ANGER AND EPISTEMIC INJUSTICE: EVALUATING PARTISAN DISCURSIVE NORMS FOR SOCIAL MOVEMENTS

by

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Abstract

Theories of partisanship provide norms for best articulating visions of the common good while upholding democratic and liberal practices. However, thus far, the subjects of partisan communication are centered upon parties. In this thesis, I assess how partisan speech norms apply to social movements from historically disenfranchised groups. By doing so, partisan communication is strengthened by showing discourses for social change can continue to uphold democratic values even as they seek to redefine them. I use the norms set forth in Lise Esther Herman's (2017) article "Democratic Partisanship" and draw examples throughout from the Black Lives Matter movement. While the initial principles largely apply, I argue that in situations of epistemic injustice the social movement speaker is justified in the use of angry discourse. This is on the grounds that the counterproductivity objection to apt anger creates a further situation of affective injustice. If true, this argument may have implications for operationalizing motive-cynicism and holistic claims to identify illiberal or populist speech in empirical text and discourse analysis research.

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Introduction

This project began with an intuitive puzzle. With the rise of populism and its connection to democratic hollowing and backsliding, a surge in the literature to explain and study the phenomenon has accompanied it. One major analytical tool implored in the study of populism is discourse analysis, which studies the way in which a speaker uses rhetoric, connects it to images and metaphors, and through analyzing speech patterns, we may discern the meanings which undergird the text. Thus, the project of understanding what is populist rhetoric has been used to identify instances of populism, or to measure the degree of populist sentiment in a text or speech.

I asked myself, what makes populist *speech* normatively negative? The common marks of populism in discourse analysis is an "us vs. them" dichotomy and an "anti-elite" sentiment. Right-wing populist discourse further specifies that the us vs. them divide is characterized by an ethnonationalist "us" against a "them" that does not fit into that definition. But, in a democratic society that upholds the right to criticize the government and respects political change from the people, I failed to understand how a broader characterization of "us vs. them" and "anti-elite sentiment" was undemocratic.

Populist appeals rely, in part, on the illusion of a direct communicative relationship between the people and the politician. This illusion gives the impression of communicative effectiveness and therefore improved and accurate representation. I support the view that representation is not only premised upon a communicative relationship but also a well of trust, in so far as an exact representation of constituents is unreasonable. Therefore, the objectionable, illusory component of the populist claim, is that of a *direct* channel to the people (Wolkenstein 2019). It would be foolish to believe that representatives have some absolute knowledge about

what their constituents want. Populists claim direct knowledge of something, citizen preferences, which seems fundamentally impossible to achieve. But there is nothing inherently wrong about the *idea* of a direct relationship between citizens and politicians, considering the basis of democracy is on equal representation of interests. While I agree that this direct channel is not possible, considering how attempts to make contact outside of party structures, particularly for those who have been historically oppressed by the state, is of deliberative value.

There is ample evidence to support the claim that the governing acts associated with populism are often harmful, transcending checks and balances, often moving towards a more personalistic regime in the name of the people can lead to abuses of rights and political fairness. There remains wide disagreement about whether populism is always deleterious for democracy, if there are benign versions of populism, and even if there is a populism that can bring about positive changes. While this thesis will not answer any of those questions, it will dive into the normative underpinnings of the speech analysis for upholding democratic practice of subjects from the periphery of political power. By further defining democratic speech, we may better draw a fine-grained analysis of claims characterized as populist.

In sum, I wish to address the question, Do the norms of partisan communication extend to social movements in civil society? What is the nature of the difference in communicative obligation between the two? I find that many of the norms remain but require special considerations. The scope of the subject in which I am applying the democratic speech norms is that of social movements located in political/civil society. Further, they are social movements that are situated in a democracy with a history of disenfranchised populations (more on this distinction in chapter 1). This is because theoretical literature on democratic discourse focuses on politicians and party members, however in practice, many discourse and text analysis projects

analyze subjects from civil society. A critical analysis to the current partisan models of communication which considers the implications of epistemic injustice to historically disenfranchised social movement groups, I recommend new considerations in formulating standards in the liberal component of Herman's framework. Therefore, the contribution of this thesis is twofold. First, the extension of democratic norms to a subject that is from the "outside" or the "bottom" will strengthen their validity as principles to be upheld by all in democratic society. Second, I recommend new considerations in formulating standards in the liberal component of Herman's framework (chapter 4). Specifically, I challenge her current approach to monistic claims and motive-cynicism in the service of imposed situations of affective injustice and the expressions of apt anger.

The first chapter situates the democratic discursive norms in both the liberal tradition and the emergent partisan stream. The second chapter is a negative analysis of Jeffrey Green's (2009) ocular model to demonstrate the enduring importance of discourse, a speaking public, and discussion for democratic politics. In the third and fourth chapters, I analyze the discursive standards set forth by Lise Esther Herman (2017) split with her own distinctions of the democratic and liberal upholding norms respectively.

Chapter 1: Models of Communication

Most of the literature of partisan communication focuses its attention on, if discussion and deliberation are required for a properly functioning democracy, how to mediate different partisan claims or different views which contest one another. The resulting models of democratic communication take on what I call a horizontal character. Meaning, while some of the communicative frameworks explicitly seek to include the entirety of the public sphere and civil society, the subject of the theorizing is centered on parties and intra-party partisan communication. Thus, I characterize the principles that result from such questions horizontal because, although unstated as such, the units in the model are assumed to communicate at the same level of power or on a free and equal field. Therefore, although communicative models claim to extend to all spheres of society, there is a lack of accounting for the difference in access to political power, and the possibility that this difference in power creates different normative obligations for dissent and partisan communication. Throughout the course of this thesis I hope to make clear that while the democratic partisan norms of communication largely translate to social movements, certain considerations are lacking in the models that should be acknowledged, not only to more accurately operationalize normative ideals for empirical study, but also to shed light on the nature of communicative acts between representatives and citizens.

But before detailing arguments in answer to the puzzle, I will first establish how communication is situated in deliberative democratic theory, beginning with Rawlsian public reason and then moving to the more contemporary discussion of partisan communication. Although these approaches to communication are all different, I emphasize some of their conceptual similarities to demonstrate the gap in deliberative models which exclude civil society and social movements. After identifying the common themes, I introduce in further detail the

framework set forth by Herman which represent the starting point of the discursive norms I will analyze. The last section of this chapter will introduce the scope conditions of the social movement subject for the theoretical model and differentiate some of the key terms from civil society literature.

1.2 The "Horizontal" Models: Public Reason and Partisan Claims

As stated, at its most basic level, deliberative democracy recognizes the importance of communication to the democratic process of selecting candidates and promoting a sense of representation. The importance of free flow of information in order to engage with one another in debate and conversation about political topics is present in both liberal and critical/constructivist models of deliberative democracy. But how should we communicate with one another to ensure that deliberation is possible, even among staunchly different perspectives? John Rawls (1997) created a normative model about how to conduct communication in the public sphere with respect to liberal democratic aims. He termed this normatively grounded style of discourse public reason (Rawls, 1997). Then, as a response to the perceived inadequacies with the reality of this approach to communication, what I call the partisan communication school came to rescue the model from the constraints of impartiality and rationality. Through reviewing the literature on communication in democracies I demonstrate their horizontal character and identify the primary concerns for applying them to the new relational consideration of social movements.

1.2.1 Public Reason

Rawls (1997) conceives of public reason as a part of a "well ordered constitutional democratic society" (p. 764). To engage in public reason is to articulate the reasons for a political stance, program, or approach with respect to public values (such as liberty or equality). Engaging in public reason, however, does not imply a claim to objective truth, but rather an appeal that

could be reasonably accepted by others, even if they indeed disagree (Rawls, 1997, p. 771). The requirement that the reason provided be acceptable to others is known as the criterion of reciprocity. However, it is important to realize that Rawls delineates the scope of public reason specifically to three groups: judges, government officials and executives, and candidates for public office (Rawls, 1997, p.767). Therefore, the open communication of politics in the "background culture" must not necessarily uphold the principles of public reason as it would violate freedom of speech (Rawls, 1997, p. 768). This gives us greater insight into a possible avenue of applying Rawlsian public reason to my vertical model hypothesis. Although I agree that judges and government officials should certainly strive for a certain level of impartiality in their proceedings and therefore speech, it cannot be so said for candidates for public office, who are in the business of capturing opinions and partisan preferences of voters, which, new theories of representation as well as the emergent theories of partisanship would not claim is immoral (Pitkin, 1967; Rosenblum, 2008; White & Ypi, 2016).

Rawls' hesitancy to prescribe a model of communication that extends to the public sphere or the "background culture" is that of distinctly liberal origin that dominates much of democratic theory, and is perhaps why the specificities of this relationship I aim to explore in this thesis have remained elusive. However, Rawls (1997) does concede that it is responsible and moral for citizens to imagine they are a legislator, lawmaker, or politician subscribing to the norms of public reason when giving their reasons for supporting a certain political stance (p. 769). Engaging in public reason, according to Rawls, is not only vital to upholding moral responsibility in selecting a candidate when voting, but is also vital to democratic foundations, "citizens fulfill their duty of civility and support the idea of public reason by doing what they can to hold government officials to it" (Rawls, 1997, p. 769). The invoking of civility in the language

of upholding norms of communication in the public sphere is perhaps what is most distinct to Rawls' view of public reason. While I question the usefulness of the term civility, particularly for social movement discourse, the idea of holding government officials to public reason by upholding it themselves, a reciprocal duty, remains important for any communicative act.

1.2.2 Partisan Response

The partisan literature responded to the observation that Rawls' traditional models of public reason, as applied to deliberative democracy, did not allow for sincere claims to truth which do not necessarily appeal to neutral public values. In other words, they saw these values themselves as determinable by partisan articulations of the truth rather than a set of concrete shared liberal values. Extending the representative scope of the communicative model, the partisan scholars make the subject of the partisan speech the party and a comprehensive appreciation of partisanship (meaning again, parties) was first theorized by Nancy Rosenblum (2008). This defense of partisan practice and speech took a wide-angle view of the history of partisanship and politics in the United States and spurred critical theorizing of how the model fits into democratic theory by Jonathan White and Lea Ypi (2016) and later the creation of normative standards to uphold these communicative practices (Herman, 2017).

Rosenblum (2006) writes about an appreciation of being a partisan and a member of a party, over being an independent as morally forceful in a democratic society rather than being a centrist or independent (pp. 319–320). Although Rosenblum (2006) is primarily concerned with defending parties as a political institution, she notes that the main objection to parties in political culture is their distinctly partisan nature. She takes issue with the notion of impartiality from Rawls and connects it to a rejection of centrist appeals to voters (Rosenblum 2006, pp. 369–372). In Rosenblum's view, the political desire to find the common denominator to maximize broad

appeal devalues the practice of spirited debate and deliberation between committed partisans and rather exhibits a desire for power more so than true political expression. It is essentially a rejection of the total rational communication of Rawls' public communication and other scholars have followed suit in agreement (Herman, 2016, p. 747; Mouffe, 2000, p. 22). I take issue not with Rosenblum's appreciation of partisanship and rejection of centrism, but her theoretical framework which assumes that parties reflect the partisan claims of society.

White & Ypi (2016) define the "partisan claim" as one that is both generalizable and acknowledges its contestability. Similarly, Herman (2017) says that democratic partisan communication is both "cohesive" and exhibits "respect for political pluralism" (p. 738–739). Both of these limitations in the partisan communication models serve a similar function of the reciprocity and even that of the fairly neutral appeal to public values in Rawls. In some sense, it is the upholding of liberal plurality that is of utmost concern for delimiting democratic speech among units. At this point, we can identify that models of communication tend to include a cohesive distinct claim (to differentiate from other parties) and must respect the other parties claim to their own conception of truth reasonably, which mirrors Rawls sense of civility for citizens.

However, as Mouffe (2000) points out, this acknowledgement of plurality does not mean that the democratic systems are devoid of hegemonic power and violence but should focus on "the establishment of institutions through which they can be limited and contested" (p. 22). The partisan literature is so focused on establishing institutions that preserve this plurality it overlooks that the institutions themselves at times leave out members of society and are inevitably imbued with power and values that dominate their operation. Meaning, the discursive models should be understood as well with respect to those attempting to redefine, with good

reason, the dominantly accepted values. On the other hand, scholars like Urbinati (2019) claim there is a decline of party democracy, accompanied by a general distrust of parties (pp. 1073–74) So, how does a partisan individual whether unrepresented or untrustworthy of the party, connect their communicative claims to those in power, in the spirit of respecting plurality and in pursuit of representation? Parties are certainly essential to the everyday representation of interests; however, communicative models should not stop there, particularly when discourse analysis texts are concerned with non-party actors implies how their claims are legitimate for the representative society.

There are some hints to this gap in the literature in partisan communication in that of White and Ypi's (2016) discussion of "revolutionary partisanship" (p. 164). But the inclusion of social movements or non-institutional claims of the public sphere into their communicative partisan models are not yet specified, only alluded to as a part of the same framework in theory. The authors acknowledge that the locus of partisan communication and activities are not restricted to parties, that it is not party membership which makes a partisan (White & Ypi, 2016, p. 29). However, they also reference the necessity of accessing political power which generates an interest in being a part of the party for this reason. There is a privileging of the more permanent issues rather than those deemed timelier problems often focused on by social movements, which can afford more spontaneous forms of communication and membership. It may be true, social movements have more spontaneous and fluid membership, but the time horizon objective of issues is not totally convincing. Social movements may become energized for a certain news cycle, but their appeals, while perhaps grounded in response to a certain issue, are often appealing to a broad problem of which the current event is a single instance. In chapter 3 we see this is the case with social movements appealing to a broad vision of the common good.

White and Ypi (2016) also argue that there are specific reasons to believe politicians who arise from revolutionary movements have trouble ruling for all, due to their specific interests often that are issue-based (p. 183). Although this is also not totally convincing, this thesis will largely avoid the question of activists and marginalized groups needing to be represented by their own, or the degree to which those in power should weight and implement the demands of civil society groups. I limit the scope in this way to focus the argument solely on the best practices of communication in democracy.

1.3 Herman's Standards for Democratic Partisanship

The analysis for the project at hand rests upon a framework that appears to be singular in what it accomplishes so far as the literature in which it is situated. Lise Esther Herman's (2017) article "Democratic Partisanship: From Theoretical Ideal to Empirical Standard" bridges the theoretical and empirical divide in dealing with speech norms in a democracy. With the overwhelming surge in studies that utilize quantitative text analysis, it is important that the normative grounding of the research in text and speech analysis is soundly connected to developed theoretical ideals. Herman attempts to do exactly this by outlining normative standards which can be operationalized for discourse and text analysis studies to measure and evaluate the degree to which a speaker is upholding democratic partisanship.

Herman divides the standards into two categories, those which uphold the democratic portion of liberal democracy, and those which uphold the liberal component. These normative standards will be my guideline throughout the paper. Herman (2017) is a part of the partisan communicative literature, and although along with White and Ypi (2016) she notes that partisanship does not require parties, she continues to say that her paper will focus on "those more easily identifiable communities that find an organizational expression and are thus tied

together by party support, membership, or leadership" (Herman, 2017, p. 738). So, although the standards formulated in her paper were created with party organizations in mind, she also intended for them to extend to civil society, "the discourse of party activists and leaders is a more adequate source of evidence for studying democratic partisanship as compared to the discourse of party supporters" (Herman, 2017, p. 748). Herman's references cultural institutionalism (Hall & Taylor, 1996) in the theoretical foundations of her article and claims as a result that these norms should apply throughout society, that democratic practices must become cultural practices in order for democratic processes to be maintained. However, I will during this analysis disagree that all citizens have the same normative commitments to discourse as politicians when under circumstances of repeated affective injustice and epistemic injustice.

1.4 Civil Society, Social Movements, & the Public Sphere

My argument aims to incorporate social movements from the neglected civil society realm into deliberative models of communication. Before proceeding I will differentiate some key terms in the argument. Sometimes I may refer to the public sphere in deliberative models of democracy. The "public sphere" subject represents the component of theories that include those outside of the centers of political power (i.e.: party administration and politicians themselves). The strength and drawback of theories discussing the public sphere is that the term signifies a broad range of actors including these formal political actors like politicians as well as private citizens, media outlets, civil society groups, and social movements. Models of deliberative democracy do indeed place importance on the public sphere as such as an arena of discussion and dialogue to hone their preferences and partisan beliefs respectfully. What the deliberative models do not always consider their inclusion of the public sphere however is the particularities

of the component of civil society and the norms of best communicative action that can connect them to the centers of power.

What then, is civil society? Civil society intersects with the public sphere, and it is accepted in transitional democratic studies that a flourishing civil society is necessary for a flourishing democracy (Bunce, 2000). Civil society exists between the private and overtly public life, "civil society is legal protected freedom of associational life, with associations understood to be independent of the state and to exist in the space between the family and the state" (Bunce, 2000, p. 214). These associations can be anything from bowling leagues, work related groups, to more political reading groups and social movement organizations. Some scholars differentiate civil society and political society to further distinguish involvement in public discussion, but I will use these two terms interchangeably (Bunce, 2000). It is civil society's intersubjectivity with the public sphere and its empirical need for a flourishing democracy that I believe justifies the necessity to account for it in communicative models.

Again, although serve the primary function of aggregating and articulating partisan beliefs and preferences of citizens to communicate them in institutions, the reality is that sometimes this apparatus fails, particularly in the case of historically disenfranchised populations. When it does, citizens find other ways to communicate their demands, preferences, and visions of justice to representatives, "collective action becomes contentious when it is used by people who lack regular access to representative institutions, who act in the name of new or unaccepted claims, and who behave in ways that fundamentally challenge others or authorities" (Tarrow, 2011, p. 7). Tarrow's (2011) characterization of collective action aligns with the dual model of deliberative democracy which says there is a core and periphery or dual track system in

deliberative politics. The periphery is represented by civil society and they are responsible oftentimes for bringing the issues into the core to be discussed (Gimmler, 2001 p. 24–25).

1.4.1 Scope Conditions of the Subject

Although I make reference to the case for incorporating the entirety of civil society into deliberative models, my paper focuses primarily on social movements since they are overtly political, visibly public, and although sometimes find allies in parties, are situated firmly outside the party structure and formal state institutions. The social movement is also the subject for exploring how partisan communication norms, which are mostly modeled off party structures, can extend to civil society, because social movements are the civil society organizations which would most resemble an institutionalized political party. To use Tarrow's (2011) definition, a social movement is collective action based on "dense social networks and effective connective structures", they "draw on legitimate, action-oriented cultural frames" and they are able to sustain action overtime in the face of opposition (p. 16). Parties similarly have these strong connective tissues that allow them to persist overtime. While a social movement life span may be shorter than well-established parties, their active participation, aims for political agenda-setting, and importantly partisan claim-making, make them the ideal candidate for civil society actor to compare with the communicative framework formulated for parties.

Further, I have been using the term "historically disenfranchised" to describe the type of social movements for which are most important to include on the grounds of improving representative practice. I borrow this term from Mihaela Mihai's (2013) paper which discusses the democratic state, with a history of injustice, issuing apologies to those who have been wronged. I am similarly interested in how democratic societies can improve the situation of groups historically mistreated by the state, in my case, through communication and partisan

claim-making to a state that may still systemically prejudice them. Mihai (2013) defines the subject as, "formerly disenfranchised and abused groups, groups who have been targets of physical, political, economic, and cultural violations at the hands of the state. Some of these groups still suffer repercussions of this violence in the present" (p. 202–3). To emphasize the latter point, that these groups often still face the residual injustice of their past, I chose to use *historically* disenfranchised rather than formerly disenfranchised. The reader will find that I use the example of Black Lives Matter movement in the United States throughout this paper, as this example fits into the subjectivity of Mihai's definition with the country's history of slavery and documented bias, racism, and violence that continues today.

1.5 Conclusion

The role of democratic speech in a deliberative democracy is essential to respecting the autonomy of citizens and good representative practice. It follows that the models we use to understand how speech operates therefore should not overlook the realities of power, deep disagreement, and a desire to sometimes adjust or redefine the very foundational values of democracy with respect to public reason. Hence, why it is a democratic and representative "practice" never quite arriving. If democracy relies on communication and deliberation, as well as pluralism, the structures of speech must remain open to ideas from those historically disenfranchised groups in civil society. Thus, I contend a model of vertical character, looking at the actors in relation to others of different political power will move our theoretical understandings of representation and communication further towards our contemporary political landscape.

To review, I will first tease out the importance of maintaining active civil society and dissent in deliberative models to uphold representative practices. Then, in the final two chapters I

will consider how the norms of partisan communication translate to social movements in the civil society background culture rather than parties and representatives. In turn, this will build upon the work of Herman to operationalize norms for empirical research to assess democratic partisanship for actors in civil society. Again, with the limitation of historically disenfranchised groups facing repeated injustice, the communicative obligations differ in style, but substantively remain applicable.

Chapter 2: Ocular Democracy and Communicative Participation

In the previous chapter, it became clear that although the concept of partisanship primarily focuses on parties, the meaning of the "partisan claim" is not exclusive to parties alone. The ability to articulate a proper understanding of partisanship for individuals, social movements, and those operating outside the more formalized party structure, is the way in which we can really tease out a framework that is better equipped to listen to and represent citizens and perhaps distinguish more substantively the negative manifestations of populism in democracy. However, some may take the position that communication to political representatives is futile in our mediated society inundated with information. Jeffrey Green (2009) creates his model of Ocular Democracy precisely in response to these criticisms to make, "involvement without participation" (p. 34). In this chapter I reject Green's argument based on its neutralization of the value of communication in the public sphere. I also accept some of the critiques Green levies against communicative models and propose how the explicit addition of social movements and civil society may address these problems. The ocular model or "audience democracy" conceptualizes a path for closer relations between the masses and political elites without the help of parties. However, the model Green proposes has serious drawbacks for the value of communication and by pointing out these flaws, I demonstrate the necessity of not only maintaining but strengthening the communicative models of social movements.

In *Eyes of the People*, Green (2009) develops a model of democratic "involvement" for the masses which is premised on the aesthetic image and watching. In part an apt diagnosis of political engagement in the age of instant online media and the mediatized images of politicians, it also reduces civil society and the public sphere into a singular watchful mass. The model of participation Green proposes ultimately undermines the representative practice and relationship

between the governing and the governed. I will first critique Green's model and justify the deliberative approach as a result. Then, I review some of Green's primary critiques of the deliberative model that can in part be addressed by the extending the theoretical scope to more specifically include and account for civil society social movements.

2.1 Background

The ocular model by Green (2009) allows a more direct relationship from the masses to the centers of political power, but it does so by taking away their autonomy. The new role of the public in relation to the representatives is characterized by watching as a check on their power. This is done by sacrificing the autonomy of citizens and the privacy of politicians (Urbinati, 2014, p. 205). Green justifies this move by arguing that the public is empowered anew in its role of a literal silent watchmen. But, since the public is no longer participatory in politics, their speech acts no longer carry any normative significance. On the other hand, political figures are meant to undergo sacrifices and bear special obligations as a result of their status. They must sacrifice their privacy and make themselves subject to this watchful eye of the public in an almost totalized way. This may take the form of impromptu press conferences and other measures to ensure candor on the part of politicians (Green, 2009, p. 203).

But by taking away the autonomy of the civil society, Green nullifies the value of deliberation in the public sphere. Green (2009) maneuvers away from the direct action in a pessimism that direct representation is not achievable, that there is a disequilibrium of power, proving that self-governance is an illusion or trick. However, if representation is defined not as direct but as an acting *for* which includes trust, then the absence of autonomy is what ruins the representative practice (Pitkin, 1967). For Green, an articulation of demands is no longer necessary because the politicians do not act for anyone's interest but their own. The public are

meant to check their status and select them, transforming voting into a process of elite selection, rather than an expression that is substantively partisan (Urbinati, 2014, p. 207). While Green may have a point that politicians often fail to listen to their constituent demands, the solution is not to rob civil society organizations of their voice and autonomy.

If representation is viewed as a practice, a constant iterative process, then it need not be condemned on the misconception that the people are not the legislators, as the people were never meant to be legislators. To use Pitkin's (1967) definition, "the representative must act independently; his action must involve discretion and judgement; he must be the one who acts. The represented must also be capable of independent action and judgement, not merely being taken care of." (p. 209). Although Green may not position the ocular public as being taken care of by the politicians, due to the empowerment he infuses into the sort of radical watchfulness, he does indeed take away the moral force of independent action and judgement.

Ocular democracy robs the civil society of independent judgement, but Green argues this model empowers the public in a new way too. When the public becomes the audience of those in power, their watchfulness increases candor and transparency (Green, 2009, p. 203). While increased candor and transparency are no doubt positive features, the power imbued in civil society no longer resides in anything particular about the public's perspective, or action, but merely in being present and functioning as watchmen, empty of partisan influence. This serves to also empty any need to truly communicate to those in power, simply being present is enough. By removing the need for dialogue, for speech, Green also takes away the necessity of listening. In the absence of articulating a cohesive claim, there is also little need for parties, thus successfully modeling a communication style that privileges a closer consideration of people outside institutional mediators, but the type of communication (if it can be called that even) achieved

here is empty. Rendering the public silent and non-participatory fails to uphold the notion of representation as an acting for the interests of others.

Green unmasks the belief that we are self-governing legislators and centers the disequilibrium of power that exists between the governing and the governed. However, we must not believe that deliberative systems are under a veil of ignorance that the people are the sources of the laws, when in fact, they are rarely included in the communicative models. Instead, we must accept a middling approach (like Pitkin) to representation, accepting the unique power of decisionmakers that respects citizen preferences. In fact, while civil society may not be self-governing, they are essential in bringing new problems, and re-definitions of justice and reform to the liberal system. It is not the case that if we cannot have a true *acting for* the interests of others that we must take away the public's ability to give any substantive input.

Giving autonomy of action to citizens whilst acknowledging the disequilibrium of power where ultimately the decision is still not ours, is difficult to navigate theoretically. However, giving moral force to the public simply acting as a mechanism of elite selection and silent watchmen does not satisfy independent action and autonomy and is not democratic. Yes, there is a disequilibrium of power between politicians and the governed. But this does not render the project of communicating and listening futile. The path forward to fixing deliberative models is to widen their stance, not throw out their logic altogether. The disequilibrium of power restrains the politicians in their discussions with one another to be respectful and seek compromise, while it is the job of civil society and social movements to use their autonomy, freedom, and partisan sensibilities to articulate new problems for the public sphere to take up.

2.2 Enduring Critiques of Deliberative Model

Although I disagree with the need of throwing out the representative claims that accompany a deliberative system, Green's model ultimately brings to the fore relevant and critiques of communicative models to consider as my argument moves toward amending norms situated in this structure for the inclusion of social movements. Green (2009) criticizes the deliberative model for, "hegemonic status of vocal model and people's participation as active, autonomous, decision-making force" (pp. 111–12). I identified three primary critiques levied by Green, the rationality focus of deliberative models, the speech focus of deliberative models, and the illusion of autonomy in decision-making. These flaws are real in the dominant deliberative literature that is the blueprint for partisan speech norms that result. By understanding how they are flawed, we can move toward considering new elements when extending the scope to the public sphere and social movements.

2.2.1 Illusion of Autonomy

Green (2009) points out that the people do not live under rules that they make themselves. This observation is at the root of my primary critique of the model, therefore it does not need to be reiterated much here. As stated, Green recognizes the disequilibrium of power in real decision-making between the governing and the governed. But the critique that the deliberative model gives a hegemony to the mass in decision-making is misplaced, and therefore to me does not call for the full force response that Green models. As stated, above with reference to Pitkin, the representatives can and should take the preferences of constituents into account, but it is ultimately their duty to also use their educated judgement to decide. But Green is right to point out both the disequilibrium of power, which may lead to a disequilibrium of partisan obligation (Bonnotti, 2012). Deliberative models could be improved rather than scrapped by

understanding more clearly how civil society fits into the communicative process with parties and politicians.

2.2.2 Vocal constraint

Although the passivity in the model may indeed characterize much of political agents in the mass society, Green fails to acknowledge the work of many citizens that aim to make change and have their voices heard by their representatives through both speech and action. In addressing the disconnect of the governing and the governed, Green styles the public into a watchful mass. The public sphere is anything but a single mass, and particularly social movements can be polyvocal, with many voices calling for different reforms (Ruiz, 2014). When modeling communication for social movements, the multiplicity of voices in social movements should be considered as well as the actions themselves which must be included as a part of the discursive moves to communicate with political power.

This presence of many voices requires a sense of flexibility that may work against the tradition of partisan discourse having the requirement of cohesiveness. This reality of the public sphere and social movements in civil society having multiple rather than a single voice, is perhaps why the project to incorporate such subjects into the model have been neglected. However, the flexibility and ephemeral nature of these movements are precisely why their input is valuable for democratic systems. When faced with the vocal constraint problem, perhaps the solution is to remember that there are many voices in one, and to get a clear picture of the whole discourse of a movement, we consider not just the verbal discourse, but the actions, mission statements, history, and symbols.

2.2.3 Domination of Rationality and Civility

By centering the visual, the watching, rather than the deliberation or active speech, Green (2009) argues that speech-based participation privileges rationality (pp. 203–4). This is true, even in the more passionate speech of the partisan model over that of public reason, rational argumentation is the key mechanism by which we understand debate and speech in the public sphere to maintain plurality. But rationality may also be applied to action or speech in context of larger discourses. Green is right that rationality in speech and debate, or rhetoric, can be used to conceal a political agent's true motives. However, rationality need not be a tool of the powerful only. Lepoutre (2018) agreed with this notion that rationality may become problematic when used to justify injustice, but did not find it reason to altogether demolish the deliberative model, or the use of rationality that is the backbone of it. By recognizing the so-called, hegemony of rational speech, we can move towards incorporating the often non-so-rational speech of social movements that are passionate and non-cohesive. But this does not in fact mean that they are not "rational".

Rationality rather means to be giving reasons for your dissent and partisan claims. Along with the observation asserted by Benhabib (2002), regarding the role of reason-giving and justification in liberal frameworks, that it is not against "otherized" identities[1] (pp. 140–2). Although rationality has the discourse of science and traditionalism that may prejudice certain forms of knowledge like oral tradition or storytelling, Benhabib (2002) argues that reason-giving is important for all partisan claims in a discursive interaction, even those that are marginalized and whose reasons may take an untraditional format. Rational discourse does not imply a lack of

[1] See Iris Madison Young (2000) for the argument against rationality for otherized identities.

emotion, or an expression of anger, so long as this anger is not misdirected and is backed by reasons, it is rational (Lepoutre 2018).

2.3 Conclusion

To summarize, Green (2009) is not mistaken in the assessment that the public is pacified and as a result reduces their involvement in politics to voting, an activity that increasingly becomes a theatrical and aesthetic act of identification (Urbinati, 2014, p. 212). But this is precisely the reason that communicative models must incorporate not only informal actors which exist outside of parties but also informal speech that may include unchecked emotion, action, and many voices. The autonomy and significance of an active civil society must not be discarded in communicative models, simply due to barriers between those who govern and their constituents. As Lepoutre (2018) asks in his article, almost in response to Green it seems, "what is the corrective surgery for audience?" (p. 399). One answer may be to empower the communicative capacity of social movements, organizers and protestors who take actions to shake the passivity, rather than moralizing inaction. Passivity and disengagement is real, while those who do attempt to have their voices heard to create structural and institutional change, are finding that nobody seems to listen. In sum, the first chapter demonstrated the principles resulting from partisan literature neglect civil society even though it is implied in their conceptions of justice and representation that such discourses are significant. In this chapter, through the example of Ocular democracy, I demonstrated the need to preserve the framework of deliberation and partisanship, while identifying some of the aspects of deliberative models that may require revision. The first is that there exists a disconnect in the access to political power and legislative decision making between politicians and civil society, requiring trust for the representative process and a practice of communication. The second, that the deliberative model is primarily concerned with vocal

acts of communication. For social movements, it must be explicit that action and symbolic forms are also important communicative practices. Last, that rationality and civility are commonly upheld as important in the civic discussion of partisan claims.

Chapter 3: Democratic Discursive Norms & Social Movements

The analysis in the previous chapter solidified some of the primary features that must be considered when thinking about extending partisan communication norms to social movements in civil society. For example, while the style of civility need not be tightly interwoven with that of rationality, the former is not as relevant for social movements while rationality and reason-giving for partisan claims remains important. While it is not just for social movements or the "background culture" that may wish to question civility while keeping rationality (any politician with passionate oratory may serve as example), in the case of historically disenfranchised groups, I will show in the next chapter, it is particularly pronounced. This chapter will consider Herman's three democratic norms while keeping in mind social movements and these attributes as the primary subject of analysis. It will also utilize some examples from the Black Lives Matter movement to illustrate arguments. The next chapter will move towards examining Herman's norms that aim to uphold the liberal dimension of liberal democracy.

3.1 Democratic Practice

To review, I am utilizing the framework developed by Herman (2017) as the starting point for understanding speech norms for political society and social movements in a deliberative model. I chose this framework not only because it is one of the only frameworks of its kind, but also because Herman maintains a foot in theoretical world and empirical worlds to create the standards to best assess good communicative practices. Herman references and draws from all the same relevant literature grounding herself both in liberal tradition and the more specific partisanship literature. Her framework, which is two-fold, pragmatically addresses and critiques the gap between empirical studies and normative studies in political science and calls for them to better listen to one another.

Democratic representation, Herman (2017) states, requires active participation of the represented (p. 743). Such active participation requires organization to discuss salient problems. Further, the commitment to a specific configuration of "normatively grounded convictions" is what makes these groupings of claims partisan (Herman, 2017, p. 743). Herman (2017) agrees that parties are the primary way of aggregating, articulating and sometimes even generating these convictions that nudge citizens into political participation. To foster a renewable openness to discussion, she formulates three discursive norms. The first, to "justify political action according to a vision of the common good", second, "Offering means for the realization of normative goals", and third, "Distinguishing normative goals and policies from those of opponents" (Herman, 2017, pp. 743–45),. I will respectively call these the *common good justification* and *practical realization*, and *opponent distinction* principles. In short, the democratic principles are concerned with the practical articulation of a problem, rather than how to act in relation to others. Since it is the unjust relation which I inferred called for special considerations for historically disenfranchised groups, the democratic norms are applied with little to no amendments to Herman's original.

3.2 Common Good Justification

The common good justification is a widespread communicative norm for partisan claim-making in deliberative theories. Since deliberativists see competing visions of the common good and how to realize them as the mainstay of what makes democracy work at its normative best, justification to the common good is the subject itself of the speech act. Therefore, if a social movement or member of civil society has failed to situate their expression into a broader framework of justice, equality, or some other vision of the common good, it is not in itself, participating in the deliberative model of discourse. Although this may raise problems for the

social movements that lack a certain level of cohesion, typically even if there are competing common good justifications, that still suffices for a social movement to meet this requirement. This norm makes no judgement about whether or not this appeal to the common good is adequately defended, rather it must be that the social movement attempts to situate themselves within an already established discourse that is valued by society, even as they aim to perhaps reinvent that discourse.

When a social movement situates justifies their actions and words in appeal to broader societal objectives, the discourse makes a case for how their proposed changes merit the concern of the community at large, satisfying the demand of public reason without an emotion of civility necessarily. While social movements may take up problems not addressed by mainstream parties or which have a level of particularism, if the goals are justified in relation to a common goal, it should be in the interest of all, or at least public servants, to work toward implementing those changes. This may duty is perhaps even more pronounced in the cases of historically disenfranchised populations. Navigating a balance between particularistic cohesive partisan appeal, and applicability to society, is a tension that exists not only for social movement discourse but all partisan discourse.

3.3 Practical Realization

The next norm communicative norm for democratic practice in Herman's article is the practical realization requirement. For social movements, practical realization entails acknowledging and articulating a reform, objective, or new law that the movement seeks to be put into place or work toward a more complete definition of a common ideal. In the case of social movements, historically marginalized or not, this applies without a problem. Almost any social movement, if seeking change, as an idea about how this change should be brough about.

However, social movements are not burdened with the task of carrying out this legislation, they are involved in putting it on the agenda, and perhaps building networks of support for a specific policy to be enacted. While the range of involvement in practical realization may be broad, the bottom line is for movements to situate their discourse and criticism in specific, realizable solutions. However, realizable does not necessarily mean easily implemented. Revisiting the importance of reciprocity and an ability to listen as a part of the communicative process, social movements and civil society dissenters that take the time to think through the practical implications of their proposed vision of change or injustice are likely better positioned to be heard by those in power. This is because thinking through practical aspects, even if of course not to the extend a professional politician or even party member would need to for policy implementation, shows a level of empathy and understanding not only for the politicians in power but also for the structure of governing in general.

A part of the principle of practical realization is for partisans to demonstrate agency by not only normatively justifying a choice of policies given alternatives, but also refrain from stating that certain avenues are the only choice for change (Herman, 2017, p. 745). While social movements indeed present policy goals in the pursuit of their claims, the style of their discourse may need to allow for more emotional or angry appeals in the face of repeated injustices. More on this distinction will be explained in the next chapter regarding liberal norms. But in short, the democratic norms of practical realization and common good justification are just as relevant for social movements to communicate dissent to politicians as they are for among political equals in a partisan debate.

3.4 Opponent Distinction

The principle of opponent distinction for partisan communication is also easily applicable to social movements in civil society due to the oppositional nature of the project itself. Social movements spring forth when there is an identified need for change to understandings of the common good in mainstream political conversations. Thus, social movements are the most important for civic discussions in their ability to not only set themselves apart distinctly from opponents, but to bring new points of discussion for the wider political society. In short, social movements that uphold opponent distinction should make clear how their appeal to the common good is neglected to be accepted or pursued in full by mainstream parties or current representatives. In distinguishing their partisan claim in negative critique of the current order, democratic partisan social movements will also positively appeal to why their conception of the common good is superior or more complete.

3.5 Illustrative Examples

These three norms together help mark the difference between a protest that is not interested in adding to the broader discursive conversation and those with serious attempts to communicate and amend the current system. Communication is reciprocal (Brownlee, 2004). It must account for the listener and their position in space and time relative to their own. A picketer outside the White House saying "F*ck Donald Trump" is exercising their expression, but they are not exercising a serious appeal to an alternative vision to the reality that confronts them. While a protestor, naked and yelling expletives in front of the White House may certainly garner media attention, this temporary power is not creating a meaningful communicative impact, not without the help of commentators analyzing and interpreting the action at least. However, an emotional appeal like ACAB (All Cops are Bastards) that seemingly has little nuance or

alternative vision and justification of common good in it, may, in connection to the broader movement discourse contain those nuances. Thus, is the difficulty of the polyvocal subjectivity of social movements.

A more empirically grounded illustration of the democratic principles can be elucidated through the example of the Black Lives Matter (BLM). Although encompassing more than the official organization, BLM was officially founded in 2013 in response to the death of Trayvon Martin and the acquittal of George Zimmerman and responds to instances of racially driven police brutality in the United States ("Herstory"). BLM satisfies the common good justification, in their appeal to recognizing the humanity of Black Americans ("About"). BLM believes all citizens are entitled to equal treatment and dignity under the law and enforcement of laws. They are able to point out how the current system does not uphold justice in policing by critiquing the institutional measures that protect policemen that enact violence as well as the justice system's inability to punish police for these crimes. In addition, BLM points out Federal data from the Justice department which supports police are far more likely to stop Black Americans compared to white in routine traffic stops (Ingraham, 2014). Since the movement is made primarily of a systematically marginalized segment of the population, the importance of situating their appeals into the broader good aided in their credibility as a non-institutionalized actor attempting to have their voices heard. Although there is nothing specific about historically disenfranchised groups that requires them to situate their claims into the common good. Thus, while they may engage in emotional appeals due to the injustice they have endured, their commitment to communicating and appealing to the liberal democratic foundations maintains their upholding of democratic partisan norms.

BLM has also proposed possible avenues of realizing their vision, some of which were more easily accepted by political parties and politicians than others. While Black Lives Matter is a specific organization, BLM also represents a movement greater than the official group, containing citizens with diverse beliefs and differing views on how best to address the problem of police brutality in the United States (Alcindor, 2016). Some activists demanded the disbanding of police forces and that law enforcement should be transformed into community policing. Other demands included abolishing the death penalty and enacting reparations for Black citizens. Many of these demands did not gain traction in the mainstream discussion of these issues. But the wide range of policies and their intense commitment to expressing the need for all of them, made policymakers, politicians, and representatives aware and pressured to at least adopt some of the proposed ideas after understanding the need for such protections such as implementation of body cameras. In places like Baltimore, which also saw protests after the death of Freddie Gray in police custody, body cameras were implemented in 2016 ("Body Worn Camera Basics"). The presence of many ways to address the problem, while all acknowledging the main issue and need for change, upholds the principle of practical realization.

3.6 Conclusion

The example of BLM shows that social movements often represent the interests of those that are historically unrepresented in the party structure and can use the social organizing strategy to communicate their needs. In this case, these movements in the United States did uphold the democratic best practices for partisan communication even as they contain a multitude of voices in a single movement. In short, the democratic norms for partisan communication need no revision for understanding the relationship between politicians and civil society social movements, whether historically disenfranchised or not. I will continue with this

example in the next chapter to evaluate the norms which uphold the liberal dimension of democracy. The most substantive part of my argument, I propose stylistic amendments to Herman's standards to accommodate a flexible format of speech for civil society and respects the status of epistemic injustice and broken trust between social movements and politicians.

Chapter 4: Liberal Discursive Norms & Social Movements

In the previous chapter, the principles for best communicative practice needed little revision to apply to social movements. This is because they are focused on the expression of a partisan claim, rather than the relationship between the speaker and the hearer. In this chapter, I continue to analyze the principles which uphold the liberal aspect of liberal democracy. In the case of including social movements, the chief difference comes in the relationships of injustice in regard to their discourse itself between the state or representative and the speaker. In this chapter I will introduce the idea of epistemic injustice, apt anger, and affective injustice as components of discourse not unique to but certainly prevalent in the situation of historically disenfranchised social movements.

There are three attributes that Herman (2017) draws from normative literature to operationalize upholding liberalism in speech for the purpose of evaluating discourses. The first, is treating opponents as moral equals, meaning we may disagree with opponents, but still see them as committed to the common good and that they act with "mixed motives" (p. 746). The second, is acceptance of claim-making as partial and temporary. This norm is meant to guard against the authoritative and populistic claims, it emphasizes that a good partisan discursive practice will not make claims that only themselves or their party can represent a certain cause or solve a certain problem (Herman 2017, pp. 747–8). In short, partisan discourse should not shut out the possibility of dissent and disagreement. The final attribute to uphold the liberal dimension of liberal democracy set forth by Herman is to show respect for the liberal democratic framework. Although perhaps casting a wide net with this last indicator, Herman (2017) further explains that respecting the liberal democratic framework entails, not questioning "the

fundamental common good in democratic societies" and to not question "the legitimacy of democratic institutions or the outcome of democratic procedures in their discourse" (p. 748).

In the following section, I explain how epistemic injustice for the speakers of social movements justifies different discursive obligations in the expression of anger and in particular, which can take the form of motive-cynicism (section 4.2) and monistic appeals (section 4.3). Then each principle is discussed and stylistic amendments are proposed with justification and examples from Black Lives Matter. I find that while the norms generally apply, some of the wording is not adequate for civil society actors, particularly when operating on unequal footing in communicative relationships, the problem of broken trust for representation and epistemic injustice as a pervasive problem between civil society and political decisionmakers.

4.1 Epistemic Injustice

One relevant way in which the speaker and hearer may not be equals, or that their relationship is complicated by in the politician and social movement scenario, is that of epistemic injustice, particularly in regards to applying these liberal norms, for which I will expand upon later. Coined by Miranda Fricker (2007), epistemic injustice refers to a situation where the knowledge bearing of the speaker is called into question (they are pre-judged) due to a disparaging and widely held stereotype (p. 35). Important caveats to note are that stereotypes code our prejudices as a heuristic and they are not always morally culpable (Fricker, 2007, pp. 16–17). In fact, according to Fricker, stereotypes are simply associations between a group and a trait (or traits). These associations can be positive or negative in nature, as well as empirically reliable and unreliable or distorting. Prejudice, as resulting from stereotypes, is therefore not always a result of a consciously held belief, in fact, a feminist individual may unknowingly engage in acts that are epistemically unjust to other women, due to the stereotypes of women that

permeate social imaginary. Therefore, epistemic injustice is a pervasive phenomenon and may occur undetected in just about any scenario or environment. However, I am interested in how epistemic injustice may prevent civil society social movements from engaging in free and equal expression and discussion with politicians.

4.1.1 Epistemic Injustice and Social Movements

Epistemic injustice impacts the communicative relationship between government and citizen, particularly historically disenfranchised citizens. In the partisan models of communication, discourse is not meant to be expressed so that the listener agrees totally, but rather for them to hear the testimony and consider it in relation to their own conception. When there is a situation of epistemic injustice for a social movement, the expression is distorted before the hearer can even consider its merits fully. In addition to this, the social movements may face a double disadvantage of when it comes to communicating and being heard by political leaders. Both, already pursuing lines of communication outside the institutional channels of a party, and the block to communication associated with testimonial injustice (Fricker, 2007, p. 40).

Remember, the social movement is for its communicative advantages and disadvantages, a polyvocal whole. The discourses and speech acts of social movements should be taken as a diverse collective. In the case of social movements, the speaker embodies a multifaceted identity to the hearer. The speaker may be a privileged identity that matches that of the hearer, for instance, white and male, and in theory would not face the testimonial injustice of identity. However, if this activist is advancing the cause of BLM, they are also invoking the social imaginary of images associated with the movement and the people it aims to advance, those of a historically disenfranchised group and therefore may still face an unconscious testimonial injustice where their role of knowledge bearing is not taken seriously

4.1.2 Epistemic Injustice and BLM

Black Lives Matter (BLM) suffers from epistemic injustice in their communicative acts to political leaders. The first, ingredient of this, as stated before, is that of stereotypes. Stereotypes, again, are important because they contribute to not just social power but also identity power (Fricker, 2007, pp. 14–16). Identity power is integral in a testimonial exchange because the hearer uses it (and its social stereotypes from the social imagination) as a mental shortcut in assessing the validity of the speaker's statement. These stereotypes can create an excessive amount of credibility or a deficiency (Fricker, 2007, p. 18) and when repeatedly are distorting and disadvantaging are considered testimonial injustice whereby the speaker's claims are undermined in their validity unjustly.

In the case of Black Lives Matter, operating in an American context and social imaginary, the stereotypes are historically entrenched and with that history comes pain and suffering for Black Americans. Thus, BLM itself is both a response to injustice (including the epistemic kind) and a victim of such injustices itself. But the injustices we speak of here are distinctly about communication being taken seriously as a knower. As argued before, even if the movement itself is diverse and not entirely of the identity they seek justice for, it carries the same signifiers in the social imagination as those of Black Americans. BLM has international support, (Mallard & Lawson, 2020) when I speak about the interactions of BLM as a collective discourse, it is about the discourse of those oppressed individual at stake which are being supported and represented by others. In the particular case of BLM, the many negative stereotypes employed in explicit ways could fill a book, nonetheless those that are done unconsciously and undetected. I will single out disparaging stereotype in the American social imaginary about African Americans that are relevant to the case of BLM. This stereotype is the false but pervasive and often

unconscious perception that the communications from a black individual (particularly women) are conveyed as angry or threatening (Jones & Norwood, 2017).

The perception in American consciousness of the image of the angry black man/woman has persisted through many generations, whether consciously held or not. Lepoutre (2018) makes much of this in his article which addresses the epistemic validity of anger. However, in the case of BLM, it is relevant as a disparaging stereotype in the social imaginary in two ways. The first, being that this stereotype is itself part of the problem of police brutality, and the claims from white officers that they "fear for their life" (Haag, 2018). The second way is that these stereotypes are then attached to the social movement, further prevent functional communication as protests are termed (sometimes rightfully sometimes not) riots. There are other examples of stereotypes that contribute to the epistemic and testimonial injustice to BLM movements by mainstream media and politicians, but the important point is that these stereotypes are carried over and then create blockages of communication for the movement itself to those with access to power. The attribute of anger, whether true or not, contributes to a credibility deficit because the protestors and activists are seeking to be believed about injustices they claim to be facing with evidence (Fricker, 2007). If the activists are already perceived as untrustworthy, their attempts to communicate become even more difficult.

4.2 Opponent as Moral Equal

Herman's second liberal norm to be evaluated in the context of civil society social movements facing epistemic injustice is to treat opponents as moral equals. Herman draws upon Gutmann and Thompson (2010) about assuming, not that opponents have pure intentions, but rather mixed intentions that are not entirely negative or positive. They argue that we must assume politicians are not solely acting for political gain, but also acting in concerted

commitment to a vision of the common good. It may be relevant to note that Gutmann and Thompson (2010) are specifically referring to instances of political compromise as a mindset for governing politicians in their article. Compromise is important for partisans with access to political power and a need to take a specific action, not as much for partisans simply engaging in a dialogue, much less those with little access to directly access political power, much less those who have experienced injustice on account of their credibility and testimony of that injustice. For example, imagine a debate team that always seeks to compromise with their opponent. It would defeat the exercise of spirited debate in the first place, which is to express to the best of your ability the reasoned argument for a specific position as being better than another. However, in the case of a model UN competition, compromise is the name of the game, for there is a specific action to take or problem to be solved and all actors have a share of power to shape the actual policy outcome. Thus, is the difference at stake here. Even further, although social movements are involved in debate and problem-solving, often their primary goal is to get certain issues into the mainstream debate itself. To do this, a discourse that does not necessarily assume good intentions of the opponent may be justified.

4.2.1 Motive Cynicism

Next, an important consideration that is particularly relevant for social movements (although not exclusive to them) as partisan speech actors is that they have a double opponent in the context of discourse. The opponent with which their movement issue aims to attack, which could be a specific group of people or a systematic practice. I will call this the substantive opponent. Their second opponent is the political representatives and party leaders, district attorneys, those in the liberal democratic institutional structure with access to political power to enact changes the movement wishes to achieve. I will call these the political opponents. I argue

that motive-cynicism for the substantive opponents is acceptable, while the potential for moral equality or mixed-motive assumption should be maintained for political opponents. My treatment of the substantive opponent will be reserved for the discussion of the next principle, partial and temporary claims.

Although social movements may not have a focus of compromise with political opponents, this must not imply a lack of a certain level of respect for the opponent themselves as a moral agent. But, in the case of social movement groups that have faced injustice (whether it be epistemic injustice or otherwise) the speech grounds are not operating freely and equally. Therefore, the role as knowledge bearer is called into question and the ability to engage properly in a debate where their viewpoint is heard and understood in good faith is hindered. While this is true not just for social movements, it is almost universally applicable to social movements that being from a place outside of mainstream acceptable views in political arena.

At the heart of Gutmann and Thompson's (2010) argument, cited by Herman for this norm, is to foster a mutual respect to build trust as essential to democratic politics. For, if we assume all politicians are acting in bad faith, then how can we have a system of representation to begin with? I agree that all subjects should consider their opponent from the beginning as having mixed motives. However, it may happen in instances of repeated broken trust and epistemic injustice that a social movement activist has good reason to be suspicious of the motivations of political opponents. This broken foundation of trust leads to the further question of whether a speaker subject of a social movement can assume politicians to have totally negative motivations while also respecting them as a moral equal. My answer to this is that they could not. However, I would propose it is essential for civil society subjects that are victims of epistemic injustice to

still consider the *potential* for their opponent to be their moral equal. I will elaborate by continuing the example of Black Lives Matter in the next section.

4.2.2 Moral Equality of Opponent and BLM

In the case of Black Lives Matter, those seeking justice for police brutality and structural racism have certainly suffered epistemic injustice and as stated is often marked with the unfair stereotypes as untrustworthy and threatening. Testimonial injustice, according to Fricker (2007), occurs when a hearer discredits a speaker in light of evidence to the contrary about such stereotypes. In the case of police violence against the Black community in the United States, family members of the deceased and BLM activists continually are discredited despite evidence in the form of video of the violence occurring and they continue to lack justice for many reasons, from the 'Blue Wall', to other institutional collective bargaining practices making it difficult for these victims to find justice (Rushin, 2017). Lawmakers and politicians have proved time and time again that they cannot enact police reform that prevents these acts of violence nor can they evict and bring the perpetrators of violence to justice.

The breakage of trust and injustice by those in political power toward their constituents eradicates an ability for mutual respect. The testimonial injustice coupled with a deficit of trust combines to communicate a marked lack of respect toward Black Americans. Having faced systematic injustice, they are rightfully suspicious that those who represent them do not simply have mixed motives, but rather motives that are, at the very least, totally unconcerned with them. Melissa Williams (1998) supports this sentiment in her discussion of trust and its role in representational relationships, "Repeated betrayal of marginalized group interests through history produces profound and often reasonable distrust of privileged groups" (p. 149). While this lack of mutual respect may prevent or at least in my view eradicate the obligation to view the

opponent as a moral equal, as the reciprocity as broken, it does not either allow for free range of speech and action.

The BLM activist, even with the shattered trust and injustice inflicted upon them, must, allow and respect the *potential* for their interlocutor, in this case politicians and political authority, to have equal moral status. The heart of Herman's suggestion that we respect as moral equals, is that the act of communication is otherwise futile if we do not see the other side as being able to engage in good faith with us. This support's Benhabib's (2002) argument that the principle of universal respect (along with egalitarian reciprocity) is essential to a discourse ethics. She defines universal respect as recognizing the right of all beings as capable of speech and action to participate in moral conversations (p. 106). While in the case of social movements, like BLM which have undergone epistemic injustice, it may not be necessary to go so far as to expect them to assume mixed-motives of an opponent, they may still uphold in their opponent's capability of understanding their grievance. This is important, not only because their campaign to be heard would be otherwise rendered meaningless if they do not expect their opponent to be able to hear them, but it also respects their opponent's ability to reason and engage in deliberation.

How does this play out in real discursive terms? While a BLM activist may not respect the moral status of their opponent, they must respect their ability to become one. This aligns with the principle of reciprocity and the pursuit of spirited debate and discussion. So, if an activist is rightly engaging in motive-cynicism, how is the potential for moral equality demonstrated? Through action, and through also their opponent showing that they are listening. Although a BLM activist may assume the worse intentions of a mayor or attorney general to convict a police officer, due to history of failed charges to justice, by signing petitions and protesting in direct

appeal to those in power to change the situation, they are legitimizing those bodies and institutions ability to act and do the right thing. In short, by providing the opportunity for institutions and political figures to build back the broken trust, they are expressing a willingness for their motive assumptions to change.

4.3 Partial and Temporary Claims

Herman states that pluralist partisan should avoid monistic claims and appeals that express only their party can solve a problem or that there is a single solution to a problem. In this attribute Herman refers to the need to uphold dissent and plurality in a democratic society. On one hand, a civil society social movement is precisely the example of dissent that democracy is meant to allow for, on the other hand, how does a social movement accept the plurality of claims against their specific goal? Let us again take the BLM example. BLM attempts to rearticulate what justice means in a democratic society from the outside, since justice as defined legally and culturally, now, fails them. The appeal to justice is the appeal to overarching norm.

As a result, a BLM activist may call for the abolition of police forces and to defund the police. Now, there of course are other avenues of police reform. It is reasonable to expect a BLM activist to accept that there are other avenues of police reform, however, it would not be reasonable to ask them to accept that the police do not need any reform at all. This is because of reason-giving debate in the issue at hand. The opponent, whether it be a competing organization or the politicians, would have to ignore a large swath of evidence from empirical reality in order to claim that police forces in the United States do not need reform. Thus, it is reasonable to expect social movements to accept the general idea that all are entitled to a voice, but it would not be reasonable to expect them to respect particular voices that seek to invalidate their position of knowers.

This brings me back to the position of substantive opponents versus political opponents of the social movement. All social movements, in their rhetoric, have an opponent they are fighting against. For BLM, it is racism and corruption of police. For a different movement like the Tea Party, it would be fighting against a big government spending and taxation. In the case of these substantive opponents, it is acceptable for social movements to engage in holistic appeals to make their protest heard. These appeals, again, are backed by reasons and context to justify them in the public discourse. This is particularly the case for movements that are fighting for their definitions of the underlying liberal principle to be accepted by mainstream parties and politicians. Further, in the particular case of historically disenfranchised groups, monistic claims can be justified on the grounds of avoiding affective injustice and the use of radical language, perhaps angry language, has an epistemic benefit for those on the margins to break through to their listeners with access to power when in the context of significant injustices (Lepoutre, 2018). Emotional expressions of anger, particularly as a tool of those on the margins, can help the audience understand the situation of injustice, so long as this anger is not misdirected (Lepoutre, 2018, p. 411).

Here is an example of a speech fragment often chanted at BLM protests, “No Justice, No Peace, No Racist Police” (Shen & Krauss, 2020). Here, we can observe both motive cynicism and the type of holistic appeal with which I am concerned as useful in social movements. The holistic appeal here, is substantive to their movement’s description of justice, that justice, is tied up with the system of policing and racism. This phrase also demonstrates motive-cynicism on the part of police, by attaching the descriptor of “racist”. They are by no means shutting out the existence of other claims to justice but are firmly committed to a strong expression of their vision

of justice. These holistic claims are rather in the service of upholding to liberal principles and appealing to their institutions.

4.3.1 Affective Injustice and Apt Anger

Although different, the principle which calls for the condemnation of holistic appeals, if operationalized without nuance or context, could overlook an important discursive attribute particular to historically disenfranchised social movements. This is the use of anger in speech and discourse. Much of the debate around anger in public discourse is condemned on account of the counterproductivity objection (Srinivasan, 2018, pp. 125–6). Meaning, that anger, even if apt, makes the public discourse degraded or overall contributes to the epistemic injustice problem, causing a block in communication. Apt anger means that the anger is not misdirected, and that the emotion matches the action which has caused the emotional response. However, Amia Srinivasan (2018) argues that, "such conflicts – where victims of oppression must choose between getting aptly angry and acting prudentially – themselves constitute a form of unrecognized injustice, what I call affective injustice" (p. 127). Although I maintain the Rawlsian requirement of reason-giving, the character of civility which often accompanies it should be rejected in cases of historically disenfranchised groups, as the choice between being angry and improving their situation is a situation of injustice.

Here is an example. In the case of a professor always mischaracterizing your views in class discussion, he eventually gives you a bad mark on a paper, which to you, is a material manifestation of the history of mischaracterization. Perhaps you are angry at the professor but can easily put the anger away to address the problem of the bad grade to them directly. The anger, although apt, is set aside so you can improve your condition, in this case, the bad grade. In the case of Black Lives Matter, Black Americans face microaggressions of racism in their daily

life. Perhaps they can or cannot set this aside to go about their day and live their life. In the case of the murder of a Black man or woman at the hands of police, it is revealed that this more physical manifestation of the injustice is happening repeatedly and is a part of a structural issue. The bad grade example, does not connect to a history of students unfairly getting bad grades to create a systemic problem, most of the time, if we take the example in a vacuum, professors give grades as fairly as they can and this was an aberration. But when an event is revealed to be a part of a whole systemic problem, based upon something that happens to people over and over again to those who share your identity, it becomes a situation of epistemic injustice rather than an instance of testimonial injustice. To ask this speaker to weigh anger over efficacy, transforms the situation into one of affective injustice.

This distinction matters for those working to address systematic problems in a democratic society. The social movement experiencing epistemic injustice must not necessarily accept the view itself that there are better ways to solve the problem, but rather accept the presence of competing visions of addressing the question of justice in other partisan claims in the spirit egalitarian reciprocity. Rather, egalitarian reciprocity entails "same right to various speech acts, to initiate new topics, and to ask for justification of the presuppositions" (Benhabib, 2002, p. 107). In the case of coding for monistic claims in speech analysis, it would be wise to understand generalized or angry discourse in the context of the reasons they give for their expression, before writing it off as monistic or populistic.

4.4 Respecting Liberal Democratic Framework

Last on the list of attributes, Herman (2017) covers all bases, by stating that a pluralist partisan respects the liberal democratic framework, and therefore respects the "boundaries of the common good broadly understood" (p. 748). She writes that when opponents violate these

foundational principles and institutions they cease to be respectable adversaries, and that "by undermining the vocabulary that pluralist partisans have in common to settle disputes, they [partisans who violate foundational principles] effectively destroy the ground for civic trust and mutual understanding that is necessary for the unity and stability of democracy" (Herman, 2017, p. 748). There are two key considerations when thinking about respecting the liberal framework in regard to social movements and epistemic injustice. First, is that it may be the case that politicians have violated this civic trust in the repeated situations of injustice or themselves be operating under definitions of foundational principles that leave out certain groups. And second, that this albeit perhaps unconscious complicity in injustice reinforces that the foundations of liberal democratic framework are themselves meant to be renegotiated, rearticulated, and reimagined.

The question of if epistemic injustice is itself a violation of the general principles of the liberal framework is relevant, particularly since these types of testimonial injustices permeate our everyday reality undetected. More research on epistemic injustice and the specificities of the liberal framework's foundational and common principles needs to be carried out in order to fully answer these questions. However, as stated in the previous sections, there is evidence that the lack of mutual respect implied by epistemic injustice amplifies the obstacles civil society social movements have for communicating on equal footing with politicians. If this sort of violation, as Herman says, totally destroys the ground of civic trust, which I imply it does to some degree in the cases of repeated injustice, then it is further corroboration of the claims I make that the social movements may not be held to the same discursive standards which imply civility. However, it may be going too far to then decry these institutions as violations of the liberal standards, it is better to note that liberal institutions themselves are inherently imperfect and contain injustices.

Social movements rather seek to demonstrate how their cause is truly in line with and supported by the principles politicians and other institutional representatives claim they stand for in a liberal democracy. Again, I will take the example from Black Lives Matter, "No Justice, No Peace, No Racist Police". Justice is a foundational value of liberal democracy, that all committed partisans should subscribe. By invoking justice, BLM activists link their struggle of racism, and their reason for protest, to the lack of justice they are receiving. Traditional forms of justice in the US would say that police are those who do their part in upholding justice by arresting criminals. However, "Because of the persistent power of racism, 'criminals' and 'evildoers' are, in the collective imagination, fantasized as people of color" (Davis, 2003, p. 16). When criminals themselves are associated in the American imaginary with a specific identity it becomes more clear how epistemic injustice impacts those with that identity when speaking.

This brings me to the final point, that the reality of the liberal democracies is the constant renegotiation of what these common principles mean, since they will be inherently unjust and riddled with the imperfections of social imaginary that create and maintain epistemic and systemic injustices for certain groups. I must agree with the observation of Shklar (1990, p. 17) that perhaps injustice, rather than justice, should be modeled as our social baseline. When does the necessity for renegotiation reach a point to say that the original bearers of justice were indeed not upholding justice sufficiently? Herman herself acknowledges in a previous section citing Lefort (1988), "the emergence of democracy stems from a moral revolution, 'instituted and sustained by the dissolution of the markers of certainty'" (Lefort, 1988, p. 19; Herman, 2017, p. 747). Perhaps if liberal theorists can admit that the liberal boundaries require constant change, they can admit the liberal boundaries are themselves inherently unjust. This does not mean we must do away with them, but rather than accept the institutions as they are (which Herman

implies in this section), we must question them, with the tools of deliberative norms that these scholars so carefully outline.

4.5 Conclusion

In summary, Herman's three norms for upholding the liberal aspect of democracy have mixed results when testing their application to civil society social movements. Assuming moral equality of opponent, needs revision to mean that the actors assume the moral ability of their opponent, rather than their actually perceived moral equality, which is often not on a level playing field and has undergone repeated injustice which breaks the trust for assuming positive motives. For the second, accepting partial and temporary claims, remains applicable, but it should be emphasized that historically disenfranchised movements often make partisan claims that could be holistic claims expressing anger to the injustice they face, which does not invalidate the existence of opponents and competing views but challenges their correctness. And last, the respect of liberal democratic framework is accepted for social movements too, however the way in which Herman justifies and articulates this norm is to me incomplete and perhaps misleading. Accepting the liberal democratic framework should mean questioning the institutions, not acceptance, as injustice is a reality of this framework and it is the partisan duty to constantly analyze how institutions are or are not upholding and protecting these fundamental ideals for citizens.

Conclusion

This thesis aimed to re-evaluate the democratic partisan norms of communication for civil society, by focusing on social movements as the speaking subject. While the norms mostly apply, there are some stylistic changes in the liberal half, rather than democratic half for the social movements that are historically disenfranchised. By focusing on historically disenfranchised groups, the analysis highlights the contestability of politics and that the process of representation and legitimation is constant and iterative. Since the principles for upholding communicative practice were modeled primarily on parties as the subject, but communicative practice is essential for all segments of society, this thesis has added to a discussion about the limits of speech for civil society that respects freedom suggesting best practices for communication in democracy.

The partisan literature at times with its emphasis on parties, undertheorizes what it means to accept other views or to accept the liberal framework. Partisans are no doubt emotional in their appeals too, but historically disenfranchised social movement groups have special reason to not be restricted in their expressions of anger at injustice in discourse, which may express itself in holistic claims or as motive-cynicism. Certainly, like any liberal framework, they need not accept or even perhaps respect the view of the opponent, but rather accept that their opponent will exist in opposition. With these stylistic amendments, the empirical study of discourse and text from social movements can be strengthened, particularly when it comes to distinguishing populist speech and illiberal speech.

Rather than assuming mixed motives of an opponent, a social movement activist may perceive only bad intentions, but must accept their capacity to be good-intentioned and a moral equal, for them to listen, for the discourse to remain reciprocal. This occurs when representatives

have continually failed to uphold liberal foundational norms for certain groups, and therefore deplete the trust needed for the practice of representation. Social movements continue to uphold the liberal democratic framework by being critical of how politicians and parties choose to articulate and enact their visions of the common good, "Only when new groups claim a right that had initially excluded them do we understand the fundamental limits of every rights claim within a constitutional tradition, as well as that claim's context-transcending validity" (Benhabib 2002, p. 130-31). As a civil society group, social movements will inevitably contain more emotional and radical appeals to the common good than their public servants. But only when these appeals are put into context with the movement with which they identify, we can begin to evaluate if they uphold liberal democratic communication norms. Thus, an implication of this work is that text and discourse analysis projects should review classifications of populist claims or illiberal speech to consider the context and the historical background of the speaker. If automated analysis has been used to code monistic appeals or motive-cynicism, an additional review could be recommended to evaluate if the claim springs from apt anger as a response to epistemic or affective injustice.

This discussion has focused on social movements that first maintain the democratic norms that also make clear how their claim connects to the goals of society and how their opponents are not adequately living up to that goal. For these movements and their role in the communicative model for democracy, it is essential that they are recognized and legitimized as much as mainstream parties, particularly for their ability to push forward the public conversation on issues that matter for all of society. Social movements and civil society have always been included in communicative models but centering them in the analysis is the novel contribution of this thesis. As empirical political science continues to analyze the text and discourse of social

movements or single activists, the grounding in normative frames that understand the specificity of their position in the communicative structure is necessary. Even if the norms differ only in style, my hope is that this analysis will provide important guide for those seeking to do text and discourse analysis for social movements, that are sensitive to both the dangers of populistic monistic appeals but also sensitive to the need for radical claims to find the more complete definition of liberal ideals.

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