

And, I mean every word of it: Comments on Francis Dupuis-Déri's "Global Protesters Versus Global Elite: Are Direct Action and Deliberative Politics Compatible ?"

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Article abstract

Focusing on how recent protests centered on global economic and environmental injustices can contribute to furthering deliberative politics and realizing deliberative democracy, Francis Dupuis-Déri examines the important and historical tension between force and persuasion. However, casting protest as legitimate in the framework of deliberative politics and as serving deliberative democracy obscures its own value in endeavors to achieve social, economic, and environmental justice. Being sympathetic to Dupuis-Déri's work, I wish to make several, interrelated conceptual and practical clarifications in order to bring back to the fore the fundamental importance of protest, in terms of contributions not to deliberative politics and deliberative democracy but to public discourse.



AND, I MEAN EVERY WORD OF IT: COMMENTS ON FRANCIS DUPUIS-DÉRI'S "GLOBAL PROTESTERS VERSUS GLOBAL ELITE: ARE DIRECT ACTION AND DELIBERATIVE POLITICS COMPATIBLE?"

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ABSTRACT

Focusing on how recent protests centered on global economic and environmental injustices can contribute to furthering deliberative politics and realizing deliberative democracy, Francis Dupuis-Déri examines the important and historical tension between force and persuasion. However, casting protest as legitimate in the framework of deliberative politics and as serving deliberative democracy obscures its own value in endeavors to achieve social, economic, and environmental justice. Being sympathetic to Dupuis-Déri's work, I wish to make several, interrelated conceptual and practical clarifications in order to bring back to the fore the fundamental importance of protest, in terms of contributions not to deliberative politics and deliberative democracy but to public discourse.

RÉSUMÉ

À partir d'une analyse de la manière dont les actions directes s'opposent aux injustices économiques et environnementales et peuvent contribuer à faire avancer et à réaliser la politique délibérative, Francis Dupuis-Déri examine la tension historique et importante entre la force brute et le pouvoir de persuasion. Cependant, le fait de chercher à légitimer la protestation dans le cadre de la politique délibérative et comme un moyen pour les fins d'une démocratie délibérative obscurcit la valeur propre des protestations pour réaliser la justice sociale, économique et environnementale. Étant sympathique aux travaux de Dupuis-Déri, je tiens à faire plusieurs clarifications conceptuelles et pratiques en vue de ramener à l'avant-scène l'importance fondamentale des protestations, en terme de contributions non pas à la démocratie délibérative, mais au discours public.

“Polemarchus said, ‘Socrates, I guess you two are hurrying to get away to town.’
 ‘That’s not a bad guess,’ I said.
 ‘Well,’ he said, ‘do you see how many of us there are?’
 ‘Of course.’
 ‘Well, then,’ he said, ‘either prove stronger than these men or stay here.’
 ‘Isn’t there still one other possibility ...,’ I said, ‘our persuading you that you
 must let us go?’
 ‘Could you really persuade us,’ he said, ‘if we don’t listen?’
 ‘There’s no way,’ said Glaucon.
 ‘Well, then, think it over, bearing in mind we won’t listen.’”

Plato, *Republic*, trans. Bloom, 327c

“You keep on saying ‘Go slow!’
 ‘Go slow!’
 But that’s just the trouble
 ‘do it slow’
 Desegregation
 ‘do it slow’
 Mass participation
 ‘do it slow’
 Reunification
 ‘do it slow’
 Do things gradually
 ‘do it slow’
 But bring more tragedy
 ‘do it slow’
 Why don’t you see it
 Why don’t you feel it
 I don’t know
 I don’t know

You don’t have to live next to me
 Just give me my equality
 Everybody knows about Mississippi”

Nina Simone, “Mississippi Goddam,” (1964)¹

These two passages—one from a text composed more than 2,500 years ago by one of the West’s best known philosophers, the second from one of the most famous songs of the Civil Rights era written by an icon of American music—may appear incongruous at first glance. But, they share profoundly important themes not immediately obvious. In particular, they share themes of the powerful “not listening” to the powerless, and of those with power oppressing those without in terms of their fundamental interests. In this context, they both subtly invoke the

importance of direct, confrontational action over more deliberated means of persuasion when seeking substantive social and political change. They are both subversive pleas for direct action over persuasion in quests for justice.

As the character of Socrates describes at the outset of Plato's *Republic*, he and Glaucon were essentially forced to accompany the group of men to Polemarchus' home where the rest of this famous dialogue is said to have transpired. In this opening scene, we get a sense of an important tension that runs throughout the ensuing discussion of justice—a tension between physical force and reasoned persuasion. One might think that Socrates represents reason and Polemarchus (then Thrasymachus, then others) represent force. But, the tension plays out and is resolved in ways that can be quite surprising to contemporary readers who believe ardently in the justificatory potential of speech and reason. It's important to remember that justice in Plato's "ideal constitution," the *kallipolis*, is achieved only through exercising force upon both those who presently rule (and don't listen) and upon prospective rulers (i.e., the lovers of reason and wisdom). Ultimately, Socrates represents force. Force presents itself as a necessary precursor to justice and, in particular, a just *polis*. In Nina Simone's "Mississippi Goddam," we get a deeper and more urgent sense of this tension. "Why don't you see it? Why don't you feel it?" she demands with reference to the unspeakable injustice of the murder of four children in Alabama and of an activist in Mississippi. More broadly, she makes these demands with reference to the racism entrenched in the culture, society, politics, and institutions of the American South. As became clear, force (expressed in both non-violent boycotts, sit-ins, and other acts of civil disobedience as well as in violent race riots) was necessary—often tragically necessary—to bring about social and constitutional changes in the US toward ending race-based discrimination, oppression, and injustice. Suggested by both the works of Simone and Plato, the politically powerful—those with power to make publicly binding policies and laws—are often deaf and blind to profound injustice. Persuasion is ineffective where they don't listen, and tragedy can ensue where we move too slowly toward justice. As we've seen over the course of history, direct action has its own rightful and important place in the struggles toward justice, legitimacy, and empowerment for all.

Francis Dupuis-Déri (2007) examines this tension between force and persuasion in his writing on the relationship between protest action and deliberative democracy. He focuses on recent protests centering on global economic and environmental injustices and on how these protests can contribute to furthering deliberative politics and realizing deliberative democracy. Dupuis-Déri's most basic argument is that protest and direct action are legitimate on the terms of deliberative democracy and may make deliberation "freer, more equal, and just." What I find most interesting in his work is his presumably inadvertent revealing of the profound limitations of the ideal of deliberative democracy. I say "presumably inadvertent" because Dupuis-Déri does not develop what could be a very rich argument for the value of protest not in the service of deliberative democracy but toward much richer ends of justice. It's as though he sees the limitations but nonetheless wants to uphold deliberative democracy as an ideal

for political life. He thus seeks to rescue this ideal from political and practical irrelevance by recourse to asserting the value of protest and direct action in its terms. He claims that protest and direct action can provide for the resuscitation of this ideal. As it stands, his argument that protest can make contributions to achieving deliberative democracy unduly elevates the value of the latter and obscures that of the former. Casting protest as legitimate in the framework of deliberative politics and as serving deliberative democracy obscures its own value in endeavors to achieve social, economic, and environmental justice. I am sympathetic to Dupuis-Déri's work but wish to make several, interrelated conceptual and practical clarifications in order to bring back to the fore the fundamental importance of protest.

1

The first clarification relates to the nature of protest and deliberation. It's important to be clear that neither is an end in itself. Both are means to much richer ends. This essential characteristic is more obvious in protest than deliberation. In part, this is because what we know of protest is based on what we have observed over history. Protests have often been violently crushed. Protesters have often been willing to be jailed, beaten, and killed not for the protest *per se* (obviously) but for the critically important ends of social and environmental justice. Deliberative democracy, on the other hand, is largely an academic creation (see, for example, Chambers 1996, Cohen 1993, 1997a, and 1997b, Gutmann and Thompson 1996, Habermas 1995, and Rawls 1992)—a creation that has been over-theorized. Innumerable political theorists (myself included) have extensively debated the conceptual and normative minutia of the deliberative ideal (see Bohman and Rehg 1997, Freeman 2000, Gutmann and Thompson 2000, and Macedo 1999). To be sure, the ideal embodies compelling principles, derived from contemporary liberalism, that are related to the fundamental moral equality of persons. Moreover, it exemplifies the moral and political imperative that publicly binding policies be based on public reason—reason that is generally acceptable to all members of the public. These features, however compelling, do not constitute what is ultimately sought through deliberative politics and processes. Deliberative democracy refers to a decision-making ideal to govern the development of binding laws and policies for the collective existence of morally equal and free individuals. Deliberative politics refers to an idealized set of procedures and orientations to enable a specific kind of engagement of individuals seeking to develop laws and policies that are publicly justifiable. Like protest, both are means toward even richer goals, which include an end to racism, sexism, and homophobia, an equitable distribution of resources across society and societies, healthy and sustainable natural environments, and richer cultural, literary, and artistic collective tapestries.

Related is the second clarification that I wish to make. Although they may share common goals, deliberative politics and protest action are fundamentally different strategies. Epistemologically, deliberative democracy is deduced from primary principles of liberalism including equality, freedom, and public reason, whereas our understanding of protest is induced from historical social phenom-

ena directed at fighting intolerable systemic and overt inequality, exclusion, exploitation, and oppression. Deliberation is based on the presuppositions that publicly shared reasons are sufficient to cause change and that deliberators are both willing and able to articulate good reasons and, in turn, willing and able to understand, listen, and respond to them. Deliberation is also based on the presupposition of reciprocity. It is based on an assumption that procedures and orientations will facilitate fair and inclusive dialogical exchanges toward the reasoned agreement—or, better, consensus—of deliberators, thus providing justification for publicly binding laws. Protest is based on the recognition that good reasons are insufficient to cause change because those with the political power to make social, institutional, and environmental change are not willing to listen to and act on them. Moreover, protest is based on the recognition that, in the context of wide inequalities in political power, there is and can be no reciprocity. Protest assumes the obstinacy of the powerful in upholding their privilege. It assumes protracted disagreement between the powerful and powerless. Practically, the objectives of both protest and deliberation differ as well. Deliberation requires achieving inclusive and informed dialogical exchanges governed by equality and fairness. It requires deliberators to attain a high level of rationality that is directed toward consensus. Protesters seek to assert excluded perspectives, voices, and interests in the face of power. Protesters seek collective solidarity to, agonistically, make themselves heard by the politically powerful and to force change in times of urgency.

Protest rightfully picks up where deliberation leaves off. Persuasion of the kind envisioned by deliberative democrats is possible only where those they are trying to persuade are willing to listen to reason. Deliberative politics and democracy are achievable only where there is reciprocal reason-exchanging and a shared willingness to listen to and be moved the better reason. They are achievable only where those with political power listen to those over whom they exert their power. It is contingent on those who are in positions of power within policy implementation and formulation processes to incorporate into their decisions the outputs of deliberative democratic processes. Historically, those in positions of power generally don't listen where their power is at stake, where their interests may not be served. This is a reality that we see even in contemporary exercises that (ostensibly) attempt to realize principles of deliberative democracy in areas of public policy (see Johnson 2007, 2008, 2009, and 2011). From vastly different historical and cultural perspectives, both Plato and Simone speak to this reality of political power. In their own ways, they recognize the limitations of persuasion and issue calls for political action that is more forceful. Implicit in these calls is the recognition of the distinct value of confrontation in furthering the ends of justice.

The third clarification has to do with the critical importance of the motivation of the politically powerful to make social, political, economic, and environmental change through deliberative democratic means. As Dupuis-Déri writes, “the deliberative process often falls short” of its ideal (170). The passivity that Dupuis-Déri implies in his language that processes of deliberative democracy “fall short”

misplaces the problem. The consequence is to obscure problems that are not primarily with the processes but with actors engaging in and upholding these processes. More troubling is that the language suggests that these processes can be ameliorated without having to assess and address the motivations and actions of those involved in these processes and, especially, those who maintain ultimate decision-making power. Dupuis-Déri's main argument is that protest may help to "improve the quality of deliberation and to move from an elitist deliberative regime toward a more participatory regime" (174). He argues that protest and direct action may improve deliberation in terms of 1) agenda setting, 2) enlarging participation, 3) enlarging representation, 4) disseminating information, 5) stimulating imagination, 6) pushing for action, and 7) re-opening deliberations (179-181). He is able to make this argument only by bracketing the role of powerful actors who host deliberative democratic exercises and who control the interpretation of deliberative outputs and their articulation in policy decisions. If we shift perspective toward powerful actors, who function in both broader contexts of structural social, economic, and political inequalities and specific policy contexts that are inherently unequal, we can see that deliberative democratic processes do not fall short but rather are made to fall short. In the several cases that I have studied, ostensibly deliberative democratic procedures and forums come close to meeting the requirements of the ideal, but powerful actors thwart the outputs of these procedures at the policy development and implementation stages. Dupuis-Déri, while offering an insightful account of protest, does not provide a compelling account of how it can further deliberative politics in these contexts—in these contexts where policy makers are not motivated to enlarge their agenda, include more people and perspectives, disseminate information, and push for action against their interests.

My fourth, related clarification centers on the contribution of protest—since clearly protest *does* make and *has* made important contributions. But, to what exactly? Dupuis-Déri provides scant evidence for what he purports are contributions of protest to deliberative politics and democracy. He does, however, show how protest contributes to public discourse, which is much broader than deliberative politics and deliberative democratic procedures. Protest contributes to public discourse, that is, the broad themes and specific issues discussed in traditional, popular, and alternative media, discussed in public forums by pundits, academics, and other "opinion leaders," but also by everyday people in more private exchanges around the water cooler or at the dinner table. Public discourse is distinct from procedures and orientations of deliberative democracy either in their manifestations in stakeholder/elite negotiations or in citizen assemblies. Both kinds of collective decision-making forums can be based on principles of deliberative democracy, which we've seen in a diversity of contemporary policy areas. Both could contribute to a flourishing deliberative democracy, which, I should state the obvious, we haven't seen and likely will not ever see because of the obstinacy of the politically powerful where their interests could be compromised. The contributions of protest to these deliberative forums and to deliberative democracy are profoundly limited by the willingness of powerful actors to listen and to act on what they have heard.

2

Dupuis-Déri's argument gets much more traction if posed in terms of contributions not to deliberative politics and deliberative democracy but to public discourse. Indeed, as we can see in the "Occupy" movement that is taking place across North America, protest is contributing directly to public discourse in the ways identified by Dupuis-Déri. Many of us have something to say about this movement, which began as an appeal in an alternative magazine to "occupy Wall Street" (Culture Jammers 2011). We can, from varying perspectives, connect concerns expressed by "occupiers" to our individual and collective concerns. These protests are putting onto the agenda for public discourse a broad set of issues related to the debt crisis, vast income discrepancies, gross taxation inequalities, and widespread environmental degradation. We have seen growing participation (in numbers of participants, cities, states, and provinces) and representation (of different sectors) in the movement. We can also see the disseminating information *via* traditional and new forms of media. This movement is also spurring many people's imagination to conceive of and develop alternative forms of collective existence. But the impact of this movement on actual decisions is far from clear. This movement isn't likely to improve deliberation in the formulation and implementation of policy concerning adequate social programs, a fair system of taxation, or sufficient environmental protection. The impact of this movement remains contingent on the willingness of those with decision-making power in these processes to listen to those claiming to speak for the "99%" and respond to what they've heard. In this example, we see the contributions but also the limitations of protest. Protest makes direct contributions to public discourse but makes limited to deliberative politics, procedures, and outputs. The value of protest lies in mobilizing members of the *demos* to a level of political significance at which they are able force change toward the broader ends of justice. The value of protest is not in service to deliberative democracy but in service to broader ends—especially where these ends are stymied by those who do not see or listen.

Protest is a very valuable form of political activity. It signifies expressed differences in perspectives between citizens and government, and it signifies courage on the part of citizens to stand up and voice opinions against governments that are often willing to use overwhelmingly violent force to suppress them. This civic courage is a necessary component of a healthy democracy or republic. Importantly, protest, if forceful enough and if politically significant enough, can contribute to bringing about positive change as we've seen over history where the powerful are otherwise disinclined to listen. Protest has made, and does make, valuable contributions to the ends of justice, legitimacy, and empowerment. Protest and deliberative democracy are both means to these ends. Protest has a distinct value that should be kept separate from that of deliberative democracy. My overarching concern is that Dupuis-Déri's line of argument results in the subsuming of what should be held as the distinct value of protest into the laudable but largely unattainable goals of deliberative democracy. The rich ends of protest and deliberative democracy are shared. But, in the context of profound

structural inequalities and a lack of willingness by elites to see, listen, and to be persuaded, the specific objectives of protest and direct action should stand distinct. Plato and Simone were alive to this reality. So should we be.

NOTES

- ¹ In a 1964 recording of Simone in concert, she begins this song with “And, I mean every word of it.” Toward the end of the song, she adds: “I betch ya thought I was kiddin’.” These two comments, along with the show tune characteristics of the song, give rise to a profoundly ironic feel. This irony, in turn, lends itself to the subversive nature of her performance and recording. This performance is itself an act of defiance, an act of protest, and an act of direct action, invoking the importance of defiance, protest, and direct action.”

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