

## **Performance and Counter-Power: The Civil Rights Movement and the Civil Sphere**

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Sociologists have written much about the social forces that create conflict and polarize society, about the fragmenting structures and compelling powers of political, economic, racial, ethnic, religious, and gender groups. But they have said very little about the construction, destruction, and reconstruction of civic solidarity itself. They are generally silent about the sphere of "fellow feeling" -- brotherly, sisterly and human feeling -- that makes society into society and about the processes that fragment it.

I would like to approach this sphere of fellow feeling from the perspective of 'civil society'. The concept of civil society has, of course been a topic of enormous discussion and dispute throughout the history of social thought and is also hotly disputed today. I will approach *civil society* as a sphere, one that articulates solidarity in a universalistic way. This sphere, or subsystem, is a social world of distinct proportions that is analytically and, to various degrees, empirically separated from political, economic, religious, and family life, and from such communal associations as ethnic groups.

To the degree that such a universal moral community achieves some substantial sociological weight, it indirectly exercises material power via such distinctively regulative institutions as constitutions and legal codes, on the one hand, and the institution of 'office' and the franchise, on the other. I call these institutions "regulative" for they have the power to control, even to coerce, non-civil institutions in the name of the universalizing criteria of civil society itself. As I see it, however, the civil

sphere must also be understood as encompassing institutions of a less regulative kind, particularly what I would call the factual and fictional media of mass communication.

Even so when such organizations are so broadly defined, however, the civil sphere should not be considered in only institutional terms. It is also a realm of structured, socially established consciousness, a semiotic network of understandings that operate beneath and above organizational and elite interests. To study this subjective dimension of civil society, we must recognize that some symbolic codes are critically important in constituting the very sense of a morally regulated society for those who are within and without it. The codes supply structured categories of civil purity and uncivil impurity into which every member, or potential member, of civil society is made to fit.

Members of national communities firmly believe that 'the world', and this notably includes their own nation, is filled with people who either do not deserve freedom and communal support or are not capable of sustaining them. Such deservingly excluded persons are held to be "moral egoists," because they are dishonest, because they are secretive, irrational, emotional, factional, aggressive, or incapable of being autonomous and independent.

Since their first institutionalizations in the seventeenth century, the universalistic promises made by the civil spheres of even formally democratic nation-states have been mocked by gross exclusions and inequalities. With the help of the bifurcating discourse of civil society, these "destructive intrusions" have entered into the very construction of the civil spheres, distorting its norms, institutions, and interactions. Yet, insofar as the universalizing ideals of the civil sphere have retained some independence and force, and they often have, there has always remained the possibility, in principle, for "civic repair."

In this essay, I wish to suggest that the social movement against racial oppression in America in the 1950s and 1960s should be regarded, among other things, as just such a movement of civil repair. In causal terms, this suggests that the successes and failures of the civil rights movement cannot be productively understood without reference to the bifurcating discourses and the regulative and communicative institutions of the civil sphere.

One way of thinking about the contradictory qualities of civil society is via the concept of "duality." In social systems that include a partially independent civil sphere, every actor might be said to occupy a dual position. He or she is a subordinate or superordinate actor in a whole series of vertical hierarchies and, at the same time, a member of the putatively horizontal community of civil life. Even for a dominated and marginalized minority, duality allows the possibility, in principle, of struggles for empowerment and incorporation. One metaphorical way of putting this is to say the vertical relationships of the non-civil spheres -- economic, political, religious, familial, ethnic, and scientific -- are challenged by membership in a horizontal, civil "environment" that in principle surrounds them.

The existence of duality is missed by social movement theories that focus exclusively on resistance to domination and the accumulation of scarce resources. It is not only the system of resource allocation that is crucial for stimulating social movements, but the system of normative integration, however that may be defined. If this integrative environment is at least partly a civil one, conflicts against domination become more than simply "wars of position" whose outcomes depend on which side

accumulates more power and more effectively threatens, and sometimes exercises, coercion and force.

Duality means that social movements also involve demands for recognition and for the expansion of civil solidarity that recognition implies. Achieving power remains vital, but it can only be gained by civil means. Organizations and resources remain crucial for social movements, but what they provide, in the first instance, is access to the “means of persuasion.” In a social system that contains a substantial civil sphere, it is communicative institutions that provide leverage for affecting regulative institutions – the legal codes, the office obligations, and the electoral outcomes that effectively control the allocation of the state’s money and force.

I want now to explore how these theoretical considerations apply to a famous empirical case, the American civil rights movement. It goes without saying that there was little civil mediation in the vertical relationship between black subjects and white dominators in the American South. Because there was no civil mediation, blacks often felt compelled to try to seize power directly, through revolts and other kinds of violent confrontations. When they did so, their efforts were invariably put down with overwhelming force.

As the notion of duality suggests, however, even in the Southern states the vertical relationship of racial domination was surrounded by implicit, not yet articulated constraints that emanated from the horizontal civil sphere of the North. It was this duality -- not the accumulation of instrumental power and the exercise of direct confrontation -- that promised the possibility of justice for dominated Southern blacks. The challenge was

how could this duality be activated? The challenge was to find a way to reach over the anti-civil domination of white southerners to the other, more civil side in the North.

Contemporary American historians and sociologists have tended to portray the civil rights movement as a power struggle between blacks and whites, emphasizing grass roots organizing and direct, face to face confrontations between organized masses of African-Americans and their immediate oppressors on the local scene. As I see it, however, the civil rights movement must be understood in a different way. It aimed, first and foremost, at persuasion. Its goal was to achieve a more influential and hence more dominant position in the “national” civil sphere of the North. Only after achieving such civil influence could movement leaders, and the masses they were energized by, trigger regulatory intervention and accumulate power in the more traditional sense.

There were many so-called structural factors that made such communicative mobilization possible, and these have been the focus of various empirical studies. Theorists and empirical social scientists alike have identified such factors inside the black community as industrialization and urbanization; increasing secondary and higher education; the independence, wealth, and power of the black church; and the significance of black newspapers. What facilitated the emergence of the black counter-public in more contingent, historically specific terms was, of course, the massive African-American participation in World War II, which heightened expectations for full empowerment. The force of structural factors outside the black community have also been frequently noted, most often the increasingly responsive legal order of the surrounding Northern civil sphere. This new legalism was itself stimulated, in no small part, by the growth of the National Association for the Advancement of Colored People (NAACP), which

constituted a kind of "shadow" regulatory institution vis-à-vis white civil society. It was, of course, the NAACP that initiated the U.S. Supreme Court's *Brown v. Board of Education* decision that made school desegregation illegal in 1954. To all these well-known structural factors, I would add the emergence of Northern news journalism as an independent profession with its own universalizing and increasingly idealistic ethics. Once Northern white news reporters entered the South to cover the nascent civil rights movement, they functioned as the eyes and ears of the Northern civil sphere. Without this organizational feature, there would have been no success for the black movement for civil rights.

Such structural-institutional factors did, indeed, make possible the emergence of the black movement for civil rights. But what was also crucially important -- and what has remained virtually unstudied - - was the process of communicative mobilization itself, the cultural-symbolic process that these structural factors facilitated but did not determine in a causal sense. By communicative mobilization, I refer to the ability of movement leaders to frame and reframe their complaints, their selves, and their groups in a manner that allowed their demands to leapfrog Southern officials and Southern media and to gain the serious, eventually, rapt attention of less racist whites in the Northern civil sphere.

From this perspective, the black leaders of the Southern movement, the "movement intellectuals" in Eyerman and Jameson's apt term, can be understood as enormously skillful mobilizers of communication. In effect, they functioned as "translators," reweaving the particular concerns of the black community by stitching them together with the tactics of Gandhian nonviolence, Christian narratives of sacrifice, and

the democratic codes of the American civil sphere. What I am suggesting, in other words, is that in order to establish a relationship with the surrounding civil sphere, the black movement was compelled to engage not only in instrumental but in symbolic action. It aimed not only at accumulating and leveraging power but at creating and performing compelling, arresting, and existentially and politically encompassing narrative. Their challenge was to create a "social drama" with which the Northern audience could identify and through which it could vicariously participate in the struggle against racial injustice in the South. In the late 1970s, James Bevel, one of the movement's most effective non-violent leaders, retrospectively explained movement "action" in precisely these terms. "Every nonviolent movement is a dialogue between two forces," Bevel said, "and you have to develop a drama, [you have] to **dramatize** the dialogue to reveal the contradictions in the guys you're dialoguing with."

This dramaturgic element provides the elusive key to understanding how duality was triggered during those years of heightened mobilization and structural reform. How could white Northern civil society be there, in the South, yet not be there at the same time? When its physical presence was barely tangible, how could its moral presence eventually become so strongly felt? How could the North's representative officials be compelled to intervene in a society towards which they had earlier evinced so little interest and against which they had so often claimed to exercise so little control?

Duality was activated only because the Southern black movement created a successful social drama. Only such a symbolic vehicle could break through the structural constraints on the local scene. The symbolic power of the civil rights drama facilitated emotional and moral identification between Northern whites and Southern blacks.

Eventually, these intertwined processes of emotional identification and symbolic extension created an historically unprecedented widening of civil solidarity, one that extended for the first time significantly beyond the color line. Insofar as solidarity expanded, Northern whites reacted with indignation and anger to the violation of black civil rights, especially to the anti-civil violence that white Southern officials often unleashed against the nonviolent protest activities of Southern blacks. This white outrage eventually affected Northern officials, who felt compelled finally to begin to repair the destructive intrusion of race into the Southern civil sphere, and eventually, and with much more ambivalence, in the Northern civil sphere as well.

Only through the concepts and methods of cultural sociology can we observe, and begin provisionally to explain, social processes of this kind. I am not suggesting that other kinds of sociological analysis should be displaced, but I do believe more conventional understandings must be modified by cultural interpretations. In the *Poetics*, Aristotle explained that drama compels identification and catharsis. Tragic drama, he wrote, excites in the audience pity and terror, and sympathy for the protagonists' plight. The progression of protagonist and antagonist eventually allows catharsis, the emotional working through that affirms not only the existence but the force of higher moral law. Of course, the civil rights movement was not scripted; it was a social movement, not a text. Nonetheless, the contingent, open-ended nature of its conflicts were symbolically mediated and textually informed. Life imitates art. In the dramas created by the civil rights movement, the black civil innocents, who were weak, were pitted against the white anti-civil antagonists, who were strong. The forces of civil good unexpectedly but persistently emerged triumphant. If such an outcome made the process ultimately more

melodramatic than tragic, melodrama shares with tragedy an emphasis on suffering and the excitation of pity and terror.

Civil rights leaders became heroes only because they first were victims; they gained repeated triumphs only after repeated experiences of tragedy. As the movement gained experience, its organizers learned how to dramatically display their victim position more effectively. What they knew from the very beginning, however, was that Southern black protestors could redeem their suffering only if they maintained their civil dignity in the midst of defeat, if they refrained from anti-civil violence aggression, dishonesty, and deception. The protestors had to be viewed by the Northern audience as keeping faith with civil good in the face of anti-civil abuse and the temptations of despair.

The modern civil rights movement began with the Montgomery bus boycott in 1955-56, a drama that brought Martin Luther King into the spotlight and captured the attention of Northern communicative media and citizens. After Montgomery, King and his colleagues formed the Southern Christian Leadership Conference (SCLC). For the next four years, this strongly networked organization devoted itself to winning voting rights by launching campaigns to register and educate potential Black voters. These campaigns were bound to fail. They aimed at achieving regulatory intervention and political power directly in the South without first addressing communicative institutions and achieving influence in the North. Movement leaders learned the hard way that they would have to put first things first. They would have to mount a full dress, years-long social drama for the benefit of the civil audience in the North. Only if they succeeded in this communicative effort could they produce the regulatory intervention – first via voting,

then via positive law and office regulation -- that eventually would give them political power on the local scene.

The critical learning experience that changed leaders' minds was the sit-in campaign that black college students launched in 1960. As a result of this spectacularly successful movement, lunch counters were desegregated in Greensborough and Nashville and hundreds of other Southern cities. The most important effect of the sit-ins, however, was to introduce what came to be called "direct nonviolent action." With this new tactic, the civil rights movement's understanding of itself was permanently changed. Without ever explicitly acknowledging it, leaders discarded the Ghandian approach to nonviolence. For Ghandi and early movement leaders, nonviolence had been an end in itself; they believed that love and tolerance could alter the consciousness of the oppressor. After 1960, nonviolence became a tactic, a means to a dramaturgical end. Its function became, not to efface the anti-civil violence of racist officials but rather to provoke it, allowing movement activists to draw attention to their own civil composure in turn.

The drama-producing status of direct nonviolent action became evident in the next year, in the "Freedom Rides" of 1961. For several weeks, the leaders of CORE (Congress for Racial Equality) and SNCC (Student Non-Violent Coordinating Committee) organized a "protest bus" to test laws outlawing discrimination in public transportation throughout the South. Every few days, the riders on this Freedom bus would be brutally beaten, sometimes nearly to the point of death, by the white vigilante posses that gathered to receive them in the bus stations of the deep South. This campaign did not succeed in making the South enforce its antidiscrimination laws. It did succeed,

however, in providing for Northern whites an extraordinarily compelling melodrama about racial power, suffering, and heroic justice. This dramaturgical power was suggested by the fact the Freedom bus eventually came to be filled with more journalists and national guardsmen than movement activists, and in the end was trailed by many more carloads of the same.

The endgame of these serial civil dramas was to so deepen emotional identification and symbolic extension between Southern blacks and Northern whites that powerful Northern officials were compelled to undertake the very serious political costs of what came to be known as "the second Reconstruction." The 1963 Birmingham campaign marked the tipping point, after which the Northern civil sphere became so communicatively engorged that it did indeed transmogrify into regulative intervention.

The year before Birmingham, in 1962, the movement had suffered a disastrous political and symbolic defeat in Albany, Georgia. The black protest leaders learned from this experience. In their effort to penetrate the symbolic space of the Northern civil sphere, they vowed, in the future, to leave much less to chance. Until Birmingham, King and his organization had entered local civil rights contests rather haphazardly, leveraging black hero's national prestige and the civil deference he commanded into dramatic power over an ongoing flow of events. After the Albany fiasco, protest leaders realized that, in order to frame white violence effectively, they would have to exert significantly more control over their own performance and, if possible, over their antagonists' as well.

The very choice of Birmingham as the target for this exercise in systematic provocation reveals the movement's heightened self-consciousness. Birmingham was picked, not because of its potential for progressive reform, but for the very opposite

reason. As a deeply reactionary city, its chief law enforcement officer, "Bull" Connor, had a serious problem containing his temper and maintaining self control. Only if there were a clear and decisive space between civil good and anti-civil evil could the conflict in the street be translated into a symbolic contest, and only if it became such a symbolic context could the protest gain its intended effect. Agonism is essential to the plot of every successful performance.

In the days leading up to the campaign, the dramatic tension between protagonists and antagonists reached to a fever pitch. Ralph Abernathy, King's principal assistant, promised "we're going to rock this town like it has never been rocked before." Bull Connor retorted that "blood would run in the streets" of Birmingham before he would allow such protests to proceed. Providing an overarching narrative for this imminent clash, King drew upon the book of Exodus, the iconic parable of the Jews' divinely inspired protest against oppression. The SCLC leader publicly vowed to lead demonstrations until "Pharaoh lets God's people go."

Despite elaborate preparation, however, the social drama failed to ignite, and the performance did not develop as planned. The demonstrations began on cue, and King went to jail. Yet Birmingham's black civil society did not rise up in solidarity and opposition, and the surrounding white civil sphere in the North became neither indignant nor immediately involved. Even King's "Letter from the Birmingham Jail," which was later to be accorded canonical status in American protest literature, failed to generate any significant response from the Northern media, much less from their audience.

The routine of daily marches, arrests, and nightly mass meetings continued into early May, but the national reporters begin to drift away from Birmingham for lack of

"news." It became increasingly difficult to mobilize support beyond the small core group of dedicated activists. The problem was that the sequence of demonstration, arrest, and mass meeting was, indeed, becoming routine. It would have to be disrupted by something "abnormal." An event would have to be staged that would have the power to create a breach in the ongoing social order.

After intensive discussion and self-doubt, movement leaders made the decision to allow Birmingham's school children to enter the fray. In the historical literature, the motivations and the repercussions of this decision are typically represented in quantitative and material terms, as making up for the falling numbers of adult participants. Much more significant, however, was the potential for altering the moral balance of the confrontation. Children would appear even more well-meaning, sincere, and innocent than the movement's nonviolent but powerful and determined adults, and this greater vulnerability would provide an even sharper contrast with the irrational, violent repression that the movement intended to provoke from Southern officials.

When the "children's crusade" began, and hundreds of young people were herded off everyday to jail, the drama did, in fact, sharply intensify. Attendance skyrocketed at the nightly mass meetings, and a sense of crisis was in the air. Birmingham was back on the front pages, and the local confrontation had succeeded in projecting itself into the symbolic space of the wider civil sphere. As the long time local leader of Birmingham's freedom movement, Fred Shuttlesworth, proclaimed to the overflow crowd who showed up in his church the evening after the children were first jailed, "the whole world is watching Birmingham tonight."

It was the pressure created by this intensifying external scrutiny, not simply the objective constraint of the city's jails being filled to overflowing, that managed to incite Birmingham's bad tempered sheriff. Bull Connor finally unleash the repressive violence that underlay white domination. Stepping outside the constraints of civil society, he resorted to physical force, turning fire hoses on the protestors, setting police dogs loose on them, and allowing his officers to use electric cattle prods. Because of his local power, the sheriff thought he could act with impunity. Yet, while he did succeed in gaining control of the immediate situation, he could not control the effect that this exercise of unbridled power would have on the civil audience at one remove. The sheriff ignored duality at his peril. Bull Connor won the physical battle but lost the symbolic war.

By engaging in public violence, these Southern white officials allowed themselves to become antagonists in a civil drama written and directed by the black protest movement. The melodrama presented Southern evil in an almost gothic way. Graphic reports of horrendous, lopsided physical confrontations between civil good and anti-civil evil were broadcast over television screens and splashed across front pages throughout the Northern civil sphere. Fiercely rushing water from high pressure fire hoses swept little girls and boys dressed in their Sunday best hundreds of feet across Birmingham's downtown square. As they were pinned against a brick wall, the civil interpreters from the North transmitted the children's screams of terror and their pathetic efforts to shield themselves from the violent force. Growling German shepherds and their police handlers in dark sun glasses lunged forward into the youthful crowd. Northern journalists, both reporters and photographers, recorded the viciousness of the animals and the arrogant indolence of the men, and they captured the fright, helplessness, and

righteous rage of their nonviolent victims. The emotional resonance these photos generated in the Northern civil sphere was palpable, and became only more profound with the passing of time. From being symbols that directed the viewer to an actual event, the photographs of the confrontation became icons, evocative embodiments of the fearful consequences of anti-civil force in and of themselves.

It is important not to forget that these media messages were representations, not literal transcriptions, of what transpired in Birmingham during these critical days. Even if the events seemed to “imprint” themselves on the minds of observers, in fact they needed to be interpreted first. The struggle for interpretive control was waged just as fiercely as the struggle in the streets, and its outcome divided just as cleanly along local versus national lines. In their own representations, Birmingham's local media completely inverted the indignant interpretive frame provided by media in the North. For example, when the *Birmingham News* reported on the fire hosing of demonstrators, it presented a photograph of an elderly black woman strolling alongside a park, holding an umbrella to protect herself from the mist produced by the gushing fire hoses nearby. "Just another showery day for a Negro stroller," read the caption below the photo, offering the further observation that the woman "appears undisturbed by disturbances" from the riot nearby. Headlining statements by city officials, the local media broadcast the Birmingham Mayor's condemnation of the "irresponsible and unthinking agitators" who had made "tools" of children and turned Birmingham's whites into "innocent victims."

For Northern communicative institutions and their audiences, however, the linkage of anti-civil violence to white, not black power proved much more persuasive. Portraying the black demonstrators as helpless victims at the mercy of vicious, inhuman

force, these reports evoked feelings of pity and terror. For the audience in the surrounding Northern civil sphere, in other words, the narrative of tragic melodrama was firmly in place. Northern whites' identification with the victims triggered feelings of civic outrage and moved them to symbolic protest. Angry phone calls were made to Congressional representatives, indignant letters fired off to the editorial pages of newspapers and magazines. In the *Washington Post*, an angry citizen from Forest Heights, Maryland, poured out her personal feelings of outrage and shame. Her simple and heartfelt letter provides an eloquent expression of the indignation she evidently shared with many other white Americans in the North. From the perspective presented here, it is of particular interest that she explains her outrage as motivated by her identification with the black protestors, to whom she effortlessly extends her own ethical and civic principles.

Now I've seen everything. The news photographer who took the picture of a police dog lunging at a human being has shown us in unmistakable terms how low we have sunk and will surely have awakened a feeling of shame in all who have seen that picture, who have any notion of human dignity. This man being lunged at was not a criminal being tracked down to prevent his murdering other men; he was, and is, a man. If he can have a beast deliberately urged to lunge at him, then so can any man, woman or child in the United States. I don't wish to have a beast deliberately urged to lunge at me or my children and therefore I don't wish to have beasts lunging at the citizens of Birmingham or any other place. If the United States doesn't stand for some average decent level of human dignity, what does it stand for?

The experience of moral outrage was so widely shared in the days after Birmingham that it set the stage for regulatory intervention and fundamental civil repair. Martin Luther King declared that "the hour has come for the Federal Government to take a forthright stand on segregation in the United States," and President Kennedy responded by assuring the public that he was "closely monitoring events." The President sent Burke Marshall, the head of the Justice Department's Civil Rights Division, down to Birmingham. With Marshall's prodding, settlement negotiations were begun. In the eye of the hurricane of communicative mobilization, white and black leaders for the first time spoke cooperatively face-to-face. As the local negotiations continued, high officers from the surrounding civil sphere -- President Kennedy and his cabinet secretaries -- placed calls to strategically placed local businessmen and to corporate executives outside the South who could exercise leverage on the local elite. These interventions eventually produced a pact detailing goals and timetables for ending Birmingham's economic segregation.

While these progressive local reforms certainly deserve praise, it was to the community beyond the city, indeed beyond the region, that the Birmingham demonstrations were aimed. It was their success in mobilizing the North's more democratic and, potentially at least, much more powerful civil sphere that made Birmingham into "Birmingham," a watershed in the history of the social movement for civil justice in the United States. "Birmingham" would enter into the collective conscience of American society more powerfully and more indelibly than any other single event in the history of the movement for civil rights. In the days immediately following the Birmingham settlement, a weary President Kennedy summed up this new

world of public opinion in a complaint to his Majority Leader in the Senate: "I mean, it's just in everything. I mean, this has become everything." Three months later, a White House official remarked to the Associated Press, "This hasn't been the same kind of world since May." In 1966, Bobby Kennedy recalled the period during an interview. "Everybody looks back on it and thinks that everybody was aroused about this for the last three years," Bobby remarked. "But what aroused people generally in the country and aroused the press," he insisted, "was the Birmingham riots in May of 1963."

The effect of this dramatic deepening of Northern white identification with protesting Southern blacks is clear. It was a profound arousal of civil consciousness, which "Birmingham" simultaneously triggered and reflected, that pushed the civil sphere's elected representatives in the direction of regulatory reform. That summer, the Kennedy administration drew up far-reaching legislation, submitted to Congress as *The Civil Rights Act of 1963*. With this action, the symbolic space of communicative mobilization became transformed into the details of law and sanction that would eventually allow massive regulatory intervention in the Southern states.

It is a matter of historical debate whether this civil rights legislation could have been passed without Kennedy's own martyrdom in November, 1963, and the accession to the Presidency of Lyndon Johnson, the former Senate Majority Leader who was a master of the legislative craft. That the very introduction of this far-reaching legislation represented a fundamental fork in the road, however, should be beyond dispute. In fact, despite the momentous events in the two years that transpired between Birmingham and Senate passage of the Voting Rights Act in 1965, these events can be properly understood

only if they are seen as iteration, as amplifying and filling in the symbolic and institutional framework that had become crystallized by the early summer of 1963.