

NEED NONVIOLENT DIRECT ACTION BREAK THE HUMAN BOND?

by

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AUTHOR'S PERMISSION.**

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ABSTRACT

This paper argues three points. First, as currently practiced, nonviolent direct action [NVDA] breaks the social bond between its practitioners and those who disagree with them. Second, this is a serious obstacle to NVDA's practitioners achieving their goals. Third, there are straightforward ways to circumvent this obstacle by recognizing the human bond beneath the rule of law.

Keywords: recognition, reconciliation, nonviolent direct action, U.S. Peace and Justice Movement, School of the Americas

NEED NONVIOLENT DIRECT ACTION BREAK THE HUMAN BOND?

In 1969 my brother, under pressure from his Navy superiors, transferred to me his subscription to *The Catholic Worker*.² It formed an important part of my political evolution. I was strongly affected by its message of taking personal responsibility for addressing the problems of the world. I was similarly affected by its message that laws could be unjust and that the rule of law was not the final ground of our relations with one another. It prepared me for my later encounter with Gandhi's philosophy.³ Despite its importance to my thinking, however, something bothered me about *CW*'s point of view, and I struggled for years — at first only unconsciously — to name this discomfort. An earlier attempt (Chilton 2000a) left me dissatisfied, but some clarifications in my own thinking (Chilton 2002 and 2006 forthcoming) have led me to try again.⁴

This paper argues that as currently practiced within the U.S. peace and justice movement, nonviolent direct action breaks one form of our social bond without replacing it with a deeper form (Section I).⁵ In the absence of such a bond, the resulting split between the nonviolent direct

2. *The Catholic Worker* is the newsletter / periodical of the Catholic Worker organization in New York. The Catholic Worker movement was started in the 1930s by Dorothy Day and Peter Maurin. The source of the original subscription is lost in the mists of time, but it was not a natural connection, since our family background was Protestant.

3. My first serious encounter with Gandhi's philosophy was through Joan Bondurant's masterful analysis, *Conquest of Violence*, which became one of the fixed stars guiding my intellectual voyage.

4. Not to mention a sense of urgency as NVDA protests (and other efforts of the U.S. peace and justice movement) fail to stop the Bush administration's catastrophic policies.

5. I am of necessity treating "the U.S. peace and justice movement" and "nonviolent direct actions" as monolithic, coherent movements. I am sure there are many exceptions to my characterizations of it in this paper, and I would be grateful to any readers who wish to call them to

activists -- whom I shall call "the Hatfields" -- and those who disagree with their position -- whom I shall call "the McCoys" -- becomes more severe.⁶ As a result, the movement's goals are distorted and made more difficult to accomplish, both the short term goals of the specific protests and the long term goal of creating a peaceful, just society (Section II). However, there is a straightforward way to deal with this problem, namely, by recognizing, naming, and highlighting the bond that remains behind the rule of law (Section III).

I. The Broken Bond of the Rule of Law

The paper's argument centers on the concept of a "human bond". By this I mean the impulse, necessity, and desire for us to coordinate our actions with one another. The concept is dealt with more formally and completely in Chilton (forthcoming); suffice it here to say that this bond is deeper and more insistent than Hobbes's "diffidence" or classical liberalism's mutual self-interest.⁷ In this epoch the primary symbol and carrier of that bond is the rule of law. Since law is only imperfectly just in any complex society, and since it is clumsy even if not unjust, our adherence to

my attention. I have to say, however, that my continuing search for exceptions has been singularly unrewarded.

6. First, apologies to the real Hatfields and McCoys, both those of today and those of history. They are not (and probably never were) like the families whose mythic feud I am using. Second, if the reader has trouble keeping the names straight in the subsequent discussion, it may be helpful to recall that the longer name, Hatfield, is here associated with the longer argument necessary to establish their point, while the shorter name, McCoy, is associated with the shorter, more straightforward demand that we all obey the rule of law. Finally, I use this terminology to remind us — myself first, but also the reader — that a battle over who is capital-r Right is as nonsensical and harmful as the feud between these two families.

7. At the risk of making the reader even more skeptical, let me say that I believe this bond exists between us and animals as well, although modernity's trend toward the "disenchantment" of the world (Gauchet 1997) has obscured this.

the rule of law represents a shared sacrifice.⁸ We value living together in the order, presumed justice, and mutual concern it represents. There are more particularistic bonds, of course — e.g., those of family or friendship — but they cannot serve to organize a society as complex as ours.⁹ When overall relationships cannot be made coherent through face-to-face discussion, some broader means of organization is required.¹⁰

Let me say right away that no specific law or even the rule of law itself is sacred. The experience with the Holocaust, not to mention many subsequent holocausts, has long made plain that the sanction of law does not guarantee that the action is right. Indeed, such events show that sometimes it is a positive duty to break the law and/or to oppose the political institutions giving form to the rule of law.

The Hatfields claim that they cannot in good conscience obey the laws they are breaking. Such obedience would violate something essential about who they are and what sort of person they want to be. However, their claim goes beyond the simple refusal of the conscientious objector. Whereas conscientious objectors simply state something about their own sense of self, the Hatfields claim that their sense of self demands that everyone should recognize that the law is unjust, should not exist, should not command obedience, and should not be followed by anyone, Hatfield or McCoy.¹¹ Thus the Plowshares activists, when they attempted to destroy the Minuteman silos, were not simply claiming that they could not live with U.S. nuclear defense

8. Ideally, this sacrifice is shared equally — equally, that is, as much as the accidents of life and the limitations of our corporeal existence permit.

9. Actually, even elementary bonds can be used to organize large-scale entities, as with the Roman Empire. (See Chilton 1988:Ch. 4.) But the clumsiness of the rule of law is as nothing compared to the clumsiness, arbitrariness, and cruelty of such empires.

10. Compare Iris Marion Young's critique of small-scale community as the ideal to which we should aspire (Young 1990).

11. "Sense of self" includes "sense of self-being-with-others".

policy; they were claiming that this policy was wrong for *all* citizens.

Nevertheless, the rule of law serves as our primary social bond — more so for the McCoys than the Hatfields, perhaps, but strongly for both.¹²

Nonviolent direct action explicitly breaks this bond. When Hatfields deliberately break the law, they break not just a particular law but also, in this deliberateness, the rule of law itself. But having broken this bond, on what basis are they to persuade the McCoys? And if the McCoys are not persuaded, if the two sides are incomprehensible to one another, then the force of the majority will prevail.¹³ The Hatfields need to offer something more fundamental. As the political adage goes, “You can’t beat somebody with nobody.” Even if the rule of law is flawed, something better needs to be offered to replace it.

NVDA activists do recognize this need, I believe. Unfortunately, their two most common attempts to maintain or reconstruct a bond fail in the end.

A. Rightness

Certitude is not the same as certainty.
— Oliver Wendell Holmes, Jr.

The first is through the straightforward claim, “We’re right.” Whatever arguments the Hatfields use to justify their position, “rightness” is the final appeal. However, we need to recognize that this

12. Articulated, anyway. Even “celebration of difference” is not sufficient to integrate society, because it cannot deal with those cases in which decisions must disadvantage one group or another. For example, the U.S. rule of driving on the right-hand side of the road cannot be reconciled with the desires of British Commonwealth visitors to drive on the left. This is not an earth-shaking conflict, of course; it simply shows that arbitrary decisions are sometimes required regardless of respect for differences. See Chilton (1998).

13. Even if the tactical situation was such that the minority could prevail, this would not be a fairer solution. We can’t reduce our bond to tactical advantage.

appeal is not to rationality or to discursive resolution, because presumably those approaches already have been tried and have failed.¹⁴ In the absence of agreement, the bond is reduced to a stubborn assertion. And of course the Hatfields *do* believe they are right; the difficulty is that there is no way to prove this. For good reasons or bad, but in any event for *their* reasons, the McCoys remain unpersuaded. They believe that the system is just, and/or that the rule of law must be upheld, and/or that this law in particular must be obeyed. Of course the McCoys cannot claim absolute knowledge any more than the Hatfields can, but neither can the Hatfields claim any epistemological or moral privilege. In short, the claim, “We’re right,” may appear strong to the Hatfields, but in the context of public discourse it is very weak. It may persuade some McCoys to reexamine their own beliefs in light of the Hatfields’ arguments, but there is no guarantee that this reexamination will change anything. And in any event, the claim depends on the cooperation of the McCoys, who may with perfect justice decide that no further examination is needed — that discourse (and the time available for it) has been exhausted.

B. Self-sacrifice

Just because someone is willing to die for a cause,
does not make that cause right.
— Oscar Wilde¹⁵

A second method of maintaining a bond is through the Hatfields’ willingness to accept punishment: to consider their position in advance through prayer, discussion, and meditation, to

14. Gandhi never turned to *satyagraha* campaigns without first trying to talk to his opponents. Also, though perhaps for slightly different reasons, it is standard judicial practice to require plaintiffs to have exhausted all administrative remedies before turning to litigation. Unfortunately, some NVDA occurs without such preliminary work.

15. I have been unable to locate the exact source of the quotation. In fact, the quotation itself is variously reported.

commit their disobedience publicly, to accept arrest, trial, fines, and incarceration without complaint. Such willingness is valuable because it attempts to preserve the bond of the rule of law insofar as possible. It says to the McCoys that even if the Hatfields are unwilling to obey this particular law, they do so only for reasons grave enough to warrant the sacrifice being made. It convinces others of the Hatfields' sincerity, even if not their rightness. The specific disobedience is thus separated and distinguished from the general rule of law, which is not being opposed. The willingness to accept punishment tries to show that a specific issue of justice, not a general disregard for law, is the focus.

Nevertheless, the willingness to accept punishment is of limited value. Society may be willing to tolerate dissent to protect other things, e.g., a respect for individual conscience, but in the end, the rule of law makes a categorical demand, not a contingent one. It is not the rule of law if people get to pick and choose what laws they wish to obey.¹⁶ Willingness to pay speeding tickets does not give us the right to speed, and jail is similarly not a payment justifying NVDA.¹⁷

Once the bond of the rule of law is broken, what remains to connect us? If no alternative is provided, the issues involved can no longer be a subject of discourse, because no common ground remains for it. The Hatfields advance what they believe are good arguments for their point of view, but the McCoys, for reasons sufficient to themselves, do not accept those arguments. The conflict is worsened by the breaking of the law. The Hatfields hope that their breaking of the law will call attention to its injustice, but breaking the law raises a question that strikes prior to any particular

16. The issue here goes back to the so-called "assurance problem". Even if we were to believe that people could pick & choose on the basis of their considered consciences, we could not be certain of this and would worry that people could easily confuse conscience with self-interest. Furthermore, there is also a slippery slope problem, in that the boundary line between conscience and self-interest could become blurred over time, even if it was initially clear.

17. Thanks to David Slesinger for pressing me on this issue.

issue, the question of how we are to resolve issues at all. While it is possible that sufficient discourse might create a consensus, in the real world decisions have to be made willy-nilly, i.e., whether or not we have reached consensus. So for the McCoys, NVDA raises not the question, "Is this law just?" but rather (or at least antecedently) the questions, "What meaning does 'law' have when people can decide what laws they wish to obey?" or "What do we have to talk about when the Hatfields already intend to do what they want, regardless of our McCoy beliefs?"¹⁸

My contention then is that the standard approaches to retaining the interpersonal bond are not effective: neither philosophically sound nor humanly compelling. Their success depends not on some inherent force but rather on the McCoys possessing boundless patience, tolerance, and generosity. These methods can help, they can even sometimes succeed, but they are flawed at root. Thus they are not secure methods.

II. The Absence of a Bond Hinders Activists' Goals

If the human bond is not mended through the above methods, if it remains broken against the rule of law, a variety of negative consequences follow.

II. A. The Dominant Culture Represses Anarchy

The most obvious fact is that the focus of political discourse changes from "Are these laws really just?" to "Why should we permit anarchy?" Never mind that anarchy is not (or should not be) what NVDA activists intend. When the rule of law is broken and no bond remains to show our care for

18. This skepticism has even greater force in these security-panicked days.

one another, then how are McCoys (or Hatfields, for that matter) to distinguish between NVDA and simple anarchy?

Once the issue is anarchy instead of injustice, the Hatfields have lost. Unless the sense of injustice (or at least moral discomfort) is so pervasive that social control is threatened, as happened in the Civil Rights Movement, society is perfectly capable of using the force necessary to suppress organized, deliberate lawbreaking. While the dominant culture is not monolithic, and creative campaigns of civil disobedience always have the potential to reveal its hidden strains and contradictions, repression is nevertheless its turf. The dominant culture has already organized the most obvious forms of repression — the police, the FBI, the National Guard, even the military — and it can quickly mobilize and direct their immense force. It is also capable of mobilizing intelligence agencies and paramilitary groups, even if their activities bend or break their own legal limits. Since the NVDA activists appear to have no regard for the law, then — the rationalization comes easily — they can have no complaint if the government also ignores the law in dealing with them. Finally, the government has the ability to mobilize and direct mob rule. Ambitious politicians become demagogues, mobilizing the populace against the NVDA “threat”, and informal sanctions are brought into play, ranging from individual actions (a newspaper ignoring certain letters to the editor; a business owner firing NVDA sympathizers, a judge choosing harsh sentences, etc.) to mob violence, where the police refuse to ensure the safety of NVDA protestors.¹⁹ In sum, if the government can make anarchy the issue instead of injustice, it is perfectly capable of

19. Many examples exist. A recent one, though in another country, was where Chinese police stood by for several hours while a mob stoned the Japanese embassy, allowing the Chinese government to express its displeasure without having to do so directly.

It may be relevant here to notice that governments also control national symbols like the flag and the Pledge of Allegiance (and even patriotic language itself, e.g., words like “freedom”), and confused NVDA protestors allow those symbols to be taken from them.

repressing NVDA campaigns — by fair means or foul, through “repressive tolerance” (Marcuse 1969) or direct repression, all at its choice.

II. B. Media Coverage Becomes Ritualized

One of the primary means by which NVDA protestors hope to reach the population as a whole is through the use of media. For those of us who lived through the 1950s and 60s, who can forget the iconic images of peaceful Civil Rights protestors being beaten by police, attacked by dogs, and knocked down with fire hoses? Who can forget the image of a state governor standing in the doorway to prevent a single black girl from being given an education? These images clarified the issues involved and mobilized a mass revulsion against what was being done supposedly in their name.

In these times, however, media coverage has become ritualized. The protests at Ft. Benning, for example, have come to read something like this:²⁰

Thanksgiving weekend, 20xx

COLUMBUS, GA. — Thousands marched today in this weekend’s protest against the U.S. Army’s Western Hemisphere Institute of Security Cooperation (WHISC, formerly called the School of the Americas). Protest organized said that more than xx thousand demonstrators marched peacefully to the gates of Ft. Benning, where WHISC is located. After speeches at the gates, and after being warned by military police that the fort was closed to all but military personnel, yy activists crossed the fort’s boundary line and were arrested. Among them were the movie actors A, B, and C. Those arrested were taken in waiting buses to the Columbus jail, where they will be held until their arraignment on Monday. Most are expected to plead guilty and pay a fine or receive a suspended sentence contingent on their not trespassing again; some will plead

20. As is apparent, I made this up, but my model was several years’ worth of similar articles in the *New York Times* and similar mainstream newspapers. I invite the reader to compare for h/herself. Better yet, see whether my model holds true for the stories about the upcoming 2006 protests.

not guilty and be bound over for trial. This year's demonstration was (larger / smaller) than last year's, and organizers attributed this (increase / decrease) to (growing concern over the U.S.-led war in Iraq / forecasted rain). Disappointingly, the police did not beat up any of the marchers in front of our cameras.

- 40 -

Note the ritualistic nature of both the event and its coverage. Note the story's lack of any exploration of the issues causing the protest. Note the story's careful listing of celebrities and its hope for violent confrontation.²¹ None of this forwards the point of the protest. Even if violence did occur, the story's focus would be on that and not on the underlying issues.²²

II. C. The Attraction of the Movement Changes

My argument so far has been that their breaking of the human bond isolates NVDA activists and thus weakens their cause.²³ It is psychologically hard to fail and keep failing in actions one believes are important, both externally important to the society and internally important to one's sense of one's self. One's beliefs become a continuing invalidation of oneself. Instead of being recognized for their deep thought and commitment, Hatfields are ignored and even rejected. There seem to be

21. Yes, of course no reporter would put that "disappointingly" in a story.

22. The latest issue of *Witness*, the newsletter of the Fellowship of Reconciliation, contains a front page story on the sentencing of 32 human rights activists for their November 2005 protests at Ft. Benning (FOR 2006). The story contrasts their sentences to the non-incarceration of "an Army interrogator even though [the military jury] found him guilty of negligent homicide in the torture and killing of an Iraqi detainee" (FOR 2006:1). The story concludes with a description of the number of protestors (19,000), the number of prior annual protests (15), the number of people incarcerated (9183), and their total sentence served (81 years). The story does not mention what meaning these actions might have for those who disagree with them. (In fairness, it must be noted that this was a story in a newsletter for an FOR audience, not a general audience.)

23. This isolation is not unique to them, of course. It seems to be present in the peace and justice movement, even among those who do not practice direct action, and I see (from a greater distance) the same feelings among many others who believe their voices are not being heard — e.g., members of the religious right. I do not intend by this to equate all these groups, since each has distinct moral positions and political directions, but I believe that the feelings of isolation do create some similar dynamics. But I cannot pursue this issue here.

a number of psychological and social consequences of this isolation, rejection, and weakness, consequences that appear to further weaken activists' strength. What follows is based more on speculation (and introspection) than the previous discussion is, but I believe that it is nevertheless worth laying out, at least to raise the issues.

The first problem is that Hatfields draw together for self-protection and self-affirmation. Unfortunately, this exacerbates the problem that is the concern of this essay, the breaking of the bond with the McCoys, because feeling one is right turns into a collective agreement that we-the-Hatfields are Right. This leads in turn to attitudes of self-righteousness and sanctimoniousness — discreetly expressed, perhaps, but present nonetheless. The Hatfields condemn the McCoys for following a law the McCoys believe in, and this condemnation implicitly sets the Hatfields' judgment above that of others.

For example, I find this attitude expressed in a front page article in the March-April 2006 issue of *The Catholic Worker* that arrived today (as I write this). According to the accompanying editorial note, the article, "Companions of Jesus" (Mulligan 2006), "is excerpted from [Mulligan's] journal, written in 2004 while serving a 90-day sentence in Georgia for having 'crossed the line' at Ft. Benning in protest against the US Army's School of the Americas." I'm glad to be able to read it, because it offers me an opportunity to see how, if at all, the author deals with the problem of the broken bond. Even though the article is not about Mulligan's civil disobedience but about his experiences with bible study in the prison, I look to see how he regards those who do not share his beliefs. Alas, his bond with them appears to be broken. The "authorities" appear as selfish and stuck up.

Tyrone, a fellow prisoner who joined us for Bible Study, observed that the official authorities, in their selfishness, considered Peter and

John “low-lives” and could not admit that these ordinary people might have anything true to say (Mulligan 2006:1).²⁴

God wishes the authorities to be “shamed” and “reduced to nothing”.

“..not many of you were wise by human standards, not many were powerful, not many were of noble birth. But God chose what is foolish in the world to shame the wise; God chose what is weak in the world to shame the strong; God chose what is low and despised in the world, things that are not, to reduce to nothing things that are” (Mulligan 2006:1, quoting 1 Corinthians 1:26-29).

They are “unjust” and “false”.

I touched on one of my favorite themes in the early chapters of **Acts**: that the apostles’ announcement of Jesus’ resurrection was really a denouncement of the injustice and falsity of His condemnation and execution” (Mulligan 2006:6).

Granted, the authorities in this case are those of Biblical times, but Mulligan clearly means the lesson to reflect our situation today.

Here are four further instances of peace and justice movement activists’ attitudes toward the McCoy’s of their lives. The first example comes from my memories of the anti-war / anti-draft movement in the 1960s and 1970s, with (what I recall as) its widespread demonization of the supporters of the war.²⁵ A second example comes from an interview I had with a local group of peace and justice activists, who kept pulling the conversation away from how we relate to our opponents (i.e., what I wanted to discuss) to what policies were Right (i.e., what the activists wanted to discuss). Granted, since they had never met me before, they were making sure that we

24. Even the choice of terminology (“authorities”) carries a hint of rebellion, like the t-shirt with the defiant inscription, “You aren’t the boss of me.”

25. . . such as the sign at an anti-war demonstration, “Withdraw, Lyndon, like your father should have.” Beyond being juvenile, this has a more serious problem in being merely abusive. “I wish you didn’t exist” is not a helpful standpoint from which to approach the other. Starting from a position of disrespect can only create a politics of disrespect. (This is not to overlook or excuse the counterpart demonization of the anti-war / anti-draft demonstrators by their opponents. See Appendix I.)

agreed on hot-button issues (abortion; gay rights; the evils of militarism and imperialism; etc.) and that I wasn't some fascist infiltrator, but however understandable this behavior might be, the issue should be how we relate to each other, not whether I pass ideological muster.

A third example comes from examining the web site of the coalition, "SOA Watch" [www.soawatch.org], which advocates that the Western Hemispheric Institute for Security Cooperation [WHISC] (known as the "School of the Americas" in its previous incarnation)²⁶ be closed. Rallies are held each year around Thanksgiving outside the gates of Ft. Benning, Georgia, where WHISC is located. Many protesters march, and a number of them "cross the line" onto military property, resulting in their arrests and (usually) trial, fine, probation, and/or incarceration. SOA Watch is well organized, with an extensive web site that includes a page with links to SOA Watch's press releases. These press releases are devoted to the rightness of their actions — devoted *entirely* to the rightness of their actions. The possibility that they have any fences to mend, or that their opponents have legitimate concerns, does not appear there. This is, of course, consistent with our adversarial political culture, but it does nothing to restore the broken human bond.

My last example comes from a March 2000 weekend workshop on Christian nonviolence. The workshop was led by a cleric, who I will call "Rev. Herman". During the first workshop session Rev. Herman tried to give a perspective on a life of Christian nonviolence by presenting a parable about "Ralph the Cannibal". Ralph lives in a society of cannibals and one day sees somebody being killed and eaten. Ralph thinks to himself, "Wait a minute – that doesn't seem right." As Rev. Herman tells the story, Ralph is now beset by all the travails of the nonconformist. Ralph goes to his friends, explains how he is feeling bad and is confused by this feeling, and his friends all tell him to forget it, there's nothing wrong. Ralph talks to his minister, and his minister

26. SOA Watch holds that the change in name is only cosmetic.

assures him that cannibalism is fine, that their holy books say that other people are meant to be killed and eaten. Somehow Ralph is still not convinced, and so as the parable unfolds, he gets sent to a psychiatrist for antidepressants, and then his wife divorces him for harping on this issue, and he gets thrown in jail for his antisocial beliefs, and so on. The end of the tale, according to Rev. Herman, is that Ralph is now abandoned, isolated, and lonely: he still isn't convinced, and people avoid him because his very presence now makes them uncomfortable.

This parable may soothe Hatfields' frustrations, but it communicates a distorted view of their situation. People don't hate others for being right as much as they do for the others looking down on them, for being sanctimonious and self-righteous in their beliefs. Peacemakers don't have to wind up in Ralph's position.²⁷ A *satyagrahi* is engaged with people, interested in them: "Tell me more about why you think cannibalism is right. That's really interesting. I can see you've thought about this a lot. Let me ask what help you can give me on the problem I'm seeing with it." Or: "I'm sorry I've talked at such length about this. I can see this is a touchy subject. It's just that I've got this puzzle and I can't seem to get it straight, and you're a smart person – I figured between us we could come up with a good perspective on it." Writing these phrases down makes them seem trite and manipulative, but they aren't if they arise from a basic attitude of being genuinely interested in what other people have to say and being genuinely humble about one's own rectitude. They're just a way to be with people: "Let's get together, have a beer, and talk, and we'll find out how interesting and different we are and what we can contribute to each other." The parable of

27. Gandhi showed that it wasn't inevitable; many people, including his enemies, enjoyed him; he was evidently fun to know. Jesus didn't wind up isolated and hated. There were many people who loved him and followed him – the disciples loved him, despite their abandoning him out of fear. And there were some people who hated him and killed him, just as there were people who hated and killed Gandhi. But my understanding of the Jesus of the New Testament is that he sat down and talked to anybody – prostitutes, Pharisees, tax collectors, . . . people. And he was loved for it.

Ralph the Cannibal thus tells us something that Rev. Herman didn't intend to say or even recognize he was saying, but I think it gives us another piece of evidence of where the U.S. peace and justice movement is today.²⁸

In sum, I believe that the Hatfields have wound up both psychologically and sociologically harming their own purpose. I do not mean this as a condemnation, because these consequences are entirely understandable,²⁹ but I do think they are avoidable.

The next section will give some positive directions, but I want to conclude this section by commenting that one way of dealing with these issues is simply to recognize them. "I feel misunderstood, unappreciated, and rejected for my beliefs" is a true statement deserving of expression and attention, but one can distinguish between the feeling and the action one chooses. The feelings deserve to be acknowledged, but that acknowledgment can serve to clarify the distinction between what one feels and what it is useful to do.

III. The Bond Behind the Rule of Law

Fortunately, laws and even the rule of law itself are not the final bond between people. In this section I try to outline what that bond is and how to maintain it.

28. Another example of this attitude toward the McCoys came at a subsequent workshop session where Rev. Herman spoke on the theme of "loving our enemies." The core of his presentation was simply that Jesus and the Bible said we had to love our enemies. Unfortunately, that was the sole justification. At one point Rev. Herman said explicitly that if people weren't Christians, he had nothing to say to them — a poor beginning to approaching others in a human way. This should be especially apparent as we face conflicts with people (both within our society and elsewhere) whose religious traditions differ from ours. I subsequently wrote Rev. Herman about the issues raised here, but he never replied.

29. I know I am subject to the same forces and feelings.

I start from what appears to me as the existential fact that no one knows who is right in any given situation. No one can ever be sure that in the next moment, in the next encounter, s/he won't discover something that makes h/her change h/her position — perhaps only to the extent of a slight clarification, but perhaps even to the extent of an about-face. It is natural enough for us to believe we are right, sometimes even laying claim to be capital-r Right, but I believe that if we are honest with ourselves, all of us can remember times when our beliefs were undercut by new understandings..³⁰ This would include our understanding of law, of laws, even of the rule of law itself.

But how does this help us recognize any bond between us? Even if we cast ourselves into uncertainty by dwelling on the possibility of being wrong, what affirmative connection does this create? I suggest that our ultimate bond is our recognition of our common existential situation of being thrown together, of having to take account of each other, and of being unsure how to do so. This bond is not a moral demand but a recognition, available to us all, that we are ultimately in the same boat. We are all comprehensible to one another to some extent, we are all mysteries to one another to some extent, and none of us has (or, more precisely, can be proven to have) any final answer. Our attempts to get along with each other are experiments, trials, approximations — not solutions in any absolute sense. Our deepest bond is, then, our recognition of each other in this shared experience, not in any particular decision or deliberative procedure.³¹

30. I once lost a quarter to my college roommate betting that seven times six was thirty-five — and me a math major too. A more relevant (well, a less brain-damaged) example is my experience with the issue of abortion, where I was absolutely pro-choice, then absolutely pro-life, then absolutely pro-choice again, and so on, until my understanding moved beyond this dichotomy (Chilton 2000b).

31. Note that this does not provide a solution but is instead a touchstone for our solutions. When this recognition disappears or is degraded, then we know that we are off course, even if we do not know what better course exists.

Martin Luther King's "Letter from Birmingham Jail" (King 1964), is a good model of the kind of bonding I'm suggesting. It is noteworthy for its tone as much as for its arguments. As is well known, King was responding to a call by some Birmingham clergy that he cease his protests against the city's segregation system. In his reply he addresses these clergy directly, an immediate mark of respect and recognition. Though he was aware that the letter would be more widely circulated, he still adopts a personal tone and one free of aggrieved resentment. This does not prevent him from expressing his disagreements directly, however, and yet the very forthrightness of his disagreement models a bond with the other. He believes they are wrong, and yet his tone is not one of condemnation but of mutual engagement in a common concern. Note that King loses nothing in maintaining this courtesy, because the clerics he addresses are drawn into what Habermas (1990) would term a "performative contradiction": if they present counterarguments, they grant the very equality that is King's most central goal.³²

So what do I propose? I propose that the Peace & Justice Movement pay more attention to the underlying bond through statements such as the following. Please note that this is meant as an addition to the normal explanations and justifications of their positions, not as a substitute for them. Indeed, the statement is a bit creepy when read in isolation; my purpose here is simply to summarize my earlier themes.

It is with sorrow and regret that we Hatfields find ourselves in the situation of feeling unable to comply with the law we are breaking. We apologize for violating what should be an unshakable reliance on ourselves and our fellow citizens to obey the law and, more broadly, to respect the rule of law itself. We also recognize that

32. Or to look at this another way, their initial call on King to stop the bus boycott allows King to point out by his reply that they have *already, implicitly* granted him the equality he seeks. All that remains is for them to recognize this, a recognition made easier by the courtesy of his reply.

you, the McCoys, may not agree with our reasons, even though we have tried to make them as clear as possible. And not agreeing with them, you may not understand why we do this. Furthermore, it may be that we are in error. Perhaps we have not understood the full picture. If so, we hope to continue talking about these important issues with you. But we do ask you to believe that we have undertaken this with the utmost respect for you, for the rule of law, and for our own senses of self. In the end it has come down to this result, that the only testimony left to us is to stake our own bodies and freedoms on this issue.

APPENDIX A: YEAH, WELL — WHAT ABOUT THE McCOYS?

One common response by my Hatfield friends to the above argument is, “Why should I apologize to the McCoys? Why don’t you ask them to apologize to me for cramming their unjust laws down my throat?” The short answer is that I do (Chilton 1998; Chilton & Wyant Cuzzo 2005), but this paper addresses my Hatfield friends, not my McCoy friends. In any case, I hold that the form of political life outlined here is a gain to the Hatfields regardless of the McCoys’ actions. Hatfields lose nothing by conducting themselves more respectfully, even if they do so alone. Their *feeling* that they are losing something is just a distress pattern arising from the adversarial nature of our damaged political culture. I understand the feeling, but catering to it is not a useful guide to action.

APPENDIX B: INTERPRETIVE VS. DEDUCTIVE STANDARDS OF PROOF

Except in small parts, this work does not rely on a deductive logic arguing from other, accepted beliefs and standards of judgment. Instead, it employs an interpretive form of justification, to wit, self-recognition. The claim is that the reader should be able to recognize h/herself in the descriptions herein. This standard of proof is not new, however; it is already one whose authority the reader possesses. If the reader cannot recognize h/her experience herein, then I believe other justification would be unpersuasive, regardless of its “logic”.

BIBLIOGRAPHY

Bondurant, Joan V. (1965). *Conquest of Violence (rev. ed.)*. Berkeley, CA: University of California Press.

Chilton, Stephen (1988). *Defining Political Development*. Boulder, CO: Lynne Reinner. [Available online at www.d.umn.edu/~schilton/Articles/DPD.html]

Chilton, Stephen (1998). A Second Moment of Discourse Ethics. In Felipe (1998:141-153). [Available online at www.d.umn.edu/~schilton/Articles/SMDE1998.html]

Chilton, Stephen (2000a). Practical Activism in the Light of Discourse Ethics: *Satyagraha* and the U.S. Peace and Justice Movement. Presented at the Midwest Political Science Association annual meeting, Chicago. [Downloadable in WordPerfect format from www.d.umn.edu/~schilton/WOR_Grundrisse/Satyagraha]

Chilton, Stephen (2000b). Shifting the Abortion Debate. Unpublished work available online at www.d.umn.edu/~schilton/Articles/Abortion.html.

Chilton, Stephen (2002). Situating Postmodernism in Cognitive-developmental Perspective. *Civitas [Brazil]* 2(2, December). Pp.285-292. [The original (i.e., English) version is available online at www.d.umn.edu/~schilton/Articles/PIC-dP.htm]

Chilton, Stephen (forthcoming 2006). 'Looking the Other in the Eye' as a Guide to Public Policy. *Public Integrity* 8. [Until it is published, this article is available online at www.d.umn.edu/~schilton/WOR_Grundrisse/Looking.VersionVI.html]

Chilton, Stephen (forthcoming). *Ways of Relating*.

Chilton, Stephen, and Wyant Cuzzo, Maria Stalzer (2005). Habermas's Theory of Communicative

- Action As a Theoretical Basis for Mediation Practice. *Conflict Resolution Quarterly* 22(3, Spring). Pp.325-348.
- Felipe, Sônia T., ed. (1998). *Justiça como Equidade: Fundamentação e interlocuções polêmicas (Kant, Rawls, Habermas)* [Justice As Equality: Foundations and Debates (Kant, Rawls, Habermas)]. Florianópolis, Santa Catarina, Brazil: Editora Insular / Núcleo de Estudos em Ética e Filosofia Política [Center for Studies in Ethics and Political Philosophy].
- FOR [Fellowship of Reconciliation] (2006). SOA Watch Protest Brings Heavy Sentences on Old and Young Alike. *Witness*. Pp.1,6.
- Gauchet, Marcel (1997). *The Disenchantment of the World: A Political History of Religion*. Princeton, NJ: Princeton University Press.
- Habermas, Jürgen (1990). *Moral Consciousness and Communicative Action*. Cambridge, MA: MIT Press.
- King, Martin Luther, Jr. (1964). Letter from Birmingham Jail. In *Why We Can't Wait*. NY: Harper & Row.
- Marcuse, Herbert (1969). Repressive Tolerance. In Wolff et al. (1969).
- Mulligan, Joseph E., S.J. (2006). Companions of Jesus. *The Catholic Worker LXXIII* (2, March-April). Pp.1, 6.
- Wolff, Robert Paul, Moore Jr., Barrington, and Marcuse, Herbert (1969). *A Critique of Pure Tolerance*. Boston: Beacon Press.
- Young, Iris Marion (1986). The Ideal of Community and the Politics of Difference. *Social Theory and Practice* 12(1). Pp.1-26.