulness of those episodic, rare, foundational acts that constitute what Wolin calls “the political,” because the excessive attention to procedure obscures them from our notice. In short, when accounts of activism try to subsume acts, like abortion escorting, into their

¹³⁷ Camus, *The Plague*, 184.

descriptive domain, they perpetuate the incredulity about the existence of “the political” itself as a distinct political concept. The concern becomes that “the political” has not been beaten back by reasoned argument, but instead by a force of habit in political research that takes the form of an unintentional slight-of-hand trick. The trick starts with the presumption that what occurs most often (politics) must be most important. When we look at what happens most often, we stop looking at what happens less often (the political), and eventually we stop looking altogether. Ultimately, we conclude that the infrequently occurring events (the political) perhaps never really happened at all, and their distinctive characteristics perhaps do not even exist. Based on the categorical separation established by the three prior objections, it seems clear that political action, as understood by Hannah Arendt and Sheldon Wolin, has been elided with procedural “politics” not based upon reasonableness, but on an act of collective forgetting.

Finally, activism runs into strong objections about its democratic legitimacy in ways that abortion escorting does not. The debate between Iris Marion Young and her vision of communicative democracy, and Robert Talisse, who objects to activism’s violations of deliberative principles, exemplifies activism’s difficulty in claiming to be for justice and yet proceeding in such an epistemically immodest manner. Their argument highlights the tension between activism and deliberation, but abortion escorting avoids the debate because it takes place once the possibility for deliberation is gone. The activist maintains that he is capable of constantly fighting for change as partisan while simultaneously merely persuading as citizen at the same time. Activists have to portray their actions this way because activists engage in a “politics” of the

type defined by Sheldon Wolin as, “the legitimised and public contestation, primarily by organized and unequal social powers, over access to the resources available to the public authorities of the collectivity. Politics is continuous, ceaseless, and endless.”¹³⁸ Abortion escorting, rather, is more fittingly described by what Wolin alternatively defines as “the political,” those “episodic, rare” moments when “collective power is used to promote or protect the well-being of the collectivity.”¹³⁹ This distinction illuminates the descriptive differences between abortion escorting and abortion activism and why it is important to notice that the two are different parts of broader political constellation: one which includes both activism and political action. Also, as part of “the political,” abortion escorting is an activity exempt from the scrutiny of deliberative democratic principles because it is non-invasive activity intended to preserve the ground rules that deliberativists are interested in. By contrast, activism is trying to change a policy decided within such ground rules, and tends to take such ground rules as given. Since political action occurs prior to, and in preservation of, the space necessary to engage in deliberation and does so without interest in anything more, it constitutes the “what else” that Michael Walzer wonders must be necessary to make deliberation possible in “Deliberation and What Else?”¹⁴⁰ As such, abortion escorting while an activity, and thus by nature, epistemically immodest by deliberative standards, still conforms to the same foundation as deliberative democracy, whereas activism fails this test by having no means to accept the reasons of others under any conditions.

¹³⁸ Wolin, "Fugitive Democracy," 31.

¹³⁹ Ibid.

¹⁴⁰ Michael Walzer, "Deliberation and What Else?," in *Deliberative Politics*, ed. Stephen Macedo (New York and Oxford: Oxford University Press, 1999).

In sum, both aggregative and the communicative/deliberative views of activism run into trouble when they try and understand themselves without reference to a broader realm of public action with broader political concerns and possibilities. Activism is characterized here as an important but *limited* examination of political action, and when it forgets its limits, it runs into trouble. This can be seen when one looks upon any of the major currents of activist scholarship, but appears in relief particularly in the debate between Iris Marion Young and Robert Talisse on the deliberative value of activism and in the differences between the *politics* of abortion as an activist struggle and *the political* acts of abortion escorting. Much has been written about abortion activism, and there is a contrast in the accounts of abortion activism and abortion escorting. This contrast occurs on both the specific and conceptual level simultaneously. Particularly, this contrast reveals the flawed assumption that if we understand abortion politics, including abortion escorting, as simply part of the larger national abortion activism problem, then we can come to terms with the entirety of the politics of abortion by trying to solve the big questions with questions of law, moral philosophy, distributive justice, public reason, economic efficiency, etc. This grouping is tempting, yet incorrect. The assumption makes a move that suggests we just have to “solve” abortion along one of the frameworks mentioned above, and then we can make the controversies around it go away.

Clearly, attempts to “solve” abortion do not seem to escape stalemate on the issue. This is one of the realities of political controversy that seems to deadlock Young and Talisse with regards to their differing views on democratic theory. This impasse on “how to get issues right,” certainly not unique to their thoughts, occurs

because they run into the problem of how to address the presumption of a political authority that is allowed to enforce a solution on everyone. Their attempts to avoid justifying a type of coercion as acceptable equates with justifying the source of the coercion as legitimate. They both have difficulties getting enough of the competing virtues of democratic process that they need to justify their visions of the polity and the role of activists within it. There is good reason to believe the activist generally (and the abortion activist in this particular story) are interested in advancing their interests without desiring to consider the effect of pursuing their single-issue objectives in the context of a broader political constitution. Activism is primarily concerned with pursuing one's preferences and justifying holding them. Oftentimes, activism does not involve putting much detailed thought into the actual practices that can ensure a legitimate execution of such values.

Though not institutional, the act of escorting *facilitates* access for those wishing to engage in the lawful behavior of walking into an abortion clinic. While every escort I spoke with felt strongly that one ought to have the right to have an abortion, this need not be the case. One need only believe that one ought to be able to do something that one is legally allowed to do without public harassment to volunteer as an escort—a sentiment that many escorts described as motivating their decision to become escorts instead as opposed to doing something else in the broader pro-choice movement. Motivations aside, it is what the escort *does* that seems to be the primary contrast between escorting and activism. Whereas activism petitions large institutional actors, either directly or indirectly, to alter policies, abortion escorts act on their own authority to shape the power dynamic that effects the enforcement of

clinic access law in their own community.

As a rule, politics is the condition of living with a plurality of individuals and not simply living as one amongst the masses. If one accepts this description, activism's characterization of politics is troublesome. Activism scholars militate for diversity in a way in which diversity usually implies membership in non-traditional or non-majority groups rather than individuality. The problem stems from an overreaching of the power of the political. Too often we think that all political ills are either created by or can be solved by politics, particularly the types of social questions that social movements contest. In return for our attempts to solve the unsolvable through politics, according to Montesquieu, and Arendt, we also run the risk of doing great damage to our political habits. Montesquieu writes that democracies are corrupted, "not only when the spirit of equality is lost but also when the spirit of extreme equality is taken up and each one wants to be the equal of those chosen to command."¹⁴¹ Arendt writes that the push away from politics as public life, the reconstitution of our cultural values in an orientation towards privacy and the intimate emerges in antagonism to, "the levelling demands of the social, against what we would call today the conformism inherent in every society."¹⁴² The very term "social movement" or "protest movement" recommends that the tactics at hand are to make the "levelling demands of the social" heard for some disadvantaged group or another. However justified such a movement may be, such a movement does not engage in politics in the same way as abortion escorts do, and thus the need to distinguish the two.

¹⁴¹ Montesquieu, *The Spirit of the Laws*, 112 (Pt. 1, Bk. 8, Ch. 2).

¹⁴² Arendt, *The Human Condition*, 39.

It should not be forgotten that large-scale procedural politics have been a historically reliable provider and defender of benefits in the form of toleration and objectivity. My argument here is a quibble with the tradition that extends from John Locke to John Rawls to Stephen Macedo, and not an all-out row.¹⁴³ Human beings inhabit a world of procedural and institutional politics that is richer for having such great intellectual energies and talents poured into questions of their fair use. However, we are also still “encumbered selves,” as Michael Sandel famously argued, who do not simply have particular preferences, but also, and perhaps more importantly *live particular lives* situated in particular relations to particular others.¹⁴⁴ From time to time, no matter how many objective institutions work to secure broader political goods, such as equal protection under the law, the encumbered self, situated locally, has original jurisdiction to assert political equality and to safeguard for him or herself and for and from his or her fellows. Whereas activism is ultimately concerned with individuals using their capabilities to get involved in “the process,” whether it be to redistribute deliberative or more tangible resources more justly, the instance of abortion escorting implies that those who participate in escorting need no more process to safeguard local political space than to show up and act. Activism and liberalism, for all of their virtues, face the difficult criticism offered by Sandel in *Liberalism and the Limits of Justice*. He noted that “its vision of public reason is too

¹⁴³ See, amongst many other pieces by these authors and other fine works with similar themes: John Locke, "A Letter Concerning Toleration, Ed," *James Tully. Indianapolis: Hackett* (1983), Rawls, *Political Liberalism*, Macedo, "Liberal Civic Education and Rebelious Fundamentalism: The Case of God V. John Rawls?."

¹⁴⁴ See Michael Sandel, "The Unencumbered Self and the Procedural Republic," *Political Theory* 12 (1984).

spare to contain the moral energies of a vital democratic life.”¹⁴⁵ Sandel’s call for something beyond the traditional view of public reason, a call echoed by Michael Walzer, can be understood by considering it as a call to action... rather than a call to activism.¹⁴⁶

Clarity Issues in Considering Activism

As was the case with civil society, the meaning and conceptual content of the term activism often varies from scholar to scholar. Leaving aside Iris Marion Young’s unorthodox understanding of activism as situated in what she calls “communicative democracy,” most studies of activism focus on empirical findings and leave the broader political meanings of their studies deliberately vague. Activism scholars struggle to define the term “activism.” Some researchers’ attempt to create a coherent understanding of activism that strives for broad, inclusive commonalities across the field. For example, Mario Diani concludes that social activist movements share three basic concepts: “networks of relations between a plurality of actors; collective identity; [and] conflictual issues.”¹⁴⁷ Diani’s motivation for working out a concept of activism at all, even one so broadly defined, comes from his frustration that, “even an implicit, ‘empirical’ agreement about the use of the term is largely missing.”¹⁴⁸ Snow, Soule and Kriesi provide a similar definition of social activism, writing

social movements can be thought of as *collective acting with some degree of*

¹⁴⁵ ———, *Liberalism and the Limits of Justice*, Second ed. (Cambridge: Cambridge University Press, 1998), 217.

¹⁴⁶ Walzer, "Deliberation and What Else?."

¹⁴⁷ Mario Diani, "The Concept of Social Movement," in *Civil Society and Social Movements*, ed. Ronnie D. Lipschutz (Hampshire, England: Ashgate, 2006), 145.

¹⁴⁸ *Ibid.*, 130.

organization and continuity outside of institutional or organizational channels for the purpose of challenging or defending extant authority, whether it is institutionally or culturally based, in the group, organization, society, culture, or world order of which they are a part.(emphasis authors')¹⁴⁹

While both definitions describe social activism in a manner that gives it some sort of shape, both would be hard-pressed to serve as clear guidelines for what does or does not count as social activism. The specific characteristics of “extant authority,” “institutional or organizational channels,” “collective identity,” and “conflictual issues” will cast a conceptual net of radically different sizes over a variety of human activities based upon each individual’s understanding of these terms.

Another approach to understanding social activism is one that considers what social activist movements do. Johnston and Noakes note that the “three broad focus areas dominating social movement research” have been framing processes, organizational resources and political opportunities.¹⁵⁰ Denis Moynihan describes direct action, part of the activist’s repertoire, in the following manner,

Direct action is more than shutting down a meeting. It can also mean boycotting a store, singing in the street, or sitting in at a segregated lunch counter to demand racial integration. It can be used to halt an event that threatens imminent harm, to dramatize an injustice, to gain popular support or media attention, to boost morale amongst campaigners, or to escalate a campaign.¹⁵¹

While the description of activists and activist movements is helpful, as with the

¹⁴⁹ David A. Snow, Sarah A. Soule, and Hanspeter Kriesi, "Mapping the Terrain," in *The Blackwell Companion to Social Movements*, ed. David A. Snow, Sarah A. Soule, and Hanspeter Kriesi (Malden, MA: Blackwell, 2004), 11.

¹⁵⁰ Hank Johnston and John A. Noakes, "Frames of Protest: A Road Map to Perspective," in *Frames of Protest*, ed. Hank Johnston and John A. Noakes (Lanham, Maryland: Rowman and Littlefield, 2005), 2.

¹⁵¹ Todd Gitlin, *Letters to a Young Activist* (Basic Books, 2003), Mike Prokosch and Laura Raymond, *The Global Activist's Manual: Local Ways to Change the World* (Nation Books, 2002).

accounts of activism cited above, they tend to leave the meaningfulness of such activity only implied. While the descriptive approach is advantageous for narrow empirical claims because it allows such claims to be subject to rigorous methodological testing, the tendency to bombard the literature with descriptions and narratives without any appeal to broader conceptual clarity with regards to what makes activism consequential or as to how activism relates more broadly to questions of society, politics, norms, justice, power, etc. renders this approach to studying activism difficult to organize conceptually.

Giving Up on a Definition of Activism?

The variety of definitions and terms that scholars claim comprise the set “activism,” not to mention the variety of the definitions of the interplay between these concepts of varying dimensions, has led some prominent activism scholars to relinquish the goal of conceptual clarity altogether. Barbara Hobson remarks that “[w]hile defining something as a social movement helps to legitimate research in these terms, in the real world of political interaction such labels are both arbitrary and without political consequence.”¹⁵² However, to hold this position, the researcher of the social movement must hold a particular and peculiar type of epistemological view. For the argument above to track, it must make sense that self-definition is not a determining factor in guiding future acts and decision.¹⁵³ Hobson’s view commits her to the notion that descriptive accounts of physical world-processes, such as planetary motion or photosynthesis, are the same as human activity. That is, she believes we

¹⁵² Barbara Hobson, "Introduction," in *Recognition Struggles and Social Movements*, ed. Barbara Hobson (Cambridge, UK: Cambridge University Press, 2003), 4.

¹⁵³ For an examination of the power of identity and the formation of group values, see Amy Gutman, *Identity in Democracy* (Princeton: Princeton University Press, 2003).

can explain what is happening without understanding its meaning. The problem with this view is that planets do not move based on their *understanding* of motion before moving, whereas activists act in a context. Activists understand the meaning of their actions and that understanding defines what actions are taken. From Hobson's perspective, it is unclear why anyone would work in the behavioral sciences since Hobson believes information has no power in altering the way in which we act. Hobson argues that it is of no consequence to hold a currently undernourished understanding of social movements, but she simultaneously is herself elaborating on such concepts. Ultimately, we must reject this view and define activism—we can no longer ignore the definitional problems.

Charles Tilly: Activism Defined in a Historical Context

To our aid comes Charles Tilly, who attempts to bring clarity to the “various, ambiguous, and sometimes sloppy uses to which the concept *social movement* has been put.”¹⁵⁴ Tilly believes we understand social movements vaguely because they have a historical specificity. “[T]he recognition of the historical specificity of the forms of collective action is the beginning of wisdom.”¹⁵⁵ Tilly concludes that, “the term *social movement* applies most usefully to sustained *interaction* between a specific set of authorities and various spokespersons for a given challenge to those authorities.”¹⁵⁶ Tilly asks us to understand that social movements vary. What they look like depends upon the historical context in which they are formed. Tilly's definition is appealing because it approaches social movements with a broad

¹⁵⁴ Charles Tilly, "Social Movements and National Politics," in *Civil Society and Social Movements*, ed. Ronnie D. Lipschutz (Hampshire, UK: Ashgate, 2006), 11.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

conceptual frame while accounting for variations in specific instances.

Tilly's definition leaves abortion escorting as outside of the ambit of social activism. It would require a strained definition of "specific set of authorities," to say no less of a "spokesperson" to say that either term fits the citizen volunteerism of abortion escorts. Alternatively, the *abortion protesters* seem to fall within the scope of Tilly's definition. Protesters come together to challenge state rulings on the grounds that they believe the state is using its coercive power to permit murder. Protesters gather, pray, demonstrate, sing songs of peace, and aim to convince people not to have an abortion through the legal means available to them. They pass out literature to passers by. They sometimes gather on the road or median and hold up signs so that cars passing by can be made aware of the fact that there is a clinic in their neighborhood. In short, according to the above definitional terms, pro-life demonstrations constitute a social movement.

Are Abortion Escorts a Policing Frame?

One possible way that activism might account for the act abortion escorting is by thinking of abortion escorts as part of a "policing frame" in a large-scale evolutionary protest movement. Donatella della Porta gives an account of the evolution of the main themes of protest. Della Porta labels these themes the "master-frames" of protest movements. Frames are "interpretive schemes that the various actors use to interpret their actions."¹⁵⁷ And "[o]ne of the main innovative master-

¹⁵⁷ della Porta, "Protest, Protestors, and Protest Policing: Public Discourses," 68. Della Porta is citing for her definition, Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (Cambridge: Harvard University Press, 1974).

frames refers to democracy itself.”¹⁵⁸ The idea that there is a “policing of protest” effect that emerges to tame the potential violence of a protest movement might appear to serve quite nicely as an explanation of the emergence of abortion escorts in response to abortion protestors. Yet, della Porta’s account of the discourse on the rules of protest reveal that her account is a “politics” story and not a story about maintaining “the political.” The evolution of della Porta’s policing stays entirely within the realm of procedural politics. Those who protest are not simply seeing it as their own business to stand by citizens confronted with the mob, but instead remain the formations of political groups with group political interests at heart. “In Germany,” della Porta writes, “the protagonist master-frame of a civil rights coalition that has a small presence in Parliament within the AL is that of a second society: the real democrats were outside the traditional party system: they wanted to affirm the right to demonstrate, a right that cannot be constrained.”¹⁵⁹ The account of how well protest movements can be entrusted on their own with regards to self-policing is further demonstrated when della Porta writes about the so-called “law-and-order” movement:

In Italy, the law-and-order coalition, gathered around the Socialist Party and the neofascist MSI, emphasized its role as law enforcer.... Coalition members were the ‘defenders of the defenceless citizens,’ who fought drug addicts and extremists. The antagonists, the ‘autonomous’ groups, were considered to be hooligans who practiced violence for its own sake.¹⁶⁰

What is troubling about this view of the interfacing of politics and protest movements is that “the political,” those things which tie us together in a community of equals that

¹⁵⁸ della Porta, "Protest, Protestors, and Protest Policing: Public Discourses," 94.

¹⁵⁹ Ibid., 81.

¹⁶⁰ Ibid., 87.

we recognize as our common business, such as law-and-order, are reduced to being just one more master-frame. Even in the analysis of protest policing, we see common decency is but one more set of arguments about why one group is right and another is wrong. Such arguments are offered up without any real sense, by either the deliverer or receiver of the message, that certain commitments must necessarily entail more than others for what Sandel called in an above quotation, the “moral energies of a vital democratic life.”

The fault with policing frames lies not in della Porta’s account of her study of protest policing in protest movements, but with the utter dissatisfying normative state of the practices in which she describes so well. If it is the case that abortion escorts *make common decency on their own*, they are engaged in something alternative to simply framing political issues by organizational powers-that-be. The contrast between the two explains the satisfaction of escorts who used to volunteer as newsletter writers and protestors for pro-choice publications and at pro-choice rallies who have told me that abortion escorting feels much more satisfying: the difference in the two activities literally constitutes the difference between talking about something and doing it.

Activism’s “Thin Politics” Alliance System

Rather than consider the deeds of abortion escorts as fitting under the umbrella term activism, it appears more precise to understand abortion escorts as acting in “the public” or what Sheldon Wolin would call “the political.” In large part, the participatory democrat who values the public currently occupies the role of critic

in our contemporary political conversation, and as such, is not in a position to define terms that permeate the various specialized areas of empirical work even within the political science discipline. It is unsurprising then that the sociologist interested in studying activism in the field has little wish to extend their definitions of activism far enough into political theory to get caught up in the normative questions surrounding whether or not the public matters and what such “mattering” might entail.

Nevertheless, the differentiation of political action and activism gives us some advantageous detail in our insights into the political world precisely *because* it privileges certain versions of political theory—visions concerning themselves with the details of the public and political action. For the participatory democrat, the places where the public appears are not subject to the same motives or methods as the space of procedural politics.¹⁶¹ The public, as generally conceived in this tradition, is a place where politics takes place as a set of relationships amongst equals who are always endowed with the rather anarchic capacity to act, rather than simply a set of “behavers” in the context of a fully institutionalised community. The public is by definition not just democracy, not, in Dahl’s terminology, a polyarchy.¹⁶² The backdrop against which abortion escorts act, a background that is commonly called

¹⁶¹ In particular, this argument is made with great force in Barber’s review of Robert Nozick’s *Anarchy State and Utopia*: Barber, “Deconstituting Politics: Robert Nozick and Philosophical Reductionism.”

¹⁶² In *On Democracy*, Dahl defines polyarchy (on page 90) as, “a handy way of referring to a modern representative democracy with universal suffrage.” Dahl’s polyarchy is literally “rule by the many,” and his criterion for modern democracy has six planks: elected representatives, free and fair elections, freedom of expression, alternative information, associational autonomy, and inclusive citizenship. Obviously polyarchy does not necessarily entail isonomy, and Dahl’s six planks are hardly enough to satisfy a believer in active government. See Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 2000), 90-99. See also Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale, 1989).

“public space,” is a setting where different possibilities for acting and the effects of such action present themselves. In the procedural sphere, the only tactics for citizen-driven change are the methods of the activist: to disrupt procedures or get attention in a way that makes procedures work for one’s cause. Acting in the public realm is different from procedural politics because of the significance of individual acts. Moreover, rather than appealing to authority about how the law is executed, it is a space where one may shape the relationships of power in a situation based upon one’s actions derived solely from one’s own authority. John Dewey writes

Liberty is that secure release and fulfilment of personal potentialities which take place in rich and manifold association with others: the power to be an individualized self making a distinctive contribution and enjoying in its own way the fruits of association.¹⁶³

Dewey’s understanding of liberty is not one of simply “joining the movement” to argue on behalf of principles of justice that “isolated from the community are hopeless abstractions.”¹⁶⁴ Dewey warns that under such conditions “[e]quality then becomes a creed of mechanical identity which is false to facts and impossible to realize.” This is in contrast to liberty in the context of the public, “the unhampered share which each individual member of the community has in the consequences of associated *acting*... because it is measured only by need and the capacity to utilize.”¹⁶⁵ (emphasis is mine) Hannah Arendt phrases her account of the public realm this way,

The public realm, as the common world, gathers us together and yet prevents our falling over each other, so to speak. What makes mass society so difficult to bear is

¹⁶³ Dewey, *The Public & Its Problems*, 150.

¹⁶⁴ *Ibid.*, 149.

¹⁶⁵ *Ibid.*, 149-50.

not the number of people involved, or at least not primarily, but the fact that the world between them has lost its power to gather them together, to relate and separate them.¹⁶⁶

This passage by Arendt is commonly misinterpreted as referring to separating individuals by identity. Neither Arendt nor Dewey intended to distinguish what is important about the public this way. To be concerned with identity is to already to slip back towards the logic that Dewey and Arendt push out against. Arendt and Dewey argue for isonomic action. What “relates and separates” citizens in the public is the content of their actions, what they can do as individuals when they show up at a particular place. Abortion escorts, as those who act on their own authority, act in a way that preserves the space outside of the clinic as not simply a territory to be conquered by one competing “mechanical identity” or another, but as part of a community.

Activism as “Mass Politics”

Studies of mass politics are dangerous when they become the sole political inquiry that we engage in. These studies begin to distort our perception of politics so that mass politics is elided neatly into conceptions of speaking on behalf of all politics and all political possibilities—or at least all of those worth talking about. The temptation to understand politics this way derives from the relative ease by which mass politics fits the technological capacity of the social scientist to measure it. The important scientific values of measurability, generalizability, and predictively accurate claims has accompanied the study of mass politics as it has become more and more prevalent so that each becomes self-reinforcing to the other. Arendt writes

¹⁶⁶ Arendt, *The Human Condition*, 52-53.

that behavioral sciences overstep their domain of inquiry and, as a result, “reduce man as a whole, in all his activities, to the level of a conditioned and behaving animal.”¹⁶⁷ The “reduction of man” in questions is the natural outgrowth of the organizationalism that has accompanied the ever-expanding scale on which the political community operates. Arendt writes earlier in *The Human Condition* “since the laws of statistics are particularly valid where we deal with large numbers, it is obvious that every increase in population means an increased validity and a marked decrease of ‘deviation.’ Politically this means that the larger the population in any given body politic, the more likely that it will be the social and not the political that constitutes the public realm.”¹⁶⁸ While Max Weber thought this relationship between size and social politics inevitable, it has been the project of participatory and deliberative democrats alike to find ways to restore a public dominated by proper political, and not social, concerns.

Both social activism and civil society have largely run a course that lacks a concept of the public because, as Benjamin Barber writes, “within the liberal democratic tradition there has been a tendency to see politics as a thing or a place or a set of institutions—as, at best, something done by others.”¹⁶⁹ Influenced by such a viewpoint, empirical studies influenced by this liberal tradition, no matter how casually, leave aside the consideration that “politics remains something we do, not something that we possess or use or watch or think about.”¹⁷⁰ Even though there is something clearly active about activists that take to the streets, there is generally

¹⁶⁷ Ibid., 45.

¹⁶⁸ Ibid., 43.

¹⁶⁹ Barber, *Strong Democracy*, 122.

¹⁷⁰ Ibid., 123.

something quite passive about their audiences, as they are members of “states defined by watching rather than doing—in ‘watchdog’ or ‘watchman’ states – citizens, like spectators everywhere, may find themselves falling asleep.”¹⁷¹ Without a concept of a public, the moments in which people are likely to engage in political action, while never fully impossible, become less and less likely to be realized.

The argument above requires a tempering consideration: activism does have *some* elements of the political in the course of its activity. I witnessed many pro-life activists who were empowered by their participation who seemed to be learning about themselves through the process of their participation.¹⁷² This is important to note because there is a tendency, in discussing the dangers of mass politics, to think of the masses in terms of what Hannah Pitkin colourfully calls the “Attack of the Blob.” Pitkin herself is critical of this view, but her criticism is made against a broad interpretation of social man as nothing more than mass-produced man, likely influenced by Nietzsche’s “Last Man” or Marx’s “*Das Man.*” Pro-life abortion activists, through their membership and commitment to principles, appear on behalf of society, but they do not appear as literal clones of everyone else present and they are not automatons who are incapable of deriving pleasure from the company of

¹⁷¹ Ibid.

¹⁷² Alas, I simply did not have the time available to extend my research to discuss with these protestors to get their version of their experiences outside. I made the judgment at the time that without a good “exit strategy” from spending time with the escorts to spending time talking to some protestors, that it was more important to not alienate my intended subjects before I had felt I learned enough from them to be able to produce a fair account of their actions. By the time I had reached that point, I had no time left to do more field research. Books like Nancy Rosenblum’s *Membership and Morals* and Faye Ginsburg’s *Contested Lives* write about such experiences and feelings in related social groups and activities, so perhaps more research on the same would not be helpful. Particularly, see Ginsburg, *Contested Lives: The Abortion Debate in an American Community*, 220-21. Regardless, I wish to make clear that my comments above are based solely on observation and not conversation.

others or getting personal joys out of their activism.

I observed many different pro-life protestors, particularly young men, but also some elderly gentlemen and younger women who appeared very shy and not particularly talkative really come alive when they were engaged in trying to convince others not to enter the clinic. It was as if they had suddenly discovered that they could release this entirely different aspect of their personality through a simple act of will, as if their cause was compelling enough to spring them from their natural shyness. As soon as these moments for springing forth had passed, they mostly returned to looking down at their feet and not conversing much with others.

The protest situation opens up such possibilities for participants, and it would be irresponsible not to notice that there is a certain amount of disclosing of one's self that activism allows even while social activist movements remain primarily social in their nature. Noticing this does not diminish the fact that the overwhelming nature of activism is still susceptible to differentiation from the overwhelming nature of political acts like abortion escorting. Making this distinction does not require reducing activists into flat, single-minded straw men to be knocked over.

Activism and "Thin Democracy"

The objectives of the social activist correspond more directly to the "thin democracy" account of politics. The social activist attempts to move the masses to support or pay attention to particular causes. Social activist movements seem intent on "manufacturing consent" for their social movements in a very Lippman-esque

style.¹⁷³ “If there is a single element that distinguishes social movements from other political actors, however, it is the strategic use of novel, dramatic, unorthodox, and noninstitutionalized forms of political expression to try to shape public opinion and put pressure on those in positions of authority.”¹⁷⁴ In short, the social movement looks for novel ways into politics for no other reason than to stake a claim as an opinion leader. Social movements rely on non-conventional means “often because participants lack access to political institutions and other conventional means of influence or because they feel their voices are not being heard.”¹⁷⁵

The difficulty that the Lippman view poses, however, controlling the image starts to take a life of its own. The activist movements’ tactics become “so integral to popular views of social movements that sometimes a movement is remembered more for its tactics than for its goals.”¹⁷⁶ Cook, Jelen and Wilcox’s study on abortion and public opinion proceeds from the strongly worded assumption “that it matters a great deal what ordinary citizens think and feel about abortion. In a democracy, public opinion is regarded as the ultimate authority, and a system cannot be regarded as democratic if the wishes of ordinary people are not taken into account.”¹⁷⁷ The grand vision of altering social norms and mores, and even changing popularly held views and ill-held institutional biases takes a life of its own and becomes the “great game” of politics so much that it becomes difficult to discern the difference between

¹⁷³ See Lippman, *Public Opinion*.

¹⁷⁴ Vera Taylor and Nella Van Dyke, "Get up, Stand up': Tactical Repertoires of Social Movements," in *The Blackwell Companion to Social Movements*, ed. David A. Snow, Sarah A. Soule, and Hanspeter Kriesi (Malden, MA: Blackwell, 2004), 263.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Elizabeth Addell Cook, Ted G. Jelen, and Clyde Wilcox, *Between Two Absolutes: Public Opinion and the Politics of Abortion* (Boulder, CO: Westview Press, 1992), 4.

meaningful politics and trite, sentimental politics that cheaply mimics the real thing. In the context of this “great game” of moving public opinion, activism is identified as simply one more method of creating and changing the imagistic notions of political principles that Dewey thought “hopeless abstractions.” At the level that the activist holds such commitments, their only way to become a participant in the great game appears to be through “joining the movement” and “having the power to make history.”¹⁷⁸ In the next section, the debate between deliberativists and activists explores the legitimacy of activist movements and their desire to change history. Moreover, the next section calls into question why we would ever expect them to do so responsibly.

Activism by Another Name: Iris Marion Young’s Communicative Democracy

Iris Marion Young’s account of activism is unique because she places her view of activism in the context of a larger conception of deliberative politics. Because she has built an understanding of deliberative democracy that makes room for activism (Young calls this communicative democracy) her view deserves special attention. Moreover, other deliberative democrats, most notably Robert Talisse, challenge Young’s communicative democracy. The two disagree as to whether activism can remain committed to truth claims. Activist groups start from the default position that their positions fail to become incorporated into policy for a variety of unfair reasons, but never on the grounds that they may be actually wrong. Young has

¹⁷⁸ Gitlin, *Letters to a Young Activist*.

difficulty straddling deliberative democracy and activism. And her difficulty reveals the limitations of activism as an instrument for ensuring good political arrangements. Simultaneously, however, Young correctly highlights the good activist movements. The existence of these movements indicates that deliberative democrats too are perhaps incapable of creating a comprehensive account of how to secure a good polity. The political action of abortion escorts might bridge the gap between Young and Talisse and create a more complete account of a working politics in the midst of their discussion.¹⁷⁹

Iris Marion Young identifies political activism's purpose as twofold. First, political activism must attack problems of structural inequality that seem unavoidable in liberal democracies. Second, activism is supposed to assist democracy in achieving politically fair outcomes.¹⁸⁰ These two objectives work together in Young's view because problems with structural inequality undermine ideal democratic practice. She writes that democracy is ideally "not only a means through which citizens can promote their interests and hold the power of rulers in check. It is also a means of collective problem-solving which depends for its legitimacy and wisdom on the expression and criticism of the diverse opinions of all the members of the society."¹⁸¹

¹⁷⁹ I have in fact already advanced a similar argument elsewhere, and I am indebted personally to Joshua A. Miller for coauthoring a forthcoming piece with me on this topic, and for the helpful comments that Robert Talisse gave on our earlier drafts of that paper. The arguments here, as best as I can tell, represent my own take on this dispute and to the extent that they diverge from "An Act is Worth a Thousand Words" when it is published, it is because this represents my thoughts without the advantages of partnership or friendly commentary. Also to help keep that paper distinct from my work here, the example of abortion escorting is not mentioned in the forthcoming *Theoria* piece, though it was on my mind while I was contributing my share of ideas to that paper.

¹⁸⁰ This is a generalization that I am deriving from an accumulation of several writings by Young. Sources cited specifically below.

¹⁸¹ Iris Marion Young, *Democracy and Inclusion* (Oxford: Oxford University Press, 2000), 6.

If one assumes a democratically-oriented society, then eliminating structural inequality ought to lead, in Young's view, towards politically fair outcomes.

Young's view of activism aims for compatibility with a conception of deliberative democracy, instead of an aggregative model of politics. While Young calls her view "communicative" rather than "deliberative" for reasons that will be discussed shortly, her model rejects the notion that preference seeking is the only activity within democratic politics. She simultaneously rejects the concept that political activism is simply interest group politics by another name. Young's interpretation of the activist's actions can be distinguished from interest group politics because she defines activism based upon *aims*, rather than *procedures*. In Young's view, it is incorrect to say that activists are involved in interest group politics because activists do not aim to pursue *their own* ends, but are, in real and important ways, focused on pursuing universal goods. In Young's view, a more equally inclusive society that reaches outcomes that can be characterized as "more fair" is not simply *an interest*, but fighting for what is right by some objective standard of justice. Young argues forcefully that there are two differences between the activist and the interest group that are visibly different in this regard. First, while interest groups, "simply aim to win the most for their group and engage in power politics to do so," the activist "sacrifices his time, career advancement, and money for the sake of the causes to which he is committed."¹⁸² Second, the activist, while not strictly *deliberative*, is still *communicative*. The activist believes that their respective "activist-political

¹⁸² ———, "Activist Challenges to Deliberative Democracy," in *Debating Deliberative Democracy*, ed. James S. Fishkin and Peter Laslett (Malden, MA: Blackwell, 2003), 106.

engagements aim to *communicate* specific ideas to a wide public.”¹⁸³

Communicative versus Deliberative Democracy

Communicative democracy, in Young’s view, differentiates itself from deliberative democracy insofar as communicative democracy includes methods of communication like demonstration, narrative, and rhetoric that would, for most deliberative democrats, not meet their standards of reasonableness for valid methods of political communication. Young believes that the deliberativist draws too narrow a conception of deliberation. She argues, “The ideal of communicative democracy includes more than deliberative democracy, because it recognizes that when political dialogue aims at solving collective problems, it justly requires a plurality of perspectives, speaking styles, and ways of expressing the particularity of social situation as well as the generalized applicability of principles.”¹⁸⁴ Young attempts to demonstrate that the deliberativist/interest group relationship is a false dichotomy—one can pay attention to communication that discusses the agonistic elements of the political realm without having to rely on either pure power politics or on highly formalized communicative methods.

Activism is supposed to work with this communicative middle ground Young creates. Young’s argument is that activism’s aims are always to communicate injustice on behalf of those who do not have the access or level of articulation to engage with decision-makers. Young thinks that traditional deliberative democrat is not practically committed to reasonableness when a group, like a board of directors or some other

¹⁸³ Ibid., 107.

¹⁸⁴ ———, "Communication and the Other: Beyond Deliberative Democracy," in *Democracy and Difference*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 123.

elite like IMF or World Bank, exists with a power monopoly on a given political issue. Against such controlling interests, Young writes, “The activist eschews deliberation, especially deliberation with persons wielding political or economic power and official representatives of institutions he believes perpetuate injustice or harm.”¹⁸⁵ But she also characterizes the activist’s belief that sometimes, “the most morally appropriate thing for them to do is to try and stop business”¹⁸⁶ as nothing more than “other action which he finds more effective in conveying his criticism and furthering the objectives he believes right.”¹⁸⁷ Young’s suggestion, though, sets up a difficult legitimacy question for the political activist who has taken the right to stop business into their own hands and may not be supportive of others who claim the right to do the same.

Maintaining a balance between agonistic politics and communicative ethics requires that Young does not delve too deeply into the coercive aspects of “furthering ones objectives” by “stopping business.” While she acknowledges that activist’s have to limit the coercive impact of their actions when they cause extreme damage, she writes, “I do not here wish to enter these debates.”¹⁸⁸ She then assumes that her account of activism contains activists who will adopt a somewhat Mill-like “harms principle”¹⁸⁹ approach to their activism. In doing so, she first begs off the debate.

¹⁸⁵ Young, "Activist Challenges to Deliberative Democracy," 104.

¹⁸⁶ Ibid., 105.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid., 105.

¹⁸⁹ Mill defines his “harms principle” as follows, “The principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their numbers is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.” See Mill, *On Liberty*, 68.

Later, she writes as if the debate she has begged off has been settled, taking the stance that it is an obviously unobtrusive standard for all activists to set the limit of coercion by activists as “not physical harm.”

Young’s approach is problematically nonchalant. According to Young, activists seek to right power imbalances. Activism is needed because those in power are not convinced by reason to change their ways. However, should the activist triumph, there are no mechanisms to check the successful activist once he or she assumes power in the agonistic arena. If reasonable principles of fairness could not check the powerful in boardrooms and the halls of government, why would they be good enough to restrain the political activist? In the context of abortion politics in America, Young’s line has been crossed on multiple occasions. Journalist Jerry Reiter recalls the following conversation with pro-life activist Donna Bray,

I know it sounds harsh, but you have to remember we’re only trying to protect the unborn. The problem with most pro-lifers is that they say they believe that abortion is murder, but they don’t act like it. It’s time that we start defending innocent children. We can’t let them keep killing thousands of innocent babies each and every day and not try to stop it. We’ve tried all the legal means—the marches, the protests, the letters to the politicians-but now it’s time to defend the babies, even if that means some people will have to use whatever force is necessary.¹⁹⁰

Reiter attributes this attitude exhibited by some on the fringes of the anti-abortion movement to the fact that “[t]hose who had started down the path of illegal activity by trespassing and blocking clinic doors now no longer had the moral authority to stop those who wanted to go to the next step, and the next step, and so on.”¹⁹¹ In sum, once an activist believes that justice cannot be achieved through the current means, one has dangled the fruit in front of Tantalus who will remain always tempted to find

¹⁹⁰ Jerry Reiter, *Live from the Gates of Hell: An Insider's Look at the Antiabortion Underground* (Amherst, NY: Prometheus Books, 2000), 33.

¹⁹¹ *Ibid.*, 16.

some way to reach a little bit further in the hopes that it will get them what they want.

Young's attempt to place activism in a model of "communicative democracy" that is neither strictly "deliberative" nor strictly "aggregative" also must defend the position that the aims of "universal justice" are, in the first place, justifiable aims. Young's vision of activism is not the sole one faced with this difficulty. Both the deliberative and more agonistic positions have quite the arsenal of arguments against this position. To whom do we appeal to separate the good activists from the bad ones if their legitimacy is based upon "universal ideas of justice?" Who gets to decide this? The activist's claims to universal truths about justice and fairness still appear suspect. Ian Shapiro notes that the agonistic political theorist can counter, "people with opposed interests are not always aware of just how opposed those interests actually are. Deliberation can bring differences to the surface, widening the political divisions rather than narrowing them."¹⁹² Shapiro's observation seems to be confirmed in part, by a recent study by Schkade, Sunstein, and Hastie, which concluded from a "deliberation day" experiment that

On Deliberation Day, liberals became more liberal and conservatives became more conservative. On the large issues of the day, discussions by like-minded people fueled greater extremism, and also increased divisions between liberals and conservatives. At the same time, both liberal and conservative groups became more homogenous; deliberation reduced internal diversity.¹⁹³

¹⁹² Ian Shapiro, "Enough of Deliberation: Politics Is About Interests and Power," in *Deliberative Politics*, ed. Stephen Macedo (New York and Oxford: Oxford University Press, 1999), 31.

¹⁹³ David Schkade, Cass R. Sunstein, and Reid Hastie, "What Happened on Deliberation Day?," (Chicago: University of Chicago, 2006). For more on the "deliberation day" discussion, see the original proposal, Bruce Ackerman and James S. Fishkin, "Deliberation Day," in *Debating Deliberative Democracy*, ed. James S. Fishkin and Peter Laslett (Malden, MA: Blackwell, 2003), ———, *Deliberation Day* (New Haven & London: Yale University Press, 2004).

This conclusion supports Ian Shapiro's claim that communication actually brings disputes into relief. This analysis also goes one step further and implies that what consensus does arise from such "conscious raising" may actually derive more from *conformity* than from consensus. To the extent that Young's appeals for fairness and "universal justice" have a distinctly Rawlsian tenor,¹⁹⁴ it should be noted briefly that Rawls has been subject to criticisms similar to Shapiro's. Linda Hirshman makes the compelling case that the "overlapping consensus" on principles of justice that Rawls identifies really exist due to a consensus amongst alliances that have both sexist and racist feelings that, if challenged, would likely cause this "really existing" moral consensus to collapse.¹⁹⁵ Hirshman's claim mirrors Shapiro's in that the Rawlsian "overlapping consensus" of justice as fairness requires exaggerating agreements while at the same time burying other injustices and inequalities that make the original agreement possible in the first place. Hirshman argues that, "[i]n restricting the application of justice as fairness, Rawls has essentially reinvented historical liberalism."¹⁹⁶ Hirshman then details the differences that likely would come to the surface to disrupt Rawls' historical liberalism, if only they could,

Christian fundamentalism weighed in on the political scene almost to the day that the Internal Revenue Service of President Jimmy Carter withdrew federal tax exemptions for white Christian segregated academies. If Christianity was born-again in America in the mid-twentieth century, race was its midwife. And gender is its incubator. The religious right has been less outspoken recently about the segregation agenda that revived it politically in 1978 than about what it accurately perceives to be the more vulnerable target—women... The point of this lesson in contemporary history is that even the problem of accommodating religion in liberal democracy—Rawls's chosen

¹⁹⁴ In particular, Young is looking to rely upon the Rawlsian principles of toleration, reflective equilibrium and overlapping consensus to do the behind-the-scenes heavy lifting of translating formal inclusion into more just policies. See Rawls, *Political Liberalism*.

¹⁹⁵ Linda R. Hirshman, "Is the Original Position Inherently Male Superior?," *Columbia Law Review* 94, no. 6 (1994).

¹⁹⁶ *Ibid.*: 1863.

focus for his efforts—cannot be separated from the problems Rawls chooses to ignore.¹⁹⁷

The lesson from Hirshman's statements above appears to be quite damaging to our image of an activist fighting for inclusion and fairness in some sort of impartial manner. If inclusion can only garner consensus by focusing on certain points of agreement rather than others, it would seem that little that could be called "universal" about the aims of the activist. Bonnie Honig is also sceptical of Rawls' formulation of reasonable pluralism and its possible undercurrents of intolerance,

Rawls disciplines offenders and reasons with eccentrics. In each case, he confidently reassures (but also warns) us that the responsibility for the dissonance is not institutional but personal, not political but psychological.¹⁹⁸

Hirshman's and Honig's argument against Rawls is that the universal cannot be found in Rawls' particular view. Even though Rawls attempts to provide a really generalized account of principles we can all live under, Hirshman and Honig suggest they are still not general enough to be sufficient, and at least Honig would go as far as to say that this is because *nothing* could be so general as to accomplish Rawls' project.¹⁹⁹

While we might not want to equate the activist with self-interested lobbying, we still are to acknowledge that the activist is engaging in a lot more trade-offs regarding questions of justice than Young's model may lead us to believe.

Interestingly, the Shapiro's critique and the study by Shkade, Sunstein, and Hastie are

¹⁹⁷ Ibid.: 1864-65.

¹⁹⁸ Honig, *Political Theory and the Displacement of Politics*, 128.

¹⁹⁹ Honig writes, "Rawls' dogged quest for a remainderless justification and reconciliation betray, they do not secure, the best impulses of his project—its commitment to inclusion, to reduce inequalities, increase political participation, alleviate alienation and resentment, level the socioeconomic playing field, and generally contribute to the empowerment of persons." See Ibid., 160-61.

aimed at deliberative democrats, but the deliberativist position is also critical of the activist in the same manner. The deliberative democrat believes that the only way these questions of justice can be reasonably understood is via a strict reasonableness standard. Young has relaxed the reasonableness standard as she moves away from the deliberative model to her communicative model. In the eyes of the deliberative democrat, her activist cannot shield herself from the criticisms of Shapiro, Sunstein, et al., in the same ways that the deliberativist can.

Robert Talisse and the Deliberativist Response

Robert Talisse argues forcefully that “Young’s activist is opposed, not only by deliberative democrats, but also by persons who call themselves ‘activists’ and who are committed to a set of policy objectives quite different from those endorsed by Young’s activist.”²⁰⁰ Since Young’s communicative, democratic activist has abandoned reasonable deliberation for a broader array of attention-getting methods,²⁰¹ his views are “adopted by activists of different stripes and put in a general service of a wide range of policy objectives, each claiming to be just, liberatory, and properly inclusive.”²⁰² The problem then is that the communicative democrat “has no way to deal with opposing activist programs except to fight them off, or if fighting them off is strategically unsound or otherwise problematic, to accept a Hobbesian truce.”²⁰³ This is the point where such modes of thinking lead to analyses like Putnam’s—that the tragedy of busing programs were that both sides were right. Putnam’s analysis,

²⁰⁰ Talisse, *Democracy after Liberalism*, 139.

²⁰¹ Young describes her activist in a narrative account she creates as a “he” and the deliberative democrat as a “she” in their conversation, hence the gender specificity used by both Talisse and myself in these passages.

²⁰² Talisse, *Democracy after Liberalism*, 140.

²⁰³ *Ibid.*

and the reason it is problematic is because being right about the fairness of a policy issue does not appear then to be sufficient justification to engage in the rather bold step of “stopping business” until others recognize one’s claims as true—if one’s opponents can make the exact same claim, it is not clear how activism moves us past such an impasse through any means that are reasonable. Instead, it is likely the winner will be determined by size, resource mobilization, and organizational strength. In short, the winner of such impasses is decided through coercion and not consent. This may not be a tragedy in the real world of politics, but it is an outcome that is unacceptable for Young’s articulation of communicative democracy, just as it was for Putnam’s view of civil society.

The antiabortion movement embodies this problem. Carol Maxwell’s study of those who engaged in anti-abortion direct action revealed a membership inclined to believe that “[t]actics that did not expose activists to arrest seemed complimentary rather than focal.”²⁰⁴ Based on my observations, Maxwell’s description of anti-abortion protesters refers to a bygone age of the antiabortion movement. Nevertheless, Maxwell’s study of those who engaged in direct action in the abortion movement as protestors raises two interesting concerns. First, the actions of protestors in the protest era before the FACE Act do not reflect Iris Young’s communicative account of activism.²⁰⁵ Second, the protestors’ behaviour outside of the clinic has shifted, not because of an internalised sense of restraint based upon the need to

²⁰⁴ Carol J. C. Maxwell, *Pro-Life Activists in America: Meaning, Motivation, and Direct Action* (Cambridge, UK: Cambridge University Press, 2002), 14.

²⁰⁵ The FACE act is 18 U.S.C. § 248, the “Freedom of Access to Clinic Entrances Act.” Before the FACE act was passed, protestors engaged in acts of civil disobedience that literally blockaded the entrances to clinics. Since the law was passed, life outside of the clinic has become much less hostile. The FACE Act can be found at <http://www.usdoj.gov/crt/split/facestat.htm>.

preserve communicative virtues, but instead because the law changed in a manner that put anti-abortion activists in a less dominating position over those entering the clinic and those who engage in abortion escorting.

Even on the theoretical level, it is difficult to see why the activist has to remain committed to reasonableness. Given that, according to Young, the activists believe they are not getting their way due to the system containing inherent structural inequality, it remains unclear when or how the activist can ever admit they have been defeated in argument under fair conditions. It seems as if the activist can always simply equate not getting their way as predetermined evidence that the political-economic system is unfair, and will only admit to it being fair when they get their way and when those they oppose do not. Like a partisan fan at a sporting event, there is great temptation for the activist to say they only lose the game when the referees are unfair. Conceived this way, any political issue for which activist groups claim to be pursuing justice in non-overlapping ways produce legitimacy crises, and crises that may come from nothing more than the tacit refusal of any of the sides to ever adhere to a standard of reasonableness that recognizes that they could lose under fair conditions. In the context of abortion politics, Kristen Luker puts the point in these terms:

While the militants on both sides would have us believe that the abortion debate is actually very simple, such simplicity is both a necessity and a luxury for them. A necessity because we must believe the things about which we are passionate are either clearly good or clearly bad.²⁰⁶

Luker recognizes, seemingly in accordance with Talisse's objections to Young, that "the belief in simplicity reduces any possibility of dialogue or learning or coming to

²⁰⁶ Luker, *Abortion & the Politics of Motherhood*, xiii.

terms with real human dilemmas, it is a luxury that neither society nor the debate itself can afford.”²⁰⁷

Abortion as a Problem that Democracy Cannot Solve

Once we give everyone a voice on an issue like abortion, it may prove to be the case that the controversies cannot be settled through deliberation. This inability to reach consensus may happen because of the potential for reinforcing differences within communities that Sunstein, et al., suggest can happen in deliberative situations, or because the differences in the issue are, as Kristen Luker suggests about abortion, “not about ‘facts’ but about how to weigh, measure, and assess facts,”²⁰⁸ or perhaps because of a combination of both reasons. Regardless, deeply controversial political issues, as Mark Graber suggests, are controversial problems best negotiated by compromise until the changes over time in the political landscape erode interest in the controversy.²⁰⁹ Graber writes with regard to the Constitutional questions surrounding slavery in the 19th century, but the questions surrounding abortion can be compared to the slavery debate.²¹⁰ Namely, both positions are embedded in a network of norms and social practices. Those living with these norms have a deeply rooted interest in protecting them. Again, Luker highlights this phenomenon noting that abortion movement politics “[are] so passionate and hard-fought *because [they are] a*

²⁰⁷ Ibid.

²⁰⁸ Ibid., 5.

²⁰⁹ Mark Graber, *Dred Scott and the Problem of Constitutional Evil*, ed. Maeva Marcus, et al., Cambridge Studies on the American Constitution (Cambridge, UK: Cambridge University Press, 2006).

²¹⁰ This is noticed by Graber himself. He writes, “The real target of historical and institutional critiques of *Dred Scott* is typically *Roe v. Wade*.” Ibid., 21.

referendum on the place and meaning of motherhood” (emphasis is author’s).²¹¹

Loretta J. Ross argues that the identity issues at stake can be broken down further into subdivisions of identity, noting, “many African-American women did not join mainstream pro-choice organizations, despite the visible black leadership.”²¹² Carol Maxwell notices that antiabortion protestors are cognizant of these structures of meaning. Maxwell writes that “[m]ost direct activists argued that ‘secular humanism’ has eroded the former ethical basis of the United States and replaced it with a social relativism that gives free reign to selfish tendencies inherent in human nature.”²¹³ When political issues appear to be binding to one’s constellation of a meaningful identity, it becomes difficult to reason with someone in a way in which they will allow you to pull their constellations apart.

In contrast to the debate between Young and Talisse, Graber and Luker appear to agree that norm changes make controversies disappear, and not deliberation and public discourse. Graber writes, “The last best hope of mankind is that the conditions of an initially unjust settlement will suffice to bring about a better world over time. Contemporary constitutionalists who prefer fighting to the death in the name of justice will likely only rid the world of human depravity only by ridding the world of human beings.”²¹⁴ Likewise, Luker argues that,

As more and more women work and the economy shows no sign of returning to the good old days, the struggle between the supporters of exclusive motherhood and the supporters of working mothers may very well become moot for all but a tiny minority of women. But given the history of abortion in America, none of us should be too

²¹¹ Luker, *Abortion & the Politics of Motherhood*, 193.

²¹² Loretta J. Ross, "African-American Women and Abortion," in *Abortion Wars*, ed. Rickie Sollinger (Berkeley: University of California Press, 1998), 187.

²¹³ Maxwell, *Pro-Life Activists in America: Meaning, Motivation, and Direct Action*, 191.

²¹⁴ Graber, *Dred Scott and the Problem of Constitutional Evil*, 254.

surprised if, by the turn of the century, technological changes were once again to make abortion a battleground for competing social, ethical, and symbolic values.²¹⁵

Each author claims that abortion and slavery were not simply, or primarily, political questions as such. Instead, the problems are social problems, and changes in societal norm seem the best possible hope to correct the problem.

Hannah Arendt's writings lend support to the position of Graber and Luker. In *On Revolution* Arendt discusses a mistake made by the French Revolutionaries in promising relief for the impoverished. Arendt believed that Revolutionaries were overreaching in promising to solve poverty. She did not believe politics could provide this type of justice. The French people became disillusioned with the Revolution "once they had discovered that a constitution was not a panacea for poverty" and they "turned against the Constituent Assembly, as they had turned against the Court of Louis XVI."²¹⁶ Politics is not responsible for all the world's problems, nor can it solve all of them. Politics can, however, provide the space for coexistence. This space exists outside the abortion clinic.

Activism, Deliberation, AND Action

Todd Gitlin writes,

So *activist*, though not a lovely word, is a useful one because it reminds us that the world not only *is* but is *made*: Human beings make history, though as brilliant but monomaniacal prophet once wrote, not in conditions of their own making – and, I would add, not always with the results they prefer, to put it mildly.²¹⁷

However, there is good reason to suspect that such a conception of joining the masses

²¹⁵ Luker, *Abortion & the Politics of Motherhood*, 245.

²¹⁶ Arendt, *On Revolution*, 109-10.

²¹⁷ Gitlin, *Letters to a Young Activist*, 5.

to change the world is almost certainly *always* monomaniacal. This view seems to boil politics down merely to understanding principles of justice in advance and then creating acts of collective will necessary to realize them. The activist committed to “making history” under such conditions appears to be committed to the possibility that any facts that contradict their cause simply are facts left to be altered by history until they are right. This position then faces two serious critiques. First, neither in the context of making the future nor reading into the truth of the past is a relationship with history a particularly democratic activity. The activist is a foundationalist on his or her views of justice, and “can be said to be ineducable and thus immune to democracy for they now their truths up front and have nothing to learn from the democratic process.”²¹⁸ Second, if an activist believes in the necessity of victory for one’s movement, he may decide to do whatever necessary to stay historically relevant. Arendt argued that the French Revolutionaries made this very mistake. The Revolutionaries “had acquired the skill to play whatever part the great drama of history was going to assign them, and if no other role was available but that of the villain, they were more than willing to accept their part rather than remain outside the play.”²¹⁹ The revolutionaries of France and Russia can be distinguished from activist groups because of the amount of power they had at their disposal, but not necessarily by what they intended to do with it. The activist sides with a Platonic, rather than an Aristotelian view of citizenship, and Sheldon Wolin explains the difference between the two:

²¹⁸ Benjamin Barber, "Foundationalism and Democracy," in *Democracy and Difference*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 352.

²¹⁹ Arendt, *On Revolution*, 58.

By transforming power into principle, Plato could define the citizen as one who shared in the benefits flowing from that principle. This stands as a contrast to the Aristotelian notion of the citizen as one who shared in the power of the *polis*. In Plato's scheme, there was no power to share; what was sharable was the Form of the Good written into the structure of the community. The results of this line of argument were two-fold: the idea of citizenship was severed from the idea of meaningful participation in the making of political decisions; and the idea of the political community, that is, a community that seeks to resolve its political conflicts from internal methods, is replaced by the idea of a virtuous community devoid of conflict and, therefore, devoid of 'politics.'²²⁰

This is ultimately the perspective of any movement that derives its legitimacy from its own particular vision of justice. The activist seems utterly unwilling to concede the right of fellow citizens to disagree, and unwilling to recognize that those who disagree ought to have a meaningful role in the decision-making of the community.

If Graber, Luker, and Arendt correctly assert that problems surrounding class standing produce either stalemates or solutions based entirely upon coercion rather than the Young or Talisse model, we are then forced to confront the idea that the manoeuvring of the factors that constitute the public sociology always depend upon factors beyond political engagement for their specific content and character. This manoeuvring of the public sociology, which is always composed by its history, geography, economy, technology, and previous held opinions *prior* to any particular political question, can direct and narrow the scope of the public conversation in advance of any exchanges involving reason-giving. Rickie Sollinger implies this view noting:

[W]hen a subject is given its history—when the abortion controversy and abortion practice are examined with a historical framework—it becomes unsettlingly impossible to think about the subject in a fixed, static way or to

²²⁰ Wolin, *Politics and Vision*, 52-53.

claim universalised, decontextualized meanings for abortion and its satellite issues.²²¹

This historical view Sollinger mentions above leaves both Young's claims about the scope of the importance of the activist and the deliberativist in doubt. Neither appears to have the resources to move the public in particular directions unless the stars align so that those factors of political constitution that public wilfulness cannot control do not object to their projects.

In raising his objections, Talisse rightly moves us away from Young's account of the activist—but Talisse's move is to reject all activism that isn't expressly communicative—and thus, he is looking to push Young's activist all the way back into our last chapter's discursive models of political behavior. Talisse recognizes that activism is primarily defined, not by its goal, but by its effects. Activism is coercive by its nature. Young tries to control this coercive nature by hitching it to legitimating objectives, and Talisse seems to find places where her attempts to do so fail. Talisse concludes that only a fully inclusive deliberative procedure that adheres to deliberative virtues as best as possible can create legitimate coercion—all other coercion is thus, by definition, not legitimated.

Turning Power into Principle

Both the deliberativist and the activist seem wedded to the concept of “transforming power into principle.” Yet, the arguments advanced by Graber and Luker insist that we are always at the mercy of external coercive forces from the world, which shape the problems that interest us in the first place and recommend

²²¹ Rickie Sollinger, "Introduction: Abortion Politics and History," in *Abortion Wars*, ed. Rickie Sollinger (Berkeley: University of California Press, 1998), 1-2.

some suggestions as more feasible than others. Thus, both the deliberative democrat and the communicative democrat have to deal with the coercive forces of the shared world that bend and form our public sociology. This in itself is not necessarily the problem for either the deliberative or communicative democrat. The problem appears when both the deliberativist and the communicative democrat recognize that there are a myriad of non-political ways to participate in changing the landscape that shapes this sociology prior to deliberation. Trends in economic activity or moving to a city or a region experiencing a rapid population growth can change the grounds on which political questions are raised and take place. As Michael Walzer states, “Deliberation’s proper place is dependent on other activities that it doesn’t constitute or control.”²²² Deliberation cannot take a stand on such practices, and activism engages in them in ways in which deliberation, as has already been noted, is openly critical. Further, the ways that deliberative democrats have been critical of activism reveals that activism cannot be engaged in the business of “social politics” with the specific virtue set that Iris Marion Young would like to attribute to them.

While Young’s vision of activism seems to have trouble justifying itself, it is still noteworthy that activism has a place in politics. After accounting for Young’s position, it appears that activism must be more agonistic than Young is willing to concede. The antagonistic that Young is trying to avoid is perhaps not the tragedy she seems to think it is. Levine and Nierras write, “Nevertheless, organizing a deliberation is also an exercise in power. It requires making substantive decisions that

²²² Walzer, "Deliberation and What Else?," 68.

can be controversial.²²³ The fact that challengers of such decisions do not engage purely in reason giving does not fundamentally corrode its importance. Lynn Sanders writes in support of Young's position that "[d]eliberation requires not only equality in resources and the guarantee of equal opportunity to articulate persuasive arguments but also equality in 'epistemological authority,' in the capacity to evoke acknowledgement of one's arguments."²²⁴ But Sanders argues further that "what happens when American citizens talk to each other is often neither truly deliberative nor really *democratic*. This is partly, but not only, because the material prerequisites for deliberation are unequally distributed."²²⁵ Activism's value in addressing problems of deliberative inequality comes not simply through communicating this problem, but by organizing and challenging it through whatever organized means are available.

Michael Walzer adds,

Deliberation is not an activity for the demos. I don't mean that ordinary men and women don't have the capacity to reason, only that 100 million of them, or even 1 million or 100,000 can't plausibly 'reason together.' And it would be a great mistake to turn them away from the things they can do together.²²⁶

One of the activities that "they" do together is to engage in activism that challenges ignored practices through disruptive actions. In doing so, the activist engages in a participatory arena rather than a deliberative one. Young mistakenly attributes deliberative virtues to an activity that is not deliberative. Instead, activism appears to be a means by which citizens confront coercive action with coercive action. There is always an element of coercion in every social movement that goes well beyond

²²³ Peter Levine and Rose Marie Nierras, "Activists' Views of Deliberation," *Journal of Public Deliberation* 3, no. 1 (2007): 1.

²²⁴ Lynn M. Sanders, "Against Deliberation," *Political Theory* 25, no. 3 (1997): 349.

²²⁵ Ibid.

²²⁶ Walzer, "Deliberation and What Else?."

“persuasion.” Martin Luther King’s “direct action” in Birmingham was not simply involved in “persuading” people, nor is a “peaceful demonstration” of White Supremacists walking through the streets of predominantly Jewish Skokie, Illinois. There is something that is always either implicitly or explicitly ominous about such gatherings. They communicate more than benign and cheerful solidarity, they communicate to others that, in effect, “we are here, we are organized, and we can see you.” Such demonstrations are never simply a communication of ideas; they are a demonstration of power in and of themselves.

Martin Luther King used such a demonstration of power to his advantage. He landed in a Birmingham City jail because African American leaders had already negotiated with local businesses and those businesses had backed out of their agreement.²²⁷ King was no longer interested in persuading local businesses to keep their agreements; he was interested in *making* them do so. The Civil Rights Movement, particularly as expressed by King in “Letter from a Birmingham Jail,” did not hold onto, as Chantal Mouffe calls it, “the typical liberal illusion of a pluralism without antagonism.”²²⁸ Michael Sandel notes that the “struggle to win these rights” of the Civil Rights Movement, “displayed a higher, republican freedom—the freedom that consists in acting collectively to shape the public world.”²²⁹ Sandel further argues that, “The formative aspect of republican politics requires public spaces that gather citizens together, enable them to interpret their condition, and cultivate solidarity and

²²⁷ Martin Luther King, Jr., *Letter from Birmingham City Jail* (American Friends Service Committee, 1963).

²²⁸ Chantal Mouffe, “Democracy, Power and The “Political”,” in *Democracy and Difference*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 247.

²²⁹ Sandel, *Democracy's Discontent: America in Search of a Public Philosophy*, 348.

civic engagement.”²³⁰ Mouffe strikes a similar note, writing that “[i]nstead of trying to erase the traces of power and exclusion, democratic politics requires bringing them to the fore, making them visible so that they can enter the terrain of contestation.”²³¹ Political action implies a different set of political values than the social movement: action brings these considerations and contestations forward into a place where the arrangements between peers are in question, where activism moves organized causes in an organized world to provide social benefits for those who deserve, but do not receive. Both are laudable; both are important. Both are also distinct.

Can We Act and “Hear the Other Side?”

Participation and action’s relationship to democracy is further complicated by the differences between talking and doing insofar as those who talk and those who do tend not only to have different objective, but they also often seem to be different people. John Dryzek argues that, “oppositional groupings can only be included in the state in benign fashion when the defining interest of the grouping can be related quite directly to a state imperative.”²³² Dryzek believes that without such state imperatives groups “will be co-opted or bought off cheaply,” exchanging the goals of their movement for access.²³³ The activist movement must strike a balance between joining the public conversation and yet keeping one’s distance if it wishes to keep its goals. Diana C. Mutz’s recent work on the tension between participatory and deliberative democracy explores this tension. Mutz concludes,

²³⁰ Ibid., 349.

²³¹ Mouffe, "Democracy, Power and The "Political", " 255.

²³² John S. Dryzek, "Political Inclusion and the Dynamics of Democratization," *The American Political Science Review* 90, no. 3 (1996): 479.

²³³ Ibid.: 480.

Although diverse political networks foster a better understanding of multiple perspectives on issues and foster political tolerance, they *discourage* political participation, particularly among those who are averse to conflict. Those with diverse networks refrain from participation in part because of the social awkwardness that accompanies publicly taking a stand that friends or associates may oppose.²³⁴

Mutz's research confirms that those who engage in activism, in general, are not individuals who are interested in hearing the other side because listening to opposition only decreases one's commitment to militate against perceived injustice. As soon as activists become embedded in mixed, polite company, they find it difficult to justify disrupting business for their cause. There have been attempts to establish deliberative forums to raise such awareness. The group Common Cause, for instance, attempts to engage activists groups. However, these deliberative conversations take place away from the place of contestation, which continues on.²³⁵ Mutz concludes that participatory democracy and deliberative democracy cannot coexist.²³⁶ Activism is not interested in reasonableness, but reasonableness is not particularly interested in acting. To the extent that abortion escorts and protestors have come to find peace amongst one another, it is from a mutual understanding that develops around familiarity with one another and not, from a bridging of one another's point of view.

Abortion Escorts and the "Ismene Problem"

Given its lack of commitment to reasonableness, activism is about power politics. Dryzek, Tilly, Diani, Young, and Mutz understand activists as like-minded

²³⁴ Diana C. Mutz, *Hearing the Other Side: Deliberative Versus Participatory Democracy* (New York: Cambridge University Press, 2006), 3.

²³⁵ See Ginsburg, *Contested Lives: The Abortion Debate in an American Community*. And Reiter, *Live from the Gates of Hell: An Insider's Look at the Antiabortion Underground*. For a more complete discussion of Common Ground.

²³⁶ Mutz, *Hearing the Other Side: Deliberative Versus Participatory Democracy*, 125-41.

individuals militating against either prevailing opinion or elites perceived as legitimately having sole discretion to make decisions that activists would like access to make. Clearly, activism has an element of coercion, though it is less clear that the coercive nature of activism automatically reduces politics to nothing more than “Hobbesian truces,” as Talisse concludes. Since activism is a movement of like-minded individuals unlikely to esteem alternate views, it is difficult to understand activists as engaging in something other than a “mob politics.” It appears activism is taken up by people who lack a social life broad enough to feel conflicted by the costs that may be accrued by damaging such a social life.²³⁷

Social activism’s coercive aspects highlight the reasons why political action, like in the instance of abortion escorting, must part definitional company with activism. Political action, like abortion escorting, requires no greater authority than one’s own judgment. Political actions clears a space that asserts the limit of social movements whose legitimacy may be questionable, and may push for justice within their narrow interest at the expense of broader concerns for which they show less concern. The abortion escort is not an activist, but acts in opposition to other activists. The abortion escort does not support the movement directly, but supports those who need shielding from the activists-protestors’ coercive power. Mutz’s agrees noting that “[c]learly not all citizens feel they can speak their minds freely without repercussions for their public or private lives.”²³⁸ Those who belong to a cloistered enough portion of society, like pro-life advocates, have no problem speaking freely. They gather to try to heighten the “repercussions” for others who wish to engage

²³⁷ Ibid., 150-51.

²³⁸ Ibid.

freely in what they are legally entitled to do. Even then, protestors are not assembled to discuss abortion, it sufficient for them to *appear* in a manner that makes appearing otherwise daunting. Thus the abortion escort's presence is not practicing the same type of power as the activist movement across the sidewalk: it is instead diffusing the power projected by their opposites.

As soon as politics tries to settle political disputes by inviting a level of social power that distorts the potential good political arrangements between citizens who disagree, we encounter the serious problem that we are not likely to reason it off its course. Setting activist movements against one another does not solve any impasse, since such a move would involve pitting cloistered ideologues against other cloistered ideologues. The conflict of social movements is characterized as a conflict between citizens and their views of justice, but this is an incomplete account.

Social movements are organizational entities. They have, to various degrees of sophistication, managerial elite's administrative support and technicians in the form of protestors, PR staff, and activists. In contrast, abortion escorts have a single checking account and an email list. Activism's organizational structure generates organizational interests and pressures, the reinforcement of ideas, the unconscious trade-off of ideals for operational efficiency. This must set it apart from political action. Joining an activist movement, as with being part of the civil society construct, is to be involved in the quintessential Durkheimian formulation of being nothing more than a voluntary "organ of society."²³⁹ The promise of isonomy rests in that

²³⁹ The contrast between organizational power and political action will get further treatment in chapter five. I take Sheldon Wolin's treatment of the role of organized society to an

there is something different about the human experience in living amongst others than the promise that if one works really hard, they may be permitted to be the gall bladder of their community.

“And what life is dear to me, bereft of thee?” – Ismene, *Antigone*

Activism poses a similar difficulty to that in Sophocles’ *Antigone*. Antigone and Creon are committed to their views of justice, are locked into the “correctness” of their views, and refuse to compromise their commitment or their willingness to defend their conceptions of right. Haemon asks Creon to listen to the opinions of those who have been talking in the city, but Creon rebuffs him. Later when Haemon, the speaker for deliberation and democracy, attempts to kill Creon, he finds himself too weak to do so, and he destroys himself instead. Meanwhile, the other major character in the play, Ismene, counsels her sister Antigone to consider the wider world of people rather than just care about this narrow conception of justice. But Ismene, like the socially well-adjusted person in Diana Mutz’s study, does not dare act herself. Transitioning back to the realm of theory, we have devoted much attention to the fact that we cannot expect Haemon to come to our rescue when such forces collide. Thus, our only hope in resisting such tragedy in politics is to devise ways to empower our Ismenes to remind us of a wider world. Abortion escorts remind us of Ismene: they help us recognize a wider world beyond our pursuit of justice along one narrow dimension.

authoritative intellectual historical commentary on the systematic notion of how we have come to be concerned with and embracing of the “rise of the social” that prioritizes social movements and eclipses political action. A topic that Arendt believed that she saw manifest in the politics of her time and the topic of discussion in chapter four. Wolin’s commentary on organizationalism is in Wolin, *Politics and Vision*, 315-92.

Reasonable escorts and reasonable protestors are not interested in exploring whether the other person's point of view on abortion may be correct. They are those who appreciate the work of their opponents and enjoy seeing them on the weekends. They appreciate their doppelgangers' presence and their commitment to act within the law's boundaries. In short, the reasonable ones recognize a wider world beyond their ideological commitments to abortion politics even *while engaging in abortion politics*. Even by this standard, not everyone outside the clinic could be defined as reasonable. Escorting creates a barrier between protestors and clinic users that eliminates the more unreasonable methods of activism that take place when they are not present. Abortion escorting is the activity of an active Ismene.

The next chapter will explore the value of political action. Political action is valuable because it helps individuals maintain their relationship with the world around them. This chapter examines the work of abortion escorts through the lens of Hannah Arendt's, "Reflections on Little Rock." For now, it suffices to note that abortion escorting does not resemble any of the versions of activism explored in this chapter. Abortion escorts attempt to preserve "business as usual" where activism would try to stop or alter that course. Abortion escorts diffuse social power and arrest the resources of employed by activist networks in ways and in places where activists would gather and employ such resources. Abortion escorts block the communication of activists where they demand that their voice be heard. Abortion escorting preserves a space of controversy despite the work of protestors to seize this space and capture it for their cause.

In short, the abortion escort is not engaged in activism. Whatever activists' virtues and dangers, and whatever its place in a well-ordered political society, abortion escorting is separate from activism. The networks of civil society and the methods of social activism shape our political world in ways that deserve attention and care. However, there must be recognition of a wider political world in which political acts, like abortion escorting, play their part. In the context of either the participatory benefits of civil society or the goals-oriented aims of social activist movements, political action represents something outside either of these political structures. In contrast to either of these two conceptual structures, action appears to reaffirm that the brick-and-mortar relationships that are still at bottom of good political arrangements. In short, political action is the doing of people who acknowledge they are living in a shared world with others through various attitudes and activities. While civil society and activism literature excites us by noting that the citizen can force change, political action reminds us that localized arrangements and attitudes in the world are worth preserving, and they deserve our defense. To the extent that we are all Ismenes, all people embedded in a particular and plural world, we all owe certain commitments to those with whom we share our life. To assert such a thing, and to act on its behalf and its defense, is not to deny the potential importance of the causes for which activists militate. Instead, it is to serve as a reminder that such causes are not everything in the world, not even everything of value in the political world. It is because abortion escorts can take advantage of the reality that they inhabit a shared world inhabited by plural beings that they are able to "win" simply by creating stalemate. They are an anti-power to the organized, activist power of the

abortion-protest movement.²⁴⁰ This anti-power is not so strong that it forces the protestors away or renders them meaningless, or somehow crowds out their legitimate right to assemble. The escort is not trying to triumph over the abortion protestor, nor are they trying to win them over. Instead, escorts simply prevent any one particular presence from being dominant. It is the political act that constitutes both a capacity for making a meaningful use of power while at the same time upholding the virtues of respect and reasonableness that activists, and communicative and deliberative democrats all treasure.

²⁴⁰ Pettit, *Republicanism: A Theory of Freedom and Government*.

Chapter 4: Understanding Abortion Escorts I: Reflections on Little Rock

Hannah Arendt thought a great deal about the role of the citizen as an active participant in self-government. In “Reflections on Little Rock,” Arendt examined the power of the active participant to stand up to the dangerous aspects of broad procedural forces that were too invested in their broad interests to remember their fundamental political obligations to democratic consent and law-abidingness. Yet, even the most devoted Arendt sympathizers often treat “Reflections on Little Rock” as an essay that is to be avoided or explained away. It contains controversial comments on race relations in America and addresses what was a defining political question at the time in what many considered a highly esoteric way to make judgments. This is because Arendt’s comments on integration itself are actually incidental to the purpose of her writing the essay. “Reflections” is (and was intended to be) a critical essay for explaining the value of political action and why it is necessary for a healthy public life. Rather than bury “Reflections,” the Arendt scholar ought to opt for a more careful and selective reading, because the essay is an important piece of understanding Arendt’s theory of action. Further, for the purposes of understanding abortion escorts, the insights in “Reflections on Little Rock” are critical.

Specifically, Arendt suggests that regular people should have seen it as their responsibility to escort African-American children to school. The children in question

were caught up in the swirling forces of state and society outside of Little Rock Central High School, they must have been overwhelmed by the fact that the simple act of going to school could cause all of the rules of civility to fall by the wayside. In escorting children to school, regardless of how one felt about integration, citizens would have acted politically in a manner that signified that children are not to be pushed around by “adult mobsters.” Arendt argues that such an action would have been far from trivial, it would instead have been an action that facilitated some fairly common-sense judgments. One needs only to think that mob rule should not dictate the way laws are executed and that young children should not be standing alone between Federal troops and an angry mob for the purposes of advancing social causes to find this option an appealing one. For a political community that continues its bizarre devotion to the idea that one person can “make a difference” by casting one ballot out of hundreds of thousands: here was a chance to show humanities difference-making capacity. In the process of making a difference, one could have shown that politics leaves more possibilities opened to the concerned citizen than merely siding with the “passive resistance” of the Federal government or the “massive resistance” of the mob outside of Little Rock Central High School. Instead, this opportunity lapsed.

Perhaps this seems like a set of concepts and motivations too abstract for one to realistically expect them to motivate the average citizen. Average citizens, it might be said, are self-interested and not willing to stick their neck out in front of the mob just to deter harassment. More than this, critics who decry Arendt’s emphasis of the “appearance” value of politics as esoteric would expect that we should not criticize

citizens for not sharing Arendt's supposedly dated views of politics. There would seem then, on paper, a lot of reasons to be skeptical that people would ever engage in such a type of volunteer escorting in a situation like what Arendt is talking about... except for the fact that through the example of abortion escorting, we already know that they actually will.

Abortion clinic escorts walk along side people entering abortion clinics for the direct purpose of easing the anxiety and feelings of harassment for those entrants. In doing so, their acts minimize the power that intimidation can have in the execution of public policy. Their acts also implicitly assert that citizens have the ability through their capacity to act, in claiming their own share of public power and using it within their rights. Escorts accomplish this by using their power to appear in public as a means of defusing the power that protestors have over the situation outside. The connection to "Reflections on Little Rock" should seem clear: abortion escorts are an example of a similar type of political act in a similar type of situation that serves a similar set of purposes to that which Arendt had wished citizens had taken up in "Reflections on Little Rock," but did not happen.

This comparability is significant for a number of reasons. For political theory, the fact that Arendt's criticism that political action was missing at Little Rock Central seems justified once we can find a comparable type of political action that corroborates her account. This (I hope) comes as good news for Arendt scholars who believe Arendt has meaningful things to say about political theory. It is also, hopefully, good news for one interested in understanding political practices more generally as well. Political acts like abortion escorting need a language to describe

them. Arendt 's theorizing presents such a language. To the extent that Arendt's language is vague or unclear, the example of abortion escorting can perhaps illuminate certain difficult points in her theory as well.

Introducing Arendt's Thought: The Social and the Political Realms

One of the trickier portions of Arendt's political theory is that she divides the world of human activity into realms. In particular, she divides life into the public, private, and social realms in *The Human Condition*.²⁴¹ She describes the realm of the social as a place where life functions are accommodated by various types of processes that literally "deliver the goods" to those who need them. Some of these processes are learned, provided for and enforced culturally. With greater and greater frequency, these processes are being performed by some combination of industry and the state, both in the form of organizational power.²⁴² In turn, these processes tend to demand unquestioned repetition and similarity for the sake of efficiency. When these processes are providing goods that are truly necessary for life-sustaining purposes, such as transportation, clothing, and food, this is not a terrible thing. However, the larger the capacity to mass-produce becomes, the more the social has the potential to overstep its bounds and treat things (like living in a racially segregated society) as

²⁴¹ Arendt, *The Human Condition*.

²⁴² Sheldon Wolin writes "As a system of power, organization would enable men to exploit nature in a systematic fashion and thereby bring society to an unprecedented plateau of material prosperity." Later he writes, "Among the most significant of Saint-Simon's contributions to organization theory was his recognition that the logic of organization was at loggerheads with the claims of equality popularized by eighteenth-century revolutionary theories. Organization and equality were antithetical ideals in that the former demanded hierarchy, subordination, and authority, while the latter denied all three." Both quotes highlight the appeal and tension of organizational power—first discovered by Saint-Simon, central in the political thought of Marx, apparent in the problems that Arendt works through, and troubling to contemporary politics to this very day.

necessary life-sustaining arrangements even when they might be unnecessary and even undesirable. Arendt writes that the social realm also replaces *acting* with *behaving* because of our increasing discoveries about the power of administrative technique privilege behavior,

It is the same conformism, the assumption that men behave and do not act with respect to each other, that lies at the root of the modern science of economics, whose birth coincided with the rise of society and which, together with its chief and technical tool, statistics, became the social science par excellence. Economics—until the modern age a not too important part of ethics and politics and based on the assumption that men act with respect to economic activities as they act in every other respect—could achieve a scientific character only when men had become social being and unanimously followed certain patterns of behavior, so that those who did not keep the rules could be considered asocial or abnormal.²⁴³

The conformity that ensures quality control in life-essential goods is not a positive force in the world of politics. The increasing amount of general rules, whose logic improves the technique of administration, is inescapable in its claims of efficiency. Max Weber thought that the logic of administration was modern man's "iron cage," and that the only choice for organizational power is "administration or dilettantism."²⁴⁴ This explains why administration is necessary, but it does not justify why it ought to be all consuming. The radical possibility of action is not helpful in the automobile assembly line, but Arendt's point in "Reflections on Little Rock" will be that the assembly line mentality is also not useful when we try to settle political questions like the integration controversy in the American South.

²⁴³ Arendt, *The Human Condition*, 41-42.

²⁴⁴ Max Weber, *Theory of Economic and Social Organization*, trans. A.M. Henderson and Talcott Parsons (New York: Oxford University Press, 1947), 337. Cf. Wolin, *Politics and Vision*, 317.

Passive v. Massive Resistance

“Reflections on Little Rock” mourns the fact that the local citizen in this instance seemed by and large incapable of choosing any other options to pursue outside of giving themselves up to the non-participatory forces of what she calls either “passive” or “massive” resistance. One either supports administrative measures, Federal Troops being sent in, or one supports/joins the angry mob who use the tried and true technique of social pressure. Arendt writes that integration, “Like other race questions, it has a special attraction for the mob and is particularly well fitted to serve as the point around which a mob ideology and mob organization can crystallize.”²⁴⁵ In spite of this attraction, Arendt believes there was an alternative: reject the power of the mob or the Federal bureaucracy (of which the military is a conspicuous member) and take it upon one’s self to make sure that “children are not left to adult mobsters.”²⁴⁶

Political Action as Opposed to Justifying the Use of State Power

This political act was available to citizens and not seized upon despite the fact that such an act requires nothing more than walking the children into school. In advancing this claim, Arendt provides a nuanced argument as to why such an activity would have been so meaningful. Given the similarities between this proposed escorting outside of Little Rock Central and escorting individuals into abortion clinics in present day, Arendt’s analysis deserves full attention. In particular, Arendt believed she saw two disturbing developments at Little Rock. The first of these problems is

²⁴⁵ Hannah Arendt, “Reflections on Little Rock,” in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2000), 233.

²⁴⁶ *Ibid.*, 235.

what Arendt refers to as “the rise of the social,” the realm of human affairs that is neither public nor private but, in modern times, has seemingly intruded upon and usurped human preoccupations that *ought* to be public or private.²⁴⁷ The second problem that Arendt sees is described by a formulation of the differences between two different but related phenomena that she termed “power” and “force.” Whereas power is something that exists when people come together to act in concert, force can be exerted upon people through the careful manipulation of events or structures of power to achieve a desired result.²⁴⁸ The first appears primarily in the form of a protest mob and the second in the form of Federal troops ordered to contain the protestors an Executive branch order. Arendt argues that the political disputes at Little Rock were fought through means that were unhealthy for and potentially even hostile to vigorous political life.

Arendt is deeply interested in constitutional questions, and she uses “Reflections on Little Rock” to apply some of her more profound theorizing to actual political practice. Arendt’s constitutional thought may not obviously appear as such because she radically reworks many political concepts in terms of both definition and use. Arendt scours history, philosophy, literature and culture, looking back in time to ancient examples and definitions to develop an understanding of the present. In doing so, she is being faithful to the idea that concepts employed to understand political life are not constants but change over time. Specifically, Arendt was deeply aware of the constitutive ruptures that transpired in the times that she lived in. The moral, philosophical, and technological upheaval of the early twentieth century ripped out

²⁴⁷ See Hannah Arendt, *The Human Condition*, 1st Edition Paperback ed. (New York: Doubleday Anchor Books, 1958), 23-28, 37-73.

²⁴⁸ See Hannah Arendt, *On Violence* (San Diego: Harcourt Brace & Company, 1970), 43-56.

many of the foundations that had rooted political practices in times that came before. Arendt's political theory proceeds from the perspective of looking out at a new world of political arrangements by taking lessons from how governments and theorists in the past had tried to answer constitutive problems while at the same time developing an understanding of the changes that took place in her time.

Power and Force as Defined by Arendt

When Arendt turns her attention towards the previously mentioned problems of “the rise of the social” and the difficulties associated with the relationship between “force” and “power,” she sees such problems as ones that have important constitutive significance. Early in “Reflections on Little Rock” she states bluntly that, “The point at stake, therefore, is not the well-being of the Negro population alone, but, at least in the long run, the survival of the Republic.”²⁴⁹ The “survival of the Republic” is at stake in understanding such political moments not because such moments require an interpretation of questions of justice, but because they force inspection of the actual and potential workings of a variety of complex human relationships. In *On Violence*, Arendt writes, “The extreme form of power is All against One. The extreme form of violence is One against All. And this latter is never possible without instruments.”²⁵⁰ In such definitions, Arendt is describing types of human relationships that can be created, maintained, altered, destroyed, and reformed again.

According to Arendt, the more “extreme forms” of violence and power were both amassed at the scene outside of Little Rock Central High School. The protestors,

²⁴⁹ Hannah Arendt, “Reflections on Little Rock,” in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2000), 234.

²⁵⁰ Arendt, *On Violence*, 42. Nouns in quote are capitalized by author.

“the angry mob” as Arendt describes them, utilizes the “power of all against one” in the form of intimidating African-American children as they go to school. The assembled protestors utilize an exclusionary power that derives from the society’s power to declare something or someone “abnormal.” On the reverse, the calling upon Federal Troops by the Executive represents the other side of social relationships. The use of the instruments of bureaucracy and the powers of the administrative state are deployed in a manner that countermands the protestors in something that resembles “one against all.”

Both the force of the mob and the counter-force of the state are seen by Arendt as part of the social realm and not the political realm because they are different forms of regulated behavior as opposed to full and free human activity. Whereas Federal Troops behave according to the rules and procedures of the various institutions which put them into motion, the mob behaves according to the rules and procedures of norms reinforced through the pressures of conformity. Arendt is working through this problem out of a concern for the effects of “society’s victory in the modern age, its early substitution of behavior for action and its eventual substitution of bureaucracy, the rule of nobody, for personal rulership.”²⁵¹ In fact, the crux of her fears about Little Rock can be found in a passage in *The Human Condition* a page or two prior to the above quotation, “In reality, deeds will have less and less a chance to stem the tide of behavior, and events will more and more lose their significance.”²⁵² For Arendt, the escort at Little Rock Central would not simply have been standing up to protestors – the escort would, more importantly, stand up for

²⁵¹ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago, 1998), 45.

²⁵² *Ibid.*, 43.

the idea that the fate of one's own political community needs at times to be decided by the deeds of its members rather than by rules of behavior. Arendt gives an example of why this claim by the escort is so important in *On Violence*,

To claim, as is often done, that a tiny unarmed minority has successfully, by means of violence—shouting, kicking up a row, et cetera—disrupted large lecture classes whose overwhelming majority had voted for normal instructional procedures is therefore very misleading. . . . What actually happens in such cases is something more serious: the majority clearly refuses to use its power and overpower the disruptors; the academic processes break down because no one is willing to raise more than a voting finger for the status quo.²⁵³

Arendt worries that law-abidingness in America has moved from something derived from the law as an “intimate connection” (its original meaning, *lex*, in Latin) to something that seems to be nothing more than processes of enforced behavior.²⁵⁴ These processes are threatening because, as Arendt says in finishing her classroom example, “The merely onlooking majority, amused by the spectacle of a shouting match between student and professor, is in fact already the latent ally of the minority.”²⁵⁵ The onlooking majority need not agree with either the state or the mob, although when it came to Southern attitudes, the political views of the mob were overwhelmingly more popular. Arendt was aware of this fact herself, and she points to the results of a Virginia public opinion poll at the time showed “that 79% denied any reason to have to accept the Supreme Court’s decision as binding.”²⁵⁶ Yet, most were neither protestors nor Federal troops, but were, in fact, “merely onlookers” to a political scene of enormous importance. Arendt discouragingly notes that, “The so-called liberals and moderates of the South are simply those who are law-abiding, and

²⁵³ Arendt, *On Violence*, 42.

²⁵⁴ Arendt, *On Revolution*, 187.

²⁵⁵ Ibid.

²⁵⁶ Arendt, "Reflections on Little Rock," 235.

they have dwindled to a minority of 21%.²⁵⁷ Everyone else favored the violence of enforced ostracism of segregation, and were apparently willing to condone any means to protect it as necessary, as they were unwilling to do anything to ensure that protestors would not cross any lines of what might be considered common decency. Arendt's conceptual understanding of violence and power in their purest and most extreme forms provide her foundation for making judgments about the meaning of events like the contestation at Little Rock Central High School. Arendt, in reflecting on this issue as she has, is eager to contemplate how to make space for those actors who will do more than "raise a voting finger" in order to preserve what is at stake for self-rule. Arendt is interested in how to clear out the war between different forces in society and assert the power of the political (or public, she uses them interchangeably) realm.

Arendt's public realm is a place artificially created to preserve our equality as human beings and to allow us to distinguish ourselves amongst one another by virtue of our actions.²⁵⁸ This is a decidedly non-modern way to think about the importance of politics, but it is, in Arendt's mind, a way to assert the values of political equality while appealing on pragmatic grounds, rather than on comprehensive moral doctrines. By Arendt's logic, segregation is an evil because it destroys the possibility of a space where all can come together as equals and participate in public life. However, she remains critical of "forced integration" because the resistance to segregationist forces comes in a way that asserts administrative power, and pushes citizens to choose sides

²⁵⁷ Ibid.

²⁵⁸ Arendt writes in *On Revolution* that the public realm is made new through revolution, whose motivating idea "is the foundation of freedom, that is, the foundation of a body politic which guarantees the space where freedom can appear." See Arendt, *On Revolution*, 125.

on points of view they hold in their minds, rather than on obligations they might owe each other by virtue of actually sharing the world with one another. The simple act of escorting the children into the school would have resisted the mob directly *and* asserted the political realm by acknowledging the obvious fact that everyone in Little Rock, no matter how hard the law works to perpetuate a lie, share a world together. As it was, people showed up in their capacity as family members, members of the segregationist cause, or as members of a military or law enforcement institution. The only people who showed up as themselves were the children, and while there were many groups around them, they showed up as themselves all alone. Had someone developed the courage and insight to walk children in their community safely to school, they could have walked through those doors with the children, all of them as themselves, together.

Some of the most difficult moments in politics often occur when law-abidingness itself becomes something the public is willing to sacrifice for the short-term expediency of their political objectives. If the importance of finding ways to effectively “raise a voting finger” were absent from the scene at Little Rock Central because there were no people who volunteered to escort, then this is not the case outside of abortion clinics where escorts are present. The comparison between the two situations forces a recognition that abortion escorts are standing for more than their policy perspectives, but are literally standing for the value of the public realm and, in the terminology of Arendt, “personal rulership.”

In taking their place out in the plain view of protestors, patients, clinic staff and even the public, escorting is an activity that reveals itself as important for the

deed in and of itself, and not for the broadening of some policy aim. Escorts engage in an activity that is political but is standing outside of, and usually against, the modern forms of administration and mass opinion. This formulation gives a context in which we can judge the value of deciding to become a volunteer escort not along dimensions of joining, choosing, or persuading, but instead to judge the merit of the actual *doings* of such escorts.

Critics of Arendt's Political Theory

There is a further complication to this story. Contemporary understandings of the philosophical categories that Arendt employs are widely interpreted by academic scholarship as “highly idiosyncratic and internally incoherent.”²⁵⁹ Prominent theorists like Seyla Benhabib argue that

What has been irritating to commentators about the Arendtian art of making distinctions has its sources in a more basic dimension of her philosophical methodology, namely, her “phenomenological essentialism.” This is Arendt’s belief, particularly prominent in *The Human Condition*, that each type of human activity has a proper “place” in which it can be carried out.²⁶⁰

Criticisms of this variety about Arendt’s theoretical understandings need to be dealt with critically if there is to be any value in taking “Reflections on Little Rock” and comparing it with abortion escorting. These criticisms will be dealt with as they come up, but to respond more generally for now, the major criticisms that can be found in the commentaries of the likes of Benhabib, Kristeva and Pitkin all proceed from a common misunderstanding of Hannah Arendt’s political theory, which is exemplified

²⁵⁹ Margaret Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought* (Cambridge: Cambridge University Press, 1992), 116.

²⁶⁰ Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt*, ed. Morton Schoolman, *Modernity and Political Thought* (London: Sage, 1996), 124.

by the cited passages above. They all are inclined to believe that Arendt's categorical distinctions, such as her realms of the private, social, and political that she primarily explains in *The Human Condition*, are sturdy and inviolable taxonomies of human activity that should suggest constant and easily definable laws and boundaries.

Even the most sympathetic commentators on Arendt's political theory seem to believe that this is the case and tread carefully when it comes time to address these boundaries. Bonnie Honig, in using Arendt to push a conception of feminist political theory, writes "Notorious for her rigid public/private distinction, Arendt protects the sui generis character of her politics and the purity of her public realm by prohibiting the issues of social justice and gender."²⁶¹ Even Jeffrey Isaac, in looking to be charitable to what Arendt is trying to do with her taxonomies, still begs off, "wishing to defend many of Arendt's dualistic formulations."²⁶²

But one ought to find something instantly curious about a critical approach to seeing Arendt's realms and divisions in this manner since critics are also quick to point out that Arendt herself does not use these distinctions as "rigidly" as she is supposedly "notorious" for in her own studies. Rather than pursue the possibility of this being indicative of an interpretative failure, Benhabib and Pitkin in particular (but not alone) push the conclusion that the fault is Arendt's for being inconsistent. This is, in fact, the thesis of Hannah Pitkin's *Attack of the Blob*, where she writes that

²⁶¹ Bonnie Honig, "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity," in *Feminist Interpretations of Hannah Arendt*, ed. Bonnie Honig (State College, Pennsylvania: Pennsylvania State University Press, 1995), 135.

²⁶² Jeffrey Isaac, *Arendt, Camus, and Modern Rebellion* (New Haven: Yale University, 1992), 117.

Arendt's concept of "the social" was "confused and her way of deploying it at odds with her most central and valuable teaching."²⁶³

Perhaps the commentaries have confused some things in their readings. The evidence that these authors provide that Arendt intended her distinctions to be "rigid" comes largely from cited passages where Arendt makes declarative statements about what she means when she says "social," "public," or "private." From this, many theorists race to the conclusion that we should believe that her concepts are interpretable only via the various carefully defined interpretations they have gone to great pains to assemble through careful reading of Arendt's work, even though Arendt herself clearly does not use these concepts in this way. This leaves theorists mystified when they look at Arendt's essays on timely political topics.

Benhabib seems practically aghast in her reaction to what Arendt writes in "The Crisis in Education," asking about Arendt's claims in the essay, "If this is so, are not the walls that Arendt sought to erect between the public and the private more porous and more fragile than she would lead us to believe?"²⁶⁴ Arendt herself has a response to this question indirectly in *On Violence*. When writing about the differences between "violence," "power," "force," "strength," and "authority," she writes, seemingly in recognition of Benhabib's confusion,

It is perhaps not superfluous to add that these distinctions, though by no means arbitrary, hardly ever correspond to watertight compartments in the real world, from which, nevertheless they are drawn... Moreover, nothing, as we shall see, is more common than the combination of violence and power, nothing less frequent than to find them in their pure and therefore extreme form. From this, it does not follow that authority, power, and violence are all the same. (Italics are mine in both instances)²⁶⁵

²⁶³ Hannah Pitkin, *The Attack of the Blob* (Chicago: University of Chicago, 1998), 1.

²⁶⁴ Benhabib, *The Reluctant Modernism of Hannah Arendt*, 136.

²⁶⁵ Arendt, *On Violence*, 46-47.

It is clear from the selection above that these conceptions are not attempts to draw out analytically tight concepts akin to Rawls' and Nozick's attempts to define justice in their seminal works. Instead, these concepts look to distinctions between things as they appear in the real world and are used to draw out perceptive differences through the use of contrast.

Seen this way, such these categorical contrasts are important especially when the subject matters at issue appear complicated or confused. Arendt does not believe that it is useful, or even possible, to get one's story straight in the abstract before going out and using theoretical constructions of thought to talk about the real world. The logic behind this comes from a long and complicated set of arguments and philosophical commitments, but for our purposes here, it suffices to say that Arendt sides with the compelling argument that the theoretical and political worlds do not ever line up so neatly for the practice of the perfection of abstract design to be of any real value.²⁶⁶

A more practical way of interpreting Arendt's theoretical work the perhaps should start with looking at how she actually uses all of her various

²⁶⁶ There are certainly too many important studies on the relationships between abstraction and reality to cite any of them in some meaningful way. For a critique of Robert Nozick's attempt to create a perfectly abstract justification of political power, see Benjamin Barber, "Deconstituting Politics: Robert Nozick and Philosophical Reductionism," *The Journal of Politics* 39, no. No. 1 (1977). For philosophical explorations between reality and perception, one can see Martin Heidegger, "Modern Science, Metaphysics, Mathematics," in *Martin Heidegger: Basic Writings*, ed. David Farrell Krell (San Francisco: HarperSanFrancisco, 1993). or Maurice Merleau-Ponty, *Phenomenology of Perception*, trans. Colin Smith (London and New York: Routledge, 2002). For perception and reality in the arts, see E. H. Gombrich, *Art and Illusion: A Study in the Psychology of Pictorial Representation, Bollingen Series* (Princeton, New Jersey: Princeton University Press, 1972). For this argument represented in the philosophy of science, see Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 3rd ed. (Chicago: University of Chicago, 1996). or Paul Feyerabend, *Against Method* (London and New York: Verso, 1993). Suffice to say that this view is not some intellectual quirk of Hannah Arendt's, but has been a major source of much academic introspection.

“phenomenological categories” to look at a complicated and dynamic world. In surveying her work in this manner, it appears that Arendt’s categories are used more as primary colors than as realms with rigid boundaries.

Just as the artist is aware that there exist more colors than just red, yellow, and blue, such knowledge does not diminish the importance in her understanding the primary colors and their properties. Nor does it diminish their importance for her ability to see how the other colors might be seen as composed in combination. From this perspective, Pitkin’s critique that Arendt’s concept of the social undermines her “most central and valued teaching” would logically follow no more than saying that the concept of blue is undermined by the existence of blue-green. To paraphrase our earlier quotation from Arendt: it does not follow from the fact that these interpretative devices appear in combination that they are in fact the same. They can in fact be both together and distinct at the same time, and indeed, this is the type of parsing that Arendt does in “Reflections on Little Rock.” For the project of looking of developing the political significance of abortion escorting, this method seems to recommend much in terms of a practical method of observing complex dynamics in the real world that carry with them a vast array of histories, physical realities, and autonomous individuals that are all simultaneously present at the scene.

Arendt’s Reflections

In one critical paragraph in “Reflections on Little Rock”, Hannah Arendt claims, “the arrival of troops” to enforce the integration of schools, “did little more

than change passive into massive resistance.”²⁶⁷ Arendt writes further that the “sorry fact” of the Little Rock crisis “was that the town’s law-abiding citizens left the streets to the mob, that neither white nor black citizens felt it their duty to see the Negro children safely to school.”²⁶⁸ These passages illustrate that Arendt’s criticism here moves beyond the particular political issue at stake and aims directly at the political practices of the town’s citizens who had, in Arendt’s words, “decided that enforcement of the law against mob rule and protection of children against adult mobsters were none of their business.”²⁶⁹

Political Means versus Political Ends

Rather than frame the actions of the participants and non-participants around the issue of integration, Arendt asks us to focus on the wisdom in accommodating unacceptable means to a political end. As mentioned earlier, Arendt notes that the overwhelming number of citizens in the South opposed integration and even opposed their responsibility to respect the decision of the Supreme Court. She moves our attention, with statements like the ones cited above, towards methods of rule-making and rule-following and the ways in which they can be carried out responsibly. In *On Revolution*, Arendt argues that the genius of the creation of the American Constitution lay with the fact that the American Founders did not try to generate power by virtue of law, but instead opted for the Roman formulation of “power in the people, authority in the Senate.”²⁷⁰ This formulation is one whereby the institutions of the state have the authority to make the law, but the power that grants such rule-

²⁶⁷ Arendt, "Reflections on Little Rock," 235.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Arendt, *On Revolution*, 178,82,214,.

making resides in the hands of the people. The importance of such relationships is that they prevent laws from being only pieces of paper with writing on them. With regards to Little Rock Central, the relationship between power in the people and authority in the Senate has broken down substantially. One is either with “the people” insofar as a vast majority of White Southerners rejected the authority of the Supreme Court or they are with “authority” in the form of the agents of the state. No one, in Arendt’s view, seems particularly concerned with attempting to preserve the *relationship* between the two.

Arendt asserts in “Reflections,” “the crucial point is to remember that it is not the social custom of segregation that is unconstitutional, but its legal enforcement.”²⁷¹ While this may read as if it is a statement on the limitations of state interference in social customs, the statement cuts just as strongly in the other direction. The unconstitutionality of the legal enforcement of segregation is a barrier that limits the ability of social customs to legislate public practice through formal lawmaking and formal law enforcement. Given that one of society’s primary powers is its ability to discriminate, it needs to be contained by law more often than not. When social custom is not permitted to assert itself through law, it pursues the avenues that its own powers and devices, and this can include vigilante behavior.

When this relationship between law and custom is strained by political disputes, (for example, prohibition on alcohol), the vigilantism in question may only consist of small, secretive acts of law-defiance that can facilitate a general failure of public enforceability. However when the boundaries between social customs of association and political rights are less clear, as is the case with public schools,

²⁷¹ Ibid., 235-36.

politicians and locals who were attached to social customs may become emboldened to resist more openly. Arendt also notes that when disputes are over subjects that seem to unquestionably belong to the domain of politics, law seemingly has the advantage in making custom submit. To exemplify the latter, Arendt notes that, “in the case of that part of the Civil Rights bill regarding the right to vote, no Southern state in fact dared offer strong opposition.”²⁷²

Arendt is not trying to argue that segregation ought to be preserved. She quotes William Faulkner, who wrote once, “enforced integration is no better than enforced segregation.”²⁷³ The difference that adding the word “enforced” makes is of considerable importance because it frames Arendt’s quarrel not with the idea of integration, but instead with the means of achieving such aspirations effectively. Her claim about combating segregation is not about its importance, but instead that

Segregation is discrimination enforced by law, and desegregation can do no more than abolish the laws enforcing discrimination; it cannot abolish discrimination and force equality upon society but it can, and indeed must, enforce equality within the body politic.²⁷⁴

The state’s efforts in this case, in Arendt’s eyes, cross over from “abolishing the laws enforcing discrimination” into the realm of trying to “abolish discrimination itself and force equality on society.” Southern society tried to leverage the fact that the state cannot practically cross over this line and claimed that they no longer were obligated to recognize the legitimacy of preserving the rule of law when it did not suit them. The former problem of enforcing equality creates problems for an administrative state that cannot realistically solve such problems via administrative politics. The latter

²⁷² Ibid., 236.

²⁷³ Ibid., 235.

²⁷⁴ Ibid., 237.

problem of de-legitimizing the law creates an untenable precedent of pursuing policy aims through movements of collective peer pressure.

The values of individuality, judgment, and autonomy are nowhere to be found in forces of either “passive” or “massive” resistance. A choice between either giving one’s self to mob mentality or else calling the Federal government and waiting for the massive power and organization it brings to respond to the problem leaves little meaningful space for each individual to consider themselves “self-governed” in such a context. Nor do the means of enforcing a political decision in such ways represent themselves as realistically “self-limited” by the types of political practices that are being called upon to enforce such decisions. The choice between the mob and state, Arendt argues, is a choice between either too little or too much power in defense of the law. Rather than remind the protestors at Little Rock of their obligations to the rule of law, Arendt makes the case that the State overwhelmed them with the specter of physical force instead.

The Elements of Politics

To understand Arendt’s argument a little more clearly, it may help to think back on her first major work. When Arendt wrote *The Origins of Totalitarianism*, she wrote to cast about, as Seyla Benhabib reminds us, “for the ‘elements’ of totalitarianism; for those currents of thought, political events and outlooks, incidents and institutions, that once the ‘imagination of history’ gathered them together in the present, reveal an altogether different meaning of what they stood for in the original

context.”²⁷⁵ Arendt explores these currents as a means to make practical judgments about political problems. Arendt does this work of looking for currents of thoughts, events and institutions in all of her work, and not only *The Origins of Totalitarianism*. What she does in essays about American politics like “Lying in Politics” and “Reflections on Little Rock” requires an understanding that the currents she examines change in their appearance and have different significance in shaping different historical events. Even so, the method of understanding remains similar and is simple at its core. Arendt is trying to get an understanding of how elements that appear in different combinations shape different events and movements in political history, and she has a couple of passages in the preface to Part One of *Origins* that help guide us to this conclusion. In one such passage, she emphasizes the importance of how these various elements of the past combine to bring out something new:

nearly all elements that crystallized in the novel totalitarian phenomenon; they had hardly been noticed by either learned or public opinion because they belonged to a subterranean stream of European history where, hidden from the light of the public and the attention of enlightened men, they had been able to gather an entirely unexpected virulence.²⁷⁶

Arendt suggests that when we look at a political story that emerges and reveals to us many of the themes of the past that crystallized into a newly constituted present.

Arendt, in the spirit of the “new science” of Montesquieu, Tocqueville, and the American Founders, is clearly thinking constitutively about the moments worthy of our study.²⁷⁷ Arendt also wants to use these exercises as a means to sharpen our

²⁷⁵ Benhabib, *The Reluctant Modernism of Hannah Arendt*, 64. See pages 63-75 for a more thorough account of Arendt’s methods by Benhabib.

²⁷⁶ Hannah Arendt, *The Origins of Totalitarianism* (San Diego: Harcourt, Inc., 1968), xv.

²⁷⁷ Arendt makes the link between the “new science of politics” called for by Alexis de Tocqueville and the Founding Fathers in *On Revolution*. She writes, “On this task, the creation of new power, the founders and the men of the Revolution brought to bear the whole arsenal of what they called ‘political science’, for political science, in their own words,

political judgment so that we can see the “subterranean streams” in the present day, which might crystallize into the moments of the future. Thus, repeated inquiries into the crystallizations of political events sharpens the political judgments we make so that we may better, to put it in a Machiavellian way, anticipate the changes in fortune that a polity may face. Arendt warns us about misinterpreting these elements as well,

Since only the final crystallizing catastrophe brought these subterranean trends into the open and to public notice, there has been a tendency to simply equate totalitarianism with its elements and origins – as though every outburst of anti-Semitism or racism or imperialism could be identified as ‘totalitarianism’.²⁷⁸

Arendt is using a method that works on a broader level of analysis than discerning simple causal chains. When all of the elements that Arendt studies in *Origins of Totalitarianism* come together, they do so in the form of totalitarian regimes. However, Arendt’s thinking about the elements of totalitarianism is carried out carefully and subtly. Not all elements involved in crystallizing into modern totalitarianism are necessarily “totalitarian elements.” Further, the same constellation of elements in a slightly different setting, may not produce totalitarianism in the same form, and possibly might not even produce totalitarianism at all. Such a methodological move does not give up on the importance of the “normal science” elements of political science, but rather, is meant to supplement the work of “normal political science” by noticing that some problems of great import appear because they are the outcome of an incredibly complex sequence of combinations.

consisted in trying to develop ‘the forms and combinations of power in republics.’” See, Arendt, *On Revolution*, 149.

²⁷⁸ Ibid.

Returning attention to “Reflections on Little Rock,” it may seem off-putting by suggesting that the “subterranean elements” she digs out in the essay ought to grab our attention as more urgent than the plight of African-Americans in the segregated American South. Arendt’s case may read as “philosophy with its head in the clouds,” but the fact remains that African-Americans pushing for political equality were by-and-large fighting for inclusion into the American political regime, and the Founders of this political regime paid serious attention to similar subterranean elements in crafting America’s political constitution. Perhaps there is no more famous example of this than James Madison’s *Federalist Number 10*, where he writes of two dangers that seem in accord to Arendt’s comments in “Reflections.” On equality, Madison writes, “Theoretic politicians... have erroneously supposed, that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized in their possessions, their opinions, and their passions.”²⁷⁹ On the ruinous effect of faction, he writes, “The inference to which we are brought, is, that the causes of faction cannot be removed; and that relief is only to be sought in the means of controlling its effects.”²⁸⁰ Madison’s argument regarding controlling the effects of factions mirrors Arendt’s concerns regarding discrimination. Arendt worries that others have “erroneously supposed” that equality can cure more ills than it actually is capable of curing and that attempting to eliminate discrimination, like attempting to eliminate factions in Madison’s famed article, would be a “remedy, that is worse than

²⁷⁹ James Madison, “The Federalist No. 10,” in *The Federalist Papers*, ed. Garry Wills (New York: Bantam, 1982), 46.

²⁸⁰ *Ibid.*, 45.

the disease.”²⁸¹ Both Arendt and Madison seem to have fallen back on Montesquieu’s position that “democracy has to avoid two excesses: the spirit of inequality, which leads it to aristocracy or to the government of one alone, and the spirit of extreme equality, which leads it to the despotism of one alone, as the despotism of one alone ends by conquest.”²⁸²

The state always has to take up concerns about realizing its own practical potential, and this problem is one that is more difficult to come to terms with the more innovations that appear on the scene that change the horizons of what is and is not possible for the state to actually do. Sheldon Wolin wrote about the relationship between the state and its own power:

Like any human organization, a government has a limited amount of energy. When it is extended too far, when it tries to do too much, it trails off into impotence. This means that one of the continuing tasks of statecraft is to discover at what points disagreement, conflict, and variety may be tolerated without their endangering the supporting framework that makes waywardness possible.²⁸³

In particular, the relationship between the state-as-institution and its own power has been radically transformed at an astounding pace since industrialization. As technological capacity increases, a growth in political-economic capacity follows. When this economy of political activity grows rapidly, the state oftentimes loses any real sense of where the limits of its own power reside. Such limits are usually only understood through the experience of testing them, and the history of the twentieth century endured many ill-fated attempts by states to push the limits of their newfound

²⁸¹ Ibid., 43.

²⁸² Montesquieu, *The Spirit of the Laws*, 113 (Bk. 8, Pt. 1 Ch. 2).

²⁸³ Sheldon S. Wolin, *Politics and Vision: Expanded Edition* (Princeton and Oxford: Princeton University Press, 2004), 59.

powers towards imagined new frontiers that they believed to now be possible in the new political economy of their age.

Arendt clearly understood that there were serious consequences that came with dramatic changes to political economy. Her understanding of this apparently dramatic expansion in the energies of the state is a frequent launching point for many of her major works. *The Human Condition*, which is usually interpreted as more philosophical than the rest of her canon, begins with the following lines

In 1957, an earth-born object made by man was launched into the universe, where for some weeks it circled the earth according to the same laws of gravitation that swing and keep in motion the celestial bodies – the sun, the moon, and the stars.

This event, second in importance to no other, not even to the splitting of the atom, would have been greeted with unmitigated joy of it had not been for the uncomfortable military and political circumstances attending it.²⁸⁴

In a similar vein, *On Revolution* introduces to us the prospect that political economy has changed to the extent that, “To sound off with a cheerful ‘give me liberty or give me death’ sort of argument in the face of unprecedented and inconceivable potential of destruction in nuclear warfare is not even hollow; it is downright ridiculous.”²⁸⁵

The first paragraph of *On Violence* contains this passage:

The technical development of the implements of violence has now reached the point where no political goal could conceivably correspond to their destructive potential or justify their actual use in destructive conflict.²⁸⁶

What follows from these observations on state power are two conclusions that Arendt investigates. The first conclusion is that state power is reaching the point where we can almost no longer afford the costs of any one state testing the limits of its power.

The second conclusion is that states faced with this problem must somehow learn to

²⁸⁴ Arendt, *The Human Condition*, 1.

²⁸⁵ Hannah Arendt, *On Revolution* (London: Penguin, 1990), 13.

²⁸⁶ Arendt, *On Violence*, 3.

engage crises in the political world with an awkward middle temperament when it comes to unleashing their capabilities to achieve political objectives. A frustration emerges in Western politics when the state can potentially exert incredible destructive power with such little cost, but the catastrophic results of doing so would be so terrible as to be practically unconscionable. In addition to Wolin's point that the state must fear overreaching its energies to the point of impotence, the modern Western state must also deal with the dangers of spending their energies too *easily*.

With this theme in mind, Arendt explores the change in communications technology and the advancement of the art of public administration, amongst other things in her essay "Lying in Politics," book *Eichmann in Jerusalem*, and also, in "Reflections on Little Rock." As the state can turn its energies more and more towards things that once were done politically by citizens through non-state means, Arendt shows an interest in what happens to citizens who once used their own power and political skills to accomplish tasks now increasingly taken up by the state apparatus.²⁸⁷ In short, the extension of state power should not only be concerned with the practical question of "can it achieve the ends it sets out to pursue?" but it also needs to be aware of the question, "will the pursuit of such ends *undermine* the regime itself?" With regards to the state's actions at Little Rock, Arendt believes that it fails on both counts when trying to force social equality upon Southern citizens.

Beyond this, the individual needs to find and use space to act politically *regardless* of

²⁸⁷ On pages 229 and 230 of *the Human Condition*, Arendt writes about how this came to be acceptable: "The substitution of making for acting and the concomitant degradation of politics into a means to obtain allegedly "higher" end... in the modern age the productivity and progress of society—is as old s the tradition of political philosophy. It is true that only the modern age defined man primarily as *homo faber*, a toolmaker and producer of things, and therefore could overcome the deep-seated contempt and suspicion in which the tradition had held the whole sphere of fabrication."

the actions of motives of the state apparatus or civil society. When the escort is actually in the *act* of escorting, he or she is neither the state nor the society, but the individual whose ability to self-rule has moved them to act in a manner that is in accord with his or her vision of political obligation.

Political Obligation As Assailed by Modern Society

Political obligations are formed between people who make the decision that they are bound to one another, and Arendt lays out her case for this most specifically in *On Revolution*. Arendt traces the original root of the Roman word for law, *lex*, and writes “The original meaning of the word *lex* is ‘intimate connection’ or relationship, namely something connects two things or two partners whom external circumstances have brought together.”²⁸⁸ While Hobbes, Locke, and Rousseau credit different reasons for driving such partners into making agreements, Arendt attributes it to nothing more than being thrown into similar circumstances and the basic fact of isonomic relationship: all have the ability to act and be acted upon in return. Arendt points out that the signatories of the Mayflower Compact “obviously feared the so-called state of nature, the untrod wilderness, unlimited by any boundary, as well as the unlimited initiative of men bound by no law.”²⁸⁹ Arendt argues that from the early American experience, the idea that power actually does come from the people was important. Arendt argues that those who formed the American political constitution, “they did not think in terms of fiction and an absolute, the nation above all authority and absolved from all laws, but in terms of a working reality, the

²⁸⁸ Arendt, *On Revolution*, 187.

²⁸⁹ *Ibid.*, 167.

organized multitude whose power was exerted in accordance with laws and limited by them.”²⁹⁰ The recognition of “the multitudes” as a source of absolute power, unbound by law and moved by pity and rage, was, in Arendt’s view the important contrasting characteristics to the French and Russian Revolutionary experiences. The extreme character of the multitudes played out Montesqueiu’s prophecy with dismal precision: it served as a justification for nothing more than rule by the one over the many.²⁹¹

Modern times have meant new challenges that only further illustrate the importance of self-limitation and law-abidingness. One of Arendt’s many chilling passages about the “banality of evil” that she saw in Adolf Eichmann reads,

Eichmann claimed more than once that his organizational gifts, the coordinations of evacuations and deportations achieved by his office had helped his victims; it had made their fate easier. If this thing had to be done at all, he argued, it was better that it be done in good order.²⁹²

The specter of political regimes like Nazi Germany, with their unchecked, unlimited abilities to rule with such recklessness and brutality, is horrifying enough. That they further can draw upon the complicit skills of the talented and ambitious office manager in assisting, who may then shield his own conscience with simple platitudes and false dichotomies, allows oppressive regimes to rule ruthlessly with a precision and organization not possible before.

²⁹⁰ Ibid., 166.

²⁹¹ Arendt writes about the French Revolutionary experience, “What saved the nation-state from immediate collapse and ruin was the extraordinary ease with which the national will could be manipulated and imposed upon whenever someone was willing to take the burden or the glory of dictatorship upon himself. Napoleon Bonaparte was only the first in a long series of statesmen who, to the applause of a whole nation, could declare, I am the *pouvoir constituant*.” See, Arendt, *On Revolution*, 163.

²⁹² Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1994), 191.

The language of the state, as well as its actions, is also subject to the modern bureaucratic systems and their expertise. Walter Lippman's *Public Opinion* uncovered just how powerful and systematic it can be to lie to the public through the careful manipulation of their preconceived stereotyped understandings. Lippman wrote,

For the most part we do not first see, and then define, we define first and then see. In the great blooming, buzzing confusion of the outer world we pick out what our culture has already defined for us, and we tend to perceive that which we have picked out in the form stereotyped for us by our culture.²⁹³

This manipulation is not simply in regards to how the public sees information it receives, but it also affects the policymakers as well. This is the primary topic of Arendt's essay on "The Pentagon Papers," which she titled "Lying in Politics." Aside from deceiving the public, Arendt emphasizes that the policymakers of the Vietnam War were also quite skilled at deceiving *themselves* by employing models of thought and reasoning that were more stereotype than reality. Arendt explains this problem in a passage of the essay's first section,

Men who act, to the extent that they feel themselves to be the masters of their own futures, will forever be tempted to make themselves masters of the past, too. Insofar as they have the appetite for action and are also in love with theories, they will hardly have the natural scientist's patience to wait until theories and hypothetical explanations are verified or denied by facts. Instead, they will be tempted to fit their reality—which, after all, was man-made to begin with and thus could have been otherwise—into their theory, thereby mentally getting rid of its disconcerting contingency.²⁹⁴ (Italics are author's)

The problem with getting rid of "disconcerting contingency" is that contingency is the byproduct of the human ability to "act." Since action is spontaneous and derives from the sovereign capacities of being one human being, the elimination of contingency

²⁹³ Walter Lippman, *Public Opinion* (New York: Free Press Paperbacks, 1922), 54-55.

²⁹⁴ Hannah Arendt, "Lying in Politics," in *Crises of the Republic* (San Diego: Harcourt Brace & Company, 1972), 11-12.

strikes directly at the capacity for political action. However, action appears to be an innate human faculty. If it is true that we all are endowed with the capacity to act, then the complete elimination of contingency is impossible. Arendt develops her political thought the way she does and uses “Reflections on Little Rock” as a means of communicating her views because she is worried about the growing trend that when people gather together for meaningful action, their first instinct is to move towards organizational power. Organizational power promises the efficiency of administrative logic, but is also the same type of power whose “iron law” is oligarchy.²⁹⁵ It is a type of power that suppresses the capacity for action by people via literally “organizing” them; reducing them to use functions.

The growth of organizational power results in a shackled, conformist polity and a bureaucratic regime that continually miscalculates the effects of its designs. Just as certain “subterranean elements” crystallized to bring about totalitarianism, Arendt’s work post-*Origins* can be seen on its whole as a normative project about the elements that must crystallize to form an active and free polity. The normative polity Arendt envisions is comprised of people who are given the space to act and live amongst institutions, a political culture and a public philosophy that does not deal with the contingency of action by trying to suppress it and pretending that it is not real. Here, Arendt agrees with the likes of Madison, Montesquieu and Machiavelli that political practice must be preserved,²⁹⁶ and this is why activities like abortion

²⁹⁵ Michels, *Political Parties*.

²⁹⁶ Montesquieu, while not calling it isonomy by name, does talk about it as the only touchstone of proper democratic constitution. He writes that the “true spirit of equality,” as opposed to the “extreme spirit of equality,” is characterized by, “neither making no one command, but in obeying and commanding one’s equals. It seeks not to have no master but to

escorting can transcend questions of how “right or wrong” legalized abortion may be viewed. The abortion escort preserves a space for political practice that keeps the subterranean currents of capable self-governance alive through direct application. Such an act stands in direct contradiction to the forces that threaten the spaces that make it possible. Such an act may be small, episodic, and rare, and thus out of the context of normal political discussion, but what they lack in frequency they make up for in their fundamental importance.

The Rise of the Social

Arendt addresses the problems posed by society and the growth of the social realm explicitly in “Reflections on Little Rock.” Arendt writes that society “is that curious hybrid realm between the political and the private in which, since the beginning of the modern age, most men have spent the greater part of their lives.”²⁹⁷ Arendt believes that the social realm poses real problems for political life, particularly as the domain of the social has grown in the modern age. The expansion of the social into what was once political territory means that the dangerous element of conformity, a disciplinary power that regulates social behavior, is a plausible, and in some cases, a preferred means of regulating political questions as well. Arendt writes that society “always demands that its members act as though they were members of one enormous family which has only one opinion and one interest.”²⁹⁸ Thus, whether or not the society is “mass society” or a more localized type of society, like a group of

have only one’s equals for masters.” See, Montesquieu, *The Spirit of the Laws*, 114 (Bk. 8, Pt. 1, Ch. 3).

²⁹⁷ Arendt, “Reflections on Little Rock,” 237.

²⁹⁸ Arendt, *The Human Condition*, 38.

people in the same profession, behavior is coordinated through norms that must be adhered to in order to belong. Arendt speaks directly to this point near the end of “Reflections on Little Rock”

Mass society – which blurs lines of discrimination and levels group distinctions – is a danger to society as such, rather than to the integrity of the person, for personal identity has its source beyond the social realm. Conformism, however, is not a characteristic of mass society alone, but of every society insofar as only those are admitted to a given social group who conform to the general traits of difference which keep the group together.²⁹⁹

Conformism need not always carry a negative connotation, particularly if it is in a vocational setting. That all brain surgeons have much in common in thought and training is probably not something that one would consider unattractive. However, when conformism slips into the world of the political, its troublesome effects have garnered serious attention on its suppression of human activity. John Stuart Mill famously lamented “Who can compute what the world loses in the multitude of promising intellects combined with timid characters, who dare not follow out any bold, vigorous, independent train of thought, lest it should land them in something which would admit of being considered irreligious or immoral?”³⁰⁰ Further, Alexis De Tocqueville feared that conformity drove majority tyranny in democratic regimes, observing, “In America the majority draws a formidable circle around thought. Inside those limits, the writer is free; but unhappiness awaits him if he dares to leave them.”³⁰¹

Modern times offer us more reason to dread the effects of conformity, not only upon one’s thoughts and free expression, but also in regards to the ability to link

²⁹⁹ Arendt, “Reflections on Little Rock,” 238.

³⁰⁰ John Stewart Mill, *On Liberty* (New York: Penguin, 1985), 95.

³⁰¹ Alexis De Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop, Paperback ed. (Chicago: University of Chicago, 2002), 244.

our thoughts and our values to our own actions. Phillip Zimbardo's near-legendary "Stanford Prison Experiment" suggests that conformity can override the deepest moral principles of actors if the forces of conformism are felt strongly enough.³⁰² Christopher Browning's *Ordinary Men*, a study of a reserve police battalion that participated in the Nazi campaign of mass murdering innocents cited peer pressure as a principle motivator in terms of explaining many of the individuals' willingness to participate in such horrific acts. Browning quotes one interviewee as saying, "If the question is posed to me why I shot in the first place... I must answer that no one wants to be thought a coward."³⁰³ In such contexts, when the power of conformity is properly leveraged, its ability to override the will of the individual seems chilling.

Arendt credits Rousseau for first theoretically investigating "society's unbearable perversion of the human heart"³⁰⁴ and she later argues that, "Society is the form in which the fact of mutual dependence for the sake of life and nothing else assumes public significance."³⁰⁵ This feeling of mutual dependence for survival that seems to drive the conformist urge in Browning's account of why the German Reserve Police Battalion he studied participated in rounding up and murdering innocents during the Second World War.³⁰⁶ However, one's livelihood need not actually be threatened in order to feel the pull of the social. The actual pull of the forces of the social are often times both strong and real while the sense of danger which might facilitate its necessity are often vague and ill-defined.

³⁰² Craig Haney, Curtis Banks, and Phillip Zimbardo, "A Study of Prisoners and Guards in a Simulated Prison," *Naval Research Review* 30 (1973).

³⁰³ Christopher Browning, *Ordinary Men* (New York: HarperPerennial, 1992), 72.

³⁰⁴ Arendt, *The Human Condition*, 39.

³⁰⁵ *Ibid.*, 46.

³⁰⁶ Browning, *Ordinary Men*, 72-75 and 165-79.

It is in this context that Arendt felt escorts would have been valuable at Little Rock Central. The appearance of fellow citizens with no private or social connections to the target of this ostracizing power, whether it is outside of the all white school or outside of the abortion clinic, serves as a direct means to dramatically lessen the influence of social pressure. The appearance of escorts instantly communicates that other people are willing to show up in the face of such pressures and are willing to place their own persons under the same gaze from the crowd. This alliance alleviates the pressure, presumably because it redirects and diversifies the number of targets of ostracism from societies original target.

Michel Foucault believed that the combination of isolation and feeling that others were watching and judging was a powerful type of *disciplinary* power. Foucault saw this evidenced in Jeremy Bentham's vision of the panopticon, a prison design from which a prisoner may be seen at all times but cannot see his watcher, and thus, never knows if he is being watched. This principle spreads across modern society. Foucault details, "A few years after Bentham, Julius gave this society its birth certificate." Speaking of the panoptic principle, he said there was much more than architectural ingenuity' it was an event 'in the history of the human mind.'"³⁰⁷ No longer did society find itself to be in a civilization that was about "spectacle," in the words of Foucault, or of "thoughts and deeds," in the words of Arendt. Instead, there has been a transition to, as Foucault describes, "a society in which the principal elements are no longer the community and public life, but, on the other hand, private

³⁰⁷ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 216.

individuals and, on the other side, the state, relations can be regulated only in a form that is the exact reverse of the spectacle.”³⁰⁸

On What it is About Politics that the “Rise of the Social” Threatens

Foucault conceptualizes this discipline similarly to Arendt’s idea of the social. He writes that “‘Discipline’ may be identified with neither an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedures, levels of application, targets; it is a ‘physics’ or an ‘anatomy’ of power, a technology.”³⁰⁹ Foucault separates what institutions make use of from the institutions themselves and considers carefully the elements of political sociology that have changed over time and exploited various power relationships between people. The relevant similarities in approach with Foucault here clear up some of the confounded commentaries on Arendt’s work in this area.

For example, Seyla Benhabib asks

When Arendt criticizes the eclipse of the public-political life, and laments the “rise of the social”, she is criticizing the transformation of political life brought about by both a capitalist market economy and by the rise of mass society. But is her critique merely an exercise in nostalgia?³¹⁰

The answer to Benhabib’s question depends upon Arendt’s objective in criticizing the crowding out of political life by the social. Many commentators interested in social and political equality gains of the last one hundred years look at Arendt with a wary eye. They fear that her looking back at the Greek polis, at older understandings of heroism, are implicitly hostile to such gains by the way they seem to sensationalize a past that also celebrated aristocracy, subjugation of women, and even slavery. While

³⁰⁸ Ibid.

³⁰⁹ Ibid., 215.

³¹⁰ Benhabib, *The Reluctant Modernism of Hannah Arendt*, 139.

this fear is understandable, it misunderstands some finer points on compiling Arendt's thoughts.

As a point of comparison, Stephen Elkin writes about James Madison's work on the subject of regulating various personal interests for the sake of the public interest is intended to be understood as, "the subject of lawmaking, not a description of how it should work."³¹¹ Elkin suggests that Madison's understanding of regulating the public interest has a general "aspirational" component to it that Madison believed must be our guide through the complex realities of actual lawmaking. Elkin further argues that Madison

said surprisingly little about the content of the permanent interest of the community. This quite possibly, is because he thought that very little of a precise nature *could* be said. The concrete meaning of the public interest at any given moment must reflect the circumstances of lawmaking. To attempt to spell out the public interest in detail would not only be impossible, because impossibly complex, but also unwise.³¹²

This "unwise" attempt to spell out a coherent account of the public interest is, by and large, what many critics of Arendt find lacking in her writing. Arendt's comparability to both James Madison and Michel Foucault should not be surprising, as both of these thinkers were interested in questions about how arranging power through institutions and social practices were possible. When Arendt writes in aspirational terms about topics like the human condition and the founding of freedom through revolution, we should expect her account to *illustrate* what her arguments, rather than have them spelled out in precise, technical terms. Arendt's examples of concepts in practice should not be mistaken for the exact substance, if there is such a thing in the first place, of what she would recommend in a particular present day situation.

³¹¹ Stephen L Elkin, *Reconstructing the Commercial Republic* (Chicago: University of Chicago, 2006), 30.

³¹² Ibid.

In her recent book, *Why Arendt Matters*, Elisabeth Young-Bruehl recalled what it was like to be one of Arendt's students,

Whenever I imagine to myself how Hannah Arendt—who was my teacher—might have judged some phenomenon and brought clarity to it for others, I hear her heavily German-accented voice carefully saying: 'Vell, vell, on one hand... und den on another hand... Und, look here, consider it this way...' Then she pauses, and you can actually see in her face how much she is mentally enjoying what Kant referred to the 'enlarged mentality' of opinion sharing, consulting, paying calls on other points of view: '*Aber shen Sie mal!* [But look sharp!] Here is the other side, another perspective.' There were never *any* sound bites.³¹³

This anecdote reveals that any attempt to find an overtly essentialist version of Hannah Arendt's political thought is necessarily a doomed project. Arendt was not the type of thinker who would write an essay entitled, "On the Public Realm and Little Rock Central," but instead, "*Reflections* on Little Rock." Arendt is casting about for ways to "look sharp." To suspect a deeper motivation or project is a mistake.

How Abortion Escorts Diffuse Disciplinary Social Power

The importance of this theorizing on disciplinary power becomes clear in the context of escorting situation. Abortion escorts almost unfailingly mentioned that clinic staff informed them that there were visible differences in patient nervousness when escorts were present outside. They also mention at trainings that doctors have reported to them that it was their general experience that measurable indicators, like pulse and blood pressure, were lower on days when there were escorts outside. I never had an occasion to speak with any of the medical staff, but I was able to ask a

³¹³ Elisabeth Young-Bruehl, *Why Arendt Matters* (New Haven and London: Yale University Press, 2006), 13-14.

clinic director if she heard these claims from her doctors, and she told me that escorts had an “obvious effect” on lowering the stress levels of patients.

On most days outside of the abortion clinic, the protestors do not count more than twenty people, and sometimes there is only one person out there. This is particularly likely to be true on the Wednesday mornings at the downtown clinics. However, without the presence of escorts, having even one protestor present might make a patient unsettled. In general, just three or four abortion escorts seem to make a difference in limiting protestor impact. When escorts take people into the clinic, escorts employ a variety of tricks to distract patients from focusing on the protestors outside. Idle chit-chat and calm instructions are the primary tools of such distraction. Escorts usually inform those entering the clinic that they do not have to take any material from the protestors and that they do not have to listen to them if they do not wish to. If patients do happen to take materials, they are usually informed of a receptacle just inside the building where they can leave their newly acquired handouts before having a chance to look at them. Judging by how full the receptacle tended to be at the end of the day (this receptacle was a treasure-trove for the researcher), not very many of these handouts ever made it past the bin.

On a theoretical level, this brings back to an appealing aspect of what Arendt argues in “Reflections on Little Rock.” Once political differences are “taken to the streets” in a way that represents the bullying form of social pressure, the task for those interested in preserving political equality rests not with a search for “formal

inclusion.”³¹⁴ The question can be asked: inclusion into what? When abortion escorts or protestors actually start talking to the other about abortion, it is unfailingly because the speaker is either trying to upset someone or because they themselves are upset. There appears, at least between escorts and protestors, to be no meaningful conversation that can take place about abortion. Instead, there is the single voice of the protestors, usually engaged in collective readings or singing “Ave Maria” off-key, and the work of the escorts, who try to keep the protestors occupied with their gamesmanship and the clinics patients as free from interference as possible. The actions of the protestors are legal, and as Arendt argues, it is difficult to perceive a way in which the state could successfully interfere with private discrimination of this type without infringing upon such important political qualities as free speech and assembly. The presence of the escort diffuses a difficult political problem without the state overstepping its bounds.

Abortion Escorts as Using Their Share of Public Power

The reason that Hannah Arendt felt the lack of escorts at Little Rock was a “sorry fact” has everything to do with her view on responding in the appropriate way. The more appropriate way of citizen escorts is one that negates the influence of the tactics of societal politics without sacrificing political space and values needlessly by responding with brute strength. In other words, escorting is an alternative to “passive” or “massive” resistance, because it is literally “active” resistance in Arendt’s parlance. Abortion escorts are not engaged in the type of politics that consists mostly

³¹⁴ See Iris Marion Young, “Activist Challenges to Deliberative Democracy,” in *Debating Deliberative Democracy*, ed. James S. Fishkin and Peter Laslett (Malden, MA: Blackwell, 2003).

of talking or contemplating what others ought to do on their behalf, but instead they take up their own capacity to act to solve problems. This is not only an exemplary means of political action for the way it stands against the growth of the mindset of the social, and all of the conformist pressures that extend from its growth, but also in terms of the view that more and more of the political world should be “produced” by institutions and the legitimate state apparatus. The attempt to produce a political result by the state on abortion has had just about as difficult a history as its attempts to produce non-discrimination. Each case suggests lessons about the limits of what state institutions might be able to successfully do. Further, the situation poses the question about whether or not the state has lulled citizens from its comprehensive administration that it dulls their desire to act to solve such problems by which local action would be a more attractive remedy.

Arendt and Wolin are not lone voices in believing that administrative solutions can be crippling to a political community. Michael Sandel argues that it was the discovery of the strong impact of monetary and budgetary policy, an art of administration, as a quick remedy to economic downturns that caused American public philosophy to turn away from questions of the structural relationship between citizens, economies, and the state. In the late part of the New Deal, when the Roosevelt administration turned to budgetary policy to stimulate economic recovery, “the political economy of citizenship gave way to the political economy of growth and distributive justice.”³¹⁵ This in turn gave rise, Sandel argues, to a “procedural republic” that was, “born at a rare moment of American mastery.”³¹⁶ Sandel’s

³¹⁵ Sandel, *Democracy's Discontent: America in Search of a Public Philosophy*, 262.

³¹⁶ *Ibid.*, 275.

argument about a procedural republic whose political economy is primarily interested in growth and distributive justice is a historical account of a state whereby the social has eclipsed the political.

Rather than politics as a space for distinction, which is to say in both Arendt and Montesquieu's language, a space where equality means ruling over and being ruled in return by equals, we have a political economy characterized by Montesquieu's definition of extreme equality. The state administers solutions; the society demands that their desires are fed. Conflicts take place when the desires of society conflict with the administration's, and, while the administration may claim to be on the side of right by forcing integration, they do so with blatant disregard for any possibility that integration could be about citizenship rather than social justice.

Concentration of Force; Separation of Power

Somewhat late in her career, Arendt tried to work through her understandings of "violence," "force," "strength," and "power." Arendt writes, "[p]olitically speaking, it is insufficient to say that power and violence are not the same."³¹⁷ She was later pushed to further clarify what she meant by this point in an interview, and she responded,

In all republics with representative governments, power resides in the people. That means that the people empower certain individuals to represent them, to act in their name. When we talk about loss of power, that signifies that the people have withdrawn their consent from what their representatives, the empowered elected officials do.... In order to maintain the system, the empowered ones begin to act as rulers and resort to force. They substitute force for the assent of the people; that is the turning point.³¹⁸

³¹⁷ Arendt, *On Violence*, 56.

³¹⁸ Hannah Arendt, "Thoughts on Politics and Revolution," in *Crises of the Republic* (San Diego: Harcourt Brace, 1972), 223.

Arendt never explicitly makes the connection, but these distinctions explain another critical dimension of her reaction to the Federal Government's handling of the Little Rock situation. Arendt asks us to consider what it means when the state has to use force against its own people. While the presence of Federal Troops at Little Rock did not reach the level of violence that Arendt refers to in the citations above, the specter of the state using coercive physical force if necessary is very much present.

There was, of course, also good reason to fear violence without the presence of Federal Troops. The history of violence in the South seems a possible reason why people would not risk to see it their "simple duty" to walk African-American children to school. Yet, there have been instances of violence outside of abortion clinics and abortion escorting persists. Even in the domain of my local research, the specter of violence lurks. At one point, this threat got close to home when I was notified by email,

...had some excitement lately, as you may have heard (it was mostly local news but got some national coverage): police detonated a bomb in a private home in Riverdale that was to have been placed at the clinic. The would-be bomber turned himself in and is in jail. It turned out that he was a suspicious man the escorts had photographed at the clinic a month earlier.³¹⁹

The person in question had indeed been in the papers and was reportedly intent on attacking one of the DC area clinics, his father telling *The Washington Post* "It's just something that he believed in fervently, and in my opinion he went way over the top."³²⁰ Escorts continue to volunteer in the face of such threats of violence, asserting

³¹⁹ Email to author. Received 30 June, 2006.

³²⁰ Eric Rich, "Md. Father Told Police of Alleged Bomb Plot," *The Washington Post*, Saturday, June 10 2006. See also Ruben Castaneda, "Pipe Bomb Suspect Quiet in Court, but His Shirt Isn't," *The Washington Post*, Tuesday, June 13 2006.

once more that such threats are not simply a justification for state coercion, but are also an affront to a sense of common decency that escorts do not sit idly by and tolerate.

A question that the threat of abortion bombers and lynch mobs pose is whether threats to justice and safety justifies an administrative Leviathan. One of the points that Arendt's analysis suggests about sending Federal Troops into Little Rock is that it is a different type of act than that of law enforcement. The difference between sending troops into Little Rock Central and acts of law enforcement is that when law enforcement does its work, the legitimacy of the laws that it is enforcing is not in question. The act of protesting, either in the case of the crowds gathered at Little Rock Central or in the case of crowds gathered outside of the abortion clinic, is designed to voice dissatisfaction with the law itself. When the state resorts to visibly threatening coercion in response to such protests, it is a sign that normal politics' ability to solve such public problems has broken down. And while one can make a compelling case that employing coercion to advance the Civil Rights movement sounds like something worth doing, it is important to consider carefully what might happen to the structure of institutions, political culture, and public values once the wheels of political action are so greased for by the administrative power of the state.

Arendt once commented on the Vietnam War in an interview, "among widening circles, the Vietnam War has been considered illegal—not only peculiarly inhuman, not only immoral, but *illegal*. In America that has a different weight than in Europe."³²¹ Arendt attributes this to America's political culture accepting the model of law that believes strongly in the idea that "*potestats in populo* is capable of

³²¹ Arendt, "Thoughts on Politics and Revolution," 224.

inspiring a form of government only if one adds, as the Romans did, *auctoritas in senatu*, authority resides in the Senate.”³²² The creators of the American political order, Arendt believed, understood power better than all others because they understood and believed the rather unconventional take on power that Montesquieu developed in *The Spirit of the Laws*. Montesquieu’s insights into how power actually works stand, “in so flagrant a contradiction to all conventional notions on this matter that it has almost been forgotten, despite the fact that the foundation of the republic in America was largely inspired by it.”³²³ The understanding in question is that in diversifying power, one renders it neither tyrannical nor impotent. This is why Montesquieu believes that equality rightly understood is isonomic: because to neither rule nor be ruled in return allows citizens to share in their use of power amongst equals while protecting all from its ill effects as best as possible. Power, when it is properly divided and arranged allows all to tap power’s potential without fear of subjugating or subjugation from others.

However, Arendt notices two important considerations about what can interfere with this model. First, she writes that “power can of course be destroyed by violence; this is what happens in tyrannies, where the violence of one destroys the power of many,” and she follows up by noting that for Montesquieu this would mean such regimes “are destroyed from within: they perish because they engender impotence instead of power.”³²⁴ This, once again, points to the dangers that the polity can be rendered impotent in their capacity to act by either too much conformity of mind or too much large, mechanized, automatic state functions. Either has great

³²² Arendt, *On Revolution*, 178.

³²³ *Ibid.*, 151.

³²⁴ *Ibid.*

potential to render the great majority of the public indolent in regards to important and achievable local political action.

Second, Arendt writes, “[p]ower, contrary to what we are inclined to think, cannot be checked, at least not reliably, by laws.”³²⁵ Arendt provides two reasons for making this point. The first reason is that, “the so-called power of the ruler which is checked in constitutional, limited, lawful government is in fact not power but violence, it is the multiplied strength of the one who has monopolized the power of the many.”³²⁶ Once more, we see Arendt’s similar thematic when she talks about the difference between legislative and executive power. To legislate is to engage in dialogue and to contemplate, but it is no real match for the power to act. “Legislative acts” are constantly threatened by the fact that any executive is inherently endowed with the ability to replace the will of the many with his or her own and then put such will into action on their behalf.

Laws also “are always in danger of being abolished by the power of the many, and in a conflict between law and power is seldom the law that will emerge as the victor.”³²⁷ Whereas the executive has strength, the means to multiply the wishes of one into the actions of many, the many have power at their command. Power derives from their ability to act with one another for a common purpose. Both the strength of the executive and the power of the people threaten to disrupt the very model that allows them to flourish when they are put to use to assault the authority of the legislature.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ Ibid.

“Reflections on Little Rock” is concerned with the way in which the strength of the one or the power of the many can be abused if not properly restrained. Arendt’s emphasis on the importance of these relationship goes beyond her comments on the transition from “passive to massive” resistance that takes place because of sending Federal troops. For example, Arendt claims, “[l]egally as well as traditionally, public education lies in the domain of state legislation.”³²⁸ Here, her appeal is to both the legal precedent and social custom, both of which have been abandoned because both law and society “give way quickly in case of emergency.”³²⁹ Perhaps integration was an important enough political issue for which to abandon both legal precedent and social custom, but such a decision must be made without considering what the effects of abandoning such customs would possibly look like.

Arendt also writes on the relationship between the laws and their potential efficacy to point out that there are serious barriers to the Federal government claiming legitimate domain over education. Arendt counsels explicitly,

It would be very unwise indeed if the Federal government—which now must come to the assistance of more and more enterprises that were once the sole responsibility of the states—were to use its financial support as a means of whipping the states into agreement with positions they would otherwise be slow or altogether unwilling to adopt.³³⁰

³²⁸ Arendt, "Reflections on Little Rock," 241.

³²⁹ This is a quote from Arendt, *On Revolution*, 116. Arendt is referring to the “mores of society,” and she is, in turn paraphrasing Montesquieu from Book 8, Chapter 8. She quotes the following passage in her footnotes, “Most European peoples are still governed by mores. But if, by a long abuse of power or by a great conquest, despotism became established at a certain time, neither mores nor climate would hold firm, and in this fine part of the world, human nature would suffer, at least for a while, the insults heaped upon it in the other three.” See, Montesquieu, *The Spirit of the Laws*, 118 (Pt. 1, Bk. 8, Ch.8). Given this analysis of mores with the prior discussion on the inability of laws to do so above is why I employ Arendt’s quotation in the context above.

³³⁰ Ibid.

Forced integration, at least in Arendt's mind, runs counter to the notion that power ought to be set against power. Instead, she worried that forced integration combines the dangers of authority conferring a monopoly on power even when public support has withdrawn with the threat of violence in the form of Federal troops.

Arendt brings all of these thoughts from *On Violence* and *On Revolution* together in one swift move inside of the "Reflections on Little Rock" essay itself. She writes,

The point is that force can, indeed, must be centralized in order to be effective, but power cannot and must not. If the various sources from which it springs are dried up, the whole structure becomes impotent. And states' rights in this country are among the most authentic sources of power, not only for the promotion of regional interests and diversity, but for the Republic as a whole.³³¹

In this passage, Arendt defines the differences between "force" and "power" and suggests dangerous effects of choosing to pursue a political direction of force instead of power. Every time force is used to handle a political issue, it presents the dangerous possibility that is diminishing places where properly practiced politics could potentially take place. Force is, to put it in more Madisonian terms, a faction-diminishing tool. As Madison believed that factions were necessary for liberty, it follows that any change in our institutional arrangements that diminishes the existence or strength of factions. Not just in one particular instance but also in a way that strikes at the efficacy and purpose of factions, must be a liberty-reducing action as well. Madison wrote that there are "but two methods of removing the cause of faction: the one by destroying the liberty that is essential to its existence; the other by giving every citizen the same opinions, the same passions, and the same interests."³³²

In their own ways, Arendt argues that the mob *and* the Presidential Administration,

³³¹ Arendt, "Reflections on Little Rock," 241.

³³² Madison, "The Federalist No. 10."

via Federal Troops, were vying to undercut the liberty of factions by borrowing from both pools of what Madison thinks are destructive to their ends. The mob tries to enforce conformity by threatening the comfort of those who would feel free to appear and hold a different view. The Federal Troops are there to enforce administration policy as the only acceptable policy.

In Arendt's mind, how the state used its ability to concentrate its resources and use force to carry out plans devised by the administration's managerial elite had become more significant over time. When we put both the problem of the mob and state in context at Little Rock, Arendt seems to imply that these expanding dangers are possibly in some sort of reciprocal relationship that feeds off of the reactions of one another, crowding out the potential for political action by making us forget about its horizons. Political theory has also, to some extent, gone along for the ride as well. Rather than take the types of structural approaches to this problem that Arendt tries to pursue, many political theorists have simply moved onto focusing solely on questions of legitimacy for either the mob or the state, and have given up on the prospect of political action entirely. Contemporary political theory that tries to lay out clear philosophical, theoretical or metaphysical systems of legitimating rules for conduct do so at their own peril, for they ignore the warning that laws do not fare well when they conflict with power.

In this regard, Arendt believed that had someone participated in a political act during the Little Rock crisis, they would have been acting on behalf of self-governance as much as anything else. While Arendt looks past the actual concrete significance of the Civil Rights Movement in her essay, this is intentional. Arendt

claimed to be inspired to write the essay by “a picture in the newspaper, showing a Negro girl on her way home from a newly integrated school; she was persecuted by a mob of white children, protected by a white friend of her father, and her face bore eloquent witness to the obvious fact that she was not precisely happy.”³³³ Arendt believed that the sight of children caught in between “adult mobsters” on the one hand and “Federal troops” on the other was not a pretty one. The political act Arendt pushed for, “seeing children safely to school,” is a profoundly political act because of its power. The power of escorting in this situation would have meant creating a power that could “rise to meet power” of those protesting outside of the clinic and possibly could have carried out the job Federal troops had been sent to do by the importance of arresting power with power, rather than granting the Executive Branch to employ force.

Abortion Escorts and the Political Act

Hannah Arendt was interested in the politics of the “council system, which, as we know, has perished every time and every where, destroyed either directly by the bureaucracy of the nation-state or by the party machines.”³³⁴ Arendt believed that the council system not only possessed attractive alternatives to the politics of the modern state, but that it posed real possibility of being a practicable guide because, “Spontaneous organization of council systems occurred in all revolutions”.³³⁵ In the final chapter of *On Revolution*, she focuses her attentions on Thomas Jefferson’s proposal to create a ward system, a subdivision of political communities and interests

³³³ Hannah Arendt, "Reflections on Little Rock: A Reply to Critics," in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2000), 243-44.

³³⁴ Arendt, "Thoughts on Politics and Revolution," 231.

³³⁵ Ibid.

coexisting simultaneously with the official mechanisms of the state. Arendt is fascinated by such a system's potential to increase the characteristics of self-rule in all individuals and the effect this has on the polity. She writes about Jefferson's plan, "Hence, the ward system was not meant to strengthen the power of the many but the power of 'every one' within the limits of his competence; and only by breaking up 'the many' into assemblies where every one could count and be counted 'shall we be as republican as a large society shall be.'"³³⁶ Without these lower-level competencies, this sense of everyone having to count on one another for their public life, the relationship between the people who hold power and authority, and those who believe they have the legitimate right to rule on its behalf, suffers from the various forms of interference previously addressed.

Arendt looked at council systems and, at one point, summarized her view on them, "In this direction, I think, there must be something to be found, a completely different principle of organization, which begins from below, continues upward, and finally leads to a parliament."³³⁷ Arendt's comments on council systems illuminate the theoretical underpinnings of her belief that some seemingly minor act, like walking children to school during integration, is an intensely powerful political deed despite how counter-intuitive the deed might seem against the backdrop of resolving great historical questions. Little Rock Central was a time and place where citizens had a chance to act without prodding or without reacting based upon habit. Instead, there was a moment where their own initiative could be used to show how a public relying upon one another to respond could be preferable to the forces of either mob or state.

³³⁶ Arendt, *On Revolution*, 254.

³³⁷ Arendt, "Thoughts on Politics and Revolution," 232.

Rather than representing principles of justice or their Southern society, people were presented a chance to represent nothing more than themselves, as one who believes in law-abidingness and has both a stake in protecting it and at least some capacity to do something about it.

Margaret Canovan believed that Arendt's essay was "much misunderstood", and it was her interpretation that Arendt was trying "to make clear the narrow course that political men must steer between the Scylla of determinism and the Charybdis of believing that everything is possible."³³⁸ More recently, Seyla Benhabib has been less charitable. "The question is," argues Benhabib, "whether these fears are the appropriate ones in the face of black-white relations that dominated at the time, and in particular with respect to integration in the schools."³³⁹ Benhabib raises this question, and concludes about the essay "she projected her own history and identity onto those of others. The 'Reflections on Little Rock' essay shows not only the failure of the distinction between the social and the political but also the failure of the art of practicing 'enlarged mentality' in the public realm."³⁴⁰

Benhabib's claim that "Reflections on Little Rock" is missing the bigger picture in regards to what is going on with the Civil Rights movement implies that Arendt's thoughts in the essay are both misguided and impractical. Benhabib devotes her energies in this part of her book to taking up sentences in "Reflections on Little Rock" that could be taken on as value claims and attacking them. Benhabib is implicitly denying that context of concerns for how politics is practiced is of any relevance when taking up such arguments. This is evidenced by the fact that she

³³⁸ Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought*, 243.

³³⁹ Benhabib, *The Reluctant Modernism of Hannah Arendt*, 147.

³⁴⁰ *Ibid.*, 155.

makes no effort to contextualize Arendt's comments in her own words from the essay on the matter, but instead Benhabib surmises Arendt's context from a couple of prefatory comments while ignoring vast regions of the actual essay itself that focus on the themes of participation, society, power and force.³⁴¹

Further, criticizing Arendt for not having an "enlarged mentality" is a communicative critique of the type that, as mentioned earlier, implicitly abandons political action in favor of questions of legitimacy for state action. Another way of saying this is that Benhabib's criticism implies that the project of political theory is to justify why all factions in this case should hold the same point of view rather than act as factions. The existence of abortion escorts complicates how seriously we can take this position by Benhabib against Arendt. The similarities between escorting people into the abortion clinic in the face of a group of protestors and Arendt's suggestions in "Reflections" extend beyond surface appearances and illuminate the various avenues of political importance on which Arendt wrote. Abortion escorts also bear a resemblance to the "council systems" that Arendt viewed as a viable alternative to contemporary politics in terms of the political organization. The Washington, DC, area abortion escorts are largely an *ad hoc* group who rely on the week to week volunteering of escorts. They have no office, mailbox, nor a phone. One longtime member described the group's volunteer recruitment strategy by saying, "we just keep begging people." The only privileged positions in the group consist of a variety of small organizational responsibilities: assigning volunteer's to clinics, organizing a group's actions on site, and organizing labor and materials for new escort workshops.

³⁴¹ For the entire section of Benhabib's analysis of "Reflections on Little Rock", see pages 146-155 of *The Reluctant Modernism of Hannah Arendt*.

While some told me that the older members of the organization sometimes made decisions without being suitably inclusive from time to time, organizational problems do not rise to the level of interfering with the group's overwhelming focus on action and political activity. The group does most of its work over email and does not engage in any fundraising. They have officers, but only because they are an incorporated group and their articles of incorporation require it. Finally, they have a small amount of money (reportedly much less than ten thousand dollars) in the bank that the treasurer is responsible for overseeing. Respect for others is tied most directly to being an agreeable and reliable partner on site more than anything else.

All of this is to say that abortion escorts as a collective entity do not comprise a large enough institutional arrangement to generate institutional needs that might compromise or even contradict the actual activity they come together to take part in. Abortion escorts therefore confront the problems related to "the rise of the social" along both of its critical dimensions. They clearly confront the social pressure of "the many" posing as speaking for "the all" by providing an alternative presence to protestors outside of the clinic. They also confront the organizational aspect of the rise of the social by coming together and acting in ways that do not undercut the authenticity of the act.

Hannah Arendt's evaluation of Jefferson's ward system was such that she wrote, "the elementary republics of the wards, the only tangible place where everyone could be free, actually were the end of the great republic whose chief purpose in domestic affairs should have been to provide people with such places of freedom and

to protect them.”³⁴² Abortion escorts act in this “only tangible place where everyone could be free.” The actions of escorts, aside from providing psychological benefits for those that they assist, also breathe real life into the “basic assumption of the ward system.” This basic assumption, “whether Jefferson knew it or not,” Arendt believed, “was that no one can be called happy without his share in public happiness, that no one could be called free without his experience in public freedom, and that no one could be called either happy or free without participating, and having a share, in public power.”³⁴³ Escorts claim their share of public power: they not only claim it, but they use it.

This idea is what Arendt summarizes as the “Lost Treasure” of the American Revolutionary tradition. In noting its absence in “Reflections on Little Rock,” she was accused of not seeing the greater good of the questions of politics that were at stake. However, it does not take a detailed journey through *On Revolution* to realize that she sees a different type of “highest good” in politics than her critics do, and this highest good looks a lot like the possibility to participate in the types of public acts that abortion escorts engage in on a weekly basis. As such, abortion escorting is not simply good for the participants, good for those helped, and good for the polity, it is quite possibly, the highest *end* of what a good political order should protect and nurture.

Conclusion

The idea that the body politic needs to be organized to preserve spaces for people to act when action is necessary is not a major current in democratic theory.

³⁴² Arendt, *On Revolution*, 255.

³⁴³ *Ibid.*

The pages of Dahl, Schumpeter, Rawls, Habermas, Gutmann and Thompson, and many other prominent democratic theories yield little to no treatment on the subject whatsoever. Despite the lack of attention, perhaps even because of it in some instances, Hannah Arendt wrote “Reflections on Little Rock” to raise the question of political space and political action. While grand economic schemes and carefully contemplated liberal normative positions can track justifications and describe the movements of government agencies and mass social movements, they cannot completely obscure the fact that we inhabit a world of real events. They also cannot completely obscure that fact that every human being who inhabits the earth has the ability to influence such events through their own ability to act. In failing to completely obscure these facts, when examples do appear before us, like abortion escorting, we are reminded that while Sandel’s “political economy of citizenship” has largely been forgotten, the questions regarding the arrangement of society and the trade-offs involved in structuring human organization and human freedom remain relevant. What the “rise of the social” represented to Arendt in real ways, was a reduction of both the space in which people can act for themselves and the awareness that human beings have such a capacity in the first place. Arendt was concerned that behavior would eclipse action, and that administration would eclipse politics. Indeed, a Schumpeterian or Rawlsian view of politics presumes that such an eclipse has already taken place, as they both are forms of the new political economy of growth and distributive justice that has by and large junked the political economy of citizenship.

My experience with abortion escorts suggests that not only is the type of public action that Arendt describes real, but that those who engage in it have found, as Arendt claimed, that they are happier for having their share of public happiness. Many escorts I talked to noted that escorting felt more rewarding than their other day-to-day activities. More than one person said that it seemed “more real somehow.” Despite a general dismissive sentiment towards theories that argue this type of participatory experience is at the heart of democratic practice, the *ad hoc* gathering of volunteers who get together to see people safely into the building and nothing more proves to be a startlingly compelling example of the power of such participatory action.

The understanding of Arendt pieced together above advocates the idea that human reality is not entirely knowable through fixed principles to which standards of human behavior can be unswervingly attached. Neither the state, nor society can monopolize reality, particularly the reality of the space shared between human beings. When institutions and their accompanying institutional logic overstep their claims on this space, the results will always be as ominous as they are promising. Arendt wrote that freedom is useless without action, but together they make human beings “the author of miracles.”³⁴⁴ These miracles do not derive from institutions or societies, but instead they are the direct result of “men who perform them—men who because they have received the twofold gift of freedom and action can establish a reality of their own.”³⁴⁵ The participatory behavior of abortion escorts provides a real world example that breathes life into the relationship between freedom and action that

³⁴⁴ Hannah Arendt, “What Is Freedom?,” in *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin, 2000), 460.

³⁴⁵ *Ibid.*

Arendt stirringly describes. If, it is the case that this relationship may prove to be so real, and so vital to the quality of our political life, then we must conclude that theories of democratic practice that leave it out, are, as Jeffrey Isaac writes about Schumpeter's *Capitalism, Socialism, and Democracy*, answering "a set of important but *limited* questions."³⁴⁶ (emphasis mine)

This conclusion elevates certain political theories of action from afterthought to coequal with theories of politics that focus on behavioral, institutional, and justice-oriented investigations into political regimes. Isaac's quote about Schumpeter is importantly worded, as elevating the importance of political action in theoretical accounts does not aim to deny the *importance* of other accounts, but instead aims to fill in the spaces that appear to be real but are ignored in the constitution of our political lives. The type of action that Arendt was looking for at Little Rock and the type of action that appears when people engage in abortion escorting is not the complete and final word on politics. Still, action does seem to offer a fundamental piece of the good political life. Tocqueville worried that "not only does democracy make each man forget his ancestors, but it hides his descendants from him and separates him from his contemporaries; it constantly leads him back towards himself alone and threatens to confine him wholly in the solitude of his own heart."³⁴⁷ Arendt has a response to this anxiety about democracy in the concluding paragraph of *On Revolution*, where she observed that Sophocles lets us know "what it was that enabled

³⁴⁶ Jeffrey Isaac, *Democracy in Dark Times* (Ithaca, NY: Cornell University, 1998), 5.

³⁴⁷ De Tocqueville, *Democracy in America*, 484.

ordinary men, young and old, to bear life's burden: it was the *polis*, the space of men's free deeds and living words, which could endow life with splendor."³⁴⁸

Chapter 5: Understanding Abortion Escorts II: Modest Revolutions

Participatory acts like abortion escorting are phenomena that are not easily susceptible to categorical understandings. Nevertheless, the fact that political action is elusive does not mean that it is not real or important. In general, political theory attempts to make political action evident by either talking about acts in bulk (in which case it loses the sense of particularity that makes it significant) or by attempting to capture descriptions of its fleeting appearances (in which case the credibility of the description is often doubted or ignored). Denying the existence of political action becomes difficult; however, when we come to understand its important role in other conceptual schemes that are more commonly viewed as credible. Political action is a capacity citizens have at their disposal when they possess what Arendt calls isonomy,

³⁴⁸ Arendt, *On Revolution*, 281.

or, as will be developed in this chapter, what Phillip Pettit calls “freedom as antipower.” Political action also helps us distinguish what Sheldon Wolin calls “the political” from what he calls “politics,” and it distinguishes itself from “politics” because of its foundational and constitutional value for the whole of the political community rather than for narrow, acquisitive, and self-interested ends.

Abortion escorts are engaged in promoting the type of freedom of a republican variety, what Phillip Pettit calls “freedom as antipower.” For Pettit, if not all republicans, the concept of freedom that is at stake in the political community is non-domination, which is then related in practice to the ability to engage in acts to defend one’s self from domination. Every member of the political community, while not equal in social standing, talents, etc., is equal in his or her ability to appear in the political community and act on those matters on which they ought to need no other authority beyond one’s own. Participating on this level is not simply valuable as a “for the sake of” with regards to civil society, structures of governance, and theories of justice, but in fact, the opposite is true. All of these structures presumably operate for the purpose of our own pursuit of human happiness, and are in existence to keep us safe and guide us away from human catastrophe as best as possible without suffocating the singularity and meaningfulness of being who we are in the first place. Political action is beneficial in helping us when it is difficult to collectively understand such relationships the right way around. As in Albert Camus’ *The Plague*, when the stories main characters start volunteer sanitary squads to fight the plague, “the plague became in this way some men’s duty, it revealed itself as what it really

was; that is the concern of all.”³⁴⁹ Political action in this regard is doubly illuminating: it reminds us of our own singularity and of our shared public responsibilities at the same time.

This underscores the central concern of any republican formulation of the public and its protection through republican values and institutions. The concern is that such values can be lost, easily lost, without the practice of public values and the encountering of singularly meaningful others in a context where they appear as such to one another. Pettit’s attack on the non-interference principle of freedom makes this point, as does the critique of what Arendt and Wolin fear is the true ascendant political ideology in our times, “organizationalism.” In these broad theoretical accounts, abortion escorting appears to be a “street level” story about the promise that politics of the sort that Pettit, Wolin, and Arendt hold on to and hold out for in the face of its continuing marginalization. Finally, Arendt’s account of the Adolf Eichmann trial and her writing on the release of *The Pentagon Papers* demonstrate why proceduralism and self-interest without a sense of the public and tolerance for the unpredictable, anarchic, and immodest possibilities of providing space to practice political action is vulnerable to disaster. A society that is not only “more practiced” in valuing the public, but actually lives in the world with an enlarged sense of community stands maybe not as the only hope that human beings in the modern, organized world can escape either viewing themselves or viewing distant others as redundant, unnecessary, and replaceable. It certainly lends itself as a serious candidate.

³⁴⁹ Camus, *The Plague*, 132.

Thus, the ultimate end of this discussion is to provide a detailed theoretical description about just how deeply significant political acts like abortion escorting are for the vitality of preserving a political community worth living in. Such a claim on the community worth living for might make the value pluralist or the Rawls-inspired political liberal bristle, all I can say in defense of my position is that I see no more reasonable attempt to explain the value and power of abortion escorting. The liberal method, to go into a detailed account about how the model of a state monopoly on power held in account only by some particular view of reasonable justification, appears to be an overly juridical. Further, it carries with it an excessively restrictive view of citizenship behavior given the potential dangers of administrative power and the apparent unnecessary restriction of the use of real political power by citizens of no particular rank—of which it seems clear that they are quite capable of using to positive effect.

Freedom as Antipower

Phillip Pettit's vision of republicanism rests in large part upon a conception that he calls "freedom as antipower." Pettit works on the question of freedom out of a dissatisfaction with the more popular contemporary liberal understanding of liberty as non-interference,³⁵⁰ which Pettit believes is both flawed and derived historically from justifications of monarchical and colonial subjugation.³⁵¹ In talking about freedom as antipower, it is apparent that Pettit's aim is to make freedom a value of political

³⁵⁰ See Mill, *On Liberty*, Douglas G. Long, *Bentham on Liberty* (Toronto: University of Toronto Press, 1977), Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays on Liberty* (Oxford and New York: Oxford University Press, 1969).

³⁵¹ See P. Pettit, "Freedom as Antipower," *Ethics* 106, no. 3 (1996): 598-600. Also see Barber, *Strong Democracy*, Sandel, *Democracy's Discontent: America in Search of a Public Philosophy*, ———, "The Unencumbered Self and the Procedural Republic."

participation, rather than a definition of the ways in which politics is not supposed to participate in you and what is yours. Pettit's freedom as antipower also provides us with an account of our liberties and of their immense value. As such, non-domination and freedom to participate in public life are mutually reinforcing values that a conception of freedom as non-interference cannot accomplish. This is, in Pettit's view, because the noninterference principle is simply not empowering enough to move most people to act on behalf of their liberties, and in so doing, the whole structure of protecting citizens from non-domination breaks down because, in the non-interference scheme, liberty is a private, and not public good. The noninterference principle treats liberty as simply another form of property. Interestingly, Pettit formulates freedom as antipower as a counter to this view in a manner that closely resembles Hannah Arendt's understanding of action and isonomy, that of not ruling nor being ruled in return. .

The overlap between Pettit's views on freedom, Arendt's vision of action, and the example of abortion escorts, together advance two important political understandings. First, they collectively elaborate and reinforce the possibility of active, participatory political values that, in contrast to the non-domination principle of liberty, make themselves evident as a public value pursued through the use rather than the restriction of public power. Second, Arendt's theoretical work on political action and the example of abortion escorts allow us to raise questions about the political economy of freedom as antipower. This second consideration refers to regulating the distribution and application of antipower that allows everyone to be free in practice without going so far as to engage in a Rousseau-like "forcing to be

free” that negative liberals worry so much about. While Pettit raises the question of the trade-offs involved in procuring and preserving “freedom as antipower,” his answers look more systemic and institutional in nature than participatory, which is odd given that freedom as antipower creates a space for all to use their power amongst equals. In this space, Pettit manages the economy of antipower through two institutional mechanisms, sanctions and screens,³⁵² as well as through the maintenance and manipulation of a “transmission belt” view of civil society.³⁵³ In contrast, the example of abortion escorts as a type of political actor in Arendt’s descriptive framework is engaging in Bonnie Honig’s agonistic politics in order to ensure civility. In other words, abortion escorting constitutes a new example of how to manage Pettit’s understanding of antipower. Political action provides republicanism with a street-level example of what antipower might look like, why it might be important, and how it might regulate itself in practice.

³⁵² Pettit gives the following definitions for sanctions and screens. For sanctions, “Sanctions operate on the set of options before an agent, making some options more attractive or less attractive than they would have been had the sanctions not been in place; they affect the relevant incentives.” See Pettit, *Republicanism: A Theory of Freedom and Government*, 212. For screens, he writes, “Screens operate, by contrast, on the set of agents or options. They are meant to ensure that some agents and not others will get to make certain choices, or that in certain choices some options and not others will be available; in other words, they are designed to affect opportunities rather than incentives.” See ———, *Republicanism: A Theory of Freedom and Government*, 213.

³⁵³ In chapter Eight of *Republicanism*, Pettit talks about civil society’s relationship to republicanism as primarily important for “in a word, norms. The laws must be embedded in a network of norms that reign effectively, independently of state coercion, in the realm of civil society.” See Pettit, *Republicanism: A Theory of Freedom and Government*, 241. There is no need to cover the shortcomings of this view of civil society here, but the existence of abortion escorts and the development of thought surrounding their political meaning done here recommends to Pettit-inspired republicans that they ought to consider the importance of political action in the economy of antipower. Perhaps Hannah Arendt, Jeffrey Isaac, Bonnie Honig, and Sheldon Wolin all should be required reading for republicans thinking through the economy of antipower, not as critics, but as friendly amendments to the work done by the likes of Pettit, Sandel and Skinner.

Freedom as Non-Domination versus the Non-Interference Liberty Principle

Freedom as antipower's primary characteristic is the principle of non-domination. The striving for non-domination is clearly central in Pettit's thought, as he not only emphasizes it frequently in his own work but also offers it as a corrective to other republicans like Quentin Skinner and Michael Sandel.³⁵⁴ "Someone dominates another," writes Pettit, "to the extent that (1) they have the capacity to interfere (2) with impunity and will (3) in certain choices that the other is in a position to make."³⁵⁵ Pettit argues that when these conditions are met, the "someone" who dominates the "another" has what "amounts to an absolutely arbitrary power."³⁵⁶ In such a circumstances, "there is no penalty, and indeed no loss, attendant on the person's interference,"³⁵⁷ and the only limitation is "the brake of their own untrammelled choice or their own unchecked judgment, their own *arbitrium*: ultimately, as it may be, their own capricious will."³⁵⁸

The dangers of having the criteria for domination met in most circumstances appear as self-evident. The dominant and the dominated "will share an awareness that the powerless can do nothing except by the leave of the powerful: that the powerless are at the mercy of the powerful and not on equal terms."³⁵⁹ This is, in short, the great republican complaint against those in authority when republicanism takes the form of a revolutionary ideology. When it carries the day as accepted public

³⁵⁴ Pettit suggests that the non-domination principle of liberty helps to flesh out Sandel's and Skinner's in two separate review of their respective books, Phillip Pettit, "Reworking Sandel's Republicanism," *The Journal of Philosophy* 95, no. 2 (1998), Pettit, "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner."

³⁵⁵ Pettit, "Freedom as Antipower," 578.

³⁵⁶ *Ibid.*: 580.

³⁵⁷ *Ibid.*

³⁵⁸ *Ibid.*

³⁵⁹ *Ibid.*: 584.

philosophy, this is what it aims to defend against. The Declaration of Independence and the Letter from a Birmingham Jail complain of nothing that cannot, in the mind's of the authors, be remedied by non-domination, and appeal not to reorder who gets to dominate but instead move in the direction of Pettit's vision of what antipower is and what it does. Pettit asks,

How might we guard the powerless against subjugation by the powerful? One way would be to reverse roles, of course, and give them power over others rather than letting others have power over them. But that would only relocate the problem, not resolve it. The question is how we might guard people in general against subjugation, not how might we guard some particular subgroup.³⁶⁰

Pettit argues for a state power where neutrality is achieved, not through keeping the state and state power out of as much as possible, but through the ability of everyone to be able to have some mechanism to act as *neutralizer* when the prospect of domination by others. This is how, in Pettit's view, we might arrive at the public-regarding republicanism of a Jefferson or a King, a Skinner or a Sandel. Pettit's vision of antipower never says it so explicitly, but this ability to neutralize domination must be *personally available* to all citizens as best as can be managed. This link is makes Pettit part of the "Republican Revival,"³⁶¹ which has its ties to thinking about the positive manipulation of power for public interest rather than attempting to wall off spaces where state power is not allowed in. In this regard, Hannah Arendt believes that Montesquieu made this great rediscovery about "the nature of power" and that his rediscovery was to be remembered during the American

³⁶⁰ Ibid.: 588.

³⁶¹ See Gerber, "The Republican Revival in American Constitutional Theory." Gerber specifically is writing about Ackerman, Michelman, and Sunstein in the context of constitutional scholarship, but Pettit, Sandel, and a few other contemporary theorists frequently cited in this dissertation have at least partially overlapping commitments to republicanism and all are part of a broader republican revivalism.

Revolution only to become lost once more.³⁶² However, Arendt believed that in the time she was writing *On Revolution*, “this discovery stands in so flagrant a contradiction to all conventional notions on this matter that it has almost been forgotten, despite the fact that the foundation of the republic in America was inspired by it.”³⁶³ Since Arendt, it has been the work of Pettit and the other “republican revivalists”³⁶⁴ to “rediscover” this understanding of the nature of power as a principle, and to raise our public consciousness about what might be at stake if we continue to forget. In “Freedom as Antipower,” Pettit attacks the “contemporary thought” in question in the above Arendt quotation that stands in contradiction to the principle of the American Founding: the non-interference principle of liberty. The defenders of the noninterference principle of liberty have enjoyed a position similar to how Rawls described the status of utilitarianism at the time he wrote *A Theory of Justice*: “it has been espoused by a long line of brilliant writers who have built up a body of thought truly impressive in scope and refinement.”³⁶⁵ The utilitarian thinkers Rawls is referencing in the quote were also some of the great proponents of the noninterference principle of liberty, and the difficulty in supplanting their preeminence rests, in Rawls’ mind, “Those who criticized them often did so on a much narrower front... But they failed, I believe, to construct a workable and systematic moral conception to oppose it.”³⁶⁶ Rawls worked to offer such systematized opposition to the systematic thought of utility and noninterference, as has the aforementioned “republican revival.”

³⁶² Arendt, *On Revolution*, 151.

³⁶³ Ibid.

³⁶⁴ See text in footnote 9 above.

³⁶⁵ John Rawls, *A Theory of Justice* (Belknap Press, 1999), xvii.

³⁶⁶ Ibid.

John Stuart Mill defines the noninterference principle by arguing, “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant”³⁶⁷ and Isaiah Berlin writes “I am normally said to be free to the degree which no man or body of men interferes with my activity.”³⁶⁸ The non-interference principle of liberty is certainly attractive, and even, as Mill argues, “may have the air of a truism.”³⁶⁹ In spite this, Pettit notice that the logic of this position is in accordance with Thomas Hobbes’ belief that “properly constituted authority establishes freedom where despotic authority destroys it.”³⁷⁰ Since all law is interference, “all laws are *pro tanto* destructive of liberty.”³⁷¹ It thus turns out that the non-interference concept of freedom, “is consistent with a benign dictator—the sort of benign dictator that the British government may have represented for American colonists” and that “freedom as antipower is not.”³⁷²

Berlin’s critique of what he labels “positive freedom” is the standard response to those who would take up Pettit’s position. Berlin argues forcefully that Pettit’s side of the argument seems persuasive because “we recognize that it is possible, and at times justifiable, to coerce men in the name of some goal (let us say, justice or public health) which they would, if they were more enlightened, themselves pursue, but do

³⁶⁷ Mill, *On Liberty*, 68.

³⁶⁸ Berlin, "Two Concepts of Liberty," 122.

³⁶⁹ Mill, *On Liberty*, 72.

³⁷⁰ Pettit, "Freedom as Antipower," 598.

³⁷¹ Ibid.

³⁷² Ibid.: 600.

not, because they are blind ignorant or corrupt.”³⁷³ From here, Berlin believes that he has spotted the slippery slope:

I may go on to claim a good deal more than this. I may declare that they are actually aiming at what in their benighted state they consciously resist, because there exists within them the occult entity—their latent rational will, or their ‘true’ purpose—and that this entity, although it is belied by all that they overtly feel and do and say, is their ‘real’ self, of which the poor empirical self in space and time may know little; and that this inner spirit is the only self that deserves to have its wishes taken into account.³⁷⁴

Berlin’s belief is that the notion of freedom as self-mastery leads to a dangerous Rousseauian or Marxian view of the freedom of the will such that,

Once I take this view, I am in a position to ignore the actual wishes of men or societies, to bully, oppress, torture them in the name, and on behalf, of their ‘real’ selves, in the secure knowledge that whatever is the true goal of man... must be identical with his freedom.³⁷⁵

This slippery slope seems a questionable one, primarily on the basis that it is unlikely that we can identify this republican strain of freedom as antipower as identical to the concept of self-mastery, that Berlin believes we have witnessed down this slippery slope on at least two major historical occasions: the French and the Russian Revolutions. Furthering the claim that freedom as antipower and freedom as self-mastery are the same is Hannah Arendt’s *On Revolution*. *On Revolution*, particularly the first five chapters of it, devotes its pages to separating the American revolutionary experience from the Russian and French experiences based on their understandings of freedom and power that Berlin’s position would like to elide together.

³⁷³ Berlin, "Two Concepts of Liberty," 133.

³⁷⁴ Ibid.

³⁷⁵ Ibid.

In fact, argues Arendt, the republican begs off the view of “the liberty of the will” just as much as the first pages of Mill’s *On Liberty*.³⁷⁶ It is Arendt’s view that republicanism’s bold insight, and particularly Montesquieu’s, is that “freedom and power belonged together; that, conceptually speaking, political freedom did not reside in the I-will but in the I-can, and that therefore the political realm must be construed and constituted in a way in which power and freedom could be combined.”³⁷⁷ Freedom as antipower claims a fundamentally different understanding of the nature of power itself, and it is primarily on the validity of its claims on power and its workings that its defense as a philosophical opposition to the noninterference principle *and* to its opposition to “freedom of the will” ultimately rests.

Freedom as antipower goes well beyond historical comparisons between great revolutionary moments, it exists in relationship between people as soon as they encounter one another. Arendt writes, “Power needs no justification, being inherent in the very existence of political communities; what it does need is legitimacy.”³⁷⁸ She further clarifies this statement by writing, “Power springs up whenever people get together and act in concert, but it derives legitimacy from the initial getting together rather than from any action that may follow.”³⁷⁹ The theoretical legwork that goes into what such statements mean was largely the task of chapter four, but what is of particular interest in here is the local levels at which power appears and its bearing on power as non-domination in the form of antipower. Arendt’s understanding of power coincides nicely with Pettit’s understanding of antipower, and it supplement Pettit’s

³⁷⁶ Mill, *On Liberty*, 59.

³⁷⁷ Arendt, *On Revolution*, 150.

³⁷⁸ ———, *On Violence*, 52.

³⁷⁹ *Ibid.*

work on freedom in that it creates a street-level account of power that Pettit seems less interested in.³⁸⁰

When Pettit looks at the means of resisting antipower, his first three suggestions are “protective, regulatory, and empowering institutions.”³⁸¹ Though Pettit does note that “informal social and political factors are often of even greater importance in promoting antipower,” his main examples of these informal factors are all from what we would call civil society or activism, “trade unions, consumer movements, prisoners’ rights organizations, environmental movements, women’s groups, civil rights liberties associations, and even competitive market forces.”³⁸² Pettit leaves out political action, and he sometimes gestures towards but does not fully consider that the creation of antipower might be realized simply through having the opportunity to act in the world. Like power, action is something that needs to be legitimized but not justified because we all have a capacity to act in the world. Like power, action is already there once we have a multiplicity of human beings getting together.

Pettit writes, “It is always a difference in resources or a difference in the preparedness to use resources—a difference in effective resources—that enables one agent to dominate another.”³⁸³ However, when we contrast that with Arendt’s understanding of action, and with the example of abortion escorting in tow, we can begin to appreciate that no one is entirely out of resources to resist, to hit back, so to speak, as long as they still have opportunity to do so. This is why there is so much

³⁸⁰ Pettit, "Freedom as Antipower," 591-92.

³⁸¹ Ibid.: 590.

³⁸² Ibid.: 592.

³⁸³ Ibid.: 589.

emphasis by those influenced by Arendt on what is termed “political space.” Political space is either a literal or metaphorical clearing where one has the freedom to engage in political action.

Isonomy as Comparable to Freedom as Antipower

Arendt’s use of isonomy, to neither rule nor be ruled in return, is really just another way of saying non-domination. Arendt writes agreeably about the Greek views of freedom and slavery,

freedom is the essential condition of what the Greeks called felicity, *eudaimonia*, which was an objective status depending first of all on wealth and health. To be poor or to be ill in health meant to be subject to physical necessity, and to be a slave meant to be subject, in addition, to man-made violence.³⁸⁴

More generally, many of Arendt’s and Pettit’s arguments track in similar ways.

Just as Pettit offers friendly amendments to Skinner and Sandel regarding the grounding of their republican arguments, Arendt’s theorizing of the way that politics fits into what she calls “the human condition” provides an intriguing friendly amendment to Pettit’s republicanism. Arendt approaches this human condition by saying, “Men are conditioned beings because everything they come in contact with turns immediately into a condition of their existence.”³⁸⁵ Arendt is *not* talking about “human nature” when she explores the human condition. She makes this clear when she writes, “It is highly unlikely that we, who can know, determine, and define the natural essences of all things surrounding us, which we are not, should ever be able to do the same for ourselves—this would be like jumping over our own shadows.”³⁸⁶

³⁸⁴ Arendt, *The Human Condition*, 31.

³⁸⁵ *Ibid.*, 9.

³⁸⁶ *Ibid.*, 10.

The reason for this rests on philosophical arguments that run very deep, but the short version is that Arendt shares Martin Heidegger's view, "Even deliberation is not the pure detached theoretical reflection described by the tradition. Rather it must take place on the background of absorption in the world."³⁸⁷ The "background" is the idea that, as Hubert Dreyfus explains so eloquently, "the shared everyday skills, discriminations, and practices into which we are socialized provide the conditions necessary for people to pick out objects, to understand themselves as subjects, and, generally, to make sense of the world and their lives."³⁸⁸ As human beings, we come into the world with a pre-existent background, rather than coming into the realization that the world is real through an understanding that "I think, therefore I am." The constitution of this background we come into shapes a part of our character through shaping our habits and our assumptions about the facts of the world that we must take for granted before we can genuinely start something new. The background often swallows us up, and we do not practice outside of this background until we experience a disturbance in going along with background practices. The most jarring of such disturbances in the existentialist tradition is the realization of the temporality of life. Once we realize that we are born into the world and that we will leave it, the background begins to feel insufficient with regards to disclosing the meaning of our existence.³⁸⁹ For Arendt, the way we come to terms with ourselves is to have a

³⁸⁷ Herbert L. Dreyfus, *Being-in-the-World: A Commentary on Heidegger's Being and Time, Division I* (Cambridge, MA: The MIT Press, 1991), 74.

³⁸⁸ *Ibid.*, 4.

³⁸⁹ Arendt writes in "Thinking," In contrast to the inorganic thereness of lifeless matter, living beings are not mere appearances. To be alive means to be possessed by an urge toward self-display which answers the fact of one's own appearingness. Living things *make their appearance* like actors on a stage set for them. The stage is common to all who are alive, but it *seems* different to each species, different also to each specimen. Seeming—the it-seems-to-

foreground that we can step into from out of background practices. It is ultimately on these grounds that the capacity for action that makes our individuality in the world evident. Arendt's splitting of labor, work and action into three different groups harkens back to Aristotle's views on the higher categories of living in the *Nichomachean Ethics*, but it also is done in reference to the fact that work and action by and large constitute background practices. They are, to harken back to another Arendt distinction, behaviors rather than deeds. Deeds are done in public, and reveal the individuality of individuals by virtue of their acting. Arendt writes that "isonomy guaranteed equality, but not because all men were created equal, but, on the contrary, because men were by nature not equal, and needed an artificial institution, the *polis*, which... would make them equal."³⁹⁰ It is only in the space of human affairs in which we can come together as equals and as evident to one another can we tackle the problem of the meaningfulness of life.

Arendt thinks that these deeply philosophic arguments make sense for a number of reasons. First, the space in which action takes place is such that we are able to actually use our capacity to act in the world, and to use it in such a way that draws in and enriches some of our other capacities such as responsibility, judgment and promise-making (more on this later).³⁹¹ In getting to encounter ourselves using a fuller range of our capacities, the argument goes, we are more likely to encounter a

me, *dokei moi*—is the mode, perhaps the only possible one, in which appearing in the world is acknowledged and perceived... Seeming corresponds to the fact that every appearance, its identity notwithstanding, is perceived by a plurality of spectators." See, Hannah Arendt, *The Life of the Mind* (San Diego: Harcourt, 1971), 21.

³⁹⁰ Arendt, *On Revolution*, 30-31.

³⁹¹ Arendt worked tried working on these questions more deeply off the beaten track of the Arendt canon more often than not. A good place to find more on this are Jerome Kohn's collection of her essays in Hannah Arendt, *Responsibility and Judgment*, 1st ed. (New York: Schocken Books, 2003).

sense of meaningfulness in our lives. As important, if not more for political theory, when others are appearing in front of us as equals doing this, we are much more likely to see the lives of others as singular and meaningful as well. We know from Mutz, the National Conference on Citizenship, Rosenblum, and Sunstein et al., that polarization in civil society and in deliberative settings are common and problematic because they fail on this count.³⁹² While escorts and protestors do not engage in much bridging or even talking in general, they are generally quite good at respecting one another and the limits of acceptable behavior outside of the clinic. In this way, they make a decent example of this abstract construction of what “appearing in front of others as equals” could be taken to mean.

Another important function of action, and the space of equals in which one can act speaks to the relationship between the individual and “the background.” In Herbert Dreyfus’ interpretation of Heidegger’s *Being and Time*, he writes,

It is this holistic background coping (disclosing) that makes possible appropriate details in particular circumstances (discovering). Only because, on entering the workshop, we are able to avoid chairs, locate and approach the workbench, pick out and grasp something as an instrument, etc., can we use a specific hammer to hit a specific nail, find the hammer too light or too heavy, etc.³⁹³

Discovering always takes place in a background context of what we assume to already be discovered. This understanding drives not only the *existenz* philosophy of Martin Heidegger, but also is an important cornerstone of the famous argument in Thomas Kuhn’s widely read *Structure of Scientific Revolutions*, where Kuhn’s

³⁹² Again, see Mutz, *Hearing the Other Side: Deliberative Versus Participatory Democracy*, National Conference on Citizenship, “Broken Engagement: America’s Civic Health Index,” (Washington, DC: National Conference on Citizenship, 2006), Rosenblum, *Membership and Morals*, Schkade, Sunstein, and Hastie, “What Happened on Deliberation Day?”

³⁹³ Dreyfus, *Being-in-the-World: A Commentary on Heidegger’s Being and Time, Division I*, 104.

concept of paradigm is as a set of background explanations that “represents work that has been done once and for all.”³⁹⁴ All of this poses a question, “how are we to know what about us is actually us and how much is coming from this background?” A way to point to the importance of this question is to think about Friedrich Nietzsche’s argument in *On the Genealogy of Morality*, in which the short, vulgar synopsis of his main argument would be to say that he advances the claim that morality is dictated by the powerful, but not followed by them.³⁹⁵ So how can we take our own lives to be meaningful as such and not simply working through a set of embedded meanings that others have dictated to us in order to make sure that most of us do what the dictates of elites, societies, markets, etc. do what is best for their particular performances?

The only way to explore this question, which Arendt thinks it is necessary for us to do in order to find a satisfying answer on how not to treat individual human lives as superfluous, is to engage in a community of equals. It is by creating a political order whereby people are not simply mauled by the relationship between their bodily concerns and the massive collection of organizations that can form and leverage these concerns and turn “the political” into something awful and empty.

³⁹⁴ Kuhn, *The Structure of Scientific Revolutions*, 23.

³⁹⁵ A brief example from a conversation Nietzsche has with an interlocutor who is a “man of the most dangerous curiosity” who would “dare to see” the “workplaces” where “they fabricate ideals on earth. The interlocutor tells Nietzsche, “Now they are giving me to understand that they are not only better than the powerful, the lords of the earth, whose saliva they must lick (*not* out of fear, not at all out of fear! But rather because God commands that they honor all authority)—that they are not only better, but that they are ‘better off,’ at least will be better off one day. But enough! Enough! I can’t stand it anymore. Bad air! Bad air! This workplace where they *fabricate ideals*—it seems to me it stinks of sheer lies.” Friedrich Nietzsche, *On the Genealogy of Morality*, trans. Maudemarie Clark and Alan J. Swensen (Indianapolis: Hackett Publishing Company, 1998), 26-27 (First Treatise, Pt. 14).

Arendt believes that the political's importance lies with these deep, difficult to discern questions about life's meaning,

The conviction that the greatest that man can achieve is his own appearance and actualization is by no means a matter of course. Against it stands the conviction of *homo faber* that a man's products may be more—and not only more lasting—than he is himself, as well as the *animal laborans*' firm belief that life is the highest of all goods.³⁹⁶

The contrast Arendt sets up is between man as a political being as opposed to one who merely makes use-objects (*homo faber*) and places their faith in their enduring quality. This view of man is as just another biological creature that lives for the sake of contributing to the life process (*animal laborans*) and man as someone interested in knowing who he or she is by virtue of the appearance of their words and deeds.

Arendt explains further, “without a space of appearance and without trusting in action and speech as a mode of being together, neither the reality of one's self, of one's own identity, nor the reality of the surrounding world can be established beyond any doubt.”³⁹⁷ While pro-life and pro-choice advocates take positions in their dispute against one another along philosophical positions on “the meaning of life,” Arendt's perspective suggests that we are witnessing life's meaning in the scene outside of the clinic.

The Burden of Action as it Relates to Laws

Arendt also wants us to remember that the general nature of action is also a burden because actions are “enduring” and “irreversible.”³⁹⁸ The irreversibility and endurance of action is a way of saying that, as opposed to the realm of theory, where

³⁹⁶ Arendt, *The Human Condition*, 208.

³⁹⁷ Ibid.

³⁹⁸ Ibid., 230.

one can reverse conclusions or even start over *tabula rasa*, the realm in which human beings have to do things are at the same time real and that reality carries forward into an uncertain future. Acts cannot be undone, and in a sense, that makes them more permanent than the creations of work or labor because use-objects disappear over time.

Arendt believes that action thus appears self-undermining. Our capacity to act appears to us as freedom, but our inability to control the consequences of our actions seems to strip us of our own sovereignty over our actions. Arendt writes, “In view of human reality and its phenomenal evidence, it is indeed as spurious to deny human freedom to act because the actor never remains the master of his acts as it is to maintain that human sovereignty is possible because of the incontestable fact of human freedom.”³⁹⁹ She follows this quote by pointing to Kant in a footnote, saying that, “Kant had the courage to acquit man from the consequences of his deed, insisting solely on the purity of his motives, and this saved him from losing faith in man and his potential greatness.”⁴⁰⁰ However, we do not inhabit the world of good intentions, so Kant’s insistence does not lend itself to a political solution. This is where we come back to power and antipower in Arendt’s thought, and we can examine how it links back, with great force, with the rest of the republican tradition. Arendt writes that

power, like action, is boundless, is boundless; it has no physical limitation in human nature, in the bodily existence of man, like strength. Its only limitation is the existence of other people, but this limitation is not accidental, because human power corresponds to the condition of plurality to begin with.⁴⁰¹

³⁹⁹ Ibid., 235.

⁴⁰⁰ Ibid.

⁴⁰¹ Ibid., 201.

This brings us back around to antipower, and we can see how by looking at what Arendt says about the Mayflower Compact in *On Revolution*. Arendt writes “they obviously feared the so-called state of nature, the untrod wilderness, unlimited by any boundary, as well as the unlimited initiative of men bounded by no law.”⁴⁰² For Arendt, the principle of law can be seen by the example of the signatories of the Mayflower Compact, whose “obvious fear of one another was accompanied by the no less obvious confidence they had in their own power.”⁴⁰³ Law is imposed to try to make a world in which people can live with one another and with the possibilities and dangers of action and freedom all at the same time.

Arendt cites two different ways to handle this problem that seem helpful. The first way is through promises and forgiveness. The second way is through law, understood in the context of the Latin root “lex,” which originally meant “intimate connection.”⁴⁰⁴ Arendt writes about the understanding the Romans had of law through the story of Aeneas’ arrival in Italy. In this story laws became necessary, “[o]nly after Aeneas and his warriors had arrived from Troy, and a war had broken out between the invaders and the natives.”⁴⁰⁵ In this context, Arendt explains, laws

were more than the means to reestablish peace; they were treaties and agreements with which a new alliance, a new unity, was constituted, the unity of two altogether different entities which the war had thrown together and which now entered into a partnership.⁴⁰⁶

From this we see that Arendt’s understanding of laws as intimate connection envisages a polity in which the rule of law constitutes a series of promises. Such

⁴⁰² ———, *On Revolution*, 167.

⁴⁰³ Ibid.

⁴⁰⁴ Ibid., 187.

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

promises try to contain as best as possible the ill effects of the capacity of human action. The polity is forced to continually confront the possibilities and extent to which their actions might come to effect others in ways that might not seem obvious or correct at first because of the disbursement of more power to more people. This sounds very much like Madison or Pettit, but only Arendt seems to have a full appreciation for the fact that we also *still have action*. The promises of *lex*, combined with the force of the habitual taking for granted of the world and how it works as we have become acclimated to it, what Heidegger calls “the background” or what Montesquieu would call “the spirit of the laws,” establishes a state that preserves human freedom. This freedom is preserved from the contestation that preserves the fact of human plurality. Law is, as one of its functions, supposed to serve as a set of promises that protects us from the actions of others when they take things into their own hands in unacceptable ways. However, Arendt’s point is that law is also supposed to, in restricting the worst possible outcomes of our deeds, also set us free to act in the ways that are not restricted by law. This is the ultimate end of the conception of freedom as antipower. Non-domination’s promise is in our ability to live in a world of consequence and conscience.

Action and the Economy of Antipower

When Pettit works through his concept of antipower, he considers questions that we might say are about the economy of antipower. Pettit acknowledges, “There is likely to be a ceiling beyond which it is hard to push in reducing subjugation without

creating new problems.”⁴⁰⁷ Pettit’s view clearly considers the republican view of freedom as non-domination to be intrinsically tied to questions of political economy of a broader sort. Montesquieu writes,

the legislator is to follow the spirit of the nation when doing so is not contrary to the principles of government, for we do nothing better than what we do freely and by following our natural genius. If one gives a pedantic spirit to a nation naturally full of gaiety the state will gain nothing, either at home or abroad. Let it do frivolous things seriously and serious things gaily.⁴⁰⁸

Thus the disruption of the general character of the community must be weighed against the importance of protecting this character by investing each citizen with a certain ability to contribute to the constitution of the character of his or her way of life on their own. The maintenance of a society where people are free enough to constitute to the general spirit of their community without violating the critical principles of government that make such contributions possible in the first place is negotiating the difference between defending freedom as nondomination and meddling. The aim is to negotiate the tradeoffs, the political economy broadly understood, of promoting active government so that, almost paradoxically we may all, in the words of Montesquieu, “be left as we are.”⁴⁰⁹

According to Sheldon Wolin, the “name ‘political economy’ was originally introduced by the founders of modern economics to describe a discourse centered on the desirable limits of state intervention.”⁴¹⁰ J. R. McCulloch wrote that political economy “might, indeed, be called the *science of values* (emphasis author’s).”⁴¹¹

⁴⁰⁷ Pettit, "Freedom as Antipower," 593.

⁴⁰⁸ Montesquieu, *The Spirit of the Laws*, 310 (Pt. 3, Bk. 19, Ch. 5).

⁴⁰⁹ *Ibid.*, 311 (Pt. 3, Bk. 19, Ch. 6).

⁴¹⁰ Wolin, *Politics and Vision*, 563.

⁴¹¹ John R. McCulloch, *The Principles of Political Economy*, Reprints of Economic Classics (New York: Sentry Press, 1965), 3. Cf. Wolin, *Politics and Vision*, 271.

While McCulloch conceived of this political economy as a relationship where opening up material wealth was a means for collective prosperity,⁴¹² the political economy that Pettit is describing concerns itself with wealth more broadly to include political values alongside pecuniary ones. In such a formulation, realizing political values takes the form of engaging in trade-offs with similar constraints to those taken as axiomatic in elementary economic theory. In the parlance of the “dismal science,” it is one thing to recognize that freedom as antipower is a desirable political value, and it is another question entirely to ask what realizing it costs.

Pettit looks at the trade-offs involved in realizing freedom as antipower and concludes that there are “two subgoals involved in promoting antipower.”⁴¹³ He characterizes these two subgoals and describes their relationship to one another in promoting antipower,

One involves the reduction of subjugation, with the provision of the most intensive level of antipower available; the other involves the maximization of the domain of individual choice: the extension of antipower as distinct from its intensification. If there is a true ceiling on how far we may reduce domination—on how intensive antipower can be in any society—then the natural approach to the promotion of antipower will be first to look for the reduction of subjugation and then to see how far the domain of the individual, unsubjugated choice can be extended. If there is not a ceiling on the reduction of subjugation, then the promotion of antipower will require us to weigh these subgoals against each other.⁴¹⁴

⁴¹² McCulloch writes, “It was long a prevalent opinion among moralists, that the consumption, and consequently, also, the production of luxuries, was unprofitable and disadvantageous. If a man wished to get rich, his object, it was said, should not be to increase his fortune but to lessen his wants...Had these opinions ever obtained any considerable influence, they would have formed an insuperable obstacle to all improvement; and men would never have advanced beyond the state in which we find the wretched natives of Australia.” (McCulloch, *The Principles of Political Economy*, 493.) This quote captures both the spirit of McCulloch’s ambition for the rise in collective material prosperity through good use of political economy and also his contempt for thinking that one could trade personal or moral values (like contentment or self-control) for economic ones. This, in particular, is where the republican view that I am elaborating here would depart from McCulloch’s as thinking of such tradeoffs as too narrow in conception.

⁴¹³ Pettit, “Freedom as Antipower,” 593.

⁴¹⁴ Ibid.

Pettit seems optimistic about how infrequently these goals might come into conflict. One might wonder if there must be some sense in which prioritizing the principle of reducing subjugation takes priority over expanding the domain of individual choice. Otherwise, it would be difficult to say what non-domination offers us over non-interference. This is where it is helpful to remember about the “somewhat paradoxical,” as Hannah Arendt writes it, way in which the reduction of subjugation, and the diffusion of power actually creates more power.⁴¹⁵ While reducing subjugation, properly managed, may indeed create a general sense of a “rising tide that floats all boats” for the domain of individual choice for members of the political community, this is not always going to be the case. Pettit thinks, “If there is not a ceiling on the reduction of subjugation, then the promotion of antipower will force us to weigh these subgoals against each other.”⁴¹⁶ In other words, Pettit understands that the promotion of antipower is not intended to create new subjugating relationships in the name of destroying old ones. The supporter of the noninterference principle of freedom is likely to call such trade-offs a slippery slope. The supporter of the non-domination principle will call it a question of responsible management.

Abortion Escorts as an Example of Managing Trade-Offs

How are we to manage such trade-offs when they emerge? One possible answer is through a combination of action and law, as discussed previously. The ability of the individual to act on no one’s authority but ones’ own, what Pettit refers to as the “domain of the individual,” has been one of the critical concerns in thinking

⁴¹⁵ Arendt, *On Revolution*, 150-51.

⁴¹⁶ Pettit, "Freedom as Antipower," 593.

about political action as exemplified by abortion escorting as different from civil society or activism. The usefulness of action in this understanding of the political economy of freedom lies in the fact that it is the well-spring of a “free market” of antipower. Individuals, sufficiently free from subjugation and able to resist subjugation, may engage in the daily affairs of their lives and challenge subjugating impediments as they find them.

One of the noticeable difference between abortion escorts who were veterans of many years and those who dropped away from doing it after a trip out or two rested in a real sense for the veterans that they validated their own power by their actions. This sense of power should was no megalomaniacal impulse, but rather a healthy sense of antipower. Their strong sense of satisfaction rested not in the cause and not even, to some extent, about the people being escorted into the clinic. The satisfaction rested in large part in resisting the protesters directly, and the more specifically one knew the protesters, and knew about the protesters, the more satisfaction came from resisting. The childish nicknames, the tales of misbehavior by protesters, stories about when family members of patients threatened to beat them up – all are ways that abortion escorts reminded themselves that while perhaps one cannot escape Weber’s famous iron cage,⁴¹⁷ it is both possible and gratifying to rattle it.

⁴¹⁷ Weber’s famous image of the “iron cage” refers to the increasing inevitability by which the logic of administration traps us in its rules with no reasonable way to get outside of them. Once one begins down the path of rule-based control, Weber argues that there is no way out. The thought of “rattling the cage” refers to the idea that perhaps participation in the administrative state is a more satisfying way to cope with living inside of one’s cage than passivity recommends as an alternative. See Weber, *The Protestant Ethic and the Spirit of Capitalism*.

In so doing, the abortion escort is ensuring the distribution of antipower penetrates deeper into the political community than it would were we only interested in question, “to what organizational structures people chose to donate their resources?” If citizens maintained freedom as antipower only insofar as they were incorporated into certain areas of civil society or only insofar as they were incorporated into various corporate or activist organizations, it would be hard to say that this freedom would look like much more than choosing which master we wish to serve. Even with complete choice over joining and always retaining the option to exit, a freedom limited to such a domain would remain a deeply de-individualized, unsatisfying one. If antipower is to be distributed as equally as possible to be working at its best, then it cannot be trusted to organizations alone to secure it, because organizations are ultimately engaged in dividing people into hierarchies and focusing members on narrow, specific tasks. This would indicate that organizations, as comprised of members of unequal standing, and also likely to be on equal footing with all other organizations, would be a place where antipower would end up unequal in its distribution. This is undesirable in Pettit’s view, because, “it would reduce the antipower of the less equal at the same time it increased that of the elite,” and thus, “The maximization of antipower is likely to involve the maximization of equal antipower, at least under the most plausible circumstances.”⁴¹⁸

It follows from such an understanding of antipower that the ultimate right not to be dominated rests with the individual. While the individual may be forced to engage in trade-offs to maintain this non-domination, including joining in larger cooperative efforts to maintain this precious freedom, there must still be at least some

⁴¹⁸ Pettit, "Freedom as Antipower," 595.

part of protecting this freedom that the individual may still claim original jurisdiction. If this is the case, it necessarily means that the individual retains some type of capacity to safeguard this by his or her own spontaneous activity.

In its most evident form, this capacity is called “the revolution.” Here, Wolin and Arendt have done much theoretical work on understanding what revolutionary power is and why it practically disappears from our notice in the post-revolutionary period of a body politic. The capacity to act that revolutionary activity springs from, whether or not it is frequently noticed, is always existent in each member of the body politic, and need not always take on the form of having world-shattering political implications. This capacity is usually there in reserve, appearing regularly in such modest patterns as not to draw notice. Then, every once and a while, there is a great revolution that “sees in the masses ‘a huge reservoir of electrical energy’ waiting to be tapped; its aspiration is to rouse the sleeping giant, cause him to exchange his supportive role for that of positive agent.”⁴¹⁹

Modest Revolutionary Power Introduced

However, there are also modest revolutions when issues of “politics,” as Wolin defines the term also have a substantive bearing on the shape and vision of “the political.” Arendt’s examples of Eichmann’s choices in Nazi Germany, the deception of the American people by the Federal Bureaucracy during the Vietnam War, or the chance to be an escort outside of Little Rock Central High School, are important on this count. They represent the missed opportunities for a small, yet potentially significant acts of antipower of the sort that make an inhabitable world of

⁴¹⁹ Wolin, *Politics and Vision*, 174.

organization without subjugation. The political economy of antipower is fundamentally grounded and safeguarded in the small acts of public participation in which anyone may step in and claim their share of public business. Arendt argues that this was a conviction that Jefferson had firmly in mind when he advocated an idea he called the ward system. The stakes were nothing short of preserving the revolutionary spirit, a moment of massive antipower and participation in reshaping the political, and channeling this spirit in a milder, productive outlet that would secure the values of the revolution itself. The cost of failure nothing short of an empty public space where the freedom of citizens would depend solely upon “virtue of luck, cunning or fawning,” but in an empty public realm, even these lucky ones are never far from “nearby possible worlds where their fortune, wit, or charm fail.”⁴²⁰

The Ward System and Empty Public Space

Hannah Arendt reflected in *On Revolution*, “it is perfectly true, and a sad fact indeed, that most so-called revolutions, far from achieving the *constitutio libertatis*, have not even been able to produce constitutional guarantees of civil rights and liberties, the blessings of ‘limited government.’”⁴²¹ Arendt expands on her vision of the problems of “founding freedom” in the post-revolutionary period in the life of a polity by working through the challenges of simultaneously protecting freedom and creating order. Arendt makes a bold theoretical stroke in two sentences:

the distance between tyranny and constitutional, limited government is as great as, perhaps greater than, the distance between limited government and freedom. But these considerations, however great their practical relevance, should be no reason for us to mistake civil rights for political freedom, or to equate these preliminaries of

⁴²⁰ Pettit, "Freedom as Antipower," 589.

⁴²¹ Arendt, *On Revolution*, 218.

civilized government with the very substance of a free republic. For political freedom, generally speaking, means the right ‘to be a participator in government’, or it means nothing.⁴²²

The debate between republicans and liberals, between “limited government” and a “free republic” relies quite heavily on how to deal with the uneasy coexistence in the world between order and chaos, organization and freedom, and prediction and fortune. Limited government tends to take the view that, “Social harmony, instead of being the responsibility of a governing authority, was the design of no one; it was the resultant flowing from the spontaneous equilibrium of economic forces.”⁴²³ Barber writes that on this view, “To understand politics is therefore always, necessarily, to deconstruct and depoliticize it: that is to say, to decontaminate it of those exotic and unmanageable elements that resist assimilation by the mind in quest of certainty.”⁴²⁴

Abortion escorting serves as an example of political action – the “exotic and unmanageable” stuff of political practice that complicates and tests political theory. Abortion escorting evidences the claims of those who take a view that political theory likely cannot and definitely should not conquer entirely the domain of human activity. Nevertheless, such theorists are still left with a question of what to make of this unmanageable tract of activity that is still supposed to be bound by some type of political order. Arendt and Wolin handle this question with similar pattern of argument. For Arendt, we find this in her writing about Thomas Jefferson’s idea for a system of “elementary wards.” For Wolin, it is the development of what he calls “fugitive democracy.”

⁴²² Ibid.

⁴²³ Wolin, *Politics and Vision*, 273.

⁴²⁴ Barber, *Strong Democracy*, 50.

The Ward System

Arendt comes to considering Jefferson's ward system by means of questioning why the American revolutionary tradition, successful in its founding a stable political government "dried up" while the French revolutionary tradition carried on its intellectual force despite ending in disaster.⁴²⁵ Arendt concludes success is the reason that the American revolutionary tradition dries up. She identifies two contradictory impulses in a revolutionary movement: "the grave concern with the stability and durability of the new structure," and the "exhilarating awareness of the human capacity of beginning, the high spirits which have always attended the birth of something new on earth."⁴²⁶ These two impulses are only contradictory from the perspective of looking back from after the revolution, for while the revolution is taking place, "in the act of foundation they were not mutually exclusive opposites but two sides of the same event."⁴²⁷

The question that Arendt believes the republican thinker ought to be interested in, and the one that the advocate of limited government is unfortunately uninterested in, deals with how to preserve both impulses as two sides of the life of the body politic after the founding as best as possible. The hope that there are intelligent ways to answer this question is a central commitment of the participatory democrat. It is why Arendt complained about the lack of citizen-escorts outside of Little Rock Central High School, and it is why abortion escorts seem to fulfill the hopes of this participatory vision.

⁴²⁵ Arendt, *On Revolution*, 219-21.

⁴²⁶ *Ibid.*, 223.

⁴²⁷ *Ibid.*

To show that this idea was not lost on every American founder in the immediate post-revolutionary era, Arendt turns to Thomas Jefferson. Jefferson believed that dividing the country into participatory wards would “permit the citizen to continue to do what they had been able to do during the years of revolution, namely, to act on their own and to participate in public business as it was being transacted from day to day.”⁴²⁸ In short, Arendt believes Jefferson to have seen something about how to deal with founding both durable institutions and the joys of the revolutionary spirit at the same time, and that is, in the process of founding, make “a public space where freedom could appear.”⁴²⁹ Jefferson’s ward system ultimately represents a participatory ideal, a forum through which people may disclose various public talents they might possess through having a space to act. As such, the wards represented a public space where we could learn about who we are through the disclosing nature of our actions. Just as making an artificial realm of politics is what makes men equals, the making of the wards system was an artificial creation that could allow us to be equals and yet still reveal our distinct character at the same time. Something that appears under naturally conditions episodically, the wards aimed, at least for modest political questions, at preserving the episodic moments of the political in a permanent institutional conceit where people who cared for their public happiness could partake.

When Arendt is writing about the ward system, her concerns are directed towards the politics of her times in the 1960’s. She is ultimately aiming at what is for her a contemporary normative analysis. Sheldon Wolin’s writing about the fugitive

⁴²⁸ Ibid., 251.

⁴²⁹ Ibid., 255.

nature of democracy and the loss of a sense of the public is a similar contemporary normative project, but from the start of the new millennium. His diagnosis of more recent times is not an encouraging one:

The political economy embodies a widespread consensus of an ironical sort, that a highly advanced society signifies the presence of a determinism more powerful than any Marx could have imagined. It takes the form of a lack of confidence that politics can be the servant of popular sovereignty, the means for shaping society to benefit the vast majority in ways other than modest material improvements.⁴³⁰

Wolin believes that our political vision today is one that is inattentive to the political. For Wolin, there are a number of reasons we have developed a political vision that has an empty view of the political, but the primary culprit is our increasing tendency to understanding everything, even culture, through market-based economics. Wolin notes that, “Prior to the mid-eighteenth century culture had primarily been associated with the unchanging,” but that now, “Two centuries later culture appears quick, protean, and, above all, premeditated, manufactured, or, euphemistically, constructed.”⁴³¹ Wolin’s observation about the dynamics in culture is not unique amongst those desperately trying to hold onto a participatory spirit. Barber’s *Jihad v. McWorld* describes the global struggle of the world as one primarily between the old version of culture (Jihad) and the new (McWorld). Barber writes,

The apparent truth, which speaks to the paradox at the core of this book, is that the tendencies of both Jihad *and* McWorld are at work, both visible sometimes in the same country at the very same instant. Iranian zealots keep one ear turned to the mullahs urging holy war and the other cocked to Rupert Murdoch’s Star television beaming in *Dynasty*, *Donahue*, and *The Simpsons* from hovering above.⁴³²

Barber’s critique has the emptiness of the public realm at heart as he progresses. In the afterword of the book, he writes that his argument is, “finally about neither Jihad

⁴³⁰ Wolin, *Politics and Vision*, 578.

⁴³¹ *Ibid.*, 582.

⁴³² Benjamin Barber, *Jihad Vs. Mcworld* (New York: Ballantine Books, 1995), 4-5.

nor McWorld, but about democracy—and the dangers democracy faces in a world where the forces of commerce and the forces reacting to commerce are locked in struggle.”⁴³³ This conflict is clash similar to Arendt’s rise of the social and Wolin’s principalities of organizational power.

Political Action as a “Road Not Taken”

All of this relates back to Arendt’s sense of the road not taken with Jefferson’s conception of the participatory ward system and to abortion escorting as a participatory act.⁴³⁴ The conflict between old culture and new is the apparent last stand against the politico-economic future in which McWorld is triumphant, and corporate powers spread their tendrils of across the world, seeking their own *lebensraum*, and competing for their own interests like the “warring city-states of sixteenth-century Italy”⁴³⁵ that Machiavelli despised so much. However, “old culture” is destined to be a losing representative. As Francis Fukuyama argues rather convincingly, this bout is bound to have but one conclusion, because the forces of his term for old culture, what he terms “history,” are dramatically overmatched. He writes, “at the end of history it is not necessary that all societies become successful liberal societies, merely that they end their ideological pretensions of representing different and higher forms of society.”⁴³⁶ Fukuyama’s point is well taken: there seem to be no real alternatives at the level of competition amongst the towering structures of power. Yet, before one signs on with Fukuyama in agreement that the principles of

⁴³³ Ibid., 299.

⁴³⁴ This view is echoed by Michael Sandel in the final chapter of *Democracy’s Discontent*.

⁴³⁵ Wolin, *Politics and Vision*, 564.

⁴³⁶ Francis Fukuyama, “The End of History?,” in *The Geopolitics Reader*, ed. Gearóid Ó Tuathail, Simon Dalby, and Paul Routledge (2006), 108.

the broad socio-economic arrangement's he endorses cannot be improved upon, we need to reflect back on our intrepid participants. What world they are to inherit if their deeds are reduced to simply one action in a grander scheme of maneuvering in this climactic battle about the fate of socio-economic totalism? Even Fukuyama is despondent on this count, believing that life at the end of history, writing "The end of history will be a very sad time," and "Perhaps this very prospect of centuries of boredom at the end of history will serve to get history started again."⁴³⁷ Participation and its joys, the way it is described by Arendt, seem a counter-point to this joyless end Fukuyama predicts might accompany liberal capitalisms final triumph.

Even as abortion escorts represent the possibility of a public as place inhabited by citizens who act to guarantee their appearance in this world as equals, the tendency is to describe them not in terms of their deeds but in terms of their affiliation to a cause. The significance of their participation as participation is blotted out by what is seen as the greater cause: the moral and legal status of abortion practices. Abortion escorting can either remind us of the spontaneous, "fugitive" character of democracy, or it can remind us of Wolin's suggestion that, "The actual weakness of democracy is the consequences not of a frontal attack but of a judgment that democracy can be managed and, when necessary, ignored."⁴³⁸

Fugitive Democracy and Modest Revolutions

Sheldon Wolin's work on the problem of founding freedom is largely consistent with Arendt's formulation of the problem. He calls it "fugitive

⁴³⁷ Ibid., 114.

⁴³⁸ Wolin, *Politics and Vision*, 601.

democracy,” a term he invents “in order to emphasize its necessarily occasional character.”⁴³⁹ Wolin explains,

The fugitive character of democracy is directly related to the fact about democracy that Aristotle emphasized: democracy’s politics is the creation of those who must work, who cannot hire proxies to promote their interests, and for whom participation, as distinguished from voting is a necessary sacrifice.⁴⁴⁰

This vision of democracy absolves itself from perpetuating the myth that the *demos* somehow can be said to be in direct control of broad governing institutions. The power in this move is that it allows us to view the constitution of the political not by trying to match it to some mythical appeal to “democraticness.” Instead, large-scale governance and its concerns are exposed as, “the meaning and substance of the political as well as the questions of who dominates politics and who has responsibility for the care of civic life.”⁴⁴¹

Wolin defines democracy this way so that we are free to think of democracy as active, spontaneous and order-disruptive. The problem that he and Arendt (via Jefferson) try to work out with regard to the fugitive nature of democracy then, is to notice that democracy has to coexist in a world in which there are boundaries. Wolin writes “Boundaries signify the will to contextualize,” and “the reality cloaked in the metaphor of boundaries is the containment of democracy.” For Wolin, “the crucial boundary is a constitution.”⁴⁴² At this point, Wolin has set up a way to think about saving the joys of participating in the spirit of the democratic moment while also founding a new order. Wolin’s method for this is to consider the relationship and effects of creating ordered systems, in both thought and practice, while at the same

⁴³⁹ Ibid., 602.

⁴⁴⁰ Ibid.

⁴⁴¹ Ibid., 598.

⁴⁴² ———, “Fugitive Democracy,” 33.

time allowing for the opportunity for this understanding of democracy to appear from time to time. In this light, Jefferson's ward system appears as an effort to try to use the founding process of institutionalization for institutionalizing a space that would be spurious and antagonizing to the very order that boundaries are supposed to impose. The idea being, as Stephen Holmes has convincingly argued, that all things need to be made aware of their limits, even those things created to impose limits themselves.⁴⁴³

Disruption, Disturbance, and Anxiety

Political acts like abortion escorting are modestly disruptive, or to say it in Wolin's terms, are disruptive within boundaries. Abortion escorts create a space in which the ominous presence of the pressure of social conformity is denied in part by the presence of others who are willing to stand next to the intended targets of such pressure and share in "taking the heat." Not only do escorts share in absorbing this social pressure, they generally do so with a nonchalance that further mitigates the impact of this pressure. The way they greet people coming to the clinic and particularly with regard to the way they try to ignore the protestors as completely as possible are all geared to trying to create the impression that there is no need to consider the scene outside as anything but normal. Abortion escorts have the effect of taking away the imposition of authority that is projected by protestors. Arendt wrote in *On Violence* that what most undermines authority the fastest is laughter.⁴⁴⁴ If the strategies employed by escorts are to be given full consideration, laughter is at best only a slightly better remedy than is indifference.

⁴⁴³ Holmes, *Passions and Constraint: On the Theory of Liberal Democracy*.

⁴⁴⁴ Arendt, *On Violence*, 45.

As such, the contestation abortion escorts are engaged in has the characteristics of a power-antipower relationship, or of what we might call a modest revolution, as all deeds that Arendt describes as action have the qualities of natality.

Arendt writes,

The purpose of the creation of man was to make possible a *beginning*... The very capacity for beginning is rooted in *natality*, and by no means in creativity, not in a gift but in the fact that human beings, new men, again and again appear in the world by virtue of birth.⁴⁴⁵

For Arendt, it is the combination of natality and the “common stage” that living beings appear before one another that allows them to take part in lives with meaning. It is not the novelty of creation, but the novelty of *appearance*. The novelty rests in the newness not of the deed itself. Abortion escorting looks relatively similar regardless of who is doing it. Instead, it is that abortion escorting allows everyone to appear as themselves in participating as an abortion escort that gives it the character of natality.

More generally, Arendt, Pettit and Wolin are all trying to preserve the status of the free human subject through political equality, while acknowledging that making and maintaining this political order of equals requires constant trade-offs. All three also have an understanding that threatening the stability and neutrality of desirable institutions with unpredictability and particularity is problematic; and yet, so too is allowing institutions to dictate the constitutions of the public and of the entirety of a common life to which the individual is entirely at their mercy.

Tocqueville predicted that great revolutions would become rare because “if you can found a state of society in which each has something to keep and little to take, you

⁴⁴⁵ Hannah Arendt, "Willing," in *The Life of Mind* (San Diego: Harcourt, 1971), 217.

will have done much for the peace of the world.”⁴⁴⁶ This formula is at the heart of how Pettit’s preservation of freedom can work in practice, and both Wolin and Arendt show a great concern for maintaining a set of boundaries such that the revolutionary character of action is contained within larger structures that maintain this larger peace in the world. However, Pettit’s antipower is also predicated on the idea that freedom is the ability to demonstrate one’s ability to use their own revolutionary capacity for action in ways that are demonstrable to others and to one’s self as a means of constantly warding off the continuous threat of domination from others. With the case of abortion escorts, as was previously mentioned, this happens in the form of relatively spontaneous cooperation to ward off the projection of social power against those who wish access to services at a reproductive health clinic. The organizational work that goes into setting up a clinic defense is about as involved as getting friends together for a pick-up basketball game.

Tocqueville, Wolin and Arendt, in particular, seem to have a further concern about the alienating effects that changes in the structure of power in the world and what this means for the ability for each and every one of us to feel as though we belong in the world. Perhaps in the past we could cheat on this question, and claim that we belong to a region, a particular race, a particular culture, a particular nation-state, a particular corporation, etc. Such ties however appear less and less binding, as the discussion above about new versus old culture exemplifies. The question in essence becomes how does one formulate a sense of belonging in the world. If one has absolutely *no power whatsoever* to disrupt the order of things in the world, than the very capacities that may be said to individuate us from one another makes us

⁴⁴⁶ De Tocqueville, *Democracy in America*, 607.

nothing more than obnoxious to large-scale systems that depend on a lot of us but not on any one of us in particular. Thus, it might be desirable to keep a bit of our capacity for revolutionary action at hand for our own sense that we deserve to live. It was Albert Camus who wrote that the only question left in philosophy is “why not suicide?”⁴⁴⁷ It is not an accident that this question was posed by the author of *The Plague*, in which the stories heroes take resisting the mass death the plague brings to Oran into their own hands while their government does little, and fellow citizens of the world can only wax philosophic from the distance on a boat with a loudspeaker.⁴⁴⁸

In Tocqueville’s acknowledgement of why revolutions will become more modest, he argues that, “Men equal in rights, in education, in fortune, and to say it all in a word, of similar condition, necessarily have needs, habits, and tastes barely unlike.”⁴⁴⁹ Hence, when the tyranny of the majority expresses itself in the form of social pressure, as it does with abortion protestors outside of the reproductive health

⁴⁴⁷ Camus opens *The Myth of Sisyphus* by stating, “There is but one truly serious philosophical question, and that is suicide. Judging whether life is or is not worth living amounts to answering the fundamental question of philosophy. All the rest—whether or not the world has three dimensions, whether the mind has nine or twelve categories—comes afterwards. These are games; one must first answer.” See Albert Camus, “The Myth of Sisyphus,” in *The Myth of Sisyphus and Other Essays* (New York: Vintage International, 1991), 3. This opening move by Camus is relevant because it is reminiscent of Arendt’s response to the claim at the end of *Oedipus at Colonus* that the best life of all is to have never been born. See Arendt, *On Revolution*. Arendt’s firm belief that it is politics that saves meaning to our existence has been developed in tandem with the meaningful content of abortion escorting to this political space that allows us meaning. Further, Camus’ “why not suicide?” gets transposed in *The Rebel*, “In the age of negation, it was of some avail to views one’s position concerning suicide. In the age of ideologies, we must examine our position in relation to murder.” See Albert Camus, *The Rebel: An Essay on Man in Revolt*, trans. Anthony Bower (New York: Vintage Books, 1991), 4. Without a place to give meaning to life, political murder is on the table just as much as suicide is for the individual, a them to be explored later in the chapter.

⁴⁴⁸ Camus, *The Plague*, 138-39.

⁴⁴⁹ De Tocqueville, *Democracy in America*, 612.

center, it is a mistake to interpret such a gathering as deliberative.⁴⁵⁰ Protestors combine their presence, collective witnessing, “praying for the sinners,” and “good cop-bad cop” messages to push as hard as they can to set off the alarm that every individual seems to carry inside of them that tells them whether or not the rest of the world assents to their belonging. Tocqueville believed that democratic citizens feel this fear of belonging particularly strongly because democracy and the spirit of equality level or obliterate the meaningful status of any other markers of one’s place in the world. Tocqueville writes that in democratic republics, tyranny “leaves the body and goes straight for the soul.”⁴⁵¹ The main source of power is ostracism,

The master no longer says it: You shall think as I do or you shall die; he says: You are free not to think as I do; your life, your goods, everything remains to you; but from this day on you are a stranger among us. You shall keep your privileges in the city, but they will become useless to you; for if you crave the vote of your fellow citizens, they will not grant it to you, and if you demand only their esteem, they will still pretend to refuse it to you. You shall remain among men, but you shall lose your rights of humanity. When you approach those like you, they shall flee you as being impure; and those who believe in your innocence, even they shall abandon you, for one would flee them in their turn. Go in peace, I leave you your life, but I leave it to you worse than death.⁴⁵²

What abortion escorts are successful in doing, when they are successful (which is most of the time), is almost an ironic twist on the whole theoretical story. Abortion escorts, in their ability to diffuse the social pressure of the protestors, use their actions to create a sense of bizarre “normalcy” outside of the clinic. They create the sense that since the protestors protest everyone who walks into the center, and since they come out every week to do this, and since they all belong to the same church or other organization that brings them out there to do this for their cause, the pressure they try

⁴⁵⁰ See Jon A. Shields, "Christian Citizens: The Promise and Limits of Deliberation," *Critical Review* 19, no. 1 (2007).

⁴⁵¹ De Tocqueville, *Democracy in America*, 244 (Vol. 1, Pt. 2, Ch. 7).

⁴⁵² *Ibid.*

to apply becomes *depersonalized*. At their most successful, escorts turn the protestors into a form of white noise, just part of the background, no big deal. Social resistance in this way actually mirrors analysis by Martin Heidegger on the relationship between “the background” discussed above and “disturbance.”⁴⁵³

Disturbance in this sense can be interpreted as either a good or a bad thing. In general, disturbance, while not generally thought of in these terms, is thought of as a positive thing in politics, for it forces political actors and constituents to stop and talk and think about the wisdom of their decisions, values, objectives, etc. Martin Luther King, Jr.’s talk about “stopping business”⁴⁵⁴ exemplifies this understanding nicely. In the case of the abortion protestors, they are looking to cause a disturbance for the purposes of getting someone to do something that they have previously committed to doing, and are legally permissible to do, but have not quite completed carrying out such a decision. Protestors claim that their objective is simply to “reason with” the people who have decided to use the reproductive health center’s facilities. However, the situation outside the clinic is not about reason, it is about anxiety. The tactics protestors generally employ are directed more at playing up anxiety to disrupt resolve, or to create such a violent disturbance in the world of the entrant that they are

⁴⁵³ In Hubert Dreyfus’ understanding of the relationship (to which I appeal consistently thanks to Dreyfus’ super-human efforts in making Heidegger’s concepts much more understandable for the purpose of communication in normal language), there are three types of disturbances to our background practices: malfunction, temporary breakdown, and total breakdown. For the first two forms of disturbance, malfunction and temporary breakdown, both force us to start paying deliberate attention to what we are doing, but not for very long. Total breakdown, by contrast, causes us to stop and have to really reconsider what is happening. In some instances, total breakdown can be a time for doing theoretical analysis to come to reinterpret the significance of experiencing such a breakdown. In other instances it may cause us to run away from the experience or avoid the sensation altogether. The abortion protestor claims to aim for reconsideration, but they seem quite content with causing a breakdown that causes one to run away and not come back. See Dreyfus, *Being-in-the-World: A Commentary on Heidegger's Being and Time, Division I*, 70-83.

⁴⁵⁴ King, *Letter from Birmingham City Jail*.

overwhelmed. This is an entirely what is at stake for abortion protestors outside of the clinic rather than demonstrating than engaging in epistemic reason-giving exchanges.⁴⁵⁵

The great Danish philosopher Søren Kierkegaard provides great insight into the anxiety that accompanies large decisions beyond simply choosing a morally correct position when he reflects on the story of Abraham and Isaac in *Fear and Trembling*. He writes

if there was one who, having heard the greatness as well as the dreadfulness in Abraham's deed, ventured to proceed along that path, I would saddle my horse and ride along with him. At every station before coming to Mount Moriah, I would explain to him that he could still turn around, could repent on the misunderstanding that he was called to be tried in such a conflict, could confess that he lacked the courage...⁴⁵⁶

Kierkegaard spells out this part of the story of Abraham's faith because, "What is omitted to Abraham's story is the anxiety, because to money I have no ethical obligation, but to the son the father has the highest and the holiest."⁴⁵⁷ Likewise, what is omitted from the account of protestors and escorts, when we engage in judging and describing their deeds, is this anxiety. There is anxiety in making a decision with so much at stake as a human life to be sure, and it has been enough to occupy the minds of many great thinkers on this particular decision. What we seem to have lost, just as Kierkegaard argued theologians had lost in their contemplation of Abraham and Isaac, is that the trip to reproductive health services is, like Abraham's trip to Mount Moria, a journey over many days, with many stops, where the weight of

⁴⁵⁵ For a description of how reason giving works, see Cheryl Misak, *Truth, Politics, Morality* (New York: Routledge, 2000), Talisse, *Democracy after Liberalism*.

⁴⁵⁶ Søren Kierkegaard, *Fear and Trembling; Repetition*, trans. Howard V. Hong and Edna H. Hong, Kierkegaard's Writings (Princeton: Princeton University Press, 1983), 32.

⁴⁵⁷ *Ibid.*, 23.

this anxiety hangs about constantly from moment to moment along the journey. As Kieregaard notes, this makes it more than a question of decision-making, but a test of strength to bear such a burden of anxiety.

The protestors' attempt at disturbance outside of the clinic represents the attempt to snap the strength of their target at their most vulnerable point. For many, entering a physician's office of any kind creates an accumulation of anxiety that is difficult to bear, even if the rational calculations behind going are straightforward. Now one must imagine this with the intense weight of moral uncertainty. Add to this the vague, engrossing specter of ostracism that for many of us takes the form of a paranoia that never directly manifests itself. For the person walking to the clinic, this paranoia takes the form of real people, who appear unshakeable in the certainty of their own moral conviction, who equally plead with you to change your mind and threaten you with the eternal loss of your soul.

Abortion Escorts as Making Disturbing Protests Mundane

Abortion escorts, by making the presence of protestors seem more normal, as just another group out on the streets shouting about something that one need not pay any mind to, actually force protestors *back into the background*. Thus, the ability of the protestors to force an disturbance in those going to the clinic by trying to show them they are not in fact strong enough to go into the clinic is reduced by the fact that escorts have some ability to redefine their efforts not as "the social" passing judgment on them, but instead as nothing more than a mild irritant. In walking directly around people on the clinic, escorts literally create a foreground space in the perceptive field of those entering the clinic that protestors are not a part of. All of this has the

measured effect of a measurable decrease in anxiety of patients when they are inside of the clinic.⁴⁵⁸

The fact that disturbances and counter-disturbances may be used for either ill-intended or well-intended enterprises would leave a bad taste in the mouth of a pure ethical proceduralist. Indeed, I have intentionally avoided contemplating whether or not there is some higher order principle involving the morality of abortion that justifies the actions of either escorts or protestors, or neither of them. I did not want to get weighed down by such arguments and their potential to short-circuit an inquiry into the actual political dynamic happening outside of the abortion clinic. Just as Kierkegaard shows us with Abraham, whether his actions were justified or not, raising this question alone does not tell the entire story. So to is it the case with abortion escorts, protestors, and those wishing access to the clinic.

While all of this does not lead to a canceling out such that it was like no one is outside at all, it does make a clearing for those who might have previously been interrupted from carrying out their decisions. I would again like to claim no moral expertise in whether or not they *ought* to be interrupted or not, except to notice that there are, in most things we engage with in our shared world, appropriate and inappropriate times to engage in such disturbances. A recent example of this would be trying to create an interruption about one's previous held views on the US occupation

⁴⁵⁸ As I have mentioned before, one of the highly circulated pieces of secondhand information I received (alas I never directly was able to ask a doctor myself) from people on site at clinics, from leaders of escort training sessions, and even from two people I talked to who were with Planned Parenthood was that doctors had communicated that when escorts are present (one presumes this carries an assumption that protestors are also present), the heart rates of patients in the clinic is noticeably lower. Unfortunately, we will have to leave this as an informally noticed difference passed on secondhand, but it was oft-repeated. I appeal to the reader that it is either likely true or it is *the* great myth of the value of abortion escorting)

of Iraq for a mother of killed American soldier during his or her funeral. Presumably, we justify such determinations not by the absolute justificatory nature of the occupation of Iraq, but because we recognize that after we make such decisions for ourselves, even when we have possibly erred, we are owed the space and time to live with those decisions that we have made without interruption. What is partially at stake for republican understandings of freedom as non-domination is that to deny such space to live with our choices suffocates all value from being allowed to be an agent who chooses in the first place.

Neither Eichmann Nor McNamara: Why Organizational Power Needs to Face Spontaneous Resistance

Arendt and Wolin carry concern for the bureaucratic element of a world without the modest revolutionary power of political acts of antipower. A question persists: why “play with fire” when it comes to allowing spontaneous, unpredictable, and, to think back to Talisse’s criticism of activism, “epistemically immodest” democratic action? The answer Arendt provides us comes in the form of cautionary tales: her coverage of the Adolf Eichmann’s trial and her essay on the decision-making process by the Executive Branch of the United States during the Vietnam War. In both of these writings, Arendt’s thoughts gravitate towards the amount of self-deception that was involved in order to perpetuate the wrongs committed in both cases. This self-deception required a turning away from the common-sense understandings of the larger consequences of one’s actions, and when those in

positions of authority have the capacity to get away with this, the results can be most unfortunate. Hence, Arendt concludes, “In the realm of politics, where secrecy and deliberate deception have always played a significant role, self-deception is the danger par excellence.”⁴⁵⁹

Arendt’s political thought on the Eichmann trial and on the Pentagon Papers also explores the thematic of organizational power and the importance of action as a resistant strain to organizational power’s greatest hazards. Arendt tells in these two stories how organizations can mobilize power in contradiction to their own stated principles, come to be dominated by a thoughtless elite, and h can be self-dissembling, particularly through the use of its ability to exclude. When the interests of political, social, and economic institutions run adrift of what Dewey calls the public, what would seem like naturally decent, considerate things to do are forced to appear as acts of defiance. This is why Arendt writes that the Israeli court was baffled by Adolf Eichmann’s apparent “normality.” She claims that “what they could neither resolve nor escape,” was the fact that “under the conditions of the Third Reich only ‘exceptions’ could be expected to react ‘normally.’”⁴⁶⁰ In the cosmos of the Third Reich, the world created by their political, military, and corporate arrangements, simple acts of decency are not so simple. The simple act of allowing someone stay over at one’s house as a guest, a principle value of simple decency in the Roman world, could make one an enemy of the state if one’s guests happened to be non-Aryans.

⁴⁵⁹ Hannah Arendt, "Lying in Politics," in *Crises of the Republic* (San Diego: Harcourt, Brace and Company, 1969), 36.

⁴⁶⁰ ———, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1964), 26-7.

Arendt also tries to make clear in both *Eichmann in Jerusalem* and in *The Origins of Totalitarianism* that belonging to or having some function in an organizational structure is a poor safeguard against domination. For if your existence is justified solely based upon your usefulness, it takes only a means supplant or make obsolete this usefulness and one becomes stripped of their armor. Arendt writes in the beginning of *Origins*, “Antisemitism reached its climax when Jews had similarly lost their public functions and their influence, and were left with nothing but their wealth.”⁴⁶¹ She later writes in *Eichmann in Jerusalem* “one of the first steps taken by the Nazi government, back in 1933, had been the exclusion of Jews from civil service.” In short, one of the major strategic moves of anti-Semitism was to remove as much claim Germany’s Jewish population could make on the public as possible, and this was in part accomplished by making sure that they were not necessary for any particular part of industry or society. Once removed from any claim on public power, Germany’s relationship with anti-semitism, under Arendt’s reading of the situation, seems to have proven Hobbes famous line true that “covenants, without the sword, are but words.”⁴⁶² In short, anti-Semitism got as bad as it did in the early twentieth century because those in a power to dominate did so, and they did so because more opportunities opened up for them to get away with it and fewer opportunities opened up to resist, at least on the organizational level.

As such, covenants, reason giving, and justifiable policy can be reconstructed, reinterpreted and re-justified in order to feed the immediate needs of those in power

⁴⁶¹ ———, *The Origins of Totalitarianism*, 2nd Revised Edition ed. (New York: Meridian, 1958), 4.

⁴⁶² Thomas Hobbes, *Leviathan*, ed. C. B. Macpherson (New York: Penguin, 1981), 223 (Pt. 2, Ch. 17).

and their clients. Adolf Eichmann, at least Arendt's version of him,⁴⁶³ is caught up in an organizational structure that rewards him even though it should have occurred to him that he was engaged in a sinister project. Arendt writes that the "flaw in Eichmann's character was his almost total inability to ever look at anything from another's point of view."⁴⁶⁴ Arendt's famous claim about the "banality of evil" has been taken many ways and used in the service of a lot of expanded ideas that have taken the term used to describe a man on trial for mass-murder who could only talk in clichés and turned this descriptive term into a cliché itself. Rather than dabble in the term, "banality of evil," it suffices to notice that Arendt calls Eichmann "a clown."⁴⁶⁵ Perhaps her ultimate condemnation of him is when she writes,

The longer one listened to him, the more obvious it became that his inability to speak was closely connected to his inability to *think*, namely, to think from the standpoint of somebody else. No communication was possible with him, not because he lied but

⁴⁶³ Hannah Arendt's coverage of the Eichmann trial created as raucous a chorus of reactions as did "Reflections on Little Rock." Many of the objections to Arendt's piece are directed to her historical account of Jewish cooperation in perpetuating the holocaust, but there is even some disputation over the way Arendt characterizes Eichmann himself. As was the case with "Little Rock," I would prefer to draw attention to the fact that *Eichmann in Jerusalem* is a book comprised of many observations and factual claims, the vast majority of which are not in dispute. The points that are in dispute, in my judgment, are not disputed in terms broadly sufficient enough to disrupt the force of Arendt's arguments about either of the two themes of self-deception and organizational power and how these two problems in modern politics are helped by antipower in the form of simple political acts. Suffice to say that one can find those who think Arendt's light touch on the details comes from a personal arrogance that taints the entirety of her work. For example, see Martin Greenberg, "Concerning Hannah Arendt: She Knew She Was Right," *Yale Review* 95, no. 1 (2007). However, there is a growing amount of writing on Arendt that acknowledges that, like any major political theorist, there are parts that are totally off but there are also parts that remain intact and are of vital importance. Peter Baehr writes in this fashion about the historical inaccuracies in *Origins of Totalitarianism* and Corey Robin writes specifically about *Eichmann in Jerusalem* that while troubled by much in Arendt, that her important contributions in *Eichmann* center on the fact that, "Genocide, she insisted, is work. If it is to be done, people must be hired and paid; if it is to be done well, they must be supervised and promoted." See Corey Robin, "Dragon-Slayers," *London Review of Books* (2007), http://www.lrb.co.uk/v29/n01/robi02_.html. Peter Baehr also has forthcoming article (late 2008) in "The Good Society" regarding the historical accuracy of Arendt's account of the masses that will speak to this point.

⁴⁶⁴ Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, 47-48.

⁴⁶⁵ *Ibid.*, 54.

because he was surrounded by the most reliable safeguards against the words and the presence of others, and hence against reality as such.⁴⁶⁶

Eichmann's inability to think is precisely related to his lack of an ability to see the world outside of his own interests. Eichmann certainly had other mental abilities. Arendt notes, "There were two things he could do well, better than others: he could organize and he could negotiate."⁴⁶⁷ In spite of these abilities, Eichmann was a narcissist *par excellence*, and as one obsessed with his own reflection, he saw the world as little more than a means for doing this. Arendt notes "In his mind, there was no contradiction between 'I will jump into my grave laughing'" which he had bragged to colleagues was his take on being a part of the holocaust, and once arrested saying "I shall gladly hang myself in public as a warning example for all anti-Semites on this earth,' which now, under vastly different circumstances, fulfilled exactly the same function of giving him a lift."⁴⁶⁸ This narcissism in Eichmann was little different from the general bureaucratic mentality for the carrying out of the "Final Solution" between bureaucratic organizations, "which was no help to their victims, since their ambition was always the same: to kill as many Jews as possible."⁴⁶⁹ However, like Eichmann, once the context changed, the desire for relative aggrandizement survived despite the fact that to preserve the relative good standing of one's bureaucratic organ, "only now it works in reverse: it has become each man's desire 'to exonerate his own outfit' at the expense of all others."⁴⁷⁰ That Eichmann understood and accepted when other members of rival outfits apparently

⁴⁶⁶ Ibid., 49.

⁴⁶⁷ Ibid., 45.

⁴⁶⁸ Ibid., 53-54.

⁴⁶⁹ Ibid., 71.

⁴⁷⁰ Ibid.

did this at his expense is not lost on Arendt, and shows the shocking congruity between the thoughtlessness of Eichmann and of the organizational universe in Germany as a whole.⁴⁷¹ Eichmann seems to have understood the competitive nature between the various organs because the one thing he understood was professional self-promotion. “Eichmann was a careerist of the first order,” writes Corey Robin, “Late in the war, as Nazi leaders brooded in Berlin over their impending fate and that of Germany, Eichmann was fretting over superiors’ refusing to invite him to lunch.”⁴⁷²

The “Banality” of Organizational Evil Due to an Empty View of Common Business

The narcissism of structured, organizational behavior is the unhappy result of the increasingly common vision of the political as constituted as parts only and not wholes.⁴⁷³ As such, the structural relationship of organization and order causes an irrational loyalty towards carrying out one’s function in the scheme without regard towards its overall contribution to the larger picture, a larger picture whose constitution is securing the viability of all of its parts coexisting in the first place. On the inside of a group, the vision of reality itself can be warped by a sense of in-group unanimity, without regard to the reality. This could be because decision-makers in such contexts are incapable of thinking with an enlarged mentality, the way Arendt thinks about Eichmann. It also can be ascribed to the fact that in dominating relationships, as Amartya Sen has so famously argued, the decision-makers do not

⁴⁷¹ Ibid.

⁴⁷² Robin, "Dragon-Slayers."

⁴⁷³ Elkin, *Reconstructing the Commercial Republic: Constitutional Design after Madison*.

share in the consequences of their decisions.⁴⁷⁴ Only the Allies victory in the Second World War that brought about some degree of cost for Eichmann and his colleagues, and in bringing about this victory in Europe, Robert McNamara and Curtis LeMay were reflecting on how it was only victory in the Pacific that would keep them from being war criminals for their use of fire-bombing.⁴⁷⁵

For Eichmann, his “Pontius Pilate moment,” as Arendt calls it, took place at the now-infamous Wannsee Conference. Here, Arendt writes that “As Eichmann told it, the most potent factor in the soothing of his own conscience was the simple fact that he could see no one, no one at all who was against the Final Solution.”⁴⁷⁶

Eichmann had adopted an administrative consensus theory of truth, and why not, since his objective was only to seek comfort for himself and to validate the importance of his work. Madeleine Albright’s comments about being the United States’ Ambassador to the United Nations during the Rwandan Genocide echo the frustration of organizational power even when, as Albright says in her own words, “My instructions were to support full withdrawal. I listened to the discussion very carefully in the Security Council. I could see that our position was wrong, and especially in listening to the African delegate, Ambassador Gambari from Nigeria, [who] was very moving on this.”⁴⁷⁷ Albright’s reflections on the Clinton Administration’s handling of the situation, even with a much greater sense of awareness, perhaps reveals a priority of conscience over result,

⁴⁷⁴ See Amartya K. Sen, "Public Action to Remedy Hunger," in *The Arturo Tanco Memorial Lecture* (London: 1990).

⁴⁷⁵ Errol Morris, "The Fog of War: Eleven Lessons from the Life of Robert S. McNamara," (USA: Sony Pictures Classics, 2004).

⁴⁷⁶ Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, 116.

⁴⁷⁷ FRONTLINE, "Interview with Madeleine Albright," FRONTLINE and Entropy Media, <http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/interviews/albright.html>.

I wish that I had pushed for a large humanitarian intervention. As I write in my book, people would have thought I was crazy. It would never have happened. But *I would have felt better about my own role in this*. But [I] don't think, in retrospect, it would have made a difference. It just would have made me feel better. But I don't think it would have happened.⁴⁷⁸ (Emphasis is mine)

Arendt's analysis of the decision makers who made America's Vietnam War policy is no more cheerful, "What caused the disastrous defeat of American policies and armed intervention was indeed no quagmire...but the willful, deliberate disregard of all facts, historical, political, geographical, for more than twenty years."⁴⁷⁹ Arendt attributes this to the fact that

[T]he self-deceiver disappears in an entirely defactualized world; Washington and its sprawling governmental bureaucracy, as well as the various think-tanks in the country, provide the problem-solvers with a natural habitat for mind and body... the self-deceived deceiver loses all contact with not only his audience, but with the real world.⁴⁸⁰

Here, Arendt's thinking adds an important qualifier on Sen's formula of democracy, free press, and literacy: it is possible for a majority to not only be deceived by self-deceivers, but to also participate in self-deception themselves. This is the danger of having people who do not have a claim on our view of the shared world... we can easily deny a problem with the shared world when we define those who are wronged as not a part of it in the first place. Samantha Power's account of the international response to the Rwandan genocide is only but one of the more recent examples.

Power writes,

The Tutsi rebels in the Rwandan Patriotic Front publicly appealed for a Western response. On April 13 they accused the Rwandan government of carrying out genocide. They invoked the Holocaust. In an April 23 letter to the head of the Security Council, the RPF representative, Claude Dusaidi, reminded Security Council members and the secretary-general, 'When the institution of the UN was created after the Second World War, one of its fundamental objectives was to see to it that what

⁴⁷⁸ Ibid.

⁴⁷⁹ Arendt, "Lying in Politics," 32.

⁴⁸⁰ Ibid., 36.

happened to the Jews in Nazi Germany would never happen again.’ But as Kurdish leader Jalal Talabnai had found in Iraq and as the Bosnian government was learning around the same time, those who are suffering genocide are deemed to be biased and unreliable. Besides, that analogy that most gripped American minds at the time was not the Holocaust but Somalia.⁴⁸¹

To say that such stories show a “failure of will” on behalf of the great institutions of the modern world is incorrect. Their will to ignore genocide is powerful enough to pretend not to see as thousands died in Rwanda every day. They develop this strong will by virtue of collecting institutional momentum that carries them in a different direction than being interested in thinking. Their willfulness without thoughtfulness makes the procedural views of politics that encourage us to think that they are the whole of politics, if not completely insufficient, at the very least completely unacceptable.

Concluding Remarks

The consequences of a purely factional vision of the political are not only theoretical. The character of the world we live in shapes what is and is not permissible; what counts as murder versus what counts as just another day at the office. Further, it seems clear that our ability to be a “joiner” of either civil society or of an activist movement is not sufficient in itself to either foster or preserve an enlarged mentality capable of explicitly managing the political economy of non-domination. Activist movements are committed to particular ideological points of view.⁴⁸² Civil society creates in-group bonding more than across-group bridging.⁴⁸³

⁴⁸¹ Samantha Power, *A Problem from Hell* (New York: Perennial, 2002), 357.

⁴⁸² Robert Talisse, "Deliberativist Responses to Activist Challenges: A Continuation of Young's Dialectic," *Philosophy & Social Criticism* 31, no. 4 (2005). See chapter 3 for a more detailed discussion.

In each case, the political structures offer little hope of escape from dominating power relationships for any who belong to groups that are either overpowered or overlooked.

What is striking about Wolin's comparison between organizational power today and in Machiavelli's Tuscan landscape is the striking similarity of crisis in the constitution of political life. Machiavelli believed the crisis lie not simply in a lack of ideas. He understood that preserving the common interest required organizing citizens so that they had real-world commitments to preserving the public, and that this had to be done through habits and public practices as well as well-reasoned values. Because Machiavelli lived in a time and place devoid of a vision of the political, he had a healthy perspective on the costs involved in rebuilding and protecting a new one. With so many political theorists, be it Wolin's account of organizational "postmodern democracy," or what Benjamin Barber calls "thin democracy," or what Jeffrey Isaac calls "democracy in dark times," it is no accident why a "republican revival" with a set of concerns that parallel Machiavelli's would spring forth in a contemporary setting where factional interest again appears threatening to the public world.

In this setting, the stakes are high, but the solutions need to be small. With regards to the stakes, Albert Camus wrote,

In the age of negation, it was of some avail to examine one's position concerning suicide. In the age of ideologies, we must examine our position in relation to murder... It is incumbent upon us, at all events, to give a definite answer to the question implicit in the blood and strife of this century.⁴⁸⁴

The definitive answer to this question on the Twentieth Century for republican thought is that a politics empty of anything but interests restrained by a conception of

⁴⁸³ Mutz, *Hearing the Other Side: Deliberative Versus Participatory Democracy*, Putnam, *Bowling Alone*.

⁴⁸⁴ Camus, *The Rebel: An Essay on Man in Revolt*, 4.

rights will only be restrained a by a conception of rights in fact when it suits the interest of the strong. To address this problem thus requires more than militating for an enlarged set of public values alone, as Carol Gould and Seyla Benhabib both argue for.⁴⁸⁵ Further, it might seem paradoxical that the better way to have a conception of the public that is supportive of antipower, and inclusive enough to prove resistant to the dangers of organizational power, small-scale political action must be given a space to survive and flourish. Yet, Micahel Sandel writes that this is exactly the case, “the cosmopolitan vision is wrong to suggest that we can restore self-government simply by pushing sovereignty and citizenship upward. The hope for self-government lies not in relocating self-government, but dispersing it.”⁴⁸⁶ Public mindedness seems best likely to be ensured by, “The joys of public happiness and the responsibilities for public business” by the “few from all walks of life who have a taste for public freedom and cannot be happy without it.”⁴⁸⁷ This has to be done in the particular world in which citizens actually dwell. It also means that to ensure public happiness, we need not all be abortion escorts, or something similar, just belong to a political community in which the politics opens up the space for those who would be escorts to assert their claim to public happiness through public deeds.

What we are left with, when we root out the modern dangers of organization and systemic thought that does not leave a space for the freedom of individual, novel, political action is a highly corruptible structure that offers us no real incentive to consider the wider world in any way that really respects others as others. It is only in

⁴⁸⁵ See Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge, UK: Cambridge University Press, 2004), Benhabib, *Another Cosmopolitanism*.

⁴⁸⁶ Sandel, *Democracy's Discontent: America in Search of a Public Philosophy*, 345.

⁴⁸⁷ Arendt, *On Revolution*, 279.

our ability to appear that we can make our existence in the world particular, meaningful, and irreplaceable. It is thus, perhaps a bit paradoxically, only when we have a political order that allows for spontaneous, unstructured action that is disruptive to the predictable workings of the order that creates it, that we can contain maintain a sense of collective meaningfulness. Creating public space prevents larger institutional arrangements from running so afoul, so entirely dependent on the idea of “who you are is what you join,” that someone like Eichmann can make the decisions that, “he might have still preferred—if anybody had asked him—to be hanged as *Obersturmbanführer a.D.* (in retirement) rather than living out his life quietly and normally as a traveling salesman for the Vacuum Oil Company.”⁴⁸⁸

It must surely seem a stretch to move from a few people who come out and walk side-by-side with people waling into an abortion clinic to the Vietnam War and the Holocaust. The scales of the stories seem to have an almost infinite distance between them. Nevertheless, they are, if one is to take Arendt’s theorizing on these stories seriously, important stories of contrast. What US policymaking in regards to the Vietnam War and the bureaucratized battle between careerists to commit mass-murder in Nazi Germany lack, *abortion clinic escorts and protestors both possess*: a respect for operating inside of reasonable boundaries that promotes freedom and allows for open contestation. What is funny is that both escorts and protestors evoked Nazi characterizations of the other while I was observing at the clinic. Protestors frequently compare abortion to the Holocaust directly and refer to escorts as “deathscorts.” The term “fascists” came up on occasion when escorts would talk about how they felt about abortion protestors and the political points of view they

⁴⁸⁸ ———, *Eichmann in Jerusalem: A Report on the Banality of Evil*.

ascribed to them. Yet it is the toleration of one another, in deed perhaps well more than in thought, that makes neither side anything like the fascists whatsoever.

Those gathered outside of the abortion clinic, no matter which side of the argument we are talking about, are not like Eichmann and they are not even like the problem-solvers of the Kennedy and Johnson administrations. They are not willing to do whatever it takes to make their beliefs real, because when protestors and escorts both appear outside of the abortion clinic, both are forced to appear as citizens first and foremost. Stephen Macedo wrote in *Liberal Virtues* that liberal society does not allow for “real Nazis” because, “The liberal polity requires that Nazis be law-abiding Nazis and that is not easy. They cannot be ‘gung-ho’ Nazis, in fact they cannot *be* Nazis at all but only play at it.”⁴⁸⁹ Escorts and protestors, whatever flaws one might think they possess or whatever one might read into them as standing for, this much is certain: they are both interested in engaging in a form of contestation that has limits. However, the comments made about one another and the reported actions of protestors when escorts are not around indicates that this commitment to limits is ultimately not resting in an enlarged mentality or a sense of either fairness or solidarity that is constructed from an epistemic construction of a moral point of view.

Instead, it is derived from the *fact of contestation* itself. The practice of legal abortions makes the appearance of protesters possible. The appearance of protesters makes the appearance of abortion escorts possible. The most important overlapping consensus at work is the acknowledgment, however grudgingly, that all parties have the right to appear and contest in the first place. Even this acknowledgment is likely

⁴⁸⁹ Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Clarendon Press, 1991), 260.

to be rooted only as firmly as it is simply because how one feels about the other's right to contest does little to change the fact that they possess such a capacity in the first place.

Calling this situation a "Hobbesian truce" fails to do it justice. Pettit, Arendt, Madison, Montesquieu – all of these theorists argue that the disbursement of the power and capacity to resist domination is, somewhat paradoxically, empowering. The reasons for this have been traced above, but what stands equally as important is the ability to point to the politics outside of the abortion clinic and say, "here it is." Here are the "local freedoms of every kind" that Tocqueville sees in America.⁴⁹⁰ Here is a Camus-like resistance where the common answer for what escorts believed they were standing for was Camus-like "common decency," which one of Camus' characters defined by saying, "I don't know what it means for other people. But in my case I know that it consists in doing my job."⁴⁹¹ Here are the signs of a vision of politics that Jeffrey Isaac writes of approvingly about Arendt and Camus, "one that refuses to privilege any form of human authority and that values chronic contestation in public life."⁴⁹² What strikes Robert Putnam as a tragic scene of incommensurability may actually be the very signs of life democratic theorists ought to be searching for.

This does not make abortion escorting the essential, foundational bedrock of human freedom, or some other exaggerated claim with regards to its significance. Abortion escorts represent but one, fugitive instance of political action. Its singularity, and its minimal impact on the grand scheme of things are not in dispute. What

⁴⁹⁰ De Tocqueville, *Democracy in America*, 495.

⁴⁹¹ Camus, *The Plague*, 163.

⁴⁹² Isaac, *Arendt, Camus, and Modern Rebellion*, 15.

remains highly disputable is to think that such facts necessarily imply that such activity is beneath the notice of democratic theory. The prevailing academic attitude is one where somehow abortion escorting must either be jammed awkwardly into a pre-existing canon of political thought or it will have no place in the canon at all – just like the iconoclastic theorists who would dare to take notice. The dismissive shrug of Seyla Benhabib when she assures us that Arendt and Barber are not our concern is not her making an argument – it is giving us permission to ignore. In more mainstream criticisms of Arendt, the way this permission is usually given by questioning her loyalties to her ethnic heritage given her more controversial writings and her relationship with Martin Heidegger.⁴⁹³ The philosopher’s version is to call her a phenomenologist.

Yet, for all of the resistance to the worthiness of political action as a noteworthy topic of inquiry, there are many of what Arendt was fond of calling “stubborn facts” that still seem to get in the way. The “republican revival” seems to be a trend in political theory that is growing and, acknowledged or not, there are still people using their capacity to act out their on the sidewalks practically every Saturday morning, occasionally on Wednesday’s and on whatever day that the anniversary of the *Roe v. Wade* decision happens to fall on that particular year. Regardless of the meaning that political theorists wish to imbue on such actions, they are out there and they are still taking place, in this form and others. They serve as a reminder of what might be an important piece of the core of democratic politics – and they remain as such as long as we choose to see it.

⁴⁹³ Richard Wolin, *Heidegger's Children* (Princeton, NJ: Princeton University Press, 2001).

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