

Dissent and Democracy

Commentary on Corredor's Democratic Legitimacy and Acts of Dissent

DAVID ZAREFSKY
Northwestern University
d-zarefsky@northwestern.edu

1. INTRODUCTION

Cristina Corredor begins with an admirably precise definition: dissent is “the expression of a point of view which is put forward as an alternative to mainstream views.” It is by definition a minority position in search of legitimacy. The aim may be to supplant the previously mainstream position or to seek acceptance alongside it. She is especially concerned with political dissent, in which the mainstream position is supported “by the political establishment, by a social majority, by a predominant group, etc.” What is at issue is not just the substance of the two positions, mainstream and alternative, but also the power relationships between their proponents.

2. VALUING DISSENT

Why is such dissent to be valued? Corredor answers that its value is epistemic, ranging from the fact that it forces us to examine viewpoints besides our own, to the fact that it compels mainstream advocates to take into account challenges to their position, to the fact that “it may help avoid discursive deficits due to bias, polarization, and the like.” This line of reasoning will be familiar to readers who have encountered either of two other literatures: Ralph Johnson’s position (Johnson, 2000) that arguers have a dialectical obligation to identify and answer possible challenges to their views, and Robert L. Scott’s essays (1967, 1976) positing that rhetoric (and, by extension, argumentation) is a way of knowing, a means by which we decide what we will regard as true about matters that are uncertain. To achieve these epistemic benefits, arguers are obligated to take dissent seriously.

3. DISSENT AND POLITICAL LEGITIMACY

But here Corredor invokes a critical distinction. It is one thing to talk about dissent as an element of argumentation theory, she suggests, but quite another to talk about its function in political reality, when legitimacy is at stake. Certainly, in political settings it often does not appear that the arguers are proceeding cooperatively in search of the best solution to a common problem. Conflict between the holders of a mainstream position and its challengers is the order of the day, and there is a struggle for power between them. It may seem that way on the surface and in the minds of the arguers, but to the analyst, the very fact that the disputants are engaged in argumentation rather than coercive means of dispute resolution suggests that at a basic level they are cooperating in agreeing to restrain their partisan impulses (Zarefsky, 2019). To say this, though, presupposes that the dispute is, or can be reconstructed as, deliberative. This is true, Corredor suggests, of some but not all cases of dissent.

Political legitimacy does not guarantee that decisions will be correct. That is more likely to be the case, Corredor maintains, if participants' attitude is cooperative rather than merely strategic. In those cases, argumentation will redeem the soundness of the conclusion. But Corredor points out that there are still a large number of cases of dissent that do not fall into this exceptional status. She employs speech-act theory in a fairly technical way that, I think, requires carefully reading, not just hearing, her paper. She notes that the natural tendency would be for the legitimate authority to dismiss dissent as prompted only by strategic self-interest and not by a quest for justice, even if it masquerades as the latter. To assure that dissent is taken seriously, she stipulates that "the onus is on the legitimate authority to assess the dissenting acts and justify its decision."

In other words, reasons must be provided not in order to justify dissent but in order to reject it. This is an interesting example of employing argumentation procedures (in this case, placement of presumption and burden of proof) to give weight to one side or the other in a political dispute. Specifically, this gives dissenting views a place at the table when final decisions are made.

4. DISSENT AND REASON-GIVING

One section of the essay is called "Political dissent outside deliberation"; there Corredor points out that requiring that dissent engage a "public space of reasons" is needlessly restrictive. She would extend the political authority's burden of proof to cover cases such as these, in order to provide the maximal conditions for dissent to be heard and to

be taken seriously. But she would require at least that “non-deliberative acts of dissent have to be susceptible to justification within a deliberative democracy, in order for them to be legitimate.” The dissenters need not necessarily be deliberative themselves, but their position must be able to be rendered deliberative; this is the limit on the acceptability of dissent. Even here, though, it is the responsibility of the advocates for political authority to show that non-rational dissent *cannot* be reinscribed as rational. This requirement calls for what van Eemeren and his colleagues call “maximally argumentative analysis” (van Eemeren, Grootendorst, & Snoeck Henkemans, 2002, p. 76), applying the principle of charity to an interlocutor’s argument so that it can be understood and examined in the strongest possible light.

Drawing on the work of Chisman and Hobbs, Corredor puts forward three tests that dissent must meet in order to be considered deliberative: the speaker must be sincere in criticism, the speaker must demand change in good faith, and the speaker’s speech act should be based on considerations of justice. These stipulations help to prevent a scenario in which purely strategically-motivated dissent is allowed to claim a deliberative status to which it is not really entitled. This is a complex and technical presentation, but it supports the author’s general conclusion that “the communicative act of dissenting can typically be a protest; but frequently ... it also conveys a critical assessment and an alternative proposal.” Such actions can be presumptively regarded by leaders as legitimate; it is their responsibility to show that such a presumption is not warranted because the dissenting communication is without redeeming deliberative value.

5. CONCLUSION

Taken together, Corredor’s analysis adds to our understanding of both deliberative and non-deliberative dissent, and it adds a caution against the temptation to assign all ambiguous cases to the realm of the non-deliberative. Presumption and burden of proof should be assigned so that we do not allow this to happen. This is an important move because it helps to keep open a wide space for dissent in a democratic polity.

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