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## Forms of Affiliation: Family, Democracy, and Civil Society in Horton Hears a Who!

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NAOMI MEZEY & GABE LEZRA

## Forms of Affiliation: Family, Democracy, and Civil Society in *Horton Hears a Who!*

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ABOUT THE AUTHORS: Naomi Mezey is a Professor of Law at the Georgetown University Law Center. She wishes to thank Richard Chused and Tamara Belinfanti for inviting her to participate in the symposium on which this issue is based, as well as the *Law Review* and Racial Justice Project at New York Law School for organizing an exceptionally thoughtful set of panels and performances. She is thankful to Gabe Lezra for the enthusiasm and insight he brought to this project as a research assistant and for his graceful transition to co-author. She also wishes to thank her grandmother and parents for introducing her to Dr. Seuss early and often.

Gabe Lezra is a 2015 J.D. candidate at the Georgetown University Law Center, and received his B.A. from Wesleyan University in 2011. He would like to thank Naomi Mezey for the opportunity to work on such an exciting topic (and for all the engaging conversations along the way). He also wishes to thank Elvin Lim and Tushar Irani for their encouragement over the years. Finally, he would like to thank his parents and brother for their partnership and love—in all the places they went.

## I. INTRODUCTION

Dr. Seuss's books are more than broadly shared pop cultural texts; they are stories and images that many people feel emotionally attached to because they experienced them in intimate contexts. Many of us experience these books first as children read to aloud by an adult, listening to the voice and often feeling the proximity of the reader. Later, many of us experience them again when reading the books to children, our own or others, hearing our own voices and feeling the attentive silence and proximity of the listener.

One of us remembers both of these readings of *Horton Hears a Who!*: being read the big orange book in her grandmother's house by family members and decades later reading that same copy to her own children. The other has audiovisual memories of the sound of the rhymes, and the bright, strange drawings. He remembers his parents slowly reciting *Horton* as he lay in bed. These intimate rituals of reading and listening bind us together within families and as part of a particular nation, a community of people that we understand as being "like us" in part because they engage in these same childhood rituals.<sup>1</sup> *Horton* is a story *about* family that *is* also a family ritual of reading; and a story *about* shared values, collective action, and democracy whose readings *are* also a collective cultural practice that is meant to impart shared democratic values. This essay considers what *Horton Hears a Who!* says about both family and democratic collective action and suggests that both are themes through which Seuss explores deep tensions of relationality between individuals and the tribes to which they belong, while recognizing less traditional forms of familial and political affiliation.

*Horton Hears a Who!* is a drama of hearing and believing. One day while bathing, Horton the elephant, a resident of the Jungle of Nool, hears faint cries of help coming from a speck of dust. Believing that there must be tiny people on the dust speck who are afraid of falling into the pool of water, Horton takes it upon himself to protect them. The other animals in the jungle, led by a kangaroo and an extended family of monkeys, believe that Horton's conversations with and care for invisible people on a dust speck are evidence of his insanity. Assuming further that a deranged elephant is a danger to jungle society, the other animals try to capture Horton and destroy the dust speck. Meanwhile, in a parallel drama to the one playing out in the jungle, the tiny members of Who-ville, the society on the dust speck, are desperately trying to make themselves heard by the jungle animals in order to save themselves from destruction. It is the voice of the smallest Who child, once it is added to the elaborate chorus of the group, that makes them audible and saves them all.

The central characters of Seuss's books, as well as the books' primary audience, are children. Children are the eye of the needle for Seuss—the starting point for the thread that runs from children to families to nations to the planet, and binds together these concentric circles of belonging. Our purpose in this essay is to explore the ways

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1. BENEDICT ANDERSON, *IMAGINED COMMUNITIES* 6 (rev. ed. 2006) (1983). According to Anderson, nations are imagined because members cannot personally know most of their fellow members; instead they imagine their commonality as consisting in the same shared practices and daily rituals over time.

that *Horton* meditates on these forms of belonging and to make visible the thread that connects them. The essay is organized around three of the foundational forms of belonging: families, political and civil societies, and global identity. We first focus on families and the role of children within their families, and the role of families within the larger political collective. The next part expands to consider civil and political society—the core themes of *Horton*—and more specifically the paradox of the individual and the group in a democracy, and the ways that the problems of speech, hearing, and listening are central to that paradox. Lastly, we expand the circle further to briefly contemplate the way *Horton* speaks to the importance of transnational conversation and obligation, and the necessity of speaking and hearing beyond the boundaries of national and tribal identification.

We begin in Part II with families because they are the primary affiliations for children, and it is children's relationships to families and larger tribes that often drive Seuss's narratives, and that are the subtexts for those countless intimate readings of his books. While *Horton Hears a Who!* is not explicitly about families, it is deeply concerned with the tensions between individuals and collectives, and it quite radically includes children as among those individuals whose relationship to the group matters. We read *Horton Hears a Who!* as a companion piece to *Horton Hatches the Egg*, a book quite explicitly about families and the nature of parenting. As a story about children as members of the larger society, then, it is important to situate children in their most immediate collective—the family.

Any child who listens to or reads *Horton Hears a Who!* will likely understand that one of its primary arguments is the importance of children within their societies, and their right to be understood as persons on whom the group depends and to whom the group owes an obligation. The central claim and refrain of the book—its most famous and widely circulated line—is “A person's a person no matter how small.”<sup>2</sup> The book's central problem is how those small voices might be heard, by their families, political communities, and globally, even when those small people are not seen. It is the inverse of the old-fashioned parenting mantra that children should be seen and not heard. The strong suggestion in *Horton* is that children and all the unseen “small” people of the world should not only be heard from—and heard *by* us—but also have a claim to our attentiveness and concern.

Part III follows the thread of affiliation from families to political and civil society. The link between families and political communities is twofold: first, it is the family that functions as a background metaphor for the bonds of political life and as a referent for the mythic nature of national belonging; and second, families also set the conditions for participation in larger groups, lay the foundations for personal and national values, and mediate between children, their future selves, and the political world they will inhabit. In other words, socialization not only begins in families, but

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2. DR. SEUSS, *HORTON HEARS A WHO!* (1954).

many political communities, and certainly nations, model themselves on kinship groups, which are seen as the primary form of collective belonging.<sup>3</sup>

*Horton Hears a Who!* is fundamentally about the relationship of individuals to democratic civil and political life, and the tensions that arise between collective action, individual voice, and the possibility of dissent. The forms of affiliation between individuals and the societies they belong to set up the loyalties and the conflicts that drive the narrative in *Horton*. There are two societies in the book—Who-ville and the Jungle of Nool—and each organizes itself around slightly different forms of belonging, building social consensus, and exercising political persuasion; the rules of collective action are contrasted but the tolerance for individual dissent in each society is strikingly low.

In Part III we highlight two different ways to narrate these tensions between individuals and collectives that are crucial to both the logic of *Horton* and the future of civil society. Like any enduring text, *Horton Hears a Who!* is sufficiently open textured to allow for multiple readings. Indeed, much more so than Seuss's more morally conclusive books,<sup>4</sup> *Horton* allows the inherent tensions between individuals and the groups to which they belong to remain unresolved. We thus offer two sets of readings about the problematic nature of political affiliation and democracy in *Horton*, one more triumphant and the other more troubling.

The primary narrative of *Horton* is triumphant; it offers a happy ending in which the dissenting individuals are reintegrated into the collective, the importance of their voice is reaffirmed, and consensus is restored. The secondary narrative is only slightly less noticeable but significantly more troubling in that it highlights the violence with which societies exercise power over their members and quash dissent, as well as the violence groups can produce when dissent is not tolerated. This secondary reading echoes throughout the story, sounding key themes of legal and political theory.

Lastly, and more speculatively, we address in Part IV how the radical act of listening that *Horton* models is equally applicable beyond the borders of discrete political communities. Indeed, the radical possibilities of listening are surprisingly apt in a world made smaller by global capitalism, which offers the cosmopolitan promise of community beyond national borders but brings with it extreme inequality and difficult questions of what it means for those with power to listen, hear, and attend to those who have been rendered disenfranchised and invisible by colonialism and globalization. As we follow the thread and layer these stories of different forms

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3. Clifford Geertz, for example, has noted that national identity tends to form around “foci” of commonality, and tribes, ethnicity, and race are among the most powerful because they are based on “assumed kinship.” Clifford Geertz, *The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States*, in *OLD SOCIETIES AND NEW STATES: THE QUEST FOR MODERNITY IN ASIA AND AFRICA* 112–13 (Clifford Geertz ed., 1963). See generally JOHN HUTCHINSON & ANTHONY D. SMITH, *NATIONALISM* (1994).

4. Donald E. Pease, Ted & Helen Geisel Third Century Professor in the Humanities, Dartmouth Coll., Keynote Address at the New York Law School Law Review Symposium: Exploring Civil Society Through the Writings of Dr. Seuss (Mar. 1, 2013), available at <http://youtu.be/LA0ujAxHulU?t=10m> (distinguishing books such as *The Lorax* and *The Butter Battle Book* from the books where one's judgment about the narrative is less guided and conclusive like *Horton Hears a Who!*).

of affiliation, we try not to lose sight or sound of the sensory theme in *Horton*—the importance not only of seeing and speaking, but of listening.

## II. FAMILY

*Horton Hears a Who!* is not the first appearance of Horton the elephant in Seuss's work. Almost fifteen years earlier, in 1940, Horton first appeared in *Horton Hatches the Egg*, a story about familial affiliation in which Horton becomes a gestational surrogate for a bird and sits faithfully on an egg through all manner of hardships until the egg hatches. Horton's relationship to the Whos, like his earlier relationship to the egg, is one of non-biological caretaking and chosen affinity. Family in these stories links the intimacy of nurturance and parental fidelity to larger communities of political and social affiliation, but it does so by expanding the relational possibilities within families and society alike.

Together, the Horton books validate familial relationships conceived outside the traditional, biological, and gendered roles of mother and father that are still so assiduously romanticized, even seventy-five years later when "non-traditional" families are the norm rather than the exception. To explore this point, we begin with the first Horton book, *Horton Hatches the Egg*, in which Mayzie Bird leaves her nest in Horton's care for an extended Palm Beach vacation, and Horton sits on her nest for nearly a year during which time he comes to think of the egg as his own. After he is captured at gunpoint—nest, tree, and all—and sold to a traveling circus, Mayzie reappears and claims her egg just as it is about to hatch. Horton is heartbroken. But when the baby creature emerges, it has an elephant's ears, tail, and trunk. The baby is pronounced an "elephant-bird" by those assembled, its very body changing to reflect the parental care Horton gave it. In the end, Horton's fidelity is rewarded and he returns to the jungle with Morton, his son the elephant-bird.

Barbara Woodhouse<sup>5</sup> has called Horton "an explorer at the boundaries of sex and gender,"<sup>6</sup> as he is a deeply unconventional caretaker—a male nurturer and non-biological parent with no initial obligation to either the mother bird or the egg apart from being "gentle and kind" in allowing Mayzie what he thinks will be a short vacation. Woodhouse sees in Horton a model for a legal and cultural reimagining of parenthood as functional nurturing and stewardship rather than procreation and genetic ownership.<sup>7</sup> While Woodhouse seeks to uncouple parenting roles from gender roles, Horton serves as a model not of fatherhood specifically, but of chosen familial affiliation, a prototype for all those "who voluntarily assume and sustain primary relationships of nurturing."<sup>8</sup>

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5. L.Q.C. Lamar Professor of Law, Emory University School of Law.

6. Barbara Bennett Woodhouse, *Hatching the Egg: A Child-Centered Perspective on Parents' Rights*, 14 CARDOZO L. REV. 1747, 1772 (1993).

7. *Id.* at 1757.

8. *Id.* at 1753.

In a similar vein, Horton could well serve as a radical role model for what Darren Rosenblum<sup>9</sup> calls “unsexed parenting,” parenting disentangled from biological sex and socially gendered categories.<sup>10</sup> “Unsexed mothering is relational, not biological, and it is an act, not a fixed identity.”<sup>11</sup> Most importantly, as is evident in Horton’s relationship to both the egg and the Whos, unsexed mothering is fundamentally a form of elected familial affiliation rather than a biological given.<sup>12</sup> In some ways, Horton goes beyond Rosenblum’s conception of unsexed mothering by not just serving as a primary nurturer in relation to the Whos, but in assuming a more traditional biological role of gestation in relation to the egg.<sup>13</sup>

Yet there is a deep irony in the emergence of the hybrid elephant-bird in *Horton Hatches the Egg*. The onlookers attest to the fact that the hatchling’s physical transformation makes normative sense: “And it should be, it *should* be, it SHOULD be like that! / Because Horton was faithful! He sat and he sat!”<sup>14</sup> But the sense the baby makes is partly genetic—the ears, tail, and trunk are “just like his.” Horton’s claim to the baby based on nurture and fidelity is strengthened and even naturalized by their physical similarity. In the nature-nurture debate, Horton “makes a powerful case for nurture, ironically, by rendering the adopted child biologically similar to its adoptive parent.”<sup>15</sup> Even in this radically configured family, we see the role biology plays in our imaginations and our cultural common sense.

With the tiny and vulnerable Whos, Horton reprises his unsexed parenting role of voluntary nurturer and nervous protector. This large, ungainly, male elephant is deeply maternal, gently placing the Whos’ dust speck on a soft clover. Horton is willing to make any sacrifice. He is willing to search through three million clovers to find the Whos again, and to protect them at all costs, even at the expense of his own liberty and life. His is the epitome of mythic mothering that is absolutely faithful and self-sacrificing. This maternal fidelity is encapsulated in the mantra from *Horton Hatches the Egg*: “I meant what I said, and I said what I meant . . . / An elephant’s faithful—one hundred percent!”<sup>16</sup> It is also a bond that is freely chosen rather than obligated by traditional parentage.

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9. Professor of Law, Pace University School of Law.

10. Darren Rosenblum, *Unsex Mothering: Toward a New Culture of Parenting*, 35 HARV. J.L. & GENDER 57, 78 (2012).

11. *Id.* at 79.

12. *Id.* at 60 (focusing on unsexing the roles of “mother” and “father” and therefore “elevating them from biodeterminist brandings to chosen classifications or roles”).

13. For Rosenblum the “the biological realities of pregnancy and lactation” are an exception to his call for uncoupling sex roles and parenting for humans. *Id.* at 78. In *Horton Hatches the Egg*, the dictates of oviparous reproduction allow for an earlier uncoupling. See DR. SEUSS, *HORTON HATCHES THE EGG* (1940).

14. *HORTON HATCHES THE EGG*, *supra* note 13.

15. Jill R. Deans, *Horton’s Irony: Reading the Culture of Embryo Adoption*, 2 INTERDISC. LITERARY STUD. 1, 2 (2000). Deans, a literary scholar of adoption, has called the elephant-bird one of Seuss’s imaginary children and the story “a paternal fantasy for the childless father.” *Id.* at 4.

16. *HORTON HATCHES THE EGG*, *supra* note 13.



Interestingly, while Horton's maternal role and rights are admirably portrayed and vindicated in both *Horton* books, the characterization of biological families, and specifically biological mothers, is almost uniformly negative. Mayzie is clearly vilified as a callous mother who abandons her egg out of boredom and laziness.<sup>17</sup> Alison Lurie<sup>18</sup> has called the despicable Mayzie the most memorable female in Seuss's entire *oeuvre*.<sup>19</sup> Biological families fare no better than biological mothers in *Horton Hears a Who!* The prime mover of the Whos' destruction and Horton's torture is the "sour kangaroo," who always appears with a young kangaroo in her pouch, the literal embodiment of motherhood and the perfect animal representation of biological mother and child. Moreover, the Wickersham Brothers—the jungle monkeys who serve as the kangaroo's henchmen—are all the more dangerous because they belong to an extended family that appears to act in unison. As the kangaroo explains to Horton, "With the help of the Wickersham Brothers and dozens / Of Wickersham Uncles and Wickersham Cousins / And Wickersham In-Laws, whose help I've engaged, / You're going to be roped! And you're going to be caged!"<sup>20</sup>

This theme of families and voluntary forms of familial affiliation is more implicit in *Horton Hears a Who!* than it is in *Horton Hatches the Egg*, but it is there nonetheless, and it complements in important ways the theme of political affiliation and democracy that we explore more fully in the next section. The thread that connects children to political citizenship runs straight through familial affiliation. Political socialization is often modeled on and dependent on families. Families and political communities are, for many of us, our primary forms of affinity and collective belonging. Moreover, it is in families and caregiving relationships that children learn the skills of liberal democratic society.<sup>21</sup> So the aspirations of both families and democratic political communities are mutually reinforcing—to nurture and cultivate citizens, to educate and impart shared values, to inspire love, loyalty, and independence. In the civic republican tradition, political discourse is understood as a conversation between generations.<sup>22</sup>

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17. Vilifying mothers that do not obey the rules of motherhood is of a piece with revering and romanticizing them when they do. See Carol Sanger, *MI for the Many Things*, 1 S. CAL. REV. L. & WOMEN'S STUD. 15, 17–18 (1992). Mayzie is simply an extreme example of the rules we continue to have for mothers that we do not apply equally to fathers. Would Mayzie be despised by readers if she were the father and left during the egg's gestation? Frowned on perhaps, but not despised. For a more recent example, a 2013 Pew Research Center study of the rise in households in which mothers are primary breadwinners found that 51% of survey respondents said children are better off if mothers stay home full time with them, while only 8% said children are better off if fathers stay home. Wendy Kang, Kim Parker & Paul Taylor, *Breadwinner Moms*, PEW SOC. & DEMOGRAPHIC TRENDS (May 29, 2013), <http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/>.
  18. Novelist and Frederic J. Whiton Professor of American Literature Emerita, Cornell University.
  19. Alison Lurie, *The Cabinet of Dr. Seuss*, N.Y. REV. BOOKS, Dec. 20, 1990, at 50, 51.
  20. HORTON HEARS A WHO!, *supra* note 2.
  21. Anne C. Dailey, *Children's Transitional Rights*, 11 LAW, CULTURE & HUMAN. (forthcoming 2014) ("The most important insight psychoanalysis brings is that skills of adult *autonomy* derive from children's earliest *relationships* with caregivers.").
  22. See Cass R. Sunstein, *Beyond the Republican Revival*, 97 YALE L.J. 1539, 1548–49 (1988).



Likewise, there are parallel tensions *within* both families and liberal democracies, tensions between the demands of the group and what it means to be a free-thinking, independent individual within the group. This is evident in the ways that parents tend to fulfill their obligations to children by seeking to instill in them their own ideas and values. When we support the ideas and values parents impart, we view this process very differently than when we disagree with those ideas and values. This cycle of repetition and reproduction and its function within the family and within the political community is most evident in the baby kangaroo's rejoinder to its sour mother's judgments about what is best for the jungle: "And the young kangaroo in her pouch said, 'Me, too!'"<sup>23</sup>

Dr. Seuss was a Horton of sorts: a voluntary nurturer unrelated to the small people whose voices he sought to cultivate and whose thinking he sought to stimulate. His books convey the delicate balance between the values that are fundamental to both families and liberal democratic communities—dedication to the common good and independent thought and judgment. The ritual of reading these books as children and to children is itself part of the creation of the affective bonds upon which family, politics, and civil society depend.

### III. POLITICAL AND CIVIL SOCIETY

Outside the family is a larger concentric circle of belonging: a particular political and civil society, usually embodied in a state or nation. In a liberal democracy, political and civil society are intertwined and reinforcing, and both are premised on individuals acting autonomously (as individual people) as well as collectively (as *the* people). In this section we explore the deep preoccupation in *Horton Hears a Who!* with the relationship between individuals and groups in a democracy. We argue that this preoccupation—embodied in the societies of Who-ville and the Jungle of Nool—can be read in different ways and offers both a primary and secondary narrative of this central theme of *Horton*. The primary narrative affirms a civic republican vision of collective life that values discourse, dialogue, consensus, and change over time. The secondary narrative is more disquieting in that it takes up the very tensions that the more triumphant narrative glosses over: the way consensus can become conscription, the problem of majorities and dissent, and the obligations of members/citizens to speak, listen, and hear.

#### *A. The Primary Narrative: The Triumph of Collective Voice and Civic Republicanism*

*Horton Hears a Who!* is, at first glance, an affirming story about democratic engagement and the importance of the individual in collective voice and political discourse. It is affirming precisely because it makes the problems of democracy evident only to show how we might overcome them. The problems, as portrayed in *Horton*, are how to make the collective voice heard and how to value the individual within the collective. These problems stem from a paradox central to democracy: the

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23. *HORTON HEARS A WHO!*, *supra* note 2.

individual is both crucial to the operation of the group and, at the same time, either indistinguishable from or at odds with the group.

Historically, readings of *Horton* have not been especially nuanced—the interpretation is typically one of triumph and exhilaration in the process of collective republicanism.<sup>24</sup> Horton and the Whos' victory, in this respect, has become part of the American democratic myth. The Whos' collective voice and Horton's steadfast refusal to give in to mounting public pressure are analogous to the victories of civil society that Alexis de Tocqueville so eloquently lauded in *Democracy in America*.<sup>25</sup> While this reading makes sense, it does not give sufficient credit to the complexities of the story. In this section, we elaborate and deepen this primary narrative before considering some of the ways in which the text itself complicates this reading and makes available other possible readings.

The appeal of Horton himself, protecting his little world, is evident in the myriad ways he has been put to use: he has served as a metaphor for the process of civic engagement—America standing proudly against the fascists,<sup>26</sup> a metaphor for the Supreme Court and judicial review,<sup>27</sup> and an outspoken anti-abortion crusader.<sup>28</sup> That this odd-looking, lonely elephant could represent so many voices in the civic landscape is itself a profound comment on the creative, but contorting forces of collective consciousness.

Jo-Jo—who is not just a red-blooded Who, but a child, the smallest of the small—appeals to this Tocquevillian consciousness because he represents its ideal functioning. His individual voice matters the most because it is small and ordinary, and it takes only his one small extra “YOPP!” for the entire society to be heard. When the smallest and poorest in society speak out, the political system of Madison, Lincoln, and FDR<sup>29</sup> works, and listens.

This is also the ideal of civic republicanism, a political and legal theory with roots stretching back to Plato and Montesquieu, which rose to prominence more recently partially in response to the static “originalism” of Robert Bork<sup>30</sup> and many modern conservative thinkers. For scholars like Bruce Ackerman,<sup>31</sup> civic republicanism—

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24. See, e.g., Lurie, *supra* note 19; PHILIP NEL, DR. SEUSS: AN AMERICAN ICON 53 (2005); RICHARD MINEAR, DOCTOR SEUSS GOES TO WAR: THE WORLD WAR II EDITORIAL CARTOONS OF THEODOR SEUSS GEISEL 263–64 (1999).

25. ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 218–23 (Gerald Bevan trans., Penguin Books 2003) (1840).

26. See MINEAR, *supra* note 24.

27. J. Skelly Wright, *No Matter How Small*, 2 HUM. RTS. 115, 118 (1972).

28. See Marcus Baram, *Horton's Who: The Unborn?*, ABC NEWS (Mar. 17, 2008), <http://abcnews.go.com/Entertainment/story?id=4454256> (“[Horton's] famous line: ‘A person's a person no matter how small’ . . . has become an anthem to legions of anti-abortion rights activists.”).

29. BRUCE ACKERMAN, WE THE PEOPLE: FOUNDATIONS 22 (1991).

30. (1927–2012). American legal scholar who served as a Yale Law School professor, Solicitor General of the United States, and a judge of the United States Court of Appeals for the District of Columbia Circuit.

31. Sterling Professor of Law and Political Science, Yale University.

which he additionally described as “American Burkeanism,”<sup>32</sup> or “liberal republicanism”<sup>33</sup>—locates us in the middle of “an ongoing tradition of discourse,” a “conversation between generations” about the future of our dualist democracy.<sup>34</sup> American political history has evolved through this dialogue, in fits and starts, as small people—and big people—push the country toward revolutionary re-formation.<sup>35</sup> The notion of “re-formation” (as opposed to “reformation”) is essential to civic republicanism: political society is constantly engaged in the process of re-creation and rebuilding as opinions and laws change. Dialogue, discourse, voice—these are the tools of change.

Conversation and dialogue—which civic republican scholars like Ackerman, Cass Sunstein,<sup>36</sup> and Frank Michelman<sup>37</sup> elevate to political theory<sup>38</sup>—is the lifeblood of the primary interpretation of *Horton*, an interpretation accessible to adults and children alike. Horton’s conversations with the Mayor, his appeals to the other members of the forest, and Who-ville’s final triumphant voicing of its existence as a bid for social and political recognition all combine to form the revolutionary change in the jungle that readers so desperately hope for. The twin victories of Horton and Who-ville shape the jungle in the same way that the great sea changes reshaped the Constitution and the American polity according to the civic republican tradition<sup>39</sup>: “A person’s a person no matter how small” was effectively added to the jungle’s civic code, their unwritten constitution.

This primary interpretation of *Horton* does not, however, suggest that the text embodies an ideal civic republican political structure—in fact, it is unclear what structure civic republicans would have in mind<sup>40</sup>—but rather it reads into the text the civic republican understanding of change through discourse and deliberation. This is not a reading (like those that have evolved with some of Seuss’s other books<sup>41</sup>) premised on natural rights separate from the political sphere; the triumph of the book is not Horton protecting the Whos’ natural right to exist, but rather the jungle’s change of heart prompted by the Whos voicing an effective claim both to their

32. ACKERMAN, *supra* note 29, at 17.

33. *Id.* at 29; see also Bruce Ackerman, *The Storrs Lectures: Discovering the Constitution*, 93 YALE L.J. 1013 (1984); Sunstein, *supra* note 22, at 1541.

34. ACKERMAN, *supra* note 29, at 23.

35. See BRUCE ACKERMAN, *WE THE PEOPLE: TRANSFORMATIONS* 33 (1998) (discussing revolutionary “higher lawmaking”).

36. Robert Walmsley University Professor, Harvard Law School.

37. Robert Walmsley University Professor Emeritus, Harvard Law School.

38. Frank I. Michelman, *Law’s Republic*, 97 YALE L.J. 1493, 1493 (1988).

39. ACKERMAN, *supra* note 29, at 65–66.

40. See Sunstein, *supra* note 22, at 1550 (discussing general social welfare).

41. Incidentally, many of Seuss’s other books center on the notion of justifying rights in a public sphere: *The Lorax*, for example, is a full-throated defense of environmentalism that centers on a “defender” of the trees making his case to a deaf, obstinate power. The problem is not that the environment’s natural rights are being violated; it is that there is no deliberation—that *no one listens to the Lorax*. See Pease, *supra* note 4.

existence and to their inclusion. The primary reading represents the civic republican ideal of political change through public participation.

This brings us back to Jo-Jo and the collective voice. One of the problems of collective voice and political deliberation is amplification, especially in a world of increasing noise. It is not enough to speak collectively; one must also be *heard*. In law, we often reference the metaphoric megaphone, soapbox, and stage; de Tocqueville likened our civil society to a separate “government within a government,” a roaring river of discourse.<sup>42</sup> In *Horton*, voice is amplified with tom-toms, tin kettles, brass pans, old cranberry cans, bazookas, flutes, oom-pahs, and boom-pahs. Only Seuss seems at pains to make it clear that noise alone will not suffice, that collective action is only triumphant if every individual contributes. We need consensus. Despite the mad hullabaloo the Whos make, they are not heard until little Jo-Jo is found and adds his small voice to theirs. The fact that Jo-Jo is named “a shirker, a twerp” (his yo-yo appears as the 1950s version of self-satisfied cynicism, a “whatever”) makes the matter of voice a duty, and a national duty at that. Jo-Jo is obligated by the Mayor to come to the aid of his country and contribute to their collective survival.

Jo-Jo’s participation, far from being the paradox that we develop in the next sections, is a prerequisite for the functioning of the civic republican system. This is not to say that civic republicans believe that citizens should be compelled to participate; rather, they see participation in deliberation as a civic duty. “The emphasis on deliberation in republican thought is closely allied with the republican beliefs that the motivating force of political behavior should not be self-interest, narrowly defined, and that civic virtue should play a role in political life.”<sup>43</sup> “Citizenship” is “participation,”<sup>44</sup> and a well-functioning political society requires active citizens—this is what the primary reading of *Horton* makes clear to us. Everyone, even an ordinary child like Jo-Jo, has a duty to participate for the benefit of the common good.

As such, this primary narrative of *Horton* has molded—and been molded by—the American ideology of democratic-republican governance. In it, we see a reflection of the triumph of the republican ideals of the Founders, de Tocqueville, and contemporary civic republicans. But upon closer examination, we also see the problematic tensions and paradoxes of the system as it negotiates between individuals and groups. It is to these incongruities woven into our political fabric that we now turn.

*B. The Secondary Narrative: The Problem of Autonomy and Dissent*

Embedded in the primary narrative of collective action in *Horton* are the very problems of democratic republicanism that make the triumph—the sense of overcoming these problems—possible. The primary narrative about coming to collective understanding and consensus through civic discourse downplays the

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42. DE TOCQUEVILLE, *supra* note 25, at 221.

43. Sunstein, *supra* note 22, at 1550.

44. See, e.g., Michelman, *supra* note 38, at 1503 (discussing “citizenship” and “participation”).

challenges of the democratic process itself. Complicated relationships and nagging problems are overlooked or pushed aside, drowned out in a popular chorus of “a person’s a person.” The secondary narrative within the story brings the problem of political affiliation—and to a lesser extent, familial affiliation—to the foreground and highlights the tensions between individual and collective voice, between consensus and dissent, as well as the dangers of majoritarianism. This secondary narrative, equally evident in the text, strikes us as significantly less triumphant and much more troubling.

The democratic process is not known for its subtlety. Majorities, while creative and powerful, have—rightly—been feared throughout history. In the process of unifying a collective, groups looking to form a majority must subsume individual voices, normalize radical group members, and quiet dissent. Democracy has a tendency to produce a norm of collective conduct and then to discipline and punish individuals for deviating from that norm in the name of majority values.<sup>45</sup> We are given two different visions of democratic majoritarianism in *Horton Hears a Who!*: the idealized consensus of Who-ville in which Jo-Jo is disciplined for non-participation, and the mob violence of the Jungle of Nool in which Horton is punished for non-conformity and his radical belief in invisible people.

The secondary narrative emphasizes the troubling tendencies and pitfalls of collective life, including the firm pressure toward consensus, an inability to question, and the failure to speak in meaningful ways about the common purpose and the common good. In exploring the problems of democratic society that the story identifies, we focus specifically on two. The first is the impulse toward consensus and away from dissent. The second is the complexities of speaking, listening, and hearing. In considering both, we are attentive to the role of children and the paternalism of adults.

### 1. *Consensus and Dissent*

What makes the scene of collective voice on the dust speck so captivating, and Jo-Jo’s YOPP! so triumphant (apart from its effect, which convinces the jungle animals that Who-ville exists), is an assumed but highly unusual aspect of this Who collective: its unanimity. Jo-Jo’s voice amplifies everyone else’s. There is no debate about whether to make their presence known—from one perspective, their troubles actually get worse once Horton befriends them—or how to do it. If this is an ode to democracy, it is a strange and dark one because Who-ville speaks with one voice. There is neither dissent, deliberation, disagreement, nor freely chosen speech. Jo-Jo is literally forced to speak—grabbed by the Mayor, carried to the top of the Eiffelberg Tower, and compelled to add his voice.

The collective on the dust speck is valorized and the jungle collective is denigrated, presumably with the aim of presenting both the affirmative and negative aspects of a group united by common purpose. On reflection, however, these societies are more similar than different. But perhaps most troubling of all is that in both cases children

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45. See MICHEL FOUCAULT, *DISCIPLINE AND PUNISH* 103 (Alan Sheridan trans., Vintage Books 2d ed. 1995) (1977).

are conscripted into the cause, and valued precisely for their conformity. The YOPP! may be Jo-Jo's own, different than the yipps and yapps of others, but it is commanded by the adult, assigned to the common purpose, the aid of the country, and the survival of the Whos. Children are important, as the primary narrative affirms, but why exactly are they important in this story? Given the context of unanimity, they are important to the extent they contribute to a present consensus that has been established by adults and for the future purposes to which they are put by larger persons. Those purposes are to ensure the collective survival by being brought within the normative fold and taught to replicate it. In short, the importance of children is instrumental; they are a means to an end.

This certainly seems to be the case with the other child in the other community of the jungle. The young kangaroo echoes the sour "humpfs" of its sour mother, and this child is important and heard precisely because it adds to the collective judgment of the jungle, because it knows that its job is to repeat, replicate, and reproduce. It is taught by the larger persons to do just this. Its refrain—from beginning to end, from disbelief to mob violence, to change of heart—is an anthem of unthinking repetition: "Me, too."

If Jo-Jo is the dissenter in Who-ville, Horton is the dissenter in the Jungle of Nool, and when he will not be conscripted, when he will not stop speaking about the invisible creatures on the dust speck, he is grabbed like Jo-Jo and violently forced to comply. Far from being inconsistent with the primary narrative, this normalizing is as much a part of civic republicanism, of de Tocqueville's great civil society, as *Horton's* triumphant finale. This reading validates Horton, the great champion of the rights of the invisible, although a dissenter, while viscerally rejecting Jo-Jo's dissent and applauding his final submission to the norm.

But why do we feel differently about the two dissenters? As readers, the story is framed<sup>46</sup> in such a way that we know Horton to be right and Jo-Jo to be wrong. There are little people on the dust speck and the dust speck is at the mercy of both nature and society without protection. But outside of our position as omniscient readers—a truly untenable position in real-world civil society—Jo-Jo might have as much claim to his dissent as Horton does to his. Or perhaps we reject Jo-Jo's dissent because it doesn't feel like dissent at all—with his nose in the air and his yo-yo spinning as his world heads toward annihilation by Beezle-Nut stew, he is almost defiant in his apathy. He is not rejecting Who-ville's course of action in any public way; he is simply opting out.

Assuming we can claim opting out as a form of dissent, Jo-Jo's role as an unpopular dissenter is not a new one in American political culture. In *The Federalist No. 10*, James Madison famously and facetiously described a potential cure for the "factionalism" inherent in republican government: "By giving to every citizen the same opinions, the same passions, and the same interests."<sup>47</sup> This faulty solution, Madison argued, was impossible because of the "different and unequal faculties" of

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46. For a discussion of Seuss's expert use of framing in *The Lorax*, see an article by Professor Tamara C. Belinfanti in this issue: *Forget Roger Rabbit—Is Corporate Purpose Being Framed?*, 58 N.Y.L. Sch. L. Rev. 675 (2013–2014).

47. THE FEDERALIST No. 10 (James Madison).



men, the protection of which “is the first object of government.”<sup>48</sup> Thus, even if it were possible to force the Jo-Jos of the world to agree, Madison and Jefferson tell us why it would be unwise: the purpose of American democratic republicanism, in part, was to seek out and empower the “purest and noblest characters”<sup>49</sup> over the “chaff.”<sup>50</sup> In other words, dissenting opinions were required in order to correctly sort the citizenry, and endogenous differences likewise would *produce* the dissent.

According to the Founders, republican government and republican society ought to reflect the natural aristocracy and elevate the elite. Dissent was encouraged only from those naturally capable of dissenting. As such, dissent is important not as a radical political act, but as a socially useful exercise encouraged of the natural *aristoi* and disciplined out of the *chaf*. Thus, in *Horton*, perhaps we are inclined to judge the two dissenters differently not simply because they were shown to be right or wrong in their positions, but because of their social roles and relative wisdom. We applaud the Mayor’s decision to compel Jo-Jo to act for exactly the same reason that we value Horton’s decision to resist popular pressure: *because they know better*. In Horton’s case, he knows better than the jungle because he can hear the Whos. In the Mayor’s case, he knows better than Jo-Jo because he communicates with Horton and appreciates the threats to their world.

Outside of our omniscient vantage point, however, these positions seem absurd. From the perspective of the jungle society, Horton actually *does* seem like an insane person generating hysteria in an otherwise peaceable jungle, and from the perspective of Who-ville, the Mayor could seem like a fascist leader forcing a child to join his rally. And that’s how they would have been remembered had they been wrong. We judge dissenters differently in part by whether they managed to convince us, whether we think they got it right, *after the fact*. “The honor roll of famous dissenters includes Galileo, Martin Luther, Thomas Jefferson, Elizabeth Cady Stanton, Gandhi, and Martin Luther King, Jr. But there is a dishonor roll of dissenters, too, including many of history’s monsters, such as Hitler, Lenin, defenders of American slavery, and Osama bin Laden.”<sup>51</sup>

Sunstein and others have offered contemporary and more egalitarian arguments for dissent, attempting to salvage it from the elitism of the Founders.<sup>52</sup> According to Sunstein, conformity is a very natural thing within social groups because other people’s actions give us important information on which we base our own actions in the absence of first-hand knowledge, and because we want to maintain the good

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48. *Id.*

49. JAMES MADISON, *VICES OF THE POLITICAL SYSTEM* (1787), *reprinted in WRITINGS OF JAMES MADISON* 369 (Gaillard Hunt ed., 2000)

50. Letter from Thomas Jefferson to John Adams (Oct, 28, 1813), *reprinted in THE ADAMS-JEFFERSON LETTERS* 388–89 (Lester J. Cappon ed., 1987).

51. CASS R. SUNSTEIN, *WHY SOCIETIES NEED DISSENT* 7 (2003).

52. *Id.* at 6–7; Madhavi Sunder, *Cultural Dissent*, 54 *STAN. L. REV.* 495 (2001) (arguing that the law needs a more dynamic understanding of culture so that in deciding cultural disputes, it does not suppress dissenters who seek reform).



opinion of others.<sup>53</sup> But “widespread conformity deprives the public of information that it needs to have. . . . When injustice, oppression, and mass violence are able to continue, it is almost always because good people are holding their tongues.”<sup>54</sup> Contrary to popular perception, in which conformists are thought to be protecting group interests and dissenters are thought to be acting out of self-interest, Sunstein argues that most of the time “dissenters benefit others, while conformists benefit themselves.”<sup>55</sup> Although dissenters may benefit others, they often pay a high price to do so.

This perspective provides another take on our judgment of Jo-Jo and Horton as dissenters. Perhaps the story valorizes Horton precisely because he takes significant risks to raise his voice against the opinion of the jungle and he does so to benefit others—very small others who could not otherwise be heard without someone willing to speak for them. Jo-Jo, by contrast, is neither providing important information that might inspire the Whos to rethink their unanimity nor acting for the good of others. The story suggests he is acting in his own self-interest—nose in the air, mouth shut, busy with his yo-yo, he simply can’t be bothered to participate. This is *de minimis* dissent, opting out rather than speaking out, and the story mostly suggests it is not worthy of our respect. *Mostly*. There remains, however, something troubling about Jo-Jo’s conscription, about the unanimity of the Whos.

What is significant about this secondary narrative is that it takes up some of the most problematic aspects of democratic societies—how to understand the role and rights of individuals relative to the group, how to foster deliberation and decisionmaking without stifling dissent, how to honor majoritarianism without succumbing to factional fanaticism—without telling us what to make of these tensions. It shows us two imperfect societies and two different kinds of dissenters. It also shows us the violence with which we tend to greet non-conformists and the intense conformity we expect of children. This is the more radical narrative of dissent that the too-triumphant republican reading of *Horton* tends to obscure: that Horton and Jo-Jo are both performing risky political acts and that at the very least we ought to be attentive to our differing judgments of them. This narrative may ask more, however; it may ask us to consider whether and how democracy can allow for a more subversive version of dissent and more contradictory forms of affiliation. For example, one of the most contradictory forms of belonging is one that is increasingly popular and modeled on Jo-Jo: people, in significant ways, opting out of the political community whose benefits they nonetheless share.

## 2. *Speaking, Listening, and Hearing*

What should we make of our hero Horton and his extraordinary hearing? What do his speaking and hearing tell us about the relationship of individuals to the

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53. SUNSTEIN, *supra* note 51, at 9.

54. *Id.* at 6.

55. *Id.*

familial and political groups of which they are members—groups that are simultaneously sources of empowerment and constraint? Horton is the only character in the book to speak against the group. In the jungle, his is the lone voice of dissent, but it is a particular kind of dissent. Horton speaks on behalf of others, small and powerless others who are outside the society of the jungle, beyond the edge of the known world. In relation to the Whos, Horton is an advocate. He literally pleads their case—they are persons, they exist, and they ought not to be harmed.

This is the republican ideal of the courts, the J. Skelly Wright<sup>56</sup> understanding of Horton's role: "Our justice may not yet be completely equal, but at least everyone—no matter how small—plays the game by the same rules and counts for as much when the jurisdiction of a court is invoked."<sup>57</sup> Another version of this reading sees Horton as a literal advocate, the attorney whose voice has special salience in the jurisdiction of a court. This is Horton as Atticus Finch, boldly standing up and speaking for the unpopular, the powerless, and the accused, choosing to represent the Tom Robinsons<sup>58</sup> or Clarence Earl Gideons<sup>59</sup> of the world.

As we explored above, however, Horton is not only an advocate, but also a caretaker, an unsexed mother, a big person in a chosen relationship of trust with much smaller persons. That Horton plays this dual role of advocate and caretaker strikes us as meaningful, as a way to provoke in readers a deeper contemplation of the obligations we have, within families and society, to children. *Horton* explores the tensions that arise in the roles we assume with respect to children and those on whose behalf we speak. It explores the uncomfortable reality of our competing allegiances to children as individuals with wild ideas and magnificent fantasies, and to children as future citizens of our shared political collectives.<sup>60</sup>

There is an intimate connection between the tensions that arise in individual relationships, in advocacy relationships, in families, and in political communities precisely because these forms of affiliation are overlapping, mutually reinforcing, and sometimes conflicting. Political ideologies reinforce and normalize certain familial roles and relationships and families reproduce and naturalize particular political ideologies. While we tend to think of the roles of advocate and caretaker as mainly overlapping, they can also conflict. For example, prior to the threat of Beezle-Nut

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56. (1911–1988). Judge for the United States Court of Appeals for the District of Columbia.

57. Wright, *supra* note 27, at 118.

58. Tom Robinson is an African-American man, accused of raping a white woman, who Atticus Finch defends in Harper Lee's *To Kill a Mockingbird* (1960).

59. *See Gideon v. Wainwright*, 372 U.S. 335 (1963). Clarence Earl Gideon was charged in Florida state court with a felony. Appearing in court without a lawyer, Gideon was denied counsel under a Florida law that stated that an attorney may only be appointed to an indigent defendant in capital cases. More information on *Gideon*, including a transcript of the oral arguments, is available at [http://www.oyez.org/cases/1960-1969/1962/1962\\_155](http://www.oyez.org/cases/1960-1969/1962/1962_155).

60. *See Daily*, *supra* note 21 (arguing that rather than deny children rights due to their incapacities, as liberalism does, we ought to grant children transitional rights based on their well-developed capacities for emotional attachment, fantasy, and cognitive thinking because these qualities are important for becoming autonomous adult citizens).

juice, the need to be heard and the need to survive might have diverged. The Whos' conversation with Horton has in fact imperiled them as effectively as the wind and water had in the story's opening pages. A caretaker interested in their well-being might have considered leaving them in the clover field where they would have been "lost," but safe from the jungle animals. But there they would have also been unheard, and vulnerable to other forces. Horton, the zealous advocate, wants to make them heard, but to do so means exposing them again to the wrath of the jungle mob. It is not obvious whether it is better to leave them alone or to speak for them and attempt to help them speak for themselves.

The tensions between the roles of caretaker and advocate may parallel in some respects the tensions between families and political communities. Horton, as advocate for the Whos, is trying to secure for them not just survival, but recognition within the larger society of the jungle in much the same way that families aspire for children not just to stay alive, but to flourish and become people who can contribute in meaningful ways to their world. This suggests that the hearing Horton seeks on behalf of the Whos is not the formal hearing before a legal body, but something akin to the politics of recognition, a "being heard" by one's society.<sup>61</sup> Hearing and being heard in the context of law and litigation is almost always framed as a specific and limited right, and generally means speaking or being spoken for, usually before an official tribunal.<sup>62</sup> Hearing and being heard in families and society, in contrast, is just as often understood as a general obligation based on mutual respect. It does not necessarily mean to speak, but to be listened to and to be recognized as a person. This, we think, is the more complex proposition that the secondary narrative of *Horton* makes evident, that there is value to prying apart our understandings of speaking, hearing, and listening, especially in relation to children and the least powerful among us.<sup>63</sup>

This reading illuminates the radical beauty of Horton's project; he is more than a speaker and more than an advocate. He is a *listener*. The verb in the title and the action around which the story rotates is the ability to hear. Horton hears. But

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61. See, e.g., CHARLES TAYLOR, *MULTICULTURALISM: EXAMINING THE POLITICS OF RECOGNITION* (Amy Gutman ed., 1994).

62. The controlling rationale in the classic case of *Louisville & N.R. Co. v. Schmidt* was that, essentially, due process had been satisfied simply by the fact that the parties had been in court and had spoken. 177 U.S. 230, 239 (1900). See also *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 171 (1951) (Frankfurter, J., concurring) (arguing for the right to simply appear in court and make certain statements); *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (describing "some kind of hearing" as the "root" requirement of the Due Process Clause); *Goldberg v. Kelly*, 397 U.S. 254, 268 (1970) (defining a "hearing" in terms of the activity of the defendant, not the judge—as a moment for the oral presentment of argument and evidence).

63. In law, many constitutions and foundational statutes, including our own, provide both freedom of speech and a right to be heard, and they are understood as very different things. The U.N. Convention on the Rights of the Child provides, in Article 12, that children have the right to express their views freely and to be heard in any proceedings that affect them. The United Nations claims that in the twenty-five years since the Convention was adopted by the General Assembly, this provision has been the hardest to implement. See U.N. Convention on the Rights of the Child, *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990).

hearing, it turns out, is not something that happens passively so long as your ears work. In *Horton Hears a Who!*, hearing, like dissent, is a radical act. It means the ability to listen hard, listen more, and allow for the unseen and unimaginable, for rethinking the fundamental rules of exclusion and belonging. To be listened to is to be valued; it validates one's sense of dignity, worthiness, and belonging.

Listening, hard enough as it is, turns out to be only the beginning because we may not like the things we hear. Horton hears small persons by being attentive, and he advocates for them not so they can be made to say anything, not so he can put them to his own purposes, but so they themselves can be heard. The most profound thing he does is listen. Listening to children (and to the disenfranchised) must mean, at a minimum, being willing to believe in things you cannot see, accept things you do not understand, hear things you do not yourself think, and listen to things you do not agree with. Listening is the active form of hearing, and it is far more an obligation than a right. By allowing for new ideas and different opinions, listening might be thought of as the method by which new forms of affiliation come to be recognized, understood, and accepted.

Understanding *Horton* in this light allows for a reimagining of civic republican theory and the role of dissent. Horton's project, cast anew, becomes one of convincing society *to listen* rather than convincing society to listen *to him*. This notion of listening as an active political proposition rejects relegating "the right to be heard" to individual participation in the judicial sphere; rather, it elevates individual participation in the civic sphere and creates an ethic—perhaps even an obligation—of attentiveness.

As such, the "discourse" of de Tocqueville and the "deliberation" of civic republicanism can be repurposed. The process of listening is the process of valuing, of according dignity to an individual rather than simply speaking and hearing what is being said. Civic virtue, recast in this way, requires listening prior to discourse and deliberation; it is not simply a *characteristic* of republican civil society, but a foundational element.<sup>64</sup> As Seuss scholar and biographer Donald Pease<sup>65</sup> suggests, this ethic of listening as a political act, so richly developed in *Horton Hears a Who!*, runs across many of his books:

The citizenship presupposed in Dr. Seuss's stories is something more than a legal identity. It is an interpretive framework and regulative ideal that creates its own deep rule: the habit of being attentive and respectful to persons, no matter how small. Individually and collectively these stories stage emotionally complex mediations of contradictions foundational to liberal democracy.<sup>66</sup>

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64. A strong argument could be made that deliberation itself requires something similar to the notion of listening we have advanced. See Sunstein, *supra* note 22, at 1547 (discussing participation as an individual and collective good); see also Michelman, *supra* note 38, at 1504–05 (arguing that the "authenticity of voice" is a prerequisite for republican governance).

65. Ted and Helen Geisel Third Century Professor in the Humanities, serving as Chair of the Master of Arts in Liberal Studies Program, Dartmouth College. An essay by Professor Pease appears in this issue of the *Law Review*. See Donald E. Pease, *Dr. Seuss's (Un)Civil Imaginaries*, 58. N.Y.L. SCH. L. REV. 509 (2013–2014).

66. Pease, *supra* note 4.

In other words, the ethic of hearing so central to *Horton* is indeed not only an ethic of individuals but also a “deep rule” that applies to the political and civic societies to which individuals belong and informs a robust citizenship in democracies. It is also, as we see in the final section, an ethic of global understanding.

#### IV. CONCLUDING THOUGHTS: GLOBAL INVISIBILITY IN ADVANCED CAPITALISM

We have provided a particularly American reading of *Horton Hears a Who!*, affirming and elaborating a traditional interpretation of the book that focuses on the nature of democracy and civic participation within discrete societies generally and our liberal democratic tradition specifically. We have suggested that the story and its images offer quite complex, normatively open, and occasionally troubling perspectives on the tensions and paradoxes that exist in the relationship of free individuals to the communities that nourish and normalize them. We think Seuss encourages in *Horton* the contemplation of alternative forms of affiliation between individuals and the families and political communities to which they belong, relationships reconceived as more freely chosen, more open to dissent, and built on an ethic of attentive listening to those who are hardest to see and hear.

But one could easily read the entire book as less about the discourse between groups, families, and generations in a single political community, and much more about discourse between peoples belonging to very different political communities, in different parts of the world. Indeed, in a world in which problems, profits, labor, culture, and collective action are increasingly transnational, it might make much more sense to consider what *Horton* tells us about collective problems and solutions beyond the borders of one wealthy and powerful democracy. We can just as easily think about the size, power, and relative visibility of the jungle and Who-ville as a metaphor of communication across borders, between the “larger” creatures of the world who live in peace and prosperity and the “smaller,” less visible people whose fortunes are precarious and whose voices are almost inaudible.

In fact, there is some evidence to suggest that Geisel, as Seuss, wrote *Horton* in response to his experiences traveling in Japan in the early 1950s, including the book’s dedication to “My Great Friend, Mitsugi Nakamura,” a professor at Kyoto University.<sup>67</sup> Touring the Japanese countryside, Geisel met a number of children on visits to elementary schools, and they made a lasting impression on him.<sup>68</sup> In particular, Geisel, who had contributed relatively racist anti-Japanese cartoons to the American propaganda machine during the World War II, noted the voicelessness of the children facing obliteration at the hands of the Americans.<sup>69</sup> It is particularly noteworthy that Horton’s Whos—as opposed to the Whos in *How the Grinch Stole Christmas!*—were facing this same level of annihilation.

With this in mind, Seuss seems to ask us, what would it mean for Americans, for example, to listen—radically listen, in the sense of recognizing and being willing to

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67. For more on Seuss’s travels through Japan, see NEL, *supra* note 24, at 53.

68. *Id.*

69. *Id.*; see also MINEAR, *supra* note 24, at 263–64.

hear something unfamiliar and unfathomable—to those people who are both unseen and unheard? In modern warfare, as well as advanced capitalism, these people are the children who have not yet internalized the prejudices of their parents; the laborers and migrants who risk their lives and leave their families to seek work all over the world; the workers who live in the developing countries that make our t-shirts, tennis shoes, iPhones, and designer coffees, and who staff the service centers of multinational corporations; or the refugees and the stateless, who do not have a voice in a state-centric international system. When they speak, or find people willing to speak for them, is anyone listening?

How ought we to understand our obligations to inaudible others in a postcolonial context? Should we try to be their advocates and protectors or do we care for them better by leaving them alone? Should Horton have left the Whos in the clover field, where they would have been vulnerable to weather and predators, but where they might have been able to survive without the overpowering threat of annihilation at the hands of the jungle? These are the deep and open-ended questions that *Horton* poses. Indeed, the book poses them in such a way that they prompt readers to understand themselves in their various concentric circles of belonging, not only as members of families and nations, but also as cosmopolitan citizens with an obligation to others on our interdependent planet.

One imagines the young Geisel observing the Japanese world in the ruins of the nuclear age. He sees the destruction of war and the nationalism and prejudice in which he was complicit during the 1940s, but he also sees—and hears—Japanese schoolchildren. He sees the brutal beginnings of modern globalization and he sees that despite our intersecting lives, no one is really listening. Thus, the persons whose fates form the central engine of *Horton Hears a Who!* are the most enigmatic of persons, because they are simply questions—deep, existential questions that continue to reverberate in new ways and in new contexts. These persons are defined by what they ask: Who? Who are we? Who are they? Who else is out there? To whom do we speak? Who will listen?