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Stephen D'Arcy

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The Militant Protester as Model Citizen

STEPHEN D'ARCY

In the past fifteen years, democratic theory has undergone two parallel and apparently related transformations. First, its prominence within political philosophy or normative political theory has been dramatically enhanced so that it now comprises one of the leading areas of active research, and generates much of the most interesting and important work. Second, the field has come to be dominated by a particular theoretical perspective, the “deliberative” theory of democratic legitimacy, which has assumed a centrality in democratic theory today that rivals the longstanding dominance of Rawlsian egalitarianism in justice theory.

This phenomenon—this “deliberative turn” in democratic theory—is rooted partly in practical politics, namely, in the widespread distaste for the influence of money, and the role of unprincipled bargaining, in contemporary electoral politics. Deliberative theory can be seen as an attempt to vindicate an inspiring ideal of politics, as a collaborative inquiry into the common good, as constrained by the demands of justice. As such, it stands opposed to the grim reality of politics as a vehicle for the rich and powerful to augment their riches and power while responding to their critics, not with a rational dialogue, but rather with a “media-savvy” public relations campaign. As an insistent demand to put reason-guided and inclusive public discussion at the center of political life, the deliberative theory arguably makes an important contribution to our understanding of the democratic ideal and our diagnosis of the “democratic deficits” that erode the credibility and diminish the appeal of ostensibly democratic political institutions.

But there are, of course, other aspects of democratic politics, beyond the narrow domain of election campaigns, backroom interest-group lobbying, and partisan maneuvering among legislators. A plausible democratic theory must be able to account for these other features of democratic life. And it is here—when we look beyond the realm of the “formal” political process—that the deliberative theory, at least as it is usually formulated, tends to fall short. In particular, it seems to lack a satisfying account of the democratic content of the forms of militant protest associated with the global justice (or “anti-globalization”) movement.

At least since the so-called Battle of Seattle, in late 1999, the global justice movement has been associated with the use of militant mass protests to “shut down” international meetings of global governance institutions known to promote “trade liberalization” and business-friendly “restructuring” and “structural adjustment” programs. Prominent targets of such protests have included the World Trade Organization (WTO), the World Bank, and the International Monetary Fund (IMF). After the successful disruption of the WTO ministerial meetings in Seattle (November 1999), similar mass protests were held in Washington, D.C. against the IMF (April 2000), in Melbourne against the World Economic Forum (September 2000), in Prague against the IMF and World Bank (September 2000), in Quebec City against a summit to negotiate a Free Trade Area of the Americas (April 2001), and in Genoa against a meeting of the G8 heads of government (July 2001). Although this global justice/anti-globalization movement morphed into a global antiwar movement after the invasion of Afghanistan, in an unsuccessful attempt to prevent the invasion of Iraq, there are signs that the familiar style of confrontational global justice protests is re-emerging. The militant mass demonstrations in 2007 against the G8 heads of government in Rostock, Germany, and against George W. Bush’s visit to several Latin American countries, notably Brazil, are cases in point.

What is striking about the militancy of global justice activism is just how great the gulf is that separates this model of civic engagement from the one that seems to be implicit in the deliberative theory of democratic legitimacy. We can think of this as a matter of competing conceptions of civic virtue: different models of how an ideal citizen participates in the political life of her community. Deliberative democrats claim that the legitimacy of collective decisions is a function of the dialogical and reason-guided procedures and processes from which they issue. From this deliberative theory of procedural legitimacy, it is possible, according to many deliberative democrats, to extract a corresponding deliberative theory of civic virtue. The model citizen, on this view, would be a reasonable interlocutor, whose political participation consists mainly in the effort to seek resolutions to political conflict by joining with her fellow citizens in a cooperative process of inquiry into the common good, in which each participant is reciprocally committed to giving and asking for reasons.

By contrast, the militant protesters of today’s global justice movement, from Seattle to Seoul, and from Paris to Porto Alegre, paint a very different picture indeed of the substance of civic virtue in the context of democratic politics. Declaring, in the course of their confrontational protests, that “This is what democracy looks like,” their most distinctive and characteristic contributions to democracy are not the articulation of reasons and arguments, but the disruption of summits and intergovernmental

negotiating sessions by means of organized defiance and civil unrest. To them, disrupting meetings of elected officials is not an assault on democracy, as their adversaries charge, but a defense of such democracy as exists, and a demand for its extension and radicalization. The summits they disrupt are, they suggest, simply vehicles for political and economic elites to orchestrate the implementation of a "neo-liberal" corporate agenda, which ignores the grievances and aspirations of people, in favor of the imperatives of profit-motivated market economics. And, indeed, if there is one "argument" that has been consistently made on behalf of the neo-liberal "restructuring" agenda, it is that, in Margaret Thatcher's now-famous "TINA" formula, "There is No Alternative." This is an argument for refusing to argue: a claim to be exempt from the obligation to offer justifications or to consider proposed alternatives.

This raises a crucial question for democratic theory today: What might the disruptiveness of the militant protester have to teach us about civic virtue in the context of neo-liberal globalization, when ever-expanding concentrations of wealth and power in the hands of economic and political elites threaten to render meaningless the democratic ideal of civic self-governance? To be sure, there must be more to "what democracy looks like" than what we see in militant protest. Disruption, in and of itself, cannot plausibly be depicted as central to the democratic ideal, nor can it play a central role in an attractive institutional framework for an idealized, fully democratic polity. And yet, in the face of intransigent elites attempting to unilaterally impose a non-negotiable political agenda that attaches little importance to the most pressing grievances of millions of people and the most fundamental interests of future generations, we would do well to incorporate the insights embodied in the militant protester's model of civic engagement into our own ideal of democratic citizenship.

The idea that the deliberative theory of legitimacy implies a corresponding deliberative theory of civic virtue is often only hinted at by deliberative democrats. But sometimes it is explicitly declared, and even extensively elaborated. Philosopher Paul Weithman, for example, has written in virtue-ethical terms about the idea of a "deliberative character." Political theorists Amy Gutmann and Dennis Thompson, meanwhile, have tried to describe "a distinctly deliberative type of character" that "permits a democracy to flourish in the face of fundamental moral disagreement." What Weithman, Gutmann, and Thompson argue is that the model citizen should be willing to give reasons for the policies she or he favors, and to be responsive to the reasons given by others. The good citizen, they suggest, should be open to rational persuasion by strong arguments offered by those with whom she or he now disagrees.

It is easy to see how someone would regard this model of civic virtue as a straightforward implication of the deliberative theory of legitimacy.

After all, that theory claims that political decisions are only legitimate if they are the outcomes of a reason-guided public discussion. And that, in turn, suggests that, if conflicts between citizens or interest groups are to be resolved in a legitimate manner, the parties to those conflicts have to be willing to enter into just such reason-guided dialogue. Those who refuse to do so seem to be standing in the way of legitimate conflict resolution. So the idea of deliberative virtue seems to fall out of the deliberative theory of legitimacy.

But is that so? A strong case can be made that this inference rests on a confusion. Specifically, it offers a single answer to what are, in fact, two very different questions. The first question is, what does the deliberative theory of legitimacy imply about the kind of civic participation that contributes to legitimate decisions? The second question is, what does the theory imply about civic virtue under non-ideal deliberative conditions, when the background procedural context necessary for legitimate decision making is not (yet) in place?

Under deliberative conditions that make legitimate conflict-resolution and collective decision making possible, it does seem that the deliberative theory implies that disruption and other forms of protest militancy are out of place, morally speaking. This is indeed what we would want a theory of legitimate collective decision making to imply. Were it true that a decision-making process could be carried out so that the only effective force would be the force of the better argument, and so that all affected parties and relevant arguments were taken into account in a comprehensive process of public discussion, leading to a broad, rationally grounded consensus in favor of a certain decision, then disruption of this process by means of militant protest could indeed claim no credentials as a democratic mode of civic participation.

What we do not want a theory to imply, however, is that disruption has no role to play even when public discussion is marred, if not radically derailed or discredited, by the undue influence of private money in distorting the debate, or the use of racist or sexist ideologies to silence certain voices, and so on. In short, we want a theory of legitimacy that implies the need to differentiate between admirable civic responses to viable deliberative decision procedures and the very different admirable civic responses to decision procedures in which deliberative outcomes are effectively precluded by the concentration of power in the hands of intransigent elites, or by other counter-deliberative background conditions. It is just this kind of differentiation that the deliberative theory of legitimacy (properly understood) makes—what it implies about good civic conduct varies with the susceptibility of the political process to reason-guided conflict resolution.

A legitimate decision would be arrived at through a political process approximating some kind of deliberative ideal procedure, in which the conclusion adopted would reflect a popular judgment about the public interest. This judgment would have been informed by a prior public discussion, inclusive of all citizens and all points of view, and conducted in a reason-guided manner. The kind of citizen that such idealized civic deliberation would need is well explicated by deliberative democrats like Paul Weithman, in terms of the idealized notion of a "deliberative character."

But how suitable is this ideal-theoretical conception of deliberative virtue as a guide to how citizens ought to conduct themselves in political action, under background conditions that are, from the point of view of that theory of legitimacy, sub-optimal, to say the very least? Recall the situation that activist critics of the IMF or the WTO confront: an intransigent political elite that brazenly declares "there is no alternative" to the neo-liberal policy framework pursued by these institutions and the governments they serve. If, in such circumstances, we simply urge the global justice advocate to behave as if she were acting in a context that would generate legitimate decisions, we set her up for something like dupery, not civic virtue. Such an unconditional willingness to confine one's activity to deliberating, narrowly understood, would amount, as political scientist Archon Fung has put it, to "unilateral disarmament" on the part of the activist. Instead, what we need to notice is that Aristotle's point (in his *Nicomachean Ethics*) about the context-sensitivity of virtue judgments in general applies, too, in judgments of civic virtue in particular: one must deliberate at the right time, in the right way, with the right people, and about the right issues. Otherwise, we risk embodying civic vice, not civic virtue.

This necessitates that we re-think the relationship between procedural legitimacy and civic virtue, to the extent that the latter aims to have relevance in sub-optimal deliberative contexts. Of course, we could confine our theorizing about civic virtue to behavior within legitimate political processes. That is, we could confine ourselves to what philosophers call "ideal theory." But this is clearly not how any of the leading voices in democratic theory proceed. The deliberative theory is almost always advanced as a contribution to contemporary civic renewal or democratization, or a reorientation of progressive politics, or some such practical project. So implications for the practice of citizenship today seem worth identifying and drawing out of the deliberative ideal. Yet, as we have seen, this cannot be done well if it is done in an unmediated way. So, how should deliberative democrats proceed?

My suggestion is this: the key is to develop a conception of civic virtue that factors in all the elements of a comprehensive deliberative democratic theory: a theory of legitimacy, but also a political sociology of elite

intransigence and other structural barriers to effective deliberation; a package of proposed institutional innovations and reforms needed to make legitimate conflict resolution both possible and likely; and a political strategy aiming to deepen the authenticity of democratic politics by making it instrumentally rational for today's elites to be deliberatively reasonable (in the sense of being open to persuasion by strong arguments).

When we look at the notion of civic virtue in light of a theory of legitimacy that condemns much of what goes on in our political communities as corrupted by illegitimate but pervasive concentrations of social power in the hands of corporations, for instance, and which requires far-reaching institutional reforms, of which campaign finance-reform is only the most obvious, but by no means the most radical or effective, this cannot fail to effect our understanding of civic virtue. When our perspective on admirable citizenship is mediated in this way by reflecting on the need for far-reaching institutional changes, and by the strategic exigencies arising from this necessity, the notion of "deliberative virtue" will seem worse than useless in many real-world contexts. It is then clear that what is needed is a model of admirable civic engagement that reflects the imperatives of a political strategy for mobilizing forces of resistance to all structural imbalances that systematically advantage some citizens and thereby create a disincentive for them to allow the "force of the better argument" to become the guiding determinant of political outcomes.

Note that in this approach to good citizenship, it is precisely the disruptiveness of specifically militant protest that calls forth our admiration. Many deliberative democrats, notably Jürgen Habermas, concede that "civil disobedience" has a proper place in deliberative politics. But it is precisely the communicative dimension of civil disobedience—the dissenter's appeal to the sense of justice of her fellow citizens—that impresses Habermas. Not just any form of illegal protest will do. For him, civil disobedience is not about disruption or popular pressure; it is about what he calls "symbolic rule violation," carefully designed to convey to the public a principled argument that might convince a majority to reconsider its decision. Habermas' view thus rejects the very function that I want to vindicate: the pressure-effect of disruptive resistance.

What the militant protester offers us, then, is a model of civic virtue that repudiates the willingness of some citizens to refrain from exerting pressure, even in the face of (say) threats by corporations to throw people out of work unless the tax burden is shifted in ways that favor their profit margins. What we ought instead to admire is the willingness of citizens—typified by the militant protestor—to confront and to challenge efforts at counter-deliberative intimidation of ordinary citizens by elites, both with arguments, when the occasion arises, and with pressure, when it can be effectively mobilized.

At the heart of such a sociologically informed and strategically sensitive conception of civic virtue is admiration of resistance to illegitimacy, and admiration also for the willingness to seek social changes that make legitimate civic self-governance possible, including not only or especially policy changes, but also institutional innovations of constitutional, political, and economic kinds.

The point about institutional innovation is crucial here. For, in the end, what is most unsatisfying about the deliberative theory of legitimacy is the tendency of many of its leading advocates to formulate the deliberative ideal in ways that are largely uncritical of the kind of institutions that foster elite intransigence, including institutions like profit-motivated transnational corporations, international financial bodies like the World Bank and the International Monetary Fund, or the “military–industrial complex,” and so on. It is these elite-sponsored, counter-deliberative institutions that continually threaten the deliberative ideal with irrelevance, and in so doing make manifest the gravity of the moral and political imperatives to which militant protesters respond.

The structure of the problem is clear: a democratic society cannot viably stop halfway in democratizing political decisions and promoting dialogical political procedures while at the same time concentrating vast quantities of economic power in the hands of unaccountable elites whose decisions are systematically motivated by the quest for private gain. A social order founded on the privatization of economic power in the hands of an elite minority can never live up to the deliberative ideal of democracy, regardless of the procedures it uses to organize public debate. Instead, it will always need the intervention of engaged and insistent citizens who mobilize their forces to oppose and disrupt attempts by the wealthy and powerful few to impose their agenda unilaterally on the many. A true deliberative democracy, then, must also be a post-capitalist democracy. In short, it must be an economic, as well as a political, democracy.

I have argued that the implications of the deliberative theory of legitimacy, taken as one element of a comprehensive critical theory of democracy, vary depending on whether or not the background conditions for a legitimate decision-making process are in place at present. If those conditions are in place, and a decision can be made on the basis of an inclusive discussion, then the implications of the deliberative theory of legitimacy are restrictive. They imply that civic virtue is roughly coextensive with deliberative virtue *per se*, that is, willingness to offer reasons, to be responsive to the reasons offered by others, and so on. But, should it be the case—as clearly it is the case when one’s adversaries are elite-sponsored global governance institutions like the WTO or the IMF—that the conditions for a deliberative

decision-making process are not in place at present, then the implications of the deliberative theory of legitimacy for a critical theory of civic virtue are not restrictive but permissive. That is, they permit a wide range of political behaviors, consistent with the aim of putting into place the conditions necessary to initiate and carry out a deliberative decision-making process in the future. In particular, the modes of civic engagement closed off by the deliberative theory within a deliberative discussion, such as the mobilization of pressure or disruption, are not only not ruled out, but are provided with a compelling moral and political rationale, precisely by the deliberative theory of legitimacy itself, which specifies a critical standard for opposing illegitimate deliberative contexts and guides our capacity to imagine alternative decision-making procedures.

A model citizen, as the embodiment of civic virtue, will not accept that “there is no alternative” to a particular, elite-driven macroeconomic policy agenda, such as neo-liberalism. Aware of the elite intransigence that stands in the way of deliberative decision making, and attentive to the institutional changes needed in order to address this problem, she or he will insist on a strategically sensitive form of political participation. She or he will therefore draw on whatever morally permissible tactics can help to subject the political process—in the long run, at least—to the rule of reasons. And although in this respect she or he will often depart from the activity of deliberating, nevertheless in its motivation and its moral rationale, her or his activism is best understood as a contribution to a broadly deliberative-democratic political project.

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