

Medina, José. *The Epistemology of Protest: Silencing, Epistemic Activism, and the Communicative Life of Resistance*.

New York: Oxford University Press, 2023. Pp. 450. \$99 (hardcover).

José Medina's *The Epistemology of Protest* is in some ways a continuation of his earlier book, *The Epistemology of Resistance* [New York: Oxford University Press, 2013]. Specifically, he elaborates on his earlier argument that we have distinctively epistemic responsibilities to develop resistant ways of understanding and imagining, which can make us sensitive to the exclusions and mistreatments of others. Here, Medina argues that we can engage in 'epistemic resistance through practices of activism' (5). These practices include political protest, which 'is a complex mechanism for collective learning and public inquiry that typically proceeds through epistemic friction among perspectives' (6). However, protest is often difficult, even in democratic societies that formally confer upon individuals the freedoms of assembly and expression. Existing oppression – such as classism, racism, sexism, homophobia, and transphobia – can 'make it very difficult for certain groups to be constituted as a protesting public, to express themselves, and to secure proper uptake for their protests' (2). To mitigate these difficulties, we have obligations to 'give proper uptake to protests and to communicatively engage with protesting publics in all their diversity, without excluding or marginalizing radical voices and perspectives' (5).

Medina debunks the misconception of protest as only having 'epistemic value as an instrument of public information and persuasion' (2). According to this view, protest is merely a mechanism through which activists deliver their message to the public. In contrast, he offers a theory of the intrinsic communicative and epistemic value of protest. It is during and through protest that the collective identity of a protesting public is constituted (or re-constituted), new understandings and visions are articulated, and our sensibilities and imaginaries are transformed. In this respect, the book nicely complements other recent work examining the potential of collective movements to challenge and change our imaginations and understandings (including Erin R. Pineda's *Seeing Like an Activist: Civil Disobedience and the Civil Rights Movement* [New York: Oxford University Press, 2021], Michele Moody-Adams's *Making Space for Justice: Social Movements, Collective Imagination, and Political Hope* [New York: Columbia University Press, 2022] and Christopher J. Lebron's *The Making of Black Lives Matter: A Brief History of an Idea, Updated Edition* [New York: Oxford University Press, 2023]).

The book is divided into two parts. Part I (chapters 1 to 3) articulates Medina's general theory of protest as a matrix of communicative resistance. Chapter 1 argues that we have a prima facie duty to protest – where that is understood as 'communicative resistance against injustice' (19). This duty extends to civil and uncivil protest. Indeed, it is a 'duty to protest by any means necessary and appropriate to the circumstances', subject to 'some important constraints about proportionality and minimizing violence' (22). We also have a duty to give proper uptake to felicitous protest. Here, Medina follows Matthew Chrisman and Graham Hubbs' speech-act analysis ("Speaking and Listening to Acts of Political Dissent", in Casey Rebecca Johnson (ed.), *Voicing Dissent: The Ethics and Epistemology of Making Disagreement Public* [New York: Routledge, 2018], 164-181), which articulates three felicity conditions of political dissent: (i) sincerity in disapproval, (ii) good

faith in making demands, and (iii) being based on considerations of justice. Medina argues that ‘all felicitous protests against ongoing injustices elicit a duty to listen to them’ and, further, that felicitous protests against grave injustices elicit a duty to participate in the protest (25). As part of our efforts to discharge these obligations, we incur epistemic meta-obligations, *inter alia*, to cultivate the virtues of active listening (38) and vigilance and open-mindedness (40). Of course, it is impossible for us to attend equally to all felicitous protests. We can prioritize some protests over others based on the severity of the injustice being protested (43) and the degree of persistence of the protest (44). Within such protests, we should focus on the voices of the victims or those oppressed by injustice (49).

Chapter 2 argues that under conditions of communicative injustice, protest movements can legitimately resort to uncivil protests to be heard and to resist public and institutional insensitivity. By legitimacy, Medina appears to mean the ‘appropriateness of a protest in the context in which it arises’ (58), or its ‘acceptability’ (59) or justifiability (60). The contextual legitimacy of uncivil protest is reached indirectly. Medina rejects what he describes as conservative and liberal dismissals of uncivil protest, both of which constrain legitimate protest to civil protest. He argues that ‘only a politics of confrontation that makes room for uncivil protest can disrupt complicity with widespread injustices and wake people up from their epistemic and political slumbers’ (64).

Chapter 3 offers analyses of four communicative dimensions of protest, and four levels at which they can be silenced. Medina argues that the expressive dimension of protest is ‘necessary and sufficient’ for something to be a protest (100). This is unlike the testimonial, evaluative and prescriptive dimensions of protest, which ‘supervene on’ (99), are ‘dependent upon’ or ‘parasitic on’ (101) the expressive dimension. The expressive dimension is understood broadly – protest can be expressive and communicative even without verbal content (101), and can be polyphonic, containing a plurality of voices (102). The existence and enactment of protest is fragile. It can be pre-locutionarily silenced – when ‘the communicative acts of protesting cannot occur because people are prevented from becoming protesters’ due to the oppressive circumstances that they find themselves in (109). It can be locutionarily silenced – *inter alia*, when there are unfair constraints that hinder the communicative acts of protesters from reaching their audiences (110) or reaching them without distortion (111). It can be illocutionarily silenced – through an audience’s inability to recognize the protesters’ communicative intentions to protest, or their inadequate response to the protesters’ actions as protest (112). Finally, protest can be perlocutionarily silenced – when it is severed from its intended effects and thus is not given due consideration in public (117). Partly in response to these forms of silencing, Medina specifies our duty to give uptake to protest. We should engage in echoing – giving uptake ‘in a way that empowers the communicative and political agency of protesting publics’ (122).

Part II (chapters 4-7) examines several cases of protest in detail – excavating the communicative acts contained in them and explaining their transformative potential. Each of these chapters elaborate on and complicate one of the communicative dimensions of protest (discussed in chapter 3).

Chapter 4 examines the expressive and performative aspect of protest. Protest is a way to secure visibility and social standing (135). It is through protest that a collective subject – the protesting public – is formed, develops or amplifies its communicative capacities, and works toward its liberation (136). Despite the collective nature of protest, Medina argues that it is nonetheless irreducibly polyphonic – comprising different actions and voices (137). Medina elaborates on these ideas by examining cases involving people who cannot appear as a public or as part of “the people” in the public sphere – such as undocumented immigrants or imprisoned subjects.

Chapter 5 attends to the testimonial dimension of protest. Through detailed analyses of the protests of the Mothers of Plaza de Mayo, Black Lives Matter, #MeToo and ACT UP, it argues that we should give special normative weight to the testimonial protest acts of victims of injustice. Such victims have the prerogative to initiate public protest and exert control over the latter’s communicative life. This ensures that the protest is not co-opted by others, and that the victim’s testimony are not usurped (201). Non-victims must receive authorization from victims to speak on the latter’s behalf and echo the latter’s protest (203). Testimonial protest acts can be radical – they can break social silences, disrupt insensitivity, and contribute toward developing new forms of social sensibilities and political imaginations (239).

Chapter 6 centers on the evaluative dimension of protest. Protest acts can express two forms of critiques. Meliorative critiques ‘try to improve society and its institutions as they are’ (299). Radical critiques, in contrast, aim at deeper transformations – at ‘opening our hearts and minds to new ways of evaluating socio-political realities’ (300). Beyond their aims, these critiques are also differentiated by the emotions they involve. Meliorative critiques involve conventional emotions, which ‘fit the cultural norms and expectations underlying affective communication’ in a given society (309). Radical critiques involve outlaw – or conventionally unacceptable – emotions (310). Through detailed discussions of the discourses of the marriage equality movement, ACT UP, and Queer Nation, Medina examines the roles of meliorative and radical critiques in each movement.

Chapter 7 examines the prescriptive dimension of protest. Medina elaborates on our duty to listen to legitimate protest. In addition to giving protests communicative respect and attention (376), we must also be open to the plurality of demands within them (376), maintain accountability to the protesting public while responding to their demands (377), and devote special attention and effort to radical demands (377). Taken together, this avoids the silencing, downgrading or neglect of demands that do not become centered within protest movements. Medina explores the policy platform of Black Lives Matter in detail, excavating the communicative obstacles and injustices faced by the movement as it expresses its demands.

The Epistemology of Protest aspires to thoroughness – as evidenced both by its voluminous character and its meticulous engagement with numerous interlocutors and specific cases of protest. It is conceptually rich and argumentatively complex. The same ideas are shown to have different, and sometimes unexpected, resonances in a variety of contexts. My preceding summary regrettably omits much of this variegated texture. In some ways, the book’s stubbornness to synopsis mirrors

(and may partly be explained by) the complexity of its subject matter. I settle for, and conclude with, some questions about felicity, legitimacy, and civility.

Social conventions guide (and constrain) our perception of whether the felicity conditions of speech (or expressive) acts are satisfied. In the context of protest, these conventions often pertain to the manner in which protesters conduct themselves. For instance, it is commonly thought that evasive actions – where the relevant actors do not reveal themselves or take public responsibility for their actions – are not (or are incompatible with) expressions of sincerity or good faith. It is also commonly assumed that violent actions – including damaging property or attacking people – are not (or are incompatible with) indications that the protest is based on considerations of justice (as opposed to vengeance). These conventions are often influenced by, or aligned with, the injustices that protesters seek to address. Nonetheless, there is a question of whether people who take to the streets with their faces covered, or who damage public and private property, or attack police officers are engaged in felicitous protests – and therefore entitled to the attention and uptake that Medina thinks such protests are owed.

The affirmative response – which I suspect Medina wishes to provide – is fraught with difficulties. What is required is a reconceptualization of the relevant social conventions which, if successful, allows us to recognize these actions as satisfying the relevant felicity conditions. Indeed, protest movements sometimes aim, and moreover succeed, at such reconceptualization. But what happens in the gray area before they succeed? A toy example clarifies the problem. Consider the social conventions guiding our expression of sincerity as it pertains to apologizing. Such conventions require that we make certain utterances and behave in certain ways. What happens when someone attempts to apologize in an unconventional or even conventionally shunned manner with regards to sincerity – perhaps avoiding eye contact, relying on exaggerated or overly-rehearsed expressions, or screaming at us – while explicitly stating their intentions to reform those conventions? Prior to their success at reconceptualization – which is possible, but which requires large-scale adoption in practice – we regard them as failing to satisfy the relevant felicity conditions and therefore as failing to apologize. This judgement appears stable even if we can verify – in a “fact-relative” (as opposed to “evidence-relative”) sense – that they are sincere, which suggests that what is at stake is not whether they have actually met the felicity conditions, but whether they are recognized as having done so. The same problem, I contend, applies to radical protests.

This ambiguity concerning the status of such protests jeopardizes Medina’s claim that we should take radical protests – those that involve conventionally unacceptable actions and emotions – more seriously than we currently do. The claim might even appear to be anachronistic – such protests are felicitous only with reference to some future state-of-affairs in which the reconceptualization has already succeeded. How we must respond here and now – where the reconceptualization has yet to succeed, and where there is a genuine possibility that it may fail – remains unclear. We need, then, some explanations for how such protests are felicitous, or why we should treat them as such.

Medina's arguments for the legitimacy of uncivil protest do not help us with this problem. For Medina, a legitimate protest is one that can realize some substantive value or state-of-affairs. Uncivil protest can be legitimate because it can contribute to the 'primary goal of fighting for liberation from oppression' (61), be 'a way of responding to social harms and of discharging our ethical and political responsibilities' (72), disrupt complicity with injustice (76), and so on. In his rejection of conservative and liberal dismissals of uncivil protest, Medina enters repeated cautions that equating legitimate protest with (or constraining it to) civil protest would defang protest. Legitimacy is therefore distinct from felicity, the latter of which concerns the "structural" features of (candidate) protest acts. The problem of the potential infelicity of radical protests is unaddressed by the observation that they can contribute to valuable goals. More generally, the relationship between legitimacy and felicity is unclear. Are felicitous protests necessarily legitimate, or vice versa? Further questions arise if we reject equating the two. What are the duties elicited by legitimate protests? How do such duties relate to those duties of uptake elicited by felicitous protests? How should we respond to infelicitous but legitimate protests, or felicitous but illegitimate protests? Further explanations would be welcome.

Moreover, Medina's discussion of legitimate protest downplays (what is typically regarded as) the stakes of categorizing any given act of protest as civil or uncivil. It appears that what truly matters for Medina is whether protest acts secure substantive values. Protesters' decisions about their choices between civil and uncivil actions are described as 'essentially strategic', concerning 'what are the most effective means of resisting injustice' (61). While Medina is correct that the line between civility and incivility is context-dependent (60, 79), that line – wherever it is drawn – has import that he glosses over. It is commonly accepted – even if merely formally – that individuals have the *right* to civil protest. This right is typically grounded in more fundamental rights, such as their freedom of expression or conscientious action. The question of whether protesters act civilly is thus connected to the questions of whether they act within their rights (or their liberty), and whether we would wrong them were we to interfere with their acts of protest. Indeed, it is on the basis of such a right that protesters make their case for exemptions from state interference and even punishment (especially in cases where their protest is illegal). Thus, protesters have weighty interests in being recognized as acting civilly, or else in challenging – radically expanding – the conception of civility operative in their society such that their acts of protest are regarded as civil. Protesters who lack the right (or liberty) to engage in certain acts of protest lack an obvious basis of complaint when others interfere with those acts. While their complaint could receive alternative grounding – such as via lesser-evil considerations – something important is nonetheless lost. Besides, appealing to the substantive values secured by uncivil protest, may be (and often is) regarded as a deflection from complaints about its uncivil character. It would be interesting to see how Medina develops his account of legitimacy to address these concerns about civility.

The concerns I have raised are invitations for Medina to say more. I take this to be connected to a significant merit of the book – its open-endedness character is generative of further dialogue. Medina's book is an important contribution to the tasks of clarifying and resisting the challenges to protest, especially those in service of progressive and liberatory goals. It is, above all, a timely book.

Chong-Ming Lim. www.cmlim.info
Pre-print. Please cite published version.

Chong-Ming Lim
Nanyang Technological University