

## DEFIANCE: A COMMENT ON THE LOGIC OF PROTEST

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**Abstract.** Activism and protest occupy an uncertain space within democratic politics. While the right to voice a dissenting opinion is unquestioned in liberal theory, protesters often demand more than the right to express their opinions. Protest groups employ direct and indirect threats to decision-makers, and thus some kind of coercion often replaces argument in resistance to authorities. The paper discusses what kind of success protest groups seek and in some cases expect. It attempts to show that protest action should be seen as expanding the political dialogue rather than as a sign of failure of democratic procedure. Protesters communicate with decision-makers without thereby seeking to enter the decision-making process itself, trying to influence it without becoming a part of it. Protest is a form of political participation involving a defiance of authority, which cannot easily be accommodated within democratic methods, and yet turns out to be indispensable for democratic politics.

**Keywords:** protest, activism, dialogue, liberalism, democratic politics

### 1.

Public protest, especially in its more militant and aggressive forms, is often a curiously paradoxical affair. Protesters, who claim that their views represent not only certain universal values and viewpoints, but also specific interests of a group or a community, often ignore views expressed by that group or community. Protest groups who focus on a local project for environmental reasons, for instance, may fail to address local concerns thereby antagonizing local populations. On the other hand, a protest group may be formed around local concerns and thus fail to address certain universal values that pertain to the group's argument. Fishermen may protest against the imposition of quotas that threaten their livelihood, circumventing or ignoring the overall rationality of such decisions. Protesters, however, who seem to be acting mainly to promote their own self-interest most often fail to arouse public interest in their cause. Protest action is also easily deemed irrelevant if protest groups are seen as lacking public support and local ties.

The obvious question about protest is whether authorities and the public should listen or react to claims and demands made by protest groups. A perception that protest groups are either narrowly tied to local interests or vice versa, insensitive and even ignorant of local interests, seems to provide a good reason for ignoring them. Since the actions taken by protest groups do present a mild form of coercion, where decision-makers face threats, rather than simple arguments, political elites will always be tempted to find a way to ignore protest groups. A big part of the controversy about protest action has to do with the range of legitimate actions to coerce decision-makers into acknowledging the views and presence of protest groups, even when decision-makers claim that there is no *prima facie* reason to do so.

In this paper I will explore the role of protest in politics and discuss the legitimacy and success of protest action. Is there a connection between legitimacy and success or is success independent of legitimacy? What kind of success do protesters expect or seek in different cases, how do they reach their audiences and what kind of reaction are they expecting from their audiences? How do they want to communicate with their audiences and about what? I will argue that the answers to these questions are more complicated than the classical liberal view of protest and activism suggests. Communication is certainly an integral part of protest action, but it differs considerably from some other kinds of political communication. In my analysis the difference between straight political communication, on the one hand, and communication through activism and protest on the other, is analogous to the difference between *deliberation* and *dialogue*. Protesters address decision-makers in ways, which are often judged irrational or at least inappropriate. They use ways of communication that do not fit well with models accepted by liberal proponents of deliberative or procedural democracy. Thus protest is often seen as a last resort, as an activity, which can only be justified by showing that no other way was available to fight for a noble cause. The presence of protest is, on this view, a sign of political or social failure. My aim in this paper is to use the notion of *dialogue* to discuss communication between empowered and powerless and to show that protest action is a crucial part of democratic politics. Protest action threatens elites, and protesters refuse to acknowledge hierarchies and power structures that have been established or have established themselves. Protest is a form of social disobedience serving as a constant reminder of the temporality, fragility and relativity of political structures, no matter how democratic or liberal their original design.

## 2.

Much publicized protest action in Iceland in 2006 provoked debates about the point or usefulness of protest. Such debates frequently appeared in the media as well as on various discussion fora, such as blogs and mailing lists. Most of the protest action seen in the country in the summer of 2006 focused on the building of a very large hydropower station in the eastern highlands of Iceland, a project having an

enormous impact on landscape, demographics and climate in the area. The project evoked mixed reaction from the start and a growing hostility among Icelanders whose opposition against it is probably best compared with opposition to the US navy base, responsible for Iceland's military defences during the cold war. Hostility towards the project is therefore no surprise. The reason for surprise for many people last summer, was that protest would continue although the construction of the hydropower station and the associated structures, such as a dam creating a huge water reservoir, had started and therefore it was clear to every sane person that it was too late for any chance of actually stopping the project. The binding financial commitments and the correlated construction of an aluminium smelter in nearby Reyðarfjörður meant that even if a government of radical environmentalists would suddenly take power, the project could hardly be stopped.

Given that protest action in this sense would seem useless, public reaction was understandably mixed and sympathies of 'the man on the street' were hard to come by for protesters. Media coverage revealed a lack of patience with the protesters and an increasing tendency of ordinary Icelanders to distance themselves from protest groups. Many people interviewed in the media even claimed that the continuation of seemingly futile protest action was now hitting working people in the area rather than decision-makers or construction companies. The consequences of continued protest action would therefore not only be useless, but in fact harmful for environmental protection since it was making (so it was argued) Icelanders less and less enthusiastic about environmental protection in general. The main arguments one would detect in everyday discussion about the action taken by protesters can be summarized as using four different but related arguments:

1. The argument from *professionalized protest*: These people are just professional protesters. They are simply interested in the action itself but have no real attachment to the cause. Their position is not credible. Their views should be ignored.
2. The argument from *ignorance*: The protesters are ignorant not only about what is at stake here, but also about their possibilities. It is useless even to listen to what they are saying.
3. The *outsider* argument: The leaders of this protest are foreign radicals, total outsiders to our community. They have no idea what life in Iceland is about, and consequently have nothing to say that can be of any relevance for Icelanders. Once the foreigners have been expelled from the country the protest will naturally disappear.
4. The *terrorist* argument: Protesters are here to incite action, prevent people from doing their jobs and destroy property. They might even be dangerous to construction workers and police since their tactics are basically terrorist. Not only should they be ignored, the government should expel the foreigners and prosecute the Icelandic participants.

The frequency of such kinds of reaction clearly shows that the protest had reached a stage where public support or sympathy was disappearing. Continued protest could not be understood as an attempt to win the public over to opposing

the construction project, and thus it was difficult for the 'man on the street' to understand what it could possibly be about then. The lack of understanding evokes condemnation of the kind of person who engages in protest action when no use can be seen in protesting. The common sense reaction to such a person is to doubt his or her honesty and integrity on the grounds that such action is pointless and therefore no contribution to rational decision-making. A decision has already been made and therefore a protester should turn to other more urgent matters, e.g. influencing decision-makers elsewhere.

What is interesting about these commonsensical and understandable claims is the commitment to rational discourse inherent in them. From this perspective, a protester demands inclusion in a decision-making process and presents himself as a harsh critic of decision-makers, not as someone necessarily defying authority. But when understood in this way, the protest itself becomes a secondary issue. It is just a form of expression: the protester uses protest to demand more rational decision-making, where certain points of view, which he or she represents, are taken into account. The protester who protests without demanding inclusion is, from the common sense point of view, either irrational or acting on devious motives.

The common sense view assumes that legitimate political participation must include a wish to engage in constructive debate about decision-making with authorities and a commitment to abide by decisions taken on mutually accepted grounds. This view concurs with a related philosophical idea according to which only some views should be taken seriously, namely views based on rational argument, which take into account and accept a just social order. It may well be possible to depart from social norms and even from the law by engaging in civil disobedience. Yet even in the case of such disobedience the agent is not defying the law itself or authority, since his behaviour is partly justified by his accepting unpleasant consequences of his action such as legal punishment.

The locus classicus for this defence of political behaviour is one of Plato's shorter dialogues, *Crito*, which deals with the question of whether Socrates's escape from prison, after having been unjustly condemned to death, can be justified. As a part of his argument to show that such behaviour cannot be justified, Socrates gives a description of his own hypothetical self, as perceived by others, after having escaped execution and fled from Athens to some well-governed city. As a 'subverter of the law' Socrates expects his ideas about justice and virtue to be met with ridicule or outright hostility: "[A]ll patriotic citizens will cast an evil eye upon you as a subverter of the laws, and you will confirm in the minds of the judges the justice of their own condemnation of you. ... Will you then flee from well-ordered cities and virtuous men? And is existence worth having on these terms?" Further he considers the possibility of going to a place less well governed where people will be "charmed to hear the tale of [his] escape from prison, set off with ludicrous particulars" but are less concerned with the "subversion of the law". Such welcome will only last as long as the hosts are in good temper "if they are out of temper" Socrates says "you will hear many degrading things; you will live, but how? – as the flatterer of all men, and the servant of all

men...". And then Socrates goes on to describe all the other miseries that will await the character whose concern to save his own life makes him seek to escape the consequences of his own action (Plato, *Crito*).

In this early Platonic work we see the idea of credibility as being connected to strength of character or consistency. If Socrates's behaviour is less than admirable after his death sentence, he cannot expect that others will listen to him, he will be ignored, or worse, made fun of if he tries to make a philosophical argument. The reason for this is quite obvious. Socrates is not only a maker of arguments and a questioner. His credibility rests on the kind of life he leads and on his consistency in following whatever he concludes is good and right. We could call this the 'Socratic condition'. The modern day activist often has to meet a similar demand. Unless he or she can somehow demonstrate an admirable character, be some kind of a modern Socrates, defiance will seem to lack credibility. The common sense view and the Platonic view both express the general idea that the legitimate kind of participation is to do with whatever one's conscience may demand but without defying legitimate authority, and with the express purpose of helping decision-makers improve their decisions. Thus being obedient to the law does not mean that one may not under certain circumstances break the law, but it means that even in breaking the law, the rational actor respects its authority by accepting the legal and rational consequences of breaking the law. The Socratic condition depends on the view that a just political order is grounded in moral values, which cannot be abandoned. The protester, thus, might make up for the futility of his protest by showing an admirable or exceptional character, in the sense of cheerfully accepting punishment for whatever breach of law and order may be associated with his protest.

There is a concealed authoritarianism in this attitude, which goes right to the heart of motivations of public protest. The hidden assumption is that anyone who legitimately participates in political life is, directly or indirectly, asking for inclusion into political decision-making. But it is a false or at least an unnecessary assumption. The protester may not necessarily be heeding such ambitions. The reasons for engaging in protest action may come from the opposite direction, i.e. from the firm conviction that entering the accepted decision-making processes is undesirable or even wrong, and that the public, politicians or business leaders should get different kinds of messages from protest groups. Moreover such groups need not accept in any substantive sense the authority of law or governmental hierarchies, even if they, just as anyone else, must accept them as the actual state of affairs. It is therefore unclear why the Socratic argument should apply to protest groups at all. If they are not interested in entering deliberations and decision-making, what should compel them to accept consequences of their actions?

The Socratic argument rests on presupposing morally legitimate authority, rather than arguing that the just cause trumps any political authority. The admirable character, on that view, takes the consequences. In order to retain credibility and be able to demand audience the protester is then required to move away from the disobedient to the obedient. He or she might then have his or her views listened to. In what follows I will argue that this is a perverse way to understand or

reconstruct public protest. I will try to show that protest typically defies not only the plans and projects of people in power, but power itself and that in order to say something about the success or legitimacy of protest, one has to abandon reconstructions of legitimate protest as a positive contribution to decision-making.

### 3.

If protesters are not interested in entering or directly influencing political decision-making, and prefer to act in political contexts as outsiders, even knowingly alienating themselves from large segments of the public, the question arises what kind of argumentation one would be looking for in order to show that certain kinds of open public disobedience are justified or even in some sense a normal part of politics rather than a symptom of political degeneration. My discussion in the first part of this paper is meant to show that protest action evades both the common sense criticisms and the more philosophical moral criticisms stemming from the Socratic condition. The motivation behind protest, however, must be connected to influence. If protest action evokes hostility and rejection, what is its influence or, more generally, success?

Protest groups vary. Some are more militant than others, some are more radical. The more radical groups may put the main emphasis on action that expresses the radical views of the group in order to create or sustain a common identity within the group (Della Porta and Diani, 2006, p. 139). The more militant groups may need action in order to strengthen the image of the group as militant, for its own members as well as observers. The main reason for continuing protest in spite of its apparent futility in particular cases may have to do with the need for a protest group to present a continuous and real defiance of deliberations taking place within power structures, whether such structures are democratic or corporate. The rationale for continuing protest is then not to engage in a discussion about a particular issue in the hope of convincing decision-makers to act differently, but rather to create the awareness that the protest group will continue to oppose and defy decisions along certain lines.

One might argue that the symbolic objectives of protest in cases that fit this description, should limit the range of justified action to symbolic action, and that protest action involving public disturbance, or e.g. preventing people from doing their jobs, cannot be justified since the protest group is violating legitimate principles of decision-making without commitment to discussion or deliberation. This argument, however, fails to grasp the essence of the continuous and to some extent professionalized protest movement. The political structures intended to provide channels for communicating and discussing questions about decisions and policies, will not be sufficient for groups who perceive themselves as radically opposed to reigning hierarchies. It is therefore impossible to deem militant methods unjustified (or irrelevant) wholesale, unless one wants to go as far as to argue that democratic methods cannot be an object of radical opposition by any

group, since all groups will have the chance to work on their objectives within the system these methods provide.

The political arena is more than a discussion forum; it is also a place for trying out different interactive and communicative strategies. The assumption that legitimate contribution has to follow a ready-made design for addressing issues, debating, arguing and reaching conclusions, or that such contributions must at least allow for being interpreted within such a model, poses an authoritarian restraint on political participation without a moral or political reason for doing so.

A related reason for dismissing or condemning protest action has to do with conformity to moral and social norms in general, rather than adherence to the particular rules and structures that have come to be accepted as a framework for political participation. People who engage in public protest are sometimes perceived as departing from social norms in subversive ways, thereby alienating themselves from 'ordinary citizens'. The protester may wear strange clothes, be a vegetarian, gay, not have a permanent job etc. While this may not elicit criticisms per se it connects the protester to alternative lifestyles and thus the protest action may seem to be an expression of that alternative lifestyle rather than an action demanding assent or dissent or provoking argument.

This can be understood as a reversal of the Socratic condition. Once the protester is seen as an admirable character whose views are an expression of deep concern for justice, beauty or nature, e.g. what he or she has to say about political issues curiously seems to become irrelevant. His or her ideas will then be considered an expression of rare and perhaps unrealistic ideals or simply private expressions of lifestyle preference, which cannot really apply to the ordinary person.

The interesting kind of person, on the other hand, whose outside standing and successful protest or protest leadership captures the attention of the public, is the well-publicized dissident. Vaclav Havel and Nelson Mandela are names that come to mind immediately, but during the cold war a number of such figures appeared (Sakharov, Sharansky, Solzhenitsyn etc.). The moral standing of such people increases the weight of what they have to say. Characters such as those often enjoy a standing, which creates a space for their moral criticism or condemnation of policies or decisions, which will be accepted as a social commentary rather than as a protest or defiance of public authority. Many venues are open to the moral hero, which are closed to other people.

Violence is also a complicated issue when it comes to protest action. It seems just as hard to rule violence out totally as to accept some forms of it as legitimate. It is also problematic what forms of behaviour should be considered violent and which not and it seems clear that a single criterion will not do – we have to use multiple criteria. One might be tempted e.g. to argue that hurting people should always be prohibited, but that would hardly be enough – some acts that do not harm people directly should nevertheless clearly be considered violent acts. Moreover, since the judgement of some violent acts, such as violent reactions to oppression, especially in hindsight, may tend towards finding them excused, violent is not equivalent to unjustified (see Scholz 2007:50).

It is not necessary for my present purposes to discuss violence or whether there are situations that justify violence. The main question here is not even whether the public (the media, politicians etc) are justified in excluding, ignoring or suppressing protest groups. At stake here are the conditions for success of protest action. It is often assumed that unless protest groups employ arguments and methods that can be justified, their success is illegitimate and in fact a moral hazard for society as a whole – just as the terrorist's success depends on threatening to use and actually using coercion – and to succumb to such force is to encourage its use (see Waldron 2004:7). Thus taking protest seriously is sometimes seen as equivalent to accepting activist methods, thereby endangering the integrity of the political arena, compromising principles of deliberation. Protest groups, however, as I have been arguing may not be looking for participating in deliberation and not even offering an 'argument' that should be used to convince politicians or interest groups of a view different from the one they hold. The protester should rather be seen as someone who tries to expand the arena of political action and dialogue, refusing to submit to the demands of orderly argumentation.

Protest, especially chaotic unplanned group or mass action preserves a feature of the political which contains an ancient and important part of what constitutes government accountability. At the bottom of such accountability, is a simple primal feeling – Fear. The feudal lord has a good reason to fear his subjects, since the claim he may have to their services and taxes is not justified in any useful sense of the word, but upheld by violence. A weakness, once detected will thus have quite unpredictable consequences. In contemporary liberal-democratic societies political accountability depends not on the force of the ruler but on the justified decisions of elected officials. Protest action, on the other hand, preserves the fearful notion of spontaneous or unpredictable movements of the crowd, which may seem to make it unsuitable as a legitimate part the political, even when a right to issue protest is protected by freedom of expression. It may then be argued that nothing can be a legitimate part of the political, yet fail to fulfil or accept the norms, be they national or cosmopolitan, which have been laid down as defining political legitimacy.

But why should we think of the political forum as characterized by a certain kind of talk, a certain discourse or deliberative or procedural methods, rather than by interaction between different groups, which, by its nature, is pluralistic. Moreover, the interaction in the political arena has increasingly become cultural, where conflicts of cultures appear in the open. Frameworks emphasizing deliberation or procedure capture only the more formal and less pluralistic part of politics, the politics conducted by political parties, by parliament deputies, officials, ministers and the media covering them. This creates a tendency to regard protest action as not a part of the political itself but rather treat it as a sign of a problematic social situation; something requiring healing rather than engagement. But perhaps it is slowly becoming necessary to acknowledge that cultural conflicts are endemic to politics and embrace some kind of 'multicultural liberalism' (Raz 2001: 170–191).



A political situation characterized by divergences in this manner, illustrates the limitations of method in dealing with questions of legitimacy and justification in politics. A protest movement enters into a kind of communication with the public, the media, political parties and political elites but this communication cannot have a clear cut methodology or procedure. Mikhail Bakhtin, in his work on the novel, introduces the notion of *dialogue* to capture interaction by characters in a novel where utterances are formulated in the anticipation of the reaction of the other to that utterance and where the interaction is driven less by its anticipated outcome than by the internal exchange that accompanies and sometimes replaces the exchange between the characters (Bakhtin 1986:117–119). Dialogue in this sense illustrates the difference between method and non-method within the political. Protest groups may devise strategies and use methods, but their exchange with authorities or whomever they address need not follow a methodical pattern, as do formal debates within parliamentary or administrative structures. Such exchange will rather be characterized by irregular and sometimes unpredictable responses or by action that anticipates retaliation rather than a communicative response.

Protest groups are rarely successful in the sense of actually being granted what they demand, and success in that sense is almost never expected. Dialogue between protest groups and governing elites remains unfinalized, the success of a protest group is the object of subjective assessment in most cases. Therefore any moves made by the protest group anticipates a certain reaction (or no reaction) by authorities and success may even depend entirely on the correctness of that prediction.

Thus communicative success may consist in eliciting violent reaction, which will then be interpreted as revealing a hidden persona of political authority directly contradicting a surface commitment to deliberation and democratic procedure. Protest action may thus oppose method by attempting to reveal its inconsistencies or authoritarian basis.

If protest groups have a communicative purpose with actions they engage in, that purpose need not be to get a certain message across to some specified audience. The audience may be a hypothetical future audience or the action may be aimed at issues, which will only later become relevant. A protest group may seek to demonstrate the limitations of authority, rather than try to establish contact with authority.

The distinction between legitimate and illegitimate protest is deeply embedded in the idea of civil disobedience conveyed in some canonical texts of Western philosophy. What remains unaccounted for, however, is the communication that depends simply on the disobedient. The 68 slogan – “Be realistic, demand the impossible”, captures an important part of the motivation of disobedience. Radical groups, whose disenfranchisement is all but obvious, have final goals, which often lack rational connection with the accepted methods of political communication. That should not exclude such groups from the political arena or make them politically irrelevant, but rather expand and diversify the political arena itself.

Liberal democracy is a framework that makes it possible to encompass that kind of diversification. But in order for that to happen, the enlightenment ideal of a moral foundation for legitimate political participation may have to be modified or abandoned. The Socratic condition may not be suitable for the politically defiant. A moral assessment of protest will of course depend on what kind of action can be tolerated or justified, but such assessment should also be about the final goals expressed by protest groups. One of the tasks of liberal theory for the last few decades has been to create a framework for political deliberation sidestepping the content of moral or even political beliefs. The question about relevant political participation does not have so much to do with what beliefs are expressed, but rather with the way in which they are expressed (see Mouffe 2000 for a related discussion).

There are of course many kinds of protest action that do not fit into the framework I have been describing and protest is often conducted in order to attain specific political goals and by groups of people who know how to apply the techniques of protest to influence public opinion. ACT UP, the protest action designed to increase government concern in the US about AIDS in the 1980s is a good example of that. The action organised by these activists, however, is not protest properly speaking but rather a case where a skilful and effective lobby group uses public action to demonstrate the necessity of its demands and to increase public awareness of the issue – in this case AIDS (Shaw 1996:213–214). This, however, makes no difference for the argument I am presenting here.

Protest as such – i.e. protest that is conducted for its own sake, rather than as a temporary strategy of a group really seeking inclusion in ordinary decision-making, is an enclave in political processes within a liberal-democratic framework, which does not and cannot fall within a finitely structured political space. Politicians and political theorists often seek to create well defined, contained spaces of deliberation within which politics is to be conducted. Many authors on politics and political theory see it as their main goal to explicate and defend approaches that systematize political problem-solving and political discourse. What I have been arguing is that such approaches will necessarily ignore or erase an essential part of the political, the unfinalized and counter-methodical dialogue between the empowered and the powerless. Democratic methods of deliberation and decision-making do not make such dialogue unnecessary, and therefore it is a more pressing and interesting question how democratic politics accommodates disobedience and defiance, rather than how or whether it can be seen as replacing them with rational argument.

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