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## Grassroots and Habermas in West Bend: Some Reflections

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### ABSTRACT

The West Bend Memorial Library controversy is an instructive example of how the framing assumptions—the ground—of public space have come under attack not only from the re-evaluation of social legitimacy heralded and embodied by an economics-based paradigm but equally from those who stand in opposition to what Habermas characterizes as the bourgeoisie-established criterion of political legitimacy: that is to say, enlightenment rationality. While the grassroots movement in support of the public library ethos stood with the nineteenth century's enlightenment rationality, the group promoting censorship of LGBTQ-themed materials stood firmly in the more socially relevant, refeudalized, public sphere of the early twenty-first century—one in which the legitimating function of rational discourse has been eroded by opinion and manipulative publicity. This explains why the grassroots effort was itself largely irrelevant to the outcome of events. The library's autonomy was kept in place not by social or political forces (both subject to refeudalization) but by the law. The grassroots movement to support the library thus illuminates the cracks, or fault lines, resulting from a change in how "public space" (and, thus, public institutions) have come to be understood during the last one hundred years, and, specifically, in the resulting change in modes of sanctioned discourse: specifically, from rational public debate to manipulative publicity.

On February 15th, 2009, a group of conservative religious activists, spearheaded by Ginny and Jim Maziarka, filed a complaint about links to gay-themed literature on the West Bend Memorial Library's website. This original complaint, slipped into the library's overnight book drop, mutated over time to include a list of "objectionable" books as the complaint and review

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process moved closer to the culminating library board meeting that June. In the meantime, this group mounted a well-organized publicity campaign to convince the West Bend city council to remove uncooperative library board members from office. While their campaign to remove “objectionable” materials from the library disintegrated on contact with the U.S. Constitution, their campaign to remove library board members who opposed them was, in fact, a success.

The Maziarkas and their fellow procensorship advocates were met by a vigorous grassroots response. That response—a story I was privileged to take part in—carries all the hallmarks of a standard, almost clichéd, heroic narrative. Like similar heroic narratives, it starts this way: “a plucky band of local citizens rushes to defend their local library from the forces of censorship, superstition, and ignorance.” Our band of local citizens satisfied all three conditions. First, we were plucky: members included ’60s-era-activist/grandparents, stay-at-home moms, precocious high school students, and a professional cake decorator. Secondly, we did everything people rushing to defend Enlightenment values are supposed to do: meetings were held; Maria Hanrahan, one of the West Bend Activists for Free Speech later recognized by the ACLU for her role in this effort, started a website and collected signatures; local blog forums filled up with constitutionally rigorous critiques of the procensorship position; I wrote a couple of Swiftean columns for the local newspaper; we showed up, arguments ready, and prepared for battle at the library board meeting; we rabble-raised; we received national and international press coverage; and support arrived, like the cavalry, from the ACLU, the ALA, and the American Publishers Association. Finally, our opponents were, indeed, almost entirely vocal, right-wing, ideologically driven fundamentalist Christians who seemed to believe that tolerating GLBTQ-themed literature in the library—like teaching evolution in the public schools—posed a threat to the future of America. In the end, no books were removed from the library. Censorship was defeated. Victory was ours. Right?

On the surface, we did everything right. On the surface, we stood up for the U.S. Constitution. On the surface, we stood up to a well-organized and popular effort by religiously motivated conservative challengers to impose censorship on the West Bend Memorial Library. On reflection, two wrinkles appear that indicate an underlying tension between the law and the willingness of our adversaries and their supporters on the West Bend city council to pay attention either to our arguments (grounded on that law) or the Constitution they had sworn to uphold. In the end,

- our actions were, technically, irrelevant to the legal dimensions of this controversy, and
- our actions could not protect our brave friends who served on the library board from retribution by the West Bend Common Council.

But, one might object, didn't your actions protect the library? Here's the first wrinkle: technically, the U.S. Constitution and two hundred years of case law guaranteed the integrity of the library as a public institution and would have done so whether we organized or not. The single effect our action had was to drag this controversy into the public sphere, to expose it to merciless daylight in the national, and then international, press. Had we done nothing, it is possible the "objectionable materials" would have been removed and the entire matter hushed up, but even then any such actions would have still been illegal. Legalities aside, our actions satisfied the conditions of the traditional, American public sphere: we made it public, the law took over, but, technically, it was the law that protected those books, not us.

Were our actions wasted, then? Wrinkle number two suggests that the effects of our actions were, indeed, limited, for, while the Constitution protected the library, it did not protect the Library Board members who opposed the censorship effort. Any board member who was up for re-appointment was removed from the board by a conservative majority on the West Bend city council, which yielded, in some cases enthusiastically, to the well-organized campaign of the procensorship lobby. Our arguments, our rational and constitutionally warranted position in this debate, in this sense, again had no effect on the outcome.

It is safe to say that, for most of us, unremitting frustration characterized the whole experience. It is not surprising, perhaps, that zealously procensorship religious conservatives would ignore our arguments; it is not even surprising that conservative members of the West Bend Common Council might ignore our protests. What remains surprising was the Common Council's casual indifference to United States Supreme Court decisions governing this question—decisions readily available to anyone with ten minutes of free time and access to Google. The Common Council did not seem any more interested in constitutional case law than the Maziarkas were in the library's grievance and complaint procedures (complaint procedures to which they exhibited an ongoing and—we thought—deliberate indifference). Neither the Council nor the Maziarkas ever suggested that they had a *more* rational interpretation of how the Constitution applies to public libraries. They simply seemed to believe their personal opinions mattered more.

How could this be?

Explaining the actions of the West Bend Common Council demonstrates a kind of conceptual dissonance that points toward an explanation somewhere in their worldview rather than in their immediate, superficial, statements. They had allowed a well-organized and manipulative public outcry to sway them from their sworn, legal duty, and—philosophically speaking—this is the most interesting and revealing point. It raises questions about social, not merely individual, contexts and about the ground-in assumptions on which the Common Council was operating.

The West Bend Memorial Library controversy, even as it unfolded, became a useful case study in many of my courses at the University of Wisconsin's Washington County campus. This case powerfully illustrates Plato's critique of democracy at the end of the *Republic*, it picks up pieces of Hobbes and Locke (in particular, social covenants and the responsibilities these carry for citizens), and rather beautifully instantiates Hegel's explication of the dialectical relations between civil society and the state. Even for Peircean semiotics, this case presents a clear illustration of how ideologues are often stuck in an indexically fixed mode of discourse that cuts them off from the greater understanding found in symbolic representations. The West Bend case brilliantly illuminates concepts like epistemic closure and rhetorical framing. It was a gold mine.

As a professor, I can always use another case study to illustrate core ideas from the history of philosophy, but as a participant in the controversy itself, understanding became a matter of urgently personal, rather than merely academic, interest. I needed core ideas from the history of philosophy to help me make sense of the case study and its sociopolitical context. It is one thing to dig out the gold—I needed to map the mine. Hegel's discussion of civil society and the state in his *Philosophy of Right*<sup>1</sup> provides an initial and compelling interpretive framework for explaining the actions of the Maziarkas and the West Bend city council but, if we jump ahead one hundred years in the line of succession from Hegel via Marx and the Frankfurt School, we land on the work of Jürgen Habermas—a penetrating thinker who continues to offer insights into the factors conditioning our current political realities. His *Structural Transformation of the Public Sphere* (Habermas, 1991) provides a concise, illuminating, and more contemporary explication of the dialectical relations found in Hegel. In a nutshell, as the grounding assumptions of the public sphere undergo their historical transformations, institutions and, indeed, modes of sanctioned discourse adjust accordingly. To borrow a metaphor from geology, as the tectonics of the public sphere were folded and faulted during the past three hundred years, the overlying topography—embodied in society's institutions and framing assumptions—reflects those changes. Habermas's work provides a "metaframework"<sup>2</sup> that maps out the relationship between those often difficult-to-observe tectonics and the overlying, easier to spot, topographical details. John Buschman's (2003 & 2005) workmanlike application of Habermas to public libraries provides an accessible cross section of this map. I can offer only a brief account of Habermas here, but an in-depth reading of his and Buschman's work is well worth the effort.

Habermas begins by considering the role that the public sphere has played in grounding the legitimation of authority in a society. In brief, starting around three hundred years ago, the mercantile classes of Europe began to demand that laws, originally created by the whims of monarchs, be submitted to rational, public debate. This use of the public sphere

transformed its original function from a place where people gathered as an audience to acknowledge and acclaim the representations of royal power, into an arena for submitting royal decrees to the test of rationality. The legitimacy of the monarch's decisions, in other words, came to be grounded not merely in his or her authority but in whether they had been tested by rational public debate. It was the public sphere, not the God-Granted Right of Kings, that came to ground the legitimacy of authority—at first royal, and then later parliamentary and congressional.

Habermas observes that this new “public” was constituted first and foremost by the bourgeoisie, the merchant class, which then set the criteria for membership: owning property and education.<sup>3</sup> Habermas is thinking about the eighteenth and nineteenth centuries when education was still the *result* of your economic status and not, as is generally the case today, the *cause* of your economic status (1991, p. 85). Unfortunately for the bourgeoisie, a number of nonbourgeois groups were included in the “public.” Habermas identifies them as “doctors, pastors, officers, professors, and ‘scholars’ who were at the top of the hierarchy, moving down to schoolteachers and scribes, and then to the ‘people’” (p. 23). The people who really mattered, of course, were the *economically* enfranchised members of the “public” (the bourgeoisie), not the *educationally* enfranchised members of the “public” (doctors, pastors, officers, professors, and school teachers).

The accidental members, however, participated fully in the rational debates that increasingly characterized the public sphere after 1800—but they didn't stop there. In a dialectically appropriate twist, the forces unleashed by relocating the legitimation of authority to the public sphere at first advantageous to the bourgeoisie now turned directly against bourgeois interests and toward the common good.<sup>4</sup> These doctors, pastors, professors, and scholars did what unpropertied, but rational, people always do with power grounded on reason and morality instead of economics: they used their access to the political system to encourage democratic, rather than plutocratic, societies (Habermas, 1991, pp. 145, 148).

And here we arrive at the traditional, fourth-grade civics class version of nineteenth-century American democracy—the version in Norman Rockwell's paintings<sup>5</sup>—and the version embraced by those of us defending the West Bend library from the forces of censorship. You stand up in public, you speak using rational arguments, and people accept or refuse to accept your arguments on rational grounds. The structural transformation of the public sphere, however, like any tectonic plate, did not stop moving in the late 1800s. Habermas follows this movement forward in time. The economic values and modes of discourse that characterized the bourgeoisie's social paradigm infected the public sphere itself and carried it into a zone in which economic values came to replace the values of the Enlightenment; the critical publicity that once brought forth rational debate was “supplanted by manipulative publicity” (Habermas, 1991, p. 178).

Publicity—once the task of making the monarch’s decisions available for critical debate in the public sphere (the basis for much of the democratization that happened through the nineteenth century and, indeed, for opposing censorship in public libraries)—by the early twentieth century became useful “for exerting political pressure because it mobilizes a potential of inarticulate readiness to assent that, if need be, can be translated into a plebiscitary defined acclamation” (p. 201). He succinctly summarizes the inevitable clash of paradigms this more recent change has created: “On the other hand, to the degree to which it preserves the continuity with the liberal constitutional state, the social-welfare state clings to the mandate of a political public sphere according to which the public is to set in motion a *critical* process of public communication through the very organizations that ‘mediatize’ it. In the constitutional reality of the social-welfare state *this form of critical publicity is in conflict with publicity merely staged for manipulative end*” (p. 231, emphasis added)—which brings us back to West Bend.

Buschman’s fine account identifies the key functions libraries embodied under the old paradigm, functions we fought for in West Bend. Here are two examples:

- Libraries “act” to verify (or refute) rational validity claims in making current retrospective organized resources available to check the bases of the thesis, law, book, article, or proposal and thus aiding and continuing the rational communicative process of critique and argumentation.
- Libraries contain within their collections the *potential* for rational critique and individual/community self-realization, thus grounding the communicative process and the possibility to reestablish democratic processes. (Buschman, 2003, pp. 46–47)

These functions belong to libraries under the aegis of the earlier, nineteenth-century version of the public sphere. Libraries, like other public institutions, rest—literally and metaphorically—on their foundations: when the foundation changes, so does the basis of their legitimacy. That public sphere has changed; the West Bend case illustrates just how far. Libraries, which serviced the needs of that earlier public sphere (as repositories of fact organized to assist reasoned discussion), are now being compelled to service the needs of the new—one in which consumer desire, rather than reasoned debate, has become the ground for the legitimation of authority. Thus, under this new consumer paradigm, the measurement of library success, of *acceptable practice*, becomes customer satisfaction: libraries are now understood to be legitimate only as “McLibraries,” as food courts in the shopping mall of twenty-first-century civil society, passing out the “instant-satisfaction, fast-food equivalent of information” (Buschman, 2003, pp. 99, 120–121).

What is clear, certainly from the controversy over censorship of the West Bend Library, is that rational debate, once enshrined as the sanctioned

mode of discourse in the public sphere, no longer carries the social capital required to persuade either the public at large or even their representatives in local government. The public sphere that once sanctioned rational debate as the appropriate mode of social discourse, now sanctions only consumer desire and advertising-driven public assent.

Here we can begin to see the outlines of an answer to the nagging question of why neither the pro-censorship forces nor the West Bend Common Council would listen to reason: we were fighting to defend the library on grounds that no longer mattered. Worse, we were fighting to defend a “library” (and, now that I think about it, a “Constitution”) that no longer exists in the popular mind. The public space has changed from our optimistically civic, nineteenth-century version, into one in which the “subjective opining of the many,”<sup>6</sup> rather than rational debate, is the only mode of public discourse that matters—and is, indeed, the new ground for the legitimation of authority. Just as Buschman (2005) notes: “Our deconstructing to economic models as a public philosophy results in an active deconstructing of the public sphere discourse that libraries represent” (p. 5). Our grassroots resistance used a mode of discourse that was no longer accessible to our religious opponents or even, one imagines, to the members of the West Bend Common Council. With this successful rise of advertising, of manipulative publicity, the public sphere has been changed back into a theater and the public back into an audience, just as they were during the seventeenth century.

From Habermas’s point of view, that’s where we are. With the advent of the modern public sphere, characterized by the manipulation of public opinion by those who control advertising for economic ends, Habermas sees a return to what Hegel characterizes as a “civil society” that takes on feudal features, one in which rational critique “gives way before a mood of conformity with publicly presented persons or personifications; consent coincides with good will by publicity,” and, even more clearly, he notes how “the ‘suppliers’ display a showy pomp before customers ready to follow. Publicity imitates the kind of aura proper to the personal prestige and supernatural authority once bestowed by the kind of publicity involved in representation” (Habermas, 1991, p. 195). Consumerism has become the public acclaim that once established royal authority and now grounds the legitimation of authority in our culture. Simultaneously, this change is continuing to dismantle those institutions that depended on the previous public sphere (libraries, schools, democracy) along with their sanctioned mode of discourse—the use of rational public debate to resolve our political disputes.<sup>7</sup>

Finally, here’s Habermas’s explanation of our frustration: why was it so easy for the censorship advocates, and a majority on the West Bend Common Council, to ignore the Constitution and punish the library board members who put their faith in the rule of law? If Habermas is correct,

then today the authority of the law, whether in the form of simple library protocols or Constitutional rights, is no longer grounded on rational debate but now rests instead on mere consumer-appropriate, advertising-driven, popular feeling. Habermas's interpretive frame explains both why and how the LGBTQ-themed material in the West Bend library came under attack, and why and how the library board members who stood their ground in the "old" public sphere were tossed out of office by a West Bend Common Council that stood its ground in the "new." We did not understand that our public spaces had been refeudalized, and that our publicity-minded adversaries understood themselves to have more legitimate authority than a few hecklers nostalgically trotting out rational debate. On Habermas's reading, we have been returned to a public sphere, and to a mindset, in which Hobbes's proclamation in *Leviathan* holds sway: *Auctoritas, non veritas, facit legem*.<sup>8</sup> Authority, now managed through publicity and advertising, not truth, makes the law.

## NOTES

1. Hegel's discussion of civil society and the state appears in section 3, entitled "Ethical Life," in his *Philosophy of Right* (1942).
2. Habermas "provides a brilliant and fundamentally important metaframework for librarianship" (Buschman, 2003, p. vii).
3. Some have criticized Habermas's analysis as idealistic or romantic by virtue of its focus on bourgeois public life and its commensurate underestimation of the significance of "alternative," plebeian, or marginal collective realms that were equally rational-critical. In short, Habermas's account is seen as gender-, race-, and class-blind. Habermas's thesis also underplays the repressive side of bourgeois public life in terms of the overbearing "gaze" of the expert-professional. E.g., see Susen (2011, pp. 51–56).
4. "Ten years earlier Marx had his eye on the perspective of this development: to the extent that non-bourgeois strata penetrated the public sphere in the political realm and took possession of its institutions, participated in press, parties, and Parliament, the weapons of publicity forged by the bourgeoisie were pointed against it itself" (Habermas, 1991, p. 126).
5. See, especially, Rockwell (1943).
6. The economic paradigm assailing traditional enlightenment values is Hegel's (merely) "civil society"—society grounded in the formalism of economic contracts. This becomes denigrated to the level of the "subjective opinion of the many" (Habermas, 1991, p. 119).
7. For the effects of the economic paradigm, especially on our understanding of work, see Pieper (1948).
8. Habermas (1991, p. 53), quoting Hobbes: "The interpretation of the laws of nature in a Commonwealth dependeth not on the books of moral philosophy. The authority of writers, without the authority of the Commonwealth, maketh not their opinions law, be they never so true," from Hobbes's *Leviathan* (1651), part 2, chapter 26. The more imposing, Latin version of this quote comes from the translation of *Leviathan* in *Opera philosophica quae latine scripsi omnia* (Hobbes, 1841, chapter XXVI, p. 202).

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