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Op-Ed: 'Sympathy' For Pepper-Spraying Policeman

GUESTS: **Marc Bousquet**

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NEAL CONAN: And now the Opinion Page. There's been a round of argument about police tactics and the limits of legitimate protest since the Occupy movement started two months ago. On Friday, a video showed a police officer in California discharging pepper spray into the faces of students seated with their arms locked. Today, the president of the University of California system said he was appalled.

Two officers, including the lieutenant who sprayed the students, have been placed on administrative leave. Some argue he was just doing his job. In a piece for The Chronicle of Higher Education, Santa Clara University professor **Marc Bousquet** criticizes that argument. The lieutenant, he argues, should have chosen the brave, difficult path of refusal. So the question is where is the line between doing your job and complicity? Have you ever had to make that decision? 800-989-8255. Email us: talk@npr.org You can also join the conversation at our website. That's at npr.org. Click on TALK OF THE NATION.

Marc Bousquet teaches English at Santa Clara University, and we've posted a link to his opinion piece on our website. He joins us from a studio at Stanford. Good to have you with us today.

MARC BOUSQUET: Hello. Thank you.

NEAL CONAN: You wrote that the lesson of Lt. Pike is not that he's the victim of a lousy policy. The lesson is that even within a flawed system, he could have and should have chosen better. Presumably, somebody told him to do this. He was trained to do it.

MARC BOUSQUET: Absolutely. I think the issues that are raised here are much larger than the individual person. And the piece I was responding to was a piece in The Atlantic that argued that it's not enough to vilify Lt. John Pike as an individual bad actor, but that we had to look at the larger policy issues being raised. The biggest question for me is whether we should be looking only at the narrow question of policy regarding university policing or whether there are larger questions to look at.

NEAL CONAN: The question raised by the piece in The Atlantic, and this is by Alexis Madrigal, was really about the evolution of police tactics in various kinds of demonstration situations, how it went from relatively passive and non-confrontational tactics to, after the infamous battle in Seattle, much more confrontational and paramilitary approaches. And indeed, these are the kinds of things that may have been going on on the campus there at Davis.

MARC BOUSQUET: That's right. And I think the piece in the Atlantic was extraordinarily useful in detailing the evolution in policing tactics. I think the issue is, though, twofold. How do we deal on an ethical level with the individual

who is, as Madrigal pointed out, at the endpoint of a bad policy? Do we excuse that individual? Or do we zero in on that person's ethical and existential choice? And then once we do start looking beyond the individual, what are the range of policy questions involved? And I think, at minimum, we need to be looking at how campuses deal broadly with questions of dissent among students and among faculty today.

NEAL CONAN: Getting back to the Alexis Madrigal piece, this is the conclusion: While it's his finger pulling the trigger, the police system is what put him in the position to be standing in front of those students. I'm sure he is a man like me, that he didn't become a cop to shoot history majors with pepper spray. But the current policing paradigm requires that students get shot in the eyes with a chemical weapon if they resist, however peaceably. Someone has to do it. And while the kids may cough up blood and writhe in pain, what happens to the man who does it is in some ways much, much worse.

MARC BOUSQUET: Right. And that's a very provocative frame to what is, at heart, a good point. The good point is that we have to look beyond the individual to the policy. The frame, the provocative frame he borrows from James Baldwin, who originally wrote those words in a piece for The New York Times many, many years ago about Alabama troopers who used cattle prods on civil rights marchers, including women and children. And he said, you know, what happens to that trooper? The moral ugliness of that trooper is, in some ways, much, much worse than a physical assault.

And so that provocation, I think, was well meant. But I think, as it plays out in the Madrigal piece, ends up saying, you know, well, Lt. Pike is a decent person to have a beer with. Should we, on the basis of him being a decent fellow at the end point of a bad policy, excuse him? And I think the piece, ultimately, does tend toward excusing him.

NEAL CONAN: The - some might say that the comparison to Bull Connor and cattle prods took it to another level. You, though, go even further. You cite Adolf Eichmann, the Nazis, by reference to Hannah Arendt in her famous essay on the banality of evil. But when we're going from, OK, an outrage, somebody spraying students in the eyes from three feet away to the Nazis?

MARC BOUSQUET: Well, that's, you know, I'm so glad you raised that point because most people get Hannah Arendt exactly backwards. I mean, the point of Hannah Arendt's characterization of Eichmann, which not everyone agrees with, but what is most persuasive and what is most enduring about Arendt's portrait of Eichmann in Jerusalem is not that Eichmann is a master villain but quite the opposite, that Eichmann is an ordinary person, that Eichmann is very much more like Baldwin's Alabama trooper or very much more like Davis's own Lt. John Pike, that he's an ordinary person, that not particularly bright, not a master villain, not horrendously ideological, although certainly ideological but not horrendously so, and someone who, in other circumstances, might actually have simply been an Alabama State trooper and not the architect of the Final Solution.

NEAL CONAN: So when you title your piece "Sympathy for Eichmann," it's not the - what some might have said the reflexive, oh, the fascist pig.

(SOUNDBITE OF LAUGHTER)

MARC BOUSQUET: Right. Right. No. I mean, the question - if Hannah Arendt is right, that Eichmann is in all of us, that Eichmann is - all Eichmanns are little Eichmanns, right, that Eichmann is not the bogeyman. But that Eichmann is not a Snape or a villain out of "Harry Potter" wearing a black cape, but that's - that Eichmann is behind, you know, the blue eyes of every state trooper, then we have to look within. That is, ultimately, Hannah Arendt's point, that we need to look at the Eichmann in ourselves and hold ourselves responsible for our own every day decisions.

NEAL CONAN: We're talking with **Marc Bousquet** on the opinion page this week, an English professor at Santa Clara University. His piece, "Sympathy for Eichmann," was featured in The Chronicle of Higher Education. You can go see that at our website. Go to npr.org. You're listening to TALK OF THE NATION from NPR News. And let's get Bruce on the line, Bruce with us from Fort Walton Beach in Florida.

BRUCE: Hi. How are you?

NEAL CONAN: Good. Thanks.

BRUCE: OK. I think the police are being vilified. The proverbial line that they crossed - there's two lines. There's one that law enforcement sees and one that the public sees, and they don't always run together. The police - the alternative to the action of the pepper spray was to use physical force in order to accomplish the goal, I mean, and that could lead to, you know, folks on both sides being injured, and the result of the pepper spray was a short-term injury that could be corrected with a little bit of water and some time. And to say that they should've done something else where there aren't too many alternatives in law enforcement's disposal to deal with somebody that's being uncooperative and that was one of the least injurious tactics that they could've done in order to accomplish the goal of dispersion of protesters.

NEAL CONAN: I'm not sure that it accomplished the goal. But, **Marc Bousquet**, the alternative - I guess he's right - was to physically pick these kids up who were sitting locked arms and asking, I guess, to be arrested and arrest them.

MARC BOUSQUET: That's right. And I have been in that position myself - it'll date me - but in the late '80s in New York City, I was arrested with a number of clergymen protesting the New York City home port. And that's precisely what happened to us that when we locked arms and were photographed and appeared in The New York Times doing so, the police officers simply picked us up and put us in a paddy wagon. And that is the standard procedure in these circumstances and is far preferable than what happened to those students or any use of chemical weapon on non-violent protesters.

NEAL CONAN: Chemical weapon? Is that an exaggeration? It's a pepper spray.

Well, it's a - in this case, it's a military-grade pepper spray, used in excess of the tolerances specified for the particular - and in ways that it's not meant to be used as a disciplinary punishment as a way of forcing people to do what you want. You don't use a chemical weapon to force people to do what you want.

Bruce, thanks very much for the call. Let's see if we go next to - this is Keith. Keith, another caller from Florida. This time from Gainesville.

KEITH: From Gainesville, which gave rise to the term, don't Tase me, bro. Don't like to be remembered for that. But I'm a former law enforcement officer, working in a university town or university community. I didn't work for the university police. I worked for the sheriff a number of years ago. The - first, I do want to comment on the chemical weapon charge. As part of my training, I have been Tased. I have been sprayed with a number of agents, and some of the agents that law enforcement uses, the chemical agents, I would rather be Tased. They are very, very bad, some of them. Straight pepper spray isn't so bad compared to some of the other stuff that is in use.

Making the choice, do you - when you know that you're being asked or ordered to do something that's clearly unconstitutional and you are placed in the position of having to choose do I do this because I'm ordered to or do I refuse and face these consequences? I, you know, anybody who's been on this job for a while may face that. I've had to do that. And it's a very awkward position. And in the case of when you do a use of force analysis, how do you look at this particular situation - I've heard some reports that the officers were encircled. That's disturbing.

Obviously, with my background, I'm going to tend to want to side with the officers, but I was - somebody came up to me who knows my background last night and said it's not about whether they can legally use the force because law enforcement policies make it so they can legally do what they did, but was it a humane thing to do? And having been sprayed with this stuff, it's inhumane. And having been placed in the position of making that difficult choice, do I conduct a search - my particular case was a search - or do I refuse and take the consequences? That, in certain circumstances as a law enforcement officer, you may have to choose to place your job at risk in order to do what's right. That's not fair, but it's what you signed up for.

NEAL CONAN: Interesting point, Keith. Thank you very much for that. Appreciate it.

KEITH: Thank you.

NEAL CONAN: And it's not what the demonstrators signed up for, for sure. It is interesting - we just have a few seconds left. Obviously, video can isolate a circumstance of an officer doing something stupid or even potentially criminal or a protester, for that matter, doing it. We need to hold the officer of the law to a higher standard, don't you think?

MARC BOUSQUET: Personally, I think that the issues here are ultimately much larger than those of the officer. I think we have to hold the University of California system responsible, and I think we have to hold administrations across the country responsible for the larger clampdown on the Santa Cross(ph) campuses, both for faculty and students.

NEAL CONAN: **Marc Bousquet**, thanks very much for your time today.

MARC BOUSQUET: Thank you.

NEAL CONAN: **Marc Bousquet** wrote the opinion piece "Sympathy for Eichmann." We've posted a link to it on our website at npr.org. You can also find a link there of other op-eds we considered for today's show at [facebook.com/nprtalk](https://www.facebook.com/nprtalk). On Thursday in this hour, a Thanksgiving Day tradition on this show: Who's not at your table this year? Send us an email: talk@npr.org It's the TALK OF THE NATION from NPR News. I'm Neal Conan in Washington.

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