

# **Critical Philosophy and the Democratic Horizon**

A post-foundational approach to philosophical critique and  
democracy

The Netherlands Organization for Scientific Research (NWO)  
provided financial support for the realization of this dissertation

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ISBN: 978-90-5335-677-7

Printed by Ridderprint BV

**Critical Philosophy and the Democratic Horizon.  
A post-foundational approach to philosophical critique and  
democracy**

Kritische filosofie en de democratische horizon.  
Een post-funderende benadering van filosofische kritiek en democratie

**Proefschrift**

**ter verkrijging van de graad van doctor aan de  
Erasmus Universiteit Rotterdam  
op gezag van de  
rector magnificus**

Prof.dr. H.G. Schmidt

**en volgens besluit van het College voor promoties.  
De openbare verdediging zal plaatsvinden op**

donderdag 16 mei 2013 om 13:30 uur

**door**

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**geboren te Rotterdam**



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# Acknowledgement

I would like to thank everyone who contributed to this dissertation. First those people who showed both the academic hospitality and agonistic hostility by reading some of the chapters, and by criticizing them extensively - in both the negative and positive understanding of the word critique. I am especially grateful in this respect for the comments of Robin Celikates, Maeve Cooke, Willem Schinkel, Jos de Mul, Awee Prins and Donald Loose. I am grateful for the constructive efforts of the people that were present at the meetings of the 'Interactive Metal Fatigue'-group: Rodney, Mark, Shivant, Elke, Ingmar, Dora and Irena, and during the meetings of the department of practical philosophy. Thank you Ingrid, Arno, Maureen, Anders, Nicole, Patrick, Sem, Sine and Anca. And of course my fellow Phd-researchers who were present at the AIO-seminars organized by Jos and Henk (when Jos was abroad): Jeroen, Michiel, Bibi, Robin, Esther, Niels, Joris, Bert, Henrietta, Carien, Rolf, Ed, Jean, Frank, Martin, Erwin, Liesbeth, and Tina. I would like to thank Marc Cooper for his excellent job of making my dissertation such a nicer text to read.

Outside the often serious and inspiring intellectual confrontations there were many less pressing and more relaxing meetings and exchanges that made my work a lot easier and nicer, and often funnier (even hysterical); people who I had lunch with, or who joined me during a coffee or cigarette break. I am very thankful for all who took me along or decided to abandon their work for a while: my roomies Bibi, Tina and Mireille, my dear colleagues Han, Paul, Henri, Wiep, Maureen, Arno, Nicole, Joost, Patrick, Tim, Fred, Conrad, Constanze, Amanda and Ticia. A lot of love and thanks to the indispensable Linda, Lizzy, Manon for all their work and the attentive listening to my sorrows, not to forget their great efforts during Erasmus Vitaal! And to Willy and Mark for their assistance on the practical end over the years.

There are several people outside academia that I would like to mention and thank from the bottom of my heart. I would like to thank my mother and her husband Jos, my father and his wife Kristel, my two super grannies (still going strong!), aunt Sylvia, her husband Ton and her son Fabian, my brother Frank and his girlfriend Sharona. And my 'new' little sisters and brothers Anne, Laura, Fleur, Bas and Aris for the blissful distractions they proved to be, and the love they showed me when I needed it the most. And of course my love and thanks to my brother Sander and his wife Saskia, for their support and for enriching my life with such a wonderful nephew and niece. Finally to Ticia and her son Ruben, who have contributed to my life in more ways than they could probably imagine. Without all of you this project never would have been finished, probably.

## ACKNOWLEDGEMENT

But last and foremost, I would like to thank Gijs for his endless trust, his patience and understanding, his infinite efforts, and above all the confidence in me he has shown during all these years: during my bachelors-, masters- and Phd-fase. Dear Gijs, you and your love for, and commitment towards thinking and teaching will always inspire me.

Christian van der Veeke

Nieuwerkerk aan den IJssel, March 2013

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# Introduction

## §1

What does it mean when we call ourselves citizens of a 'democracy', especially when we *all* seem to accept this as either a social, cultural, political or juridical fact in the Western world? Or, to pose the question in a more critical vein: how do we deal with a concept so commonly used that it almost has become void of any concrete meaning? My answer, in brief, is that we need to (re)construct philosophical discourses on democracy so that they can truly be called critical. To do so, we need to deconstruct the concept of democracy: it needs to be de-familiarized, de-absolutized, sometimes even de-naturalized.

When we generally speak of democracy we seem to be moving *between*, on the one side, a conception that understands democracy as a formal system that makes possible the expression of the will of the people, through general elections for example; and on the other side we find the reference to democracy in a critical sense by claiming that our current political or social situation has barely anything to do with democracy. In the latter situation 'democracy', as the rule of the people, is understood normatively (as contributing to the good life) and taken up as a rather direct and unmediated form of governing oneself as a people - think of some of the claims and practices of the Occupy-movement in our age or the Paris commune in the 19<sup>th</sup> century - while in the former it is thought that the will of the people is necessarily expressed and exercised indirectly, by bringing it to the fore and organizing it through several intermediate structures and institutions, for example in programs and strategies of political parties, or as represented by politicians, movements, political associations and think tanks.

These two different conceptions of democracy are irreconcilable, *prima facie* at least. They point us to the extremely different and ideological flavoured conceptions of democracy that are around. Additionally, these differences tell us something about the pluralism within the social with regard to the understandings of our current social and political predicament. How should 'democracy' be understood at the moment it can be used both in a quasi-objective descriptive sense and in such a different, critico-normative sense? We therefore need to ask the question: what is 'democracy'?

This last, ontological, question is what I am concerned with in this dissertation. Ontology has to do with the question of 'being', of what is. With respect to democracy this question has been crucial for Western political philosophy for millennia. That democracy is considered to be a political concept may not be contested, but does this mean it can also be something cultural? Or juridical? Is it a regime, a form of government? Is it a procedure, a form of action, a

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collection of institutions, a value or a norm? Can it be all of the above? In the history of democracy there are probably as much conceptions of democracy as there are thinkers, but this should not hold us back to get a grip of the concept under new conditions, both historical and conceptual.

With recent historical events, think again of Occupy, new forms of civil disobedience, strikes, but also of what has been called the Arabic spring, I believe we should try to reflect on our understanding of democracy to come to a conception that can do justice to these phenomena as being 'democratic', in one way or another. This is necessary because these phenomena are too easily being mitigated and condemned: as being the expressions of the juvenile and spoiled, of being non-sensical and ineffective, of being useless, naïve, and even un-democratic, for example because they move outside what are considered to be the democratic institutions. In this light this dissertation can be understood as an engagement and solidarity with, or commitment towards old and new forms of democracy. I try to formulate and answer the following questions: what does the acceptance of these actions as being 'democratic' mean for our current understanding of democracy? And: how can this incorporation be understood from the perspective of current progressive politico-philosophical discourse(s)?

This dissertation contains two main parts, preceded by an introductory chapter on deliberative democracy. The first part is concerned with the critical tradition in philosophy since Kant. The second part is focused on post-foundational concepts of politics, society, the people, and democracy. Both main parts are divided into three chapters. The link between the two parts is established by the continuous emphasis on the need for a post-foundational approach: while the first part of the dissertation should be read as both a historical and systematic conceptual analysis that shows how and why we should take a post-foundational critical stance, the second part consist of the utilization of many of these insights to come to a post-foundational conception of politics, the people and democracy.

The need to come to such a post-foundational analysis itself is founded on the idea that the relationship between necessity and contingency has radically changed in the course of two centuries of philosophical reflection. One of the major developments in philosophical theory has been the shift from an emphasis on the necessary development of history and thought, for example in the writings of Hegel and Marx, to the importance and even the primacy of contingent events, articulations and identification to understand political and social phenomena – which we can find in the thought of thinkers like Foucault and Derrida. Or put in another way, we could say that we have moved from necessary development of thought combined with excluding contingencies, to a situation in which both necessity and contingency have become a crucial part of philosophical reflection.

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Below I will sketch the general outline of my exposition and the progression of some of my arguments.

The first chapter on deliberative democracy is to set the stage. I have chosen this theory as a starting point because it is, in my view, one of the most progressive, coherent, post-World War II accounts of democracy. The theory of deliberative democracy is progressive because it takes the communicative capacities of the *demos*, its *Mündigkeit* so to say, as a normative starting point for thinking democracy. As such this framework could be regarded as emancipatory from the start: human beings are able to discuss rationally and this social or anthropological fact discloses the possibility to let people rule themselves, in both a direct and an indirect manner. At the same time the theory of deliberative democracy is elucidating and coherent with respect to the understanding of many of the core concepts of political philosophy that are not easily reconcilable with democracy: it can make sense of the relation between law and the constitution and the democratic legitimation of these for example; and it is able to argue for procedures how legitimation of democratic laws and institutions should and can take place.

Nevertheless, also the theory of deliberative democracy has its limits. That is why I think it is necessary to intervene in the philosophical debate around progressive, emancipatory and critical accounts of democracy. I will show the limits of the theory of deliberative democracy, and I will contextualize the theory itself. This is necessary for two reasons. First, the theory falls short in presenting a 'philosophical critique' of the political and of the social, i.e. it lacks an insightful and constructive account of political action, society, the people and its formation. Second, the theory of deliberative democracy is too limited: it is insufficiently sensitive to the 'democratic' potential of new social practices. These practices generally don't have anything to do with deliberation, for example because they are concerned with people that either don't have access to the public sphere of deliberation, or don't want to conform to the rules of deliberation itself.

In short, although the theory of deliberative democracy is concerned with several aspects that have to do with philosophical critique, it is fairly uncritical with regard to crucial notions such as the *demos* and governing ('uncritical' in the sense of 'not sufficiently grasping a particular concept as it is being used in social and political practices'). But is also uncritical in two other aspects: first, the theory of deliberative democracy sometimes neglects to explicate why it is necessary to reconceptualize democracy now. For example, what urges us to argue for an account of democracy that would bypass forms of representation that are prevailing in current politics? A second uncritical characteristic of deliberative democracy is the method of referring to (or: deducing) fundamental normative rules and principles to ground and argue for specific democratic practices. I think this line of thought, from transcendental deduction to normative claim, is invalid and is to be avoided.

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These three aspects of critical thought, 'grasping democracy in its use' - what I will call the critical *logos* - the necessity of committing philosophically and empathically to a concept like democracy - or the critical *pathos* - and adopting the right stance or role as a thinker - what I also will call the critical philosopher's *ethos* - will be important subjects of the first part of this dissertation. I borrow these three concepts - *ethos*, *pathos*, and *logos* - from Aristotle's *Rhetorics*, in which he describes them as the three means for persuading the audience. They should be seen as the means of persuasion that the critical philosopher has at his disposal as well, and that could contribute to both understanding *and* emancipatory action.

By grounding and contextualizing deliberative democracy I believe I add some crucial insights to our usage of democracy in progressive thought *in general*. This does not mean there is a necessary connection between philosophical critique, political or otherwise, and democracy; this critique of democracy could be seen as instrumental for those people that run up against others - institutions and practices - that refuse or reject the former's political efforts because they are seen as undemocratic.

In other words, this project should be seen as both a specific understanding of our time, and as a criticism of other discourses on democracy. This in turn presupposes that we need to think about the conceptual background of democracy. For example, we need to ask what philosophical ideas and which historical settings make that democracy can be seen as encompassing more than the existing political system we tend to call democratic. We also need to ask what network of concepts is generally connected to 'democracy', and why (think of common concepts like: law, rights, universal suffrage, emancipation, the people, politics, consensus, representation, struggle, revolution); and, maybe above all, what kind of practices are denoted when we use the adverb 'democratic'.

### **§2 Part 1: on critical philosophy**

In chapter 2 I will start by focusing my attention on the tradition of philosophical critique that is initiated by Immanuel Kant. To delimit such a potentially huge enterprise I have chosen to approach the history of philosophical ideas with regard to critique by using three concepts: *ethos*, *pathos*, and *logos*. Again, I understand these concepts to be, respectively, the specific stance a philosopher has towards his time and the way he sees his role as a philosopher (*ethos*), the ethical engagement and commitment the philosopher has incorporated in his thought and work (*pathos*), and the methodological and conceptual presuppositions and means the philosopher utilizes to grasp his time and practices he wishes to analyse (*logos*). With these concepts in hand I analyse several thinkers who are in my view indispensable for understanding critical and political philosophy in our time.

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Chapter 2 starts with a short exposé of the *ethos* of the Enlightenment, the latter referring to the specific historical stance the philosopher has to take to grasp his time. I take this as my cue to first introduce the conceptual triplet of *ethos*, *pathos* and *logos* that I think is crucial to conceive a specific tradition within philosophy, and more specifically of critical political philosophy. Following this presentation I focus in the chapter on Kant, Hegel and Marx as the three most important figures that have thought of new ways and roles for philosophical analysis.

When approaching philosophical critique it is important to stress the double role this concept has had from its conception. It is especially the double meaning of critique as transcendentalism *and* criticism that is important here; understood against the historical background of an emphasis on transcendence in metaphysical thinking. In his critical writings Kant executes the so-called anthropological turn: instead of analysing the nature or essence of objects, Kant argues that we first need to concentrate on the subject that observes these objects. The procedure is to deduce the essential features of both the understanding and reason before we have any experience of an outside world. This 'transcendental deduction' achieves two things: first, Kant is able to ground the principles for achieving knowledge and is able to discern what falls outside the possibilities for the understanding. Second, with his method of transcendental deduction Kant can criticize earlier attempts to come to an understanding of the concept of knowledge; of the relation between the understanding, reason and the outside world; and scrutinize claims about reality in general.

In other words, philosophical critique is not only composed of a negative side, of criticism of older traditions or contemporaries, but it has also a positive and constructive side. Critique is also an attempt to establish – and delineate or limit - the presuppositions of thought, acting and belief of humans in general.

With Kant as the initiator of the anthropological turn, we come to the foundation of critical thought as an epistemological project: it is concerned with the principles and conditions for establishing knowledge and thought in general. However, there is also a performative element in Kant's thought, for example in his essay on the Enlightenment that I analyse to show, from the perspective of *pathos*, where Kant's commitments lie. I argue that this essay in particular works in both an emancipatory and in a delimiting way: it is not just or only concerned with freeing the citizenry of its *Ünmündigkeit*, but also with establishing the conditions under which freedom of action, next to freedom of thought, should be realized.

With the Kantian conception of philosophical critique we have entered an age of thought that is concerned with the principles of thought, knowledge and action that can be attributed to a specific form of subjectivity. Although the historical dimension is not completely lacking in Kant's work, Kant

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nevertheless has conceived of a subject that can attain objective, fixed and a-historical forms of knowledge and moral. In the work of G.W.F. Hegel Kant's transcendental and critical philosophy is radicalized by both deepening the transcendental analysis, and by historicizing the whole Kantian critical project itself - along with the rest of Western thought.

Although Hegel rarely utilizes the concept of philosophical critique, I claim his thought can and should still be understood in the Kantian critical tradition by showing that Hegel is concerned, like Kant, with the presuppositions of thought and with understanding (and criticizing) his current predicament. As such the fairly distinctive *ethos* and *logos* of critical thought can be easily recognized. The same thing cannot always be said about the element of *pathos*: by analysing both his style and the lack of explicit reference to emancipatory practices I show that a steadfast commitment towards the outside of the rational and reasonable is absent in his thought, especially in his later work. This while there are clear clues of actual commitment to be found in his earlier writings, in his texts written during his stay in Jena for example, as Axel Honneth has shown. It must be concluded, this ambiguity aside, that Hegel's conceptual interventions, and the introduction of the historical dimension to subjectivity and thought are indispensable to understand the development of Western critical thought.

To return to a conception of philosophical critique that can be engaging and committed, conceptually constructive in a positive and a negative sense, and conscious of its role as a philosopher amongst other social actors, the next important thinker to confront is Karl Marx. While Hegel's *pathos* rarely is made explicit in his writings, the opposite can be said about the texts and performances of Marx.

In the writings of Marx, philosophical critique becomes 'politicized', i.e. part of a social struggle and dissensus. In Marx' view, for a text to count as a critique (and not just as a criticism) a certain and specific form of analysis is needed: an analysis that is focused on the (in)consistency of self-descriptions and systems within society. This so-called conception of 'immanent' critique is part of a continuous development in Marx' work that starts from a more Hegelian approach to social critique in his younger years (on the basis of a specific anthropology or humanism) to analyses that are concerned with structural logics. I don't believe we should interpret this shift as a radical change in the *pathos* of Marx, as his commitments toward the working classes remains on his ethical horizon throughout his career: as an activist and journalist, as a philosopher and as a political economist. With regard to *ethos* and *logos* we could say there is a change from a dialectical, historical materialist critique to a more structural and positivistic critique; this is also accompanied by an analysis of the ideological framing by the dominant class. As such Marx's analyses are also explicitly called 'critiques of ideology'. These latter critiques generally do not contain many explicit references to the transcendental human

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features that Kant and Hegel had deduced. Instead they are accompanied by an empiricism that focuses on the raw material facts of existence.

The last section of this chapter deals with a specific adaptation of Marx's analyses in what has become known as Critical Theory. I explore an influential text by Max Horkheimer from 1937 to show how the concept of 'critique' is distinguished from 'traditional theory'. This conception of critique will prove to be very important to understand the shifts with regard to the *ethos*, *pathos* and *logos* of critique in the course of the 20<sup>th</sup> century. I will distance myself from Horkheimer's conception of Critical Theory as it contains several presuppositions that should be abandoned, most importantly the possibility of a stance for a critical philosopher that is radically outside 'traditional theory'.

As we now have entered the past century in these reflections with the critico-scientific framework of Critical Theory, it becomes opportune to elaborate on the important methodological changes that have taken place since then. Many of these shifts started already in the 19<sup>th</sup> century, and the thinkers of Critical Theory made good use of them in their critiques written during the first half of the 20<sup>th</sup> century. The philosophical tradition of the end of the 18<sup>th</sup> and a large part of the 19<sup>th</sup> century that was concerned with critique was grounded on specific concepts of subjectivity and consciousness, both a-historical and historical. Several developments after the anthropological turn in Kant indicate that this perspective was gradually being abandoned for the most part, or at the least: it was being radically contextualized. Theoretical interventions and the emergence of new sciences like sociology, psychology, political economy, linguistics and cultural anthropology contribute to these developments. For philosophy this had several severe consequences.

Probably one of the most important is the explicit emphasis on the role of language for thought, and the primacy of intersubjectivity over the subject. One crucial element in this respect is the introduction of the concept of 'discourse'. Discourse can be understood as all kinds of spoken and written forms of communications - although the concept is used somewhat differently within different scientific fields and theoretical epochs. Nevertheless, the concept has become the new central tool for analysis after the linguistic turn: within the framework that uses the concept of discourse all forms of communications that exist between subjects have primacy over the existence of subject and its consciousness, as it is believed that the former constitute the latter. Especially in the human sciences (linguistics, history, anthropology, sociology, philosophy, cultural studies) this shift has become the hegemonic perspective.

Chapter 3 continues to explore the 20<sup>th</sup> century, by introducing the work of two influential thinkers that start publishing their work during the 1960s, Jürgen Habermas and Michel Foucault. I explain how their work should be understood as the most important representations of a philosophical

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development that changes its focus from subjectivity to intersubjectivity, and the role of language for thought. In several respects they distanced themselves from the critical perspective of the first generation of thinkers of Critical Theory, for example with regard to the role of the subject, of the philosopher and of Critical Theory itself.

In this chapter I discuss both Habermas' and Foucault's conception of discourse. Although their conceptions are very different, and serve different methodological purposes, they can be understood as parts of the same trend in philosophy: overcoming transcendentalism, but also as distancing oneself from a specific form on ideology critique. Both transcendentalism and critique of ideology presuppose a philosophy of consciousness and subjectivity that Habermas and Foucault explicitly try to overcome.

Although some crucial elements of 'classical' Kantian, Hegelian and Marxian forms of critique are abandoned after the linguistic turn (the analysis in terms of self-consciousness and false consciousness; transcendental subjectivity), others are still being embraced by critical thinkers: critique is seen primarily as social critique, the role of the critical philosopher is still being seen as essentially objective, and some of these thinkers express a specific *pathos* in their work that is very characteristic. These assumptions and different form of expressions, which mainly come to the fore in the writings of the first generation Critical theorists, have come under scrutiny at the end of the 20<sup>th</sup> century. Especially, but not exclusively, thinkers that start from an intersubjective theoretical framework have tried to confront these assumptions, and to reformulate or even abandon them. I focus on two of these analyses in particular: first a critique of the cynical *pathos* that was expressed in Critical Theory, and second an attempt to reconceptualize and update the *ethos* and *logos* of classical Critical Theory.

First I discuss Sloterdijk's *Critique of Cynical Reason*, as I believe this work marks an important point in the reception and evaluation of philosophical critiques of the past. Sloterdijk is especially concerned with the affective and psychological states (of superiority and cynicism) that seem to have stimulated the critical philosophers before him to write as they did; especially the first generation of thinkers of the Frankfurt School. The *Critique of Cynical Reason* is also for Sloterdijk an attempt to argue for another way of expressing discontent with the world, and of affecting writers, readers and hearers to show other forms of social and political commitment. In short, Sloterdijk argues for the end of critical thought in the pessimistic and cynical form that has come to the fore in the decades before him. Instead we should, according to Sloterdijk, write a 'jovial philosophy'. I don't believe this is the road to take, however. It leads, especially in the work of Sloterdijk, to a form of affirmative philosophy that shies away from critical analysis that is concerned with thinking about the preconditions for the good life. We should also abandon the theory of critique of ideology in its most pessimistic and cynical Marxist forms,

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though, as it in turn lacks motivating force, is build on out-dated anthropological foundations and utilizes critical concepts like alienation that can be used no longer within a post-foundational conceptual framework.

Next, I explore an alternative attempt to salvage a conception of critique from the Marxist tradition and the tradition of Critical Theory. By analysing an account of critique as social praxis, as argued for by Robin Celikates, I try to explore if we can stay within the conceptual confines, both the *logos* and *ethos*, of the traditional Critical Theory of the 20<sup>th</sup> century. In the end I argue we cannot, because it presupposes an analytical subject that stays at an unacceptable 'objective' distance from the social practices (or its subjects) itself. It thereby suggests the existence of an authentic or genuine critical standpoint that should be at an objective distance from the social practice itself to convince actors to change their circumstances. This claim is unwarranted because there is not such a standpoint. The critical philosopher has no privileged position with regard to directing conduct; he is just one of the actors that can make a contribution to social understanding. But by explicating his position, his specific theoretical stance and his commitments, the critical philosopher still has a specific role to play. For example by contributing to the understanding of contemporary democracy or to the acceptance and effectiveness of new democratic practices.

So much for the frameworks of transcendental critique and the classical critiques of ideology. In chapter 4 I argue for an approach towards critique on the basis of *deconstruction*, to enable a post-foundational conception of philosophical critique. I start the chapter with some final thoughts on the role of the concept of ideology in contemporary philosophical critique, by analysing several fairly recent discussions on this subject by Slavoj Žižek, Ernesto Laclau and others. My conclusion with regard to ideology is not that it has become useless or unconvincing as a critical tool *per se*, but that it needs translation to be applicable within a philosophical discourse on critique that wants to stay loyal to a post-foundational conception of critique. And such translations are possible, as I will show.

It is my aim to show that deconstruction, as an approach or perspective on critical philosophy, has the conceptual tools, normative commitments and the right perspective on the role of the philosopher that are required to be called 'critical' in the first place. That is why I start by showing how Jacques Derrida's understanding of deconstruction should be understood in the light of the historical route I have taken in this dissertation up till now. The merits of the deconstructive approach are manifold. I mention only a few of its points of attention: the role of language and text for the existence and development of thought; the groundlessness and open-endedness of any theoretical exercise, action and project; the entanglement of rationalism with irrationalism, that lies at the basis of any theory, hypothesis or belief; the intuition that some of our

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most important (political) concepts are indefinable, ungraspable, and that their force is constituted by this feature of indeterminacy.

In the end, Derrida's contributions to the project of philosophical critique fall short though. He remains focused on especially the uprooting or negative potencies of deconstruction, and neglects up until late in his philosophical career to explicate how deconstruction can contribute to a better understanding of the positive praxis of critical philosophy and political thought.

Yet it is possible to take the deconstructive and discursive framework of thinkers like Derrida and Foucault as a mould to come to a new understanding of social and political analysis, and to new approaches towards a progressive account of political strategy and democracy, as Ernesto Laclau and Chantal Mouffe in particular have shown. By revitalizing classical Marxist notions such as 'hegemony' (Gramsci), and introducing concepts like 'articulation', 'antagonism', and 'dislocation' especially Laclau seems to be able to reconstruct Derrida's deconstructive perspective that can be called both post-foundational and critical, in both its positive and negative appearance. That is, it can help us to understand our time, and to come to a post-foundational critical conception of, for example, democracy.

What contemporary thinkers like Laclau, but also Butler, Mouffe and Žižek establish is a way of theorizing that remains loyal to the uprooting force of deconstruction. Their work not only brings out the contingency or groundlessness of all kind of claims or analyses, but is also able to come to new understandings of social relations, political tactics and strategies, and the relation between elements such as law, struggle, emancipation, freedom and equality, and, of course, democracy. And all this is based on what I call, following Oliver Marchart, a post-foundational political ontology.

With these ideas on critique and historical setting in mind, and post-foundational conceptual tools in hand, the transition can be made to the second part of this dissertation in which I aim to draw the contours of a progressive and critical, post-foundational conception of democracy.

### **§3 Part II: democracy and the democratic horizon**

Post-foundational ontology entails a lack of ground, of origin, and of an absolute beginning. Instead identities and social structures, generally seen as the unchangeable social axioms of political thought, are conceived as results of struggles, of fissures and events. That is, they are understood as contingent to a certain extent. When attempting to conceptualize a political theory from this stance, and a theory of democracy in particular, we have to account for these post-foundational premises. Only a post-foundational ontology of politics and the social is able, I believe, to deliver the 'foundation without ground' for

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understanding the world in its current individualistic, heterogeneous and pluralistic forms. Important to note is that these conditions are not understood as necessary developments; as if history has an urge to develop itself like this. What a post-foundational ontology will show is that the present conditions are itself the result of discursive practices, of struggling ideologies and of specific events that have led to social formations, forms of human conduct and specific policies and relations of power. Necessity and contingency stand in a more complex relationship within this ontological framework, as I will show.

It is my contention that one entry point for such a post-foundational and critical enterprise is to start with an analysis of the reciprocal relation between thought and the world in a non-dialectical way. Or, more precise: in a dialectical way without neglecting the contingent and often violent imbrications of thought in the world and vice versa. Only a dialectics without a *telos*, and not a dialectics structured around identities but on differences, and on the mutually constitutive relation between inside and outside, can be the *logos* to 'ground' our post-foundational conceptualizations. I believe the difference between the ontic and the ontological, or the ontological difference, as it was first made explicit by Martin Heidegger, can help us to get a grasp on the building blocks of post-foundational critical political philosophy. For Heidegger the ontological difference revolves around the idea that the relation between world and thought is not characterized by the primacy of one over the other: thought over world, or vice versa. Rather, thought and being are mutually constitutive; or: the difference between world and thought itself is primordial. In chapter 5 I discuss the implications of this intuition for a derivative of the ontological difference, of what has become known as 'the political difference'.

While starting from the *ontological* difference, I will make a connection with different conceptions of this so-called *political* difference in a fairly direct manner. The political difference has been used by several 20<sup>th</sup>-century theorists to distinguish between political thinking as it manifests itself in connection to a *topos* of political activity (parliament, society, the State etc.), and political thinking in general.

I first explicate how Carl Schmitt has introduced the concept of 'the political' to conceive of an ontology of politics along the lines of the friend/enemy distinction to confront the emergent idea of democracy in all kinds of social domains; and I show how the political difference in Ricoeur is used to establish a normative political theory on the basis of a difference between the contingent nature of political activity and decision-making on the one hand, and state rationality or political thought on the other. These examples point us in the direction of a tradition of political thought that conceptualizes politics without reference to a specific political actor or subjectivity. Instead the emphasis is on philosophical reflection versus political rationality that exists in political and social practices. The political difference proves to be a crucial tool

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in these conceptions to come to a criticism of specific political systems and particular ideologies. For example in his text on the political paradox, Paul Ricoeur is able to argue in favour of a liberal democracy within a socialist context because this organization is the only way to deal with the inherent tension between state rationality and its daily practices.

The second part of chapter 5 consists of a discussion of the political writings of Claude Lefort and Jacques Rancière, who each in their own way fruitfully employ the notion of a political difference in their writings. Before we can acquire knowledge on socio-political relationships, state institutions and other social structures, Lefort argues, a certain distribution of power, an idea on sovereignty, social struggle and unity already needs to be in place in our collective consciousness. From these insights we can conclude a specific form of politico-philosophical reflection is always necessary to escape the positivistic and non-critical scientific standpoint. I take this as one of Lefort's most important contributions to political thought.

While Lefort argues forcefully for the need of an *ontological* analysis of, and a philosophical viewpoint on, the conditions for social and political thought, I argue that Rancière should be seen as describing the *ontic* side of the political difference. Rancière defines the peculiar nature of democratic action as an imbrication of the hegemonic social order and its ordering principles. The difference between social order and its contestation, what Rancière calls *la police* and *la politique* (or provocatively 'democracy') respectively, is placed here on the ontic side of the ontological difference, as it should be conceived as an insightful deconstruction of existing political discourse and discourses on democracy. What immediately strikes us when reading the political writings of Rancière is that he understands any political system as an oligarchy: an order that is maintained and governed by a social, economic and cultural elite. Democracy for him is the *contestation* of this order.

The theses that Lefort and Rancière present provide us with a conceptual framework that can help us to understand contemporary democracy better, by way of a synthesis. I show how it is necessary to fuse these two lines of thought by presenting a layered distinction between a politico-*ontological* difference (between the political and politics), and a politico-*ontic* difference (between the police and democratic politics). I believe this distinction is the only correct conceptual strategy that can contribute to a conception of democracy that can be truly called critical and post-foundational.

Rancière's use of the concept of *la police* already indicates that the social domain or society cannot be naively perceived as existing besides, or even before, politics. It is the other way around: there is first the establishment of specific social conditions, by means of force, domination, struggle and forms of implicit and explicit consent, before something like society or a democratic regime can emerge.

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In Chapter 6 I present a deconstruction of the concept of society and introduce what I call the democratic horizon. In addition to the political differences, I propose an intervention of my own. To respect the normative frameworks of both deconstructive political thought and of the deliberative democrat, we need a conception of something I call the *social* difference. I believe the ontological difference between 'the social' on the one hand, and 'society' and 'the outside of society' on the other needs to be introduced to make sense of the ambiguous status of the *demos* as political community.

In the end these conceptual interventions help us to create a conceptual matrix of the four types of difference, that may show how the concept of *demos*, but also of democracy, can contribute to a comprehensive post-foundational theory of politics and democracy.

However, the 'definition' of the *demos* - as indeterminate entity that overflows society - in itself is not enough to come to a post-foundational critical conception of democracy. For this we also need an ethical viewpoint, besides a deconstructive analysis. With the introduction of what I call 'the democratic horizon' I formulate the principles that should lead us in acting in accordance and in favour of democracy.

In chapter 7 we reach this spider within my conceptual web: the formulation of the post-foundational, critical conception of democracy, on the basis of conceptual matrix I have expounded in chapter 6. Such a conception allows for the integration of the perspectives and practices of the deliberative democrat, the activist, and the deconstructive theorist alike. This sheds light on several important contemporary political issues, such as the distinction between the inside and outside of society, in the cases of refugees and labour migrants as I show in chapter 6. But also on more theoretical issues concerning the relation between different aspects that are problematic within different discourses on progressive thought, such as the emphasis on antagonism and social identification, and its relation to law and other institutions; on the existence and justification of more violent political action as being forms of democratic contestation; and on the relationship between different ideologies within progressive thought, such as anarchism and socialism.

In chapter 7 I will come gradually to my own ideas of a progressive, critical and post-foundational account of democracy. Other attempts have been made in recent decades to do exactly this, some of which I discuss in this final chapter: Derrida's conceptualization of democracy-to-come, Laclau and Mouffe's radical and plural democracy, Rosanvallon's counter-democracy, and Abensour's insurgent democracy. First, Derrida's political writings offer an ethical horizon that provides us with crucial elements for understanding our *pathos*. However, his analysis of democracy lacks the conceptual deconstructive tools needed for a satisfactory account of social ontology. Second, Laclau and Mouffe successfully provide such a social ontology that helps us to understand our

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current situation on the basis of a post-foundational *logos*, but they almost completely fail to account for the necessary emergence and importance of stable democratic institutions. Third, in his recent work Rosanvallon provides an analysis of several key procedures for countering the failings of representative democracy. But because he lacks a coherent post-foundational conception of the *demos*, he ends up with an overly rigid, formal and procedural account of democratic action. Fourth and last, Abensour's reevaluation of Marx's thought on democracy *does* provide a conception of democracy that can both appreciate the existence of democratic institutions (such as the constitution) and the need for constant renewal of the identity and limits of the *demos* itself. What he does not emphasize enough, however, is the importance of more informal and practical public deliberation outside the actions that concern the self-instituting and self-presentation of the people as a whole.

In the final paragraph of this dissertation I formulate my conclusions with regard to a post-foundational analysis of democracy.

# Chapter 1. A normative conception of democracy

## §1 Introduction

Most conceptions of democracy, either those of common sense or those of political theory, are insufficiently meaningful, illuminating and motivating; that is, they fall short as *critical philosophical concepts*. Neither do prefixes such as 'liberal', 'representative', 'parliamentary' or 'deliberative' make for a more tenable model of democracy. Although there are important differences between them, all these models rely on an idea of the 'rule of the people' that is in some way too narrow or too expansive, too complex or too straightforward.

In this chapter I will mostly discuss the model of deliberative democracy, as I think this is the most advanced, albeit still insufficient, progressive conception of democracy in political theory available. The focus will be on Jürgen Habermas' formulation of a discursive and procedural account of democracy, an account that can be best understood as lying somewhere between the liberal and the republican account of democracy, and which is also explicitly normative, as I discuss in §3. Following up, I will show in §4 how different political theorists recently have tried to expand the Habermasian perspective by integrating current cultural and political developments in relation to international law and globalization to better understand our current predicaments. In §5 I will sketch the historical development that contributed to the formulation of deliberative democracy as an alternative or extension to representative democracy, and I focus on the concept of deliberation.

At the end of this chapter (§6) I argue that deliberative democracy is insufficiently critical with regard to conceptions of 'the people' and governing. Moreover, the notion of 'democracy' is employed in a way that is too narrow and limited to allow insight in our current geopolitical, or even national, predicament. Democracy seems to hover somewhere between fact and norm, without making clear how it could function as a critical, contesting concept.

## §2 What does democracy commonly refer to?

'Democracy' is a term we often use when we speak about important questions and principles that have to do with society, our government, and the way we have constituted and organized our institutions like the schools, parliament and our system of rights and law, (although the relation between law and

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democracy has never been straightforward). In particular, democracy seems to refer to the ways decisions about action and policy come into being within all kinds of organizations. Additionally, democracy refers to the way decision-making and the decisions themselves, within this specific form(ing) and functioning of organizations, are being legitimated. This can amount to the same thing. For example, when we say 'this is decided democratically' we generally mean by this that one way or the other a multiplicity of people have been involved in how things should be done and that this makes a decision legitimate: it has been justified, validated or made acceptable by the mediating participation of 'the people'. Instead of being the decree of a single person or a small collection of individuals within, at the top, or outside a specific organization, a democratic decision receives its legitimacy – for its existence, for its actions – from the *demos*. Most of the time the concept of *demos* denotes a specifically defined collection of human beings that in one way or the other directs - or consents with - the behaviour and action within a (political) organization, for example through voting or collective reasoning.

Thus 'democratic' can refer both to actions of organizations (i.e. in favour of a political community), and to the means by which the existence of the organization and its actions are being legitimated.<sup>1</sup> When an object - a decision, an organization, a specific ordering - is being called 'democratic' this implicitly entails a normative evaluation of this object; democracy functions as a positively valued principle, or ideal. That is: it entails a specific trust in, acceptance of, even faithfulness and devotion to, the legitimating and legitimate power of 'the people'. To express it in other, Hegelian, terms: democracy is a manner of making organizations or institutions an extension of the people's rule. They become an externalization of their consciousness, being understood as the objectivity of subjective but general will, of common shared demands and ideals.

However, this Hegelian formulation could already be understood as a specific ideological and therefore normative interpretation of the concept of democracy, as it is already preceded by a specific idea of the relationship between the social and politics, and between the individual and government. The relationship that is presumed should be analysed more carefully, as the relationship between (the will of) the *demos* and democratic organizations is never clear-cut, never unambiguous, and never straightforwardly or objectively grasped.

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<sup>1</sup> See for example: James Bohman, 'Introducing Democracy across Borders: From *Dêmos* to *Dêmoi*,' *Ethics & Global politics* 3, no. 1 (2010). "[...] Democracy has a particular dual structure among institutions as both a means to justice and a realization of some of its constitutive ends.", p. 7. Or in Agamben: "... democracy designates both the form through which power is legitimated and the manner in which it is exercised." Giorgio Agamben and William McCuaig, eds., *Democracy in What State?*, New Directions in Critical Theory (New York: Columbia University Press, 2010), p. 1.

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But when we, as Western democratic citizens and political theorists, speak or write about democracy, we seem to presuppose more than just 'the rule of the people' in any conceivable way. It is hard for us to grasp the concept of democracy in isolation from concepts as equality (before the law) and freedom (of speech, of organization), but also from specific ideas on participation and inclusion, representation, human capacities or human nature, and relations with law and human rights. This is because democracy has a long history: the only way to make sense of modern democracy is by relating our current practices to political practices, events, and ideas from the past. Simultaneously, we should emphasize that there are no *necessary* connections between these concepts and democracy. As Wendy Brown argues:

No compelling argument can be made that democracy inherently entails representation, constitutions, deliberation, participation, free markets, rights, universality, or even equality. The term [democracy] carries a simple and purely political claim that the people rule themselves, that the whole rather than a part or an Other is politically sovereign.<sup>2</sup>

Indeed, we should not be tempted to reduce democracy's conceptual and historical complexity and use the concept as an ideal and justification (or condemnation) of specific kinds of governing and political systems; the concept has an ideological and performative function and the particular model that can be deduced from some of these intuitions can become part of a particular political ideology (liberal, socialist, etc.). It is my contention that such reductions do not contribute to a critical philosophical approach towards the concept of democracy, as it does not seem to be concerned with understanding its origins, its historical and recent deviations, the presuppositions that ground it, and its inherent ambiguities; in short, its genealogy.

At the same time, judging from the type of complaints we commonly hear nowadays, the idea of direct democracy functions as the ultimate horizon for democracy. There is widespread dissatisfaction with politicians, with the mediatisation of democracy, and with the - perceived - gap between government and the people. Both for the left and the right, the democratic horizon implies that 'the people', through their voice, should contribute *directly* to the structuring and outcome of organizational functioning. This is apparently how we, Western democratic citizens, have come to understand and use the notion of democracy.<sup>3</sup> But this specific idea of 'direct democracy'

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<sup>2</sup> ———, eds., *Democracy in What State?*, p. 45.

<sup>3</sup> To cite a 'common source': "Democracy is a form of political organization in which all people, through consensus (consensus democracy), direct referendum (direct democracy), or elected representatives (representative democracy) exercise equal control over the matters which affect their interests." Wikipedia, lemma: democracy, consulted on March 1<sup>st</sup> 2011. For a more philosophical (academic)

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arguably has never become reality, on a national level or even in small communities. This is even true for ancient Greece or the Roman Empire, depending on how we define the *demos* and the criteria we use for universal participation. In part II of this dissertation, I will provide a conceptual analysis of this presumed 'democratic deficit', or perceived gap between the people and government, and consider whether the existence of such a gap would be problematic.

We should not be induced to close our eyes to the complexity of democracy's genealogy, especially not as political philosophers. Democracy's history proves to be long when we try to dig up its origins in political thought, and relatively short when we analyse the implementation of democracy within political practices in the modern age itself. Even outside of these genealogical perspectives, the translation of the word 'democracy' should give enough pause for thought and compels us to continue carefully and prudently. Both *kratia* as 'rule' or 'power' and the idea of *demos* as 'the people' are highly contested concepts with ambiguous content coloured by ideology; the synthesis of these specific translations probably even more so. To present some first considerations: on the one side, the question of whom should participate in 'democracy' is always open for debate and is a perennial object of political struggle and grounds for violence and oppression. The *demos* is never a fixed entity. 'To rule' and 'power', on the other side, are concepts that are constantly being redefined just the same. Entire academic and scientific disciplines are concerned with understanding the conceptual as well as the technical and normative aspects of these matters: what is governance? What is its goal and who or what are its objects? What is policy and how should it be implemented? What is the difference between power and force? How does power come into being and how is it being legitimated? What are the limits of power and when does it become violence?

There are without doubt many ways to confront these complexities. However, in my view the only correct way is to place these reflections in relation to a democratic horizon. In particular: to see actual democracy from the perspective of the desire for direct democracy. Only this perspective can lead to a really progressive account of democracy. My own way of dealing with it will be the main topic of part II of this dissertation. In this first chapter I am interested in a specifically influential way to confront these issues: the model of deliberative democracy as formulated by Jürgen Habermas, and some of his followers. I will turn to this theoretical framework now.

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account: "a method of group decision making characterized by a kind of equality among the participants at an essential stage of the collective decision making." written by Tom Christiano for the Stanford encyclopedia of philosophy, Lemma 'democracy'. Consulted on March 1<sup>st</sup> 2011.

### §3 Habermas' normative model of democracy

The most progressive, theoretically coherent and probably most influential theory on democracy of the last thirty years is Habermas' discursive conception of democracy. It was, and still is, the main point of reference for a large branch of political theory and political philosophy, and thus for theorists working on contemporary politics and democracy. In what follows I will discuss some of Habermas' influential work on democracy that could be characterized as belonging to his post-'communicative action' phase, mainly referring to his work from the 1990s.<sup>4</sup>

Habermas' main commitment in political philosophy throughout his career has been the radical reformation of post-war German politics.<sup>5</sup> As an alternative to liberal and republican traditions and the corresponding conceptions of democracy, Habermas presents a procedural view on democracy and law. He takes a position halfway between republican and liberal perspectives, borrowing the best from both worlds. On the one side, we find the republican tradition that can be traced back to Ancient Greece and Rome, and in modern times in the writings of Rousseau. Both classical and modern republicans underline the idea that political participation of citizens is essential, because they believe that good government and law making can only be achieved by participating free citizens. On the other side we find the liberal traditions, based on the writings of Locke, which generally stress a necessary separation between the state and civil society. Liberals claim that negative freedom, and the rights that underpin it, can better promote formal freedom and equality than state intervention or active citizen participation. The reason is that this will protect individuals and their interests from state power and from other citizens who hold conflicting demands and interests. Participation by citizens is generally reduced in liberalism to the right to vote and the possibility of free speech.<sup>6</sup>

The Habermasian perspective, as being halfway between republicanism and liberalism, should be understood in connection to Habermas' conviction that the socialist utopias are exhausted and that the political mentality should be seen as an 'ongoing Project' [*Projekt*] rather than as an 'ideal projection' [*Entwurf*], for example with regard to the constitution. Democracy, the good society and its constitution are seen as necessarily unfinished projects; the project itself consists of creating the conditions under which society can

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<sup>4</sup> I will focus especially on Habermas' book from 1992, *Between facts and norms (Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaates*, Frankfurt a.M.), and articles written by Habermas around this same time, especially the influential article 'Three normative models of democracy' from 1994.

<sup>5</sup> Matthew Specter, 'Habermas' Political Thought, 1984-1997: A Historical Interpretation,' *Modern intellectual history* 6, no. 1 (2009): p. 93.

<sup>6</sup> David Held, *Models of Democracy*, 3rd ed. (Cambridge, UK; Malden, MA: Polity, 2006), p. 268.

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regulate itself in discursive practices.<sup>7</sup> As the nature of society changes, so do the necessary conditions for democracy.

Habermas aims to show that law and democracy in Western societies should be understood as necessarily interconnected. In his view, both republicans and liberals are insufficiently able to account for this relationship. On the one side, republicanism, and especially its communitarian proponents, insist too much on a 'previous convergence of settled ethical convictions' and a 'concrete, substantively integrated community'<sup>8</sup>. This pre-political social coherence functions in these communitarian view as an explanation of how the orientation on a common good is possible. For Habermas this shared ethical base is not required, and is too much to ask from our current pluralistic societies. On the other side, Habermas thinks liberalism is mistaken about the nature of the political process itself. It should not be seen as an arena of competing, 'strategically acting collectivities' that are 'trying to maintain or acquire positions of power'.<sup>9</sup> The political process of opinion- and will-formation should demand more from citizens and its representatives than just the struggle for individual interests and demands.

What Habermas proposes is a procedural view on democracy and politics that is based on deliberation, the praxis that makes politics both dialogical and instrumental<sup>10</sup>: dialogical in the sense that will-formation is based on discourses 'in which participants want to get a clear understanding of themselves as members of a specific nation, as members of a locale or a state, as inhabitants of a region etc.'<sup>11</sup>; and instrumental in the sense that deliberation contributes to, and even constitutes will-formation, law and the constitution (although the last two are achieved indirectly through the mediation of institutionally framed procedures). As a result, on the one hand we find in Habermas the 'republican' civil participation in a public sphere that contributes to self-government, and collective authorship that is extended beyond mere voting procedures. On the other, Habermas maintains a 'liberal' separation between different centres of power: between an active public sphere, administration and legislation. In short, we could say that Habermas takes the proceduralism from liberalism but circumvents its grounding on its conception of the strategic individual and on the model of the market; and Habermas endorses the deliberative dimension of republicanism but at the same time is jettisoning its reliance upon a substantive ethical community.<sup>12</sup>

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<sup>7</sup> Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 1996), p. 444.

<sup>8</sup> ———, 'Three Normative Models of Democracy,' *Constellations* 1, no. 1 (1994): p. 4.

<sup>9</sup> *Ibid.*, p. 3.

<sup>10</sup> *Ibid.*, p. 6.

<sup>11</sup> *Ibid.*, p. 4-5.

<sup>12</sup> Wayne Gabardi, 'Contemporary Models of Democracy,' *Polity* 33, no. 4 (2001): p. 551.

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According to Habermas we should interpret the discursive conception of democracy as a 'normative model of democracy'. In philosophy 'normative' generally stands for the task of determining what should be done. In this case the issue is for Habermas what we should associate with good or bad government, with rational law and the good in general. With regard to the concept of 'model', I think Habermas would agree with David Held's definition, which sees it as a 'theoretical construction designed to reveal and explain the chief elements of a [in this case] democratic form and its underlying structure of relations'<sup>13</sup>. For Held models are:

[...] complex networks of concepts and generalizations about aspects of the political realm and its key conditions of entrenchment, including economic and social conditions.<sup>14</sup>

The normative basis of the Habermasian procedural model of democracy (its 'key conditions of entrenchment') consists of three elements: first, 'the discourse principle'; second, the concept of 'communicative freedom'; and third, the anthropological primacy of intersubjectivity as opposed to subject-centred perspectives. To start with the third element, Habermas is focused on what he calls the 'high-level intersubjectivity of communication processes'. These are the discursive practices, composed of debates and forms of discussion and will-formation that 'flow through both the parliamentary bodies and the informal networks of the public sphere'<sup>15</sup>. We should understand this 'high-level intersubjectivity' as a crucial element within the *gradual* model of opinion- and will-formation Habermas sketches here. The influence of citizens is not directly noticeable on the level of policy and law, but the will of the people 'rises up': it is filtered through deliberative practices (on the level of society and parliament) into administration and law-making procedures. Thus the results of specific forms of deliberation come to resemble something like distillation: it is found on a higher, more condensed level than simply direct participation, by means of representation, and specific procedures.

One crucial aspect of Habermas' model of democracy is its reliance on 'the discourse principle', the first element I mentioned earlier. The discourse principle states that '[j]ust those action norms are valid to which all possible affected persons could agree as participants in rational discourses.'<sup>16</sup> The discourse principle functions as a measuring-stick for the validity of norms of action and could be seen as an equivalent of the Kantian Categorical Imperative, intersubjectively reformulated. It explicates the meaning of impartiality and lets us decide what norms are permissible in any political

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<sup>13</sup> Held, *Models of Democracy*, p. 6.

<sup>14</sup> *Ibid.*

<sup>15</sup> Habermas, 'Three Normative Models of Democracy,' p. 8.

<sup>16</sup> ———, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 107.

deliberation. It is, according to Habermas, a neutral rule for guaranteeing political equality with respect to morality and law as it deals with norms in general under the pragmatic condition of rational discourses.<sup>17</sup> The discourse principle has a distinctively intersubjective and procedural-discursive layout, something we do not find in those areas of political thought which start from a conception of subjectivity. In the work of Kant, for example, the legitimacy of moral laws is explained in terms of the universal semantic properties of these laws following from the transcendental analysis of subjectivity and reason. For Habermas, on the other hand, this is far too metaphysical; instead, laws should be interpreted as the result of rational consensus between individuals with the common good in mind.

Habermas' procedural and discursive model of democracy has been coined 'deliberative democracy'. Its democratic *impetus* can be found in the practice of deliberation *within a public sphere*. The latter is understood as the space between civil society and the institutions, the place where will- and opinion-formation takes place, such as in the media and within public debate. Deliberation should be understood as the practice of weighing arguments 'to compromise competing interest in a manner compatible with the common good'.<sup>18</sup> This deliberation must be seen as the first step towards the democratic genesis of law, but not as something that can generate law autonomously. And it does not consist exclusively of an ethical discourse:

Instead, deliberative politics should be conceived as a syndrome that depends on a network of fairly regulated bargaining processes and of various forms of argumentation, including pragmatic, ethical and moral discourses, each of which relies on different communicative presuppositions and procedures.<sup>19</sup>

The assumption is that within these bounds of 'bargaining processes', such as those within the limits of 'communicative freedom', a reasonable and fair result is obtained.<sup>20</sup> I will now turn to this feature of communicative freedom.

For Habermas there is a validation problem in the conceptions of law in Kant and Rousseau: how can the legitimacy of a law be satisfactorily explained by its semantic properties, or be grounded on a unitary conception of the social, when in our time this domain is so clearly and necessarily characterized by fragmentation and pluralism? For Habermas the validity of a norm is guaranteed only when everyone accepts the norm on the basis of good reasons.<sup>21</sup> This leads Habermas to introduce the concept of 'communicative

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<sup>17</sup> Ibid., p. 103.

<sup>18</sup> ———, 'Three Normative Models of Democracy,' p. 5.

<sup>19</sup> Ibid., p. 6.

<sup>20</sup> Ibid.

<sup>21</sup> ———, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 102-103.

freedom'. Like the discourse principle, this concept could be interpreted as a norm, or obligation towards others, within discursive praxis: it refers to a necessary precondition for achieving mutual understanding and intersubjective recognition.<sup>22</sup> Without communicative freedom, understood as 'the free processing of information and reasons'<sup>23</sup>, we would lose the guarantee that collective decisions are rational; in addition we would lose a motivating force to comply with specific obligations that have been decided collectively.<sup>24</sup>

As politics for Habermas is involved with the common good, but also for an important part with the resolution of conflicting private demands that exist within a decentred and pluralistic modern society, solidarity should be developed on multiple levels. The discourse principle and communicative freedom are two conditions that need to be accepted by all before any form of democratic deliberation can succeed, and as such they both contribute to solidarity. Moreover, consensus should be the goal in making a truly rational democratic society with communicative power possible. It is communicative power that leads gradually to administrative power by means of legislation, through deliberation and institutionalization.<sup>25</sup>

With these general outlines of deliberative democracy in view, one may ask how this conception of democracy can help us to understand democracy and democratic practices when we move beyond the absolute sovereignty of the nation-state, and move to a political situation in which decision-making is transferred progressively to international political forums. Can deliberation have the same legitimising function? And can it even take place? And if so, under what conditions? This will be the topic of the next section.

#### **§4 Expanding the Habermasian framework: transnational deliberative democracy**

How should we understand international law from a deliberative democratic perspective? How can we make sense of international law without a clear or coherent *demos*, an international community or international society? Several political theorists have tried to adjust the Habermasian theory to conceptualize a comprehensive normative theory of transnational democracy. Two of these so-called 'cosmopolitical' accounts of deliberative democracy can be found in the writings of Seyla Benhabib and James Bohman. According to Bohman, we live in a time and international context in which democratic functions need to be both expanded and reduced, in addition to the need for policy to become optimally interrelated and organized. For Bohman, and other

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<sup>22</sup> Ibid., p. 119.

<sup>23</sup> Ibid., p. 147.

<sup>24</sup> Ibid.

<sup>25</sup> ———, 'Three Normative Models of Democracy.'

cosmopolitans like Benhabib, the expansion of democratic functioning can be found in, and achieved by, a better correspondence between national law and international law such as the United Nations Declaration of Human Rights. This becomes clear when Bohman says that 'states now seem both too big and too small: too big to generate the loyalty and legitimacy for a democratic ideal, and too small to solve a myriad of social problems'<sup>26</sup>. One could think here of ecological and economic problems. This approach is slightly different to the Habermasian account as it was presented in the 90s. For Habermas practical reason should 'withdraw from human rights' and is only concerned with the rules of discourse and forms of argumentation.<sup>27</sup> For theorists like Bohman and Benhabib the expansion of national law and reference to international human rights is necessary for dealing with new geopolitical contexts.

The problems existing between national and international law could be resolved by intensifying the relationship between different systems of rights. In the case of Benhabib, for example, cosmopolitan norms should not be treated as mere 'oughts': they must generate enforceable norms not only for individuals but for collective actors as well; and in the first place for states and governments.<sup>28</sup> Clear examples of these universal enforceable norms for Benhabib are the Kantian right of universal hospitality, the Arendtian 'right to have rights' and the concept of 'crimes against humanity'.

For Bohman democracy can be best understood as

[...] that set of institutions by which individuals are empowered as free and equal citizens to form and change the terms of their common life together, including democracy itself. [...] Democracy is thus an ideal of self-determination, in that the terms and boundaries of democracy are made by citizens themselves and not others.<sup>29</sup>

Bohman thus defines democracy both as a form of organization, or corpus of organizing structures, *and* a political ideal, in which citizens are actively engaged in thinking about what a democracy should look like and are actively involved in giving these institutions shape. They set the borders for what should be done in the name of the common good. There is no structural difference between Bohman and the view Habermas has held since the mid-80s of the twentieth century here. However, the world has radically changed over the last thirty years and this is why Bohman urges to adjust the Habermasian framework. Bohman is specifically interested in two social

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<sup>26</sup> James Bohman, *Democracy across Borders: From Dêmos to Dêmoi*, Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 2007), p. 3.

<sup>27</sup> Habermas, 'Three Normative Models of Democracy,' p. 6.

<sup>28</sup> Seyla Benhabib et al., *Another Cosmopolitanism*, The Berkeley Tanner Lectures (Oxford; New York: Oxford University Press, 2006), p. 24-25.

<sup>29</sup> Bohman, *Democracy across Borders: From Dêmos to Dêmoi*, p. 2.

conditions he encounters in contemporary states: first, globalization and pluralism, which he sees as interrelated; and second, the absence of a global public sphere. These conditions should be taken very seriously and Bohman argues that it is especially the Habermasian concept of law that could help us here. Just as in Habermas, Bohman perceives rights (within the framework of a republican transnational democracy) as attributing a normative status to transnational citizenship; rights should not be seen, not exclusively at least, as juridical principles against interference by the state or other citizens, as liberals would claim. All this should convince us, finally, to think about the development of a 'distinctive form of transnational constitutionalism that is the basis of any democracy's reflexive political order'.<sup>30</sup>

Bohman's recent work is therefore best understood as an expansion of the Habermasian framework of the procedural, discursive conception of democracy. Like Habermas', Bohman's theory is built on the idea of public deliberation as the proper way to validate national, and also international, democratically justified law. In his book *Democracy across borders: from dêmos to dêmoi* (2010) Bohman tries to conceive of a transnational democracy based on the deliberative ideal. In general, Bohman argues that to do this we need

[...] to show that many of the basic categories of democracy need to be rethought, including the very basic conceptions of the people, the public, citizenship, human rights and federalism.<sup>31</sup>

This entails three specific goals. First, transnational democracy should be conceived as a viable extension of emerging preconditions, practices and institutional orders. Just as with Habermas, these preconditions are identified as an active public sphere and the way institutions of the state respond to discursive practices. For Bohman, 'democracy' is not a utopian ideal but something that is 'appropriate to the current circumstances of politics'. Secondly, transnational democracy should fulfil a 'democratic minimum'. By this Bohman means that a normative prerequisite of democracy should be in place, i.e. that democracy should be reshaped in accordance with the demands of social justice. Thirdly, the concept of transnational democracy should be able to do without a singular *demos* or a unified will of the people.<sup>32</sup>

Bohman thus perceives the need to transform our ideas of deliberative democracy in changing circumstances, such as globalization and the modified roles of nation states. However, this theoretical transposition in itself - the shift from national to transnational democracies within the model of deliberative democracy - is basically a shift in scale and scope within *the same conceptual framework of this progressive conception of democracy*. It stays within the

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<sup>30</sup> Ibid., p. 12-13.

<sup>31</sup> Ibid., p. viii.

<sup>32</sup> ———, 'Introducing Democracy across Borders: From Dêmos to Dêmoi,' p. 2-3.

scheme of active citizenship, deliberation, a specific view on the public sphere, responsiveness of governmental institutions, and, more philosophically, inflated Enlightenment conceptions of freedom and autonomy, and equality before the law. Most importantly, it is still based on a non-critical conception of the *demos*, of governing, and of politics.

## §5 From representation to deliberation

Next to the issue of transnational expansion, or translation, of the Habermasian framework, we should ask how we should, historically and conceptually, interpret the specific *discursive* character of his model of democracy. Here I will focus in particular on the concept of ‘deliberation’ and the way it can be interpreted historically as a response to representational democracy.

When we look through the lens of legitimation and validation (of law and policy for example), as Habermas does, we could ask in what fashion representation contributes to this process. What exactly is represented in representative government and how does it contribute to a democracy?<sup>33</sup> The principle behind representational democracy is the representation of a person’s wills and wants by a representative individual or group.<sup>34</sup> But it cannot be the case that it is essentially individual wills that are being represented, there is a clear need for a common element of social life that is being represented. But neither can we simply conceive of this common element as a ‘general will’, as this general will is never present in the political process as such; it is an outcome of political struggle, not its starting point.

The growing emphasis on ‘deliberation by citizens’ as against the idea of representation should mainly be seen against the background of two interrelated developments in the second half of the twentieth century though. The first development is cultural, and has to do with a growing awareness of and belief in the power of the people, and the call for popular participation on

<sup>33</sup> W.D. Handcock, ‘What Is Represented in Representative Government?’, *Philosophy* 22, no. 82 (1947).

<sup>34</sup> In a classical work on representation from 1967, Hanna Pitkin concludes that popular representation can be understood as ‘acting in the interest of the represented, in a manner responsive to them’. (p. 209). The representative is the one who acts, but this does not mean that the represented is passive; he must also be conceived as capable of independent action and judgment. A rather extreme idea of representation can be found in the writings of Irish philosopher and politician Edmund Burke, who says it is not the people who are represented, but only their interests. In Burke, however, these interests can and even should be determined without consulting the wishes and demands of actual people. We should ask, as Pitkin does, if it still makes sense to speak about popular representation in this respect, as it seems to be more of an idea about experts deciding on technical questions that concern ‘the ignorant masses’. (p. 210) On the other end of the spectrum we find the idea that representation should be concerned with ‘substantive acting for others’ after consulting the constituents extensively. Pushing this to the extreme seems to completely efface the principle of representation as something more than ‘replacing something that is not there’; the representative here, seen as equal of the represented, is nothing more than a substitute for the represented. Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967).

the institutional level by modern individuals. In this sense deliberative democracy can be seen as a more direct and empowering version of democracy than representative democracy. The second development is a socio-political one, consisting of a growing discontent with political representation in general. Phenomena such as corruption by representatives, clientelism and favouritism (especially with respect to the interests of corporations or, more general, corporate capitalism<sup>35</sup>), narrow-mindedness, short-term thinking and a clear 'democratic' deficit are often mentioned in this respect. Deliberation could be seen as filling this democratic deficit, by directing our attention to a type of will-formation that takes place prior to any form of representation, at the level of society. In this way not only private and individual interests are being represented on higher levels (in terms of level of representation) but also something that could be called a general will; the will of the people is not just alluded to and interpreted by representatives, but can be expressed by the people themselves at the moment they have reached consensus (even when this entails taking a vote on the matter).

By adding a layer of democratic participation on the level of society, without mediation and representation<sup>36</sup>, deliberative democracy accommodates several of the severe difficulties of representative democracy. David Held characterizes deliberative democracy as a theory that departs both from the framework of representation, and from forms of direct democracy and majoritarianism. In his view deliberative democrats often 'portray contemporary democracy, representative or direct, as a descent into personality clashes, celebrity politics, sound-bite 'debates' and the naked pursuit of personal gain and ambition.'<sup>37</sup> According to Held deliberative democrats champion themselves as the ones that adhere to: 'informed debate,

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<sup>35</sup> Held, *Models of Democracy*, p. 169.

<sup>36</sup> Habermas' stance towards representation seems to be very ambiguous, if not plainly characterized by distrust. John Durham Peters formulates it in the following way: "Representative publicity, for Habermas a counterweight to democratic participation, remains a perennial option for the organization of public life." And: "Habermas is profoundly suspicious of representative publicity and clearly enchanted with the bourgeois public sphere." John Durham Peters, 'Distrust of Representation: Habermas on the Public Sphere,' *Media, culture & society* 15 (1993): p. 545. Peters shows convincingly that Habermas is especially distrusting towards representation because of its symbolic function: any attempt to fill the place of power runs the risk of reification and political violence. *Ibid.*, p. 565. Additionally, representation does not play a substantial role in *Between facts and norms*, which could be seen as a clear indication of this. And we can understand why: for Habermas there is a clear cut between society and the state. Representatives can be found at the level of the state on the condition that there is something to be represented. Ergo, publicity has primacy over representation. Habermas writes: "As long as we fully equate politics with the balancing of current interests represented by elected officials, the classical discussions over imperative and free mandates, or about whether the representative system mirrors a hypothetical or empirical popular will, lose their point of reference." (p. 181) That Habermas is not completely averse to representation becomes clear, but under very specific conditions: "Discourse conducted by representatives can meet the condition of equal participation on the part of all members *only if they remain porous, sensitive, and receptive to the suggestion, issues and contributions, information and arguments that flow in from a discursively structured public sphere*, that is, one that is pluralistic, close to the grass roots, and relatively undisturbed by the effects of power." (p. 182, my emphasis)

<sup>37</sup> Held, *Models of Democracy*, p. 232.

the public use of reason and the impartial pursuit of truth.<sup>38</sup> This informed debate is part of what has been called 'deliberation'.

These reflections on representation and its relation to deliberation should help us to get a firmer grip on Habermas' theory. To recall, Habermas develops an idea of deliberative democracy that aims to take into account both the positive and emancipatory role of (constitutional) law in Western societies, and the necessary prerequisites of democracy. To do so he reconceptualizes two of the most important concepts of modern political philosophy itself: autonomy (and its limits) and popular sovereignty. Other than Bohman and Benhabib, Habermas in the end relies on popular sovereignty and not on human rights as the ultimate ground of the legitimacy of law.<sup>39</sup> Laws derive their legitimacy from the democratic procedures of deliberation that help constitute them. Against what he calls 'rights foundationalism' - the view that rights 'trump' any popular belief - Habermas takes the position that the addressees of law ought to be at the same time its authors.<sup>40</sup> For Habermas a democratic, constitutional republic is not a *contradictio in terminis*, as a hardcore republican or liberal might claim, because we should understand the constitution not as something fixed, but as an ongoing project. It is built on the idea of collective authorship.<sup>41</sup>

Again, the procedure that lies at the basis of this authorship is what Habermas calls 'deliberation'. Work by Joshua Cohen can show us what precisely is at stake here.<sup>42</sup> Cohen argues for an ideal deliberative procedure that captures the notion of justification through public argument and reasoning among equal citizens. This is explicitly directed against the Rawlsian conception of democracy that tries to ground a democracy theory on the basis of a metaphysical notion of fairness.<sup>43</sup> For Habermas this intervention by Cohen contributes to the idea that deliberation should be understood as a way of communication between members of a society 'from which procedurally correct decisions draw their legitimacy'<sup>44</sup>. He concludes that before this is the case the deliberative procedure itself should satisfy multiple postulates and be constrained by several rules, such as: being exercised 'through the regulated exchange of information and reasons'; no individual should be excluded; there can be no coercion insofar as individuals are bound only by the rules of

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<sup>38</sup> Ibid.

<sup>39</sup> Specter, 'Habermas' Political Thought, 1984-1997: A Historical Interpretation,' p. 96.

<sup>40</sup> Ibid., p. 117.

<sup>41</sup> Ibid., p. 97.

<sup>42</sup> Joshua Cohen, 'Deliberation and Democratic Legitimacy,' in *The Good Polity*, ed. Alan Hamlin and Philip Pettit (Oxford: Basil Blackwell, 1989).

<sup>43</sup> In his article 'Deliberation and democratic legitimacy' Cohen argues against John Rawls that the conditions for a republican conception of democracy based on fairness (which are: political debate organized around alternative conceptions of the common good, respecting and making explicit the egalitarian implications of a democratic order, and stimulating the competences for self-respect, political articulation and a sense of justice) should be legitimated by a system of bargaining processes 'with fair representation', and not by reference to the ideal of fairness. See: *ibid.*

<sup>44</sup> Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 305.

argumentation and presuppositions of communication.<sup>45</sup> Some additional conditions are mentioned by Cohen with respect to the political character of deliberation: first, the participants are only bound by the results of deliberation and the preconditions of this deliberation; secondly, deliberation is reasoned, i.e. parties that participate state their reasons; thirdly, parties are formally and substantively equal; fourth and lastly, the aim of deliberation is ideally to get to a rationally motivated consensus, by majority voting if needed.<sup>46</sup> Habermas simply reformulates these conditions expounded by Cohen.<sup>47</sup>

In short, deliberation points towards the activity of individuals who are carefully and rationally considering demanding public preferences and important political issues (that is: with general interest in mind) in an egalitarian and free context, without too many constraints with respect to the content or object of deliberation. And all this is grounded on the anthropological assumption of intersubjectivity, shared (human) capacities, wishes and rules of communication, and relatively shared conceptions of equality and freedom.

On the one hand, the before-mentioned constraints and rules (the form of deliberation) seem to be rationally motivated and understandable from an instrumental perspective. Its contents, on the other hand, should be devoid of specific human tendencies and (inter)subjective characteristics, like emotions, power relations, personal interests, or even of struggle. As David Held notes, one of the deliberative democrats' main concerns is how private preferences can be transformed into collective preferences - or private preferences that withstand public scrutiny. Thus, the goal of deliberation, from the perspective of the individual, is not primarily concerned with 'getting what you want' but *to reach consensus about the justification of your demand from a collective standpoint*. By sharing information, public deliberation can transform individuals' understanding of their own preferences and that of others, and strengthen their comprehension of complex problems.

We can distil some implicit premises from this line of thought. First, individuals should shake off their egocentricity and try to confront their own wellbeing from a different perspective. They should be concerned with individually and collectively understanding and confronting problems that transcend their own. Second, public deliberation can reveal how preference-formation may be linked to specific interests (economic, political) that are ideologically motivated.<sup>48</sup> Third, and related to the second reason, public deliberation replaces individual interests and demands with reasons, by

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<sup>45</sup> Ibid.

<sup>46</sup> Cohen, 'Deliberation and Democratic Legitimacy.'

<sup>47</sup> Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 305-306.

<sup>48</sup> Held, *Models of Democracy*, p. 237.

reasoning about specific views and testing arguments in an 'open, fluid and dynamic process of 'opinion formation' in public life'.<sup>49</sup>

To conclude: the theory of deliberative democracy has some obvious merits in relation to other theories of democracy such as the republican and liberal accounts, some of which we have already seen: first, it is able to account for a pluralist society and is not dependent on the counter-intuitive idea of a social whole or unity. This is an alternative to both republicanism and communitarianism. Second, deliberative democracy is focused on the direct participation of citizens to give them more powers, which is against any elitist conception of decision-making and certain forms of parliamentary and representative democracy. Third, the focus of deliberative democracy is on collective decision-making concerned with the common good, which goes beyond the defence of one's own interests. Deliberation should also be seen as a form of disciplining the citizenry into reflecting on the common good. This could counter the tendencies in Western societies which are especially concerned with consumer rationality and the glorification of the individual. Fourth, deliberative democracy has the theoretical merits to make sense of the several connections between many important political concepts that have been part of our political thinking for several centuries now. Fifth and last, the model of deliberative democracy has a strong normative element at its core: it argues in favour of popular participation on the basis of equality and freedom.

## **§6 Beyond deliberative democracy**

My main mission in this dissertation is to present a conception of democracy that retains the strengths of the theory of deliberative democracy, while simultaneously showing that it is only partially satisfying as a normative model for democracy. I have multiple reasons for claiming this, some of which have to do with the critical task of philosophy that I will discuss in part I of this dissertation. In the remainder of this chapter I will primarily focus on three aspects: first, the boundaries of deliberative practices; second, the quasi-transcendental nature of the rules for deliberation; and third, the naïve and one-sided conception of both the '*demos*' and of contemporary forms of 'governing'.

As I have shown, deliberative democracy should be distinguished from representative democracy as it tries to persuade us to believe that anyone can participate in deliberation at the level of the public sphere as long as one respects the constraints of the discourse principle and the limits that make possible the ideal of communicative freedom. The space created in this way has been called 'autonomous': the public sphere or publicity is one of the sites of public deliberation, besides the sites of opinion- and will-formation that are

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<sup>49</sup> Ibid., p. 237-238.

institutionalized, like parliament and the courts. But can this public sphere be interpreted as 'democratic', taken literally as 'rule by the people' or 'popular sovereignty' that extensively contributes to the way the people are being governed? It cannot, as Habermas himself explicitly notes: "Within the boundaries of the public sphere [...] actors can acquire only influence, not political power."<sup>50</sup> He adds: "The influence of public opinion generated more or less discursively in open controversies is certainly an empirical variable *that can make a difference*."<sup>51</sup>

We should ask whether Habermas doesn't concede too much here. Does this model of democracy boil down to a view on the people possessing only 'influence', that can make 'a difference'? And if so to what extent then can deliberative democracy still be called an ideal or normative conception?

Moreover, even when we would agree that public deliberation is a realizable ideal, it can still be argued more or less cynically that the influence of public opinion or deliberation on the level of international politics and law-making in contemporary states is much smaller than Habermas or Bohman seem to aim for. And recent developments do not indicate that this will change anytime soon. In so far as deliberative democracy adheres to direct democracy by arguing for forms of public deliberation that are prior to representation, even the gradualist construction of will-formation seems to be far too optimistic. Of course we could expand, or abstract from, this deliberative conception of democracy, as Habermas and Bohman do, by arguing that the *corpus* of (inter)national law and human rights should be seen as an indirect or mediated formulation of the general will of *demos*, but this is a *tour de force*; the distance between possible public deliberation that principally should take place on a very local level, and the 'public' decision-making in (for example) the European Parliament is enormous. And even if this would not be the case, the political leaders of the member-states of the European Union presently have more to say than the (indirectly) democratically chosen members of this parliament.

Deliberative participation here seems really utopian. In contemporary national and international democratic states numerous layers have been added between deliberation within a public sphere and actual policymaking and legislation; there are several tiers of representation, there is expert-mediation, the influence of corporate- and NGO<sup>52</sup>-lobbies for example is huge. In this sense there simply is no deliberative democracy anywhere in Europe. Even on a national level deliberative democracy is problematic and far-fetched.

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<sup>50</sup> Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 371.

<sup>51</sup> Ibid. My emphasis.

<sup>52</sup> Non Governmental Organization

## CHAPTER 1

Another problem with deliberative democracy has to do with the relation between the rules of deliberation and law making. Habermas argues in *Between Facts and Norms* how, and on the basis of what specific principles, discourse should be regulated to reach something like procedural fairness and eventually valid and democratic, i.e. rational, laws. However, if his theory should be regarded throughout as procedural and participatory, these principles of discourse themselves should be the object of deliberation, being the only way to sustain a presumption of fair results.<sup>53</sup> But this procedure itself would lead to an infinite regress: “the democratic principle states that only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legitimation *that in turn has been legally constituted*.”<sup>54</sup> But how could this be achieved? As Frank Michelman makes clear it cannot: “[...] nothing suffices for validity short of actual submissibility, at any time, of pending derivations to the critical and corrective rigors of actual democratic discourses.”<sup>55,56</sup>

This second, conceptual, problem expressed in the above is a fairly abstract and internalistic critique directed at the idea of deliberative democracy. But there are other, even more pressing philosophical problems deliberative democracy does not address. The main problem with the way democracy is used in deliberative democracy is the almost naïve, un-critical and un-philosophical conception of the *demos* on the one hand, and the conception of institutions and contemporary governing on the other. This becomes clear when one considers one of the important political playing fields: the public sphere. For Habermas the public sphere should be seen as the open space of public deliberation, concerned with the common good exclusively, under conditions of social equality and *ideally* consisting of a single public. The ideal is that everyone should be able to participate and should be heard. But who is talking? Is being present enough? And who decides who should speak? When have we reached consensus? With respect to the boundaries of deliberation we should ask: what reasons count in the practice of deliberation? And why should we accept that this discursive playing field for deliberation is sufficient for a normative conception of democracy? What about other forms of (political) action? As Nancy Fraser argues, the conditions of an exclusive focus on the common good in deliberation, on the presupposition that the

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<sup>53</sup> “Democratic procedure [...] grounds the presumption that reasonable or fair results are obtained’. Habermas’ discourse principle states it even stronger: ‘Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses.’ Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 296 and p. 107.

<sup>54</sup> *Ibid.*, p. 110.

<sup>55</sup> See: Frank I. Michelman’s ‘How can the people ever make the laws?’ in James Bohman and William Rehg, eds., *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, Mass.: MIT Press, 1997).

<sup>56</sup> This could explain why Habermas was disappointed with the decision to place the DDR under the jurisdiction of the constitution of BRD, instead of writing a new constitution. In Habermas’ view the German unification was the perfect opportunity to anchor such a moment of deliberation by deliberation itself, the emergence of a genuine social contract. See for an analysis of Habermas’ position during the German unification: Specter, ‘Habermas’ Political Thought, 1984-1997: A Historical Interpretation.’

participants need to assume that all are socially equal, that deliberation should ideally take place inside a single, comprehensive public sphere, and that a sharp separation between civil society and state is required, are not convincing.<sup>57</sup>

With respect to democratic governing similar questions should be asked: what is governing? Is governing more than the production of law? Of course it is, and Habermas wouldn't claim otherwise. However, his theory seems insufficiently sensitive to: the way in which social institutions contribute to normalizing conduct and creating a division between the normal and abnormal; on the importance of power relations and inherent social hierarchies that function in society (or create the latter); and on the logics that contribute to processes of inclusion and exclusion that lie at the basis of any social or political unity. A sovereign state is such a unity, just like society. And the space for deliberation is probably, when it is to be confined by such strict normative principles.

And there are other problems: if actual deliberation itself rarely takes place, in what sense can we speak of 'the rule of the people'? And even if we can conceive of, and implement, such practices of deliberation, thereby guaranteeing rational, i.e. democratic laws, is the task of political philosophy with regard to democracy then finished? Shouldn't we assume that there is something democratic outside deliberation? I think we should.

To confront these problems we need to take a step back and return to a tradition of philosophizing that concentrates on the conditions of (political) thought, of grounding our way of thinking in relation to the world in order to come to a renewed and more expansive notion of democracy. We need to return to the philosophical tradition of 'critique'. Although there is no such thing as presuppositionless thinking, my goal is to re-examine some of the basics of political thought, a re-examination that may run counter to some of Habermas' argumentative premises.

I will argue for another conception of democracy, one that retains some of the crucial insights of deliberative democracy, while trying to move beyond it. A conception that is insightful with respect to understanding our current political and social surroundings, and that at the same time can be understood as a normative ideal, without being utopian. My goal is to conceptualize democracy working from non-foundational insights and ideas, *without losing the critical force of the concept of 'democracy' itself*. I aim to provide a philosophical critique of democracy, employing a clear distinction between different levels of democratic conceptualization, which for instance distinguishes between democracy as a politically deliberative praxis and democracy as action and contestation.

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<sup>57</sup> Nancy Fraser, 'Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,' *Social Text* 25/26 (1990): p. 62ff.

## CHAPTER 1

To do so, I first need to explain how I understand philosophical critique in our time. In the following three chapters I present an analysis of the history of philosophical critique. My goal is to explain how the conception of critique has changed through time and what aspects prove to be constants. Three such aspects will prove to be crucial: the role of the philosopher as theorist; the commitments the philosopher shows in his work; and the methods and concepts he can use to arrive at a critique. These will constitute the backbone of a conception of democracy that aims to be both illuminating and motivating.

'What are the consequences of your project for democratic practice?', one might ask. Does it mean we have to dismiss any form of representation as undemocratic, or perhaps dismiss any democratic legitimation of law? This is certainly an option but not a viable one. We end up with the same problems Habermas was confronted with. Instead I will try to show how democracy can be revitalized. For the moment, I propose that we interpret deliberative democracy, being the most progressive conception of democracy, as an ideal for democracy *within* already existing political regimes or discourses. In other words, the ideal of deliberative democracy could be formulated like this: 'If real deliberation would actually take place, then we would be justified in seeing public administration, policy and law as expression of the will of the people'. It is my contention that this counter-factual statement is not enough to understand democracy, or for fighting in favour of it!

To show this I will strip down the concept of democracy and try to relate this bare conception of 'popular rule' to a specific idea of politics and the social. I will try to resolve some issues philosophically, such as: what is the relationship between democracy and contemporary governing? How should we conceive the difference between the political and the social, and in what sense has democracy been the bridge between these two? In what sense has democracy historically been an answer to a political problem, and how can we utilize this knowledge? This dissertation is an attempt to confront these questions, some of which are as old as civilization itself.

I believe democracy to be a genuinely ambiguous concept, one almost devoid of meaning in our age, it refers to something but no one knows exactly what. People use it to serve a specific purpose, for example as a description, an ideal, a tactical element, as a norm, or a strategy. Can democracy exist at all? I believe it does, in the form of social practices. What we should say is that specific influential theories, models and classifications of democracy are 'wrong' (conceptually and morally) in the sense that they do not capture the history and dynamics of democracy, at least not completely and in an insightful way, as will become clear in this book. Democracy, as a social and political entity, is not exclusively a part of a model, a theory or a political system. And maybe it can't even be used like this in any conceivable or convincing way, at present. Maybe we should conceive of democracy just as a tactics, a strategy, an ideal, an experience, or as an ideological instrument. We shall see.

## **Part I: Critical philosophy**



## Chapter 2. *Ethos, Pathos, Logos*: on methodology and commitment

### §1 Introduction

What does it mean to be a critical philosopher? In this chapter and the next two I present a perspective on philosophy and authorship that will be part of my methodology and general strategy in this dissertation. My goal is to show that it is still possible and necessary for a philosopher to take a critical stance in relation to political and social reality, even when taking seriously the assumptions and conclusions of post-metaphysical and post-foundational philosophy. But such an attempt can only succeed when we interpret the critical project in a certain way, as several philosophers and political theorists at the end of the twentieth and the first decade of the twenty-first centuries have showed.

In this chapter I will sketch a history of what it meant to be philosophically 'critical'; in the next chapters I will reflect on some theoretical developments during the twentieth century that have influenced and changed our understanding of the tradition of philosophical critique (chapter 3), and I will argue for a perspective on the conditions for critical political thought in the first decade(s) of the twenty-first century (chapter 4). I believe we should see critique as consisting of three parts: first we have to incorporate a specific *ethos*, i.e. a specific modern and philosophical attitude towards our history, our world and ourselves. Second, we need to have a specific *pathos* or emotional and ethical impetus and commitment to strengthen our normative argument and to give us some ground or point of reference for engaging in political philosophy. Third and last, we need to have some rules or method, presuppositions, guidelines and a way of arguing that helps us to move forward towards a normative evaluation of reality and its genesis. This is what I call the critical *logos*.<sup>58</sup>

I will go about this as follows: first I will focus on the critical attitude or *ethos* that we need to have when concerned with political and social reality. This

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<sup>58</sup> The classical distinction between *ethos*, *pathos* and *logos* can be found in the *Rhetorics* of Aristotle and deals with the means of persuasion, the '*pisteis*'. First, '*ethos*' stands for the moral character of the speaker, as well as that of the listeners. The *ethos* of a speaker manifests itself most clearly, for Aristotle, when the discussion or plea of a speaker contributes to the truthfulness of the speaker. (1356 a 1-5) Second, *pathos* is one of the other legitimate means of persuasion, but only when it is part of a general means of expression (*lexis*) and argumentative performance (*hupokrisis*). In general '*pathos*' refers to the passions, the emotions and feelings that are being evoked or alluded to by a speaker. (1356 a 15-20) Third, '*logos*' refers to reasoning in general by showing something as being true, and is also one of the means of persuasion.

argument could be perceived as groundwork or a foundation of sorts, as it determines to a large extent how we can approach reality, and what the role of philosophy and the philosopher can and should be. After this foundational undertaking I present a short history of critical reflection as a philosophico-theoretical praxis, characterized by several strategies: the continuous reversal of the subject-object relationship; the introduction of autonomy as a characteristic of human beings that contributes to self-understanding and self-determination; and the realization of a just and democratic common world. The aspect of *pathos* constantly runs through my historical reflection as the integral part of any singular philosophical contribution. The *pathos* of a particular author will be discussed accordingly.

## §2 Critical *ethos*

As the concept of 'Critique' has been made famous by Kant during his so-called 'critical phase', it should come as no surprise that part of this chapter deals with Kant's writings. However, I will not approach his work on critique directly, but through the work of the French philosopher Michel Foucault. As becomes clear in a series of texts written, and interviews given, between the end of the 1970s and his death in 1984, Foucault identifies in Kant a specific conception of the Enlightenment he clearly finds attractive. This is especially true in relation to what Foucault calls Kant's critical *ethos*.

Foucault has significantly contributed to the overcoming of the Hegelian framework of dialectical development, with its inherent optimism concerning the existence of a specific goal in human history towards realized freedom, combined with the one-sided evaluation of knowledge as an emancipatory phenomenon. The role of knowledge is probably the most central difference between Hegel and Foucault. For Foucault, knowledge is necessarily bound to the modern will of power, disciplining and politics; for Hegel, knowledge primarily plays a part in the emancipation of the knowing and acting subject.

From early on, Foucault has been concerned with the manner knowledge-claims prescribe and limit what can be rationally said and done, and what is meaningless, taboo or even forbidden in a moral, ethical or juridical sense. Instead of perceiving history in terms of a development of reason towards a higher goal, Foucault describes specific timeframes of thought and knowledge as heterogeneous blocs that are characterized by specific norms, forces and rules, demarcating what counts as normal and abnormal. His analyses encompass the domains of psychology, morality, medicine, law, sex and socio-politics, and imply that within Modernity (for Foucault starting at the beginning of the nineteenth century) power and knowledge have become increasingly intertwined.

To be sure, the historical exercise I present in this chapter is quite different from Foucault's own unique analyses of praxes and texts. My approach could be called 'internalistic' and idealist, although I agree that contingency and the phenomenon of the event should be taken seriously in political reflection - as I show in part II of this dissertation. Nonetheless, I am staying in this chapter within the boundaries of contemporary, late-Enlightenment and modern Western thought itself, as presented in the writings of Kant, Hegel and Marx. I am not primarily concerned here with external factors, such as institutional changes and challenges, political events and the like. My project is more Hegelian in nature: to show how my critical political project with regard to democracy, which I present in part II of this dissertation, can be interpreted as a continuation of critical philosophy through other means.

In this section on critique as *ethos*, however, I will particularly concentrate on two texts by Foucault on critique and 'being critical'. Although Foucault's ideas on the right method are different from mine<sup>59</sup>, I think his conceptualization of philosophical critique as a specific attitude is useful in loosening up its tight relation with transcendental, dialectical, immanent and ideology critique - four conceptions of critique we find in Kant, Hegel, Marx, and Marx's heirs respectively. An important aim of this chapter is to show how, within the same 'critical' history, transcendental critique transformed to ideology critique.

Foucault identifies critique, or the critical attitude, primarily as a specific way of thinking, speaking and acting that emerged in the fifteenth century in relation to, or as a reaction against, church and government regulation and morals; critique is concerned with the limits of government and religion, and in this sense it is more a legal and theological phenomenon than a philosophical one.<sup>60</sup> With Kant, a specific and important transformation with respect to critique occurs. Instead of being concerned primarily with our actions or praxis and the way we, as common people, are being limited by government or church, critique for Kant has to do with knowledge and its limits, a view that for Foucault sets the scene for Western philosophy and the (human) sciences as they emerge in the course of the nineteenth century.<sup>61</sup>

Foucault sees a clear relationship between the project of critique as formulated in the three Critiques and Kant's essay on the Enlightenment, his famous: 'Answering the question: what is Enlightenment' from 1784. Its publication date, if nothing else, suggests a relationship with the *Critique of Pure Reason*, first published in 1781 (and later in a revised edition in 1787). Foucault for one sees a close connection between the analysis of the presupposition of

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<sup>59</sup> Archaeology and genealogy in the case of Foucault, more deconstruction-oriented in my book; or in other words, for the most part historico-empirical research versus speculative-conceptual analysis on the basis of a post-foundational ontology.

<sup>60</sup> Foucault, Michel, 'What is critique?', in: David Ingram, *The Political*, Blackwell Readings in Continental Philosophy (Malden, Mass.: Blackwell Publishers, 2002), p. 191-192.

<sup>61</sup> *Ibid.*, p. 195.

## CHAPTER 2

knowledge and subjectivity in the *Critiques*, and Kant's clamour for 'thinking for oneself' in the Enlightenment essay. In other words, Foucault suggests there is a connection between epistemology and philosophy of moral action, at least in the work of Kant. I would like to expand this claim and suggest, in section three of this chapter, that critical philosophy was concerned with establishing this connection in order to ground normative philosophy generally in speculative, idealist philosophy. In other words, the connection between a theory of knowledge and a theory of moral action lies at the core of normative philosophy after the anthropological turn in philosophy.

For Foucault this relation between critique and the project of Enlightenment is especially concerned with the necessary connection between knowledge and power. This connection seems to contrast with several distinctive intuitions concerning freedom that remain largely unspecified in Foucault's oeuvre for a long time:

What we are trying to find out is what are the links, what are the connections that can be identified between mechanisms of coercion and elements of knowledge, what is the interplay of relay and support developed between them, such that a given element of knowledge takes on the effects of power in a given system where it is allocated to a true, probable, uncertain or false element, such that a procedure of coercion acquires the very form and justifications of rational, calculated, technically efficient element, etc.<sup>62</sup>

The ideas on freedom only become more explicit at the end of his life<sup>63</sup>, at the moment Foucault explicates that he, like Kant, is searching for an account of freedom or autonomy that could count as a normative principle, even though for Foucault this would be a historically contingent phenomenon, an experience, rather than a transcendental feature of subjectivity, as in Kant.<sup>64</sup> Although Foucault has rarely been explicit on this topic (except maybe in some of his interviews), one could argue that the question of freedom, emancipation and autonomy continuously and inevitably lingers in the background of his work.

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<sup>62</sup> Ibid., p. 200.

<sup>63</sup> See for example: Christopher Norris, *Deconstruction and the 'Unfinished Project of Modernity'* (New York: Routledge, 2000), p. 119 ff.

<sup>64</sup> See for an analysis of the role of freedom throughout Foucault's writings: Johanna Oksala, *Foucault on Freedom, Modern European Philosophy* (Cambridge ; New York: Cambridge University Press, 2005). According to Oksala we need to distinguish at least four different meanings to the concept of freedom: freedom as ontological contingency, practices of freedom, freedom as the *ethos* of the Enlightenment, and negative freedom. What all these meanings have in common is that they do not deal with a concept of freedom that is a characteristic of a subject or of human beings. Instead it is attached to practices, experiences and language. (p. 189ff.)

In his lecture on critique from 1978, Foucault articulates a series of questions that address the problem of being free, and being limited in one's freedom by government, or other (social) institutions. Being critical for Foucault means asking:

How not to be governed like that, by that, in the name of those principles, with such and such an objective in mind and by means of such procedures, not like that, not for that, not by them.<sup>65</sup>

These questions are at the same time being identified with freedom *and* with the critical attitude Foucault recognizes in writings from the Reformation on, and eventually in, Kant. Being critical is thinking, saying and acting for oneself, without being hindered in these practices '*quite so much*'.<sup>66</sup>

In a more developed text from 1984 called 'What is Enlightenment?'<sup>67</sup>, Foucault analyses more explicitly the way in which Kant conceptualizes Enlightenment as the timeframe in which man should think for himself, expressed in Kant's famous dictum of *sapere aude*, or 'dare to know'. For Foucault, this exhortation stands in direct relation to Kant's critical project. Kant's changing of philosophy's perspective to the conditions of knowledge that lie at the base of subjectivity has led to an account of freedom of the will that is necessarily connected to autonomy, as acting in accordance with one's own rule. Transcendental critical philosophy seems to stand in a complex but crucial relationship with the emancipatory project of the Enlightenment.

Foucault thus aims to revise our view of Enlightenment as understood by Kant, and of Modernity, as the 'period' after Kant, as a post-Enlightenment period. How should we understand this transition from Enlightenment to Modernity, and Kant's role in it? Is Kant the first modern thinker, or is he the in-between, the 'event' that turns the tide? Foucault suggests that we perceive of Modernity not as a period in time but as a specific attitude, an attitude that introduces an historical horizon within Enlightenment thought. This attitude is what Foucault calls an *ethos*.<sup>68</sup> Kant should accordingly be seen as the first modern thinker who is able to connect philosophical reflection with a model of *Sittlichkeit*, ethical life and its genesis, in a coherent system.

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<sup>65</sup> "Je veux dire que, dans cette grande inquiétude autour de la manière de gouverner et dans la recherche sur les manières de gouverner, on repère une perpétuelle question qui serait: 'comment ne pas être gouverné comme cela, par cela, au nom de ces principes-ci, en vue de telles objectifs et par le moyen de tels procédés, pas comme ça, pas par ça, pas par eux. [...] il semble qu'on pourrait placer de ce côté-là à peu près ce qu'on appellerait l'attitude critique.'" Michel Foucault, 'Qu'est-Ce Que La Critique?', *Bulletin de la société Française de philosophie* Avril-Juin, no. 2 (1978). For the English translation see: Ingram, *The Political*, p. 192.

<sup>66</sup> ———, *The Political*, p. 193.

<sup>67</sup> Michel Foucault, 'What Is Enlightenment?', in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 1984).

<sup>68</sup> ———, *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 1984), p. 39.

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Some of the characteristics of this *ethos* of Modernity are, in Foucault's view, the will to 'heroize' the present and, paradoxically at the same time, the will to imagine it otherwise. Additionally and importantly, it is a confrontation with the self. It is related to the task of creating or producing oneself, albeit outside the public sphere, primarily in art.<sup>69</sup>

Foucault's goal here is to revive a critical enterprise that refuses what he calls the 'blackmail of Enlightenment', the suggestion that one is either in favour of it, or against it. He does not want to ask in what sense we are autonomous, self-realizing beings, but rather what we need to presuppose in order to see ourselves as being autonomous.

We must try to proceed with the analysis of ourselves as beings who are historically determined, to a certain extent, by the Enlightenment. Such an analysis implies a series of historical inquiries that are as precise as possible; and these inquiries will not be oriented retrospectively toward the 'essential kernel of rationality' that can be found in the Enlightenment and that would have to be preserved in any event: they will be oriented toward the 'contemporary limits of the necessary,' that is, toward what is not or is no longer indispensable for the constitution of ourselves as autonomous subjects.<sup>70</sup>

This quote brings out two aspects that I deem important for the idea of philosophical critique: first, the limits of our claims about reality and the method to attain these claims and, second, we as normative political philosophers are indebted and subjugated to both Enlightenment thinking that has to do with autonomy and equality, and modernist historical thinking that turns any author into a historical actor. Both aspects have to do with methodology, more especially with the perception by the philosopher of his own perspective on reality (*ethos*), with the means he could utilize to grasp and understand reality (*logos*), and with the commitment and affective force to change reality in accordance with the normative force of the core values of the Enlightenment (*pathos*).

In the next section I will present a conceptual history of philosophical critique through the Foucaultian lens<sup>71,72</sup> as presented above. The question I aim to

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<sup>69</sup> Ibid., p. 39-42.

<sup>70</sup> Ibid., p. 43.

<sup>71</sup> This means I will not approach the Kantian conception of critique from the juridical perspective, i.e. by means of reading Kant as a philosopher who is concerned with 'the tribunal of reason' etc. For relevant literature on this approach, see for example: B. Sharon Byrd and Joachim Hruschka, *Kant and Law, Philosophers and Law* (Aldershot, UK; Burlington, VT: Ashgate, 2006). Lara Denis, *Kant's Metaphysics of Morals: A Critical Guide* (Cambridge: Cambridge University Press, 2010).

<sup>72</sup> What Foucault considers to be the critical operation potentially has a wider scope than the domain I focus on with my particular Foucaultian lens. In 'politics and the study of discourse' Foucault distinguishes four critical tasks throughout his work: first, establishing limits where the history of

answer is in what sense the history of modern philosophy can be understood as a continuation of the Kantian critical project of Enlightenment. In other words: *in what sense can modern critical political philosophy be understood as a project that has to do with autonomy and a conceptual critique of what we can know?*

I wish to make some last preliminary remarks on how the Foucaultian lens that focuses on the critical attitude relates to my own. First, I think Foucault's characterization of the critical *ethos* is valuable because it presents us with a feature that I will discuss later on in this chapter: the critical *ethos* as a limit-attitude<sup>73</sup> that works both ways, negatively and positively. Critique on the one hand limits what we can legitimately say, do and think; on the other hand it opens up new domains and perspectives on our being. In addition, critique in Foucault's (and Kant's) account is determined not to turn polemical, pessimistic or even cynical. This feature will prove to be important in my discussion of the philosophy and social science as conceived by the thinkers of Critical Theory and its evaluation by thinkers like Peter Sloterdijk and Jürgen Habermas, which I discuss in chapter 3.

Second, I think my project is not to be considered Foucaultian in the sense that I focus almost exclusively on (political) theory and its normative goals, such as the promotion of solidarity, equality and freedom. Leaving to one side Foucault's research on different discourses, I will focus exclusively on political concepts and their consequences for thinking about the social domain and political practices with respect to democracy.

My approach is in a methodological sense even exactly the opposite of what Foucault wants to achieve. He is concerned with 'putting historico-critical reflection to the test of concrete practices'<sup>74</sup> by searching in the archives for forgotten documents (archaeology). Additionally, he aims to show how specific social modalities and institutions are the result of particular crystallizations of relations of power/knowledge. Instead, I am looking to create more or less coherent, conceptual structures that can provide new insights for old problems, such as the role of the *demos* in democracy and the relation between the social and the political.

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thought has posited an unbounded space. This is, I believe, similar to Kant's critical project. Second, to eliminate certain oppositions, such as between innovation and tradition, mediocre knowledge and genius creation, and stability or order and crisis. Instead, Foucault sets out to tell 'the history of perpetual differences'. The third operation is to end the denigration of discourse as an 'indifferent element' of 'pure surface' or as a mere additive to the real thing. For Foucault this is the most important operation. The fourth critical task is freeing the history of ideas, sciences and thought of their uncertain status with regard to demarcation, defining the objects of study and establishing relationships between knowledge and other areas of historical analysis. Especially these last two tasks are alien to this dissertation, as they are particularly historical in nature. See: Graham Burchell, Colin Gordon, and Peter Miller, eds., *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991), p. 61-64.

<sup>73</sup> Foucault, *The Foucault Reader*, p. 45.

<sup>74</sup> ———, 'What Is Enlightenment?'; p. 50

In the following sections I discuss the idealist and materialist conceptions of philosophical critique as formulated at the end of the eighteenth and nineteenth centuries by Kant, Hegel and Marx. The last section consists of an analysis of a well-known text by Horkheimer, one of the founders of the Frankfurt school of Critical Theory.

### §3 Kant: transcendental critique

Western philosophy has been concerned since its inception with at least three issues: the essence of reality, the status of knowledge, and the nature of the good life. Or, formulated in another way, philosophy revolves around three questions: How can we know reality? How should we behave or, which is in some sense the same, what is the good life? And: what can we hope for? These latter philosophical questions, characterized by Immanuel Kant in his *Logik* as some of the most important questions in philosophy<sup>75</sup>, have been answered in different ways during the course of history. Kant has formulated answers that still intrigue, impress and bother us. In this section I will confront all three of these questions, directly and indirectly, as they prove to be important for political philosophy and critique. In §3.1, I discuss the fundamental shift Kant initiates in his critical writings. In §3.2, I concentrate on Kant's famous essay on the Enlightenment and his plea for the emancipation of thought.

#### §3.1 The anthropological turn

With respect to the first two issues, the ontological and the epistemological ones, Kant confronts two fundamental problems, in his *Critique of Pure Reason* (1781). The first problem concerns the status of metaphysical knowledge: can there be such a thing as knowledge of the world that transcends our experiences and perceptions. The second problem is how to respond to the subversive position of the sceptic who claims there is no such thing as knowledge of reality. These two issues, the possibility of the existence of metaphysical knowledge and the sceptical position, are presented by Kant as extremes on the same epistemological line. On the one side we find the scientist or philosopher who claims that by using reason we are able to deduce objective knowledge of the nature of reality. On the other side we find the sceptic who denies the possibility of any such knowledge. By focusing on the problem of knowledge, and knowledge alone, Kant is able to sidestep, or postpone, the question of the nature of reality. Before asking the ontological question about the nature of reality, we have to deal with the human capacities

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<sup>75</sup> In fact the three, or rather four, questions read: What can I know? What should I do? What may I hope for? And: what is a human being? Immanuel Kant, *Logik*, IX 25. My account of Kant will exclusively focus on the epistemological (the first *Critique*), the moral (the second *Critique*), and the ethical question (for Kant the answer can be found in religion. For this dissertation in the formulation of the democratic horizon, approached from the perspective of deconstruction). That is, I will be concerned with the first three questions.

for knowledge of this reality. The knowing and acting human subject takes centre stage in philosophical reflection from here on.

With the philosophy of Kant an important shift in the treatment of such problems as sketched above, between metaphysics and scepticism, becomes apparent. Or formulated conversely: Kant has made the convincing case that the history of philosophy should be perceived in this epistemological sense, and that his contribution should be seen as a solution to this standoff. Instead of choosing one of the sides, of metaphysics or scepticism, Kant turns the traditional perspective around. While the metaphysician and the sceptic are focused on the object, Kant rotates the view towards the nature of the observer, the subject. This is the famous 'Copernican turn' Kant describes in the preface of the *Critique of Pure Reason*. Methodologically, this analysis of the subject has become known as 'transcendental' and 'critical'.

Of particular interest are the attitude behind the critique - its *ethos* - and its systematic approach (the *logos*), that is, the concepts used for understanding the nature of knowledge and human rationality during Kant's critical phase, which is roughly between 1781 and 1790. Philosophical critique as it is presented in *Critique of Pure Reason* concerns an analysis of human capacities for attaining knowledge. Through this search for fundamental human characteristics with regard to experience and knowledge Kant limits the amount of justified claims that could be made about reality, to clear space for knowledge about the nature of metaphysics. This limiting aspect of critique is one of Kant's main aims and directed at both the sceptical and the metaphysical epistemology perspectives in philosophy.

At the same time Kant emphasizes the opening up of new perspectives and new ground for theorizing about how we should understand reality, science and, particularly important for normative and political philosophy, human subjects. In the end, critique is also concerned with how we should act in accordance with the outcome of this transcendental analysis of the subject. Delimiting and opening up the field of justifiable and rational claims and practices have become pivotal features of philosophical critique ever since. Both the epistemological and the ontological questions are being addressed by Kant, although the ontological one can be addressed only derivatively. The epistemological question, which concerns what and how we could know, has absolute conceptual primacy.

For Kant, philosophical critique functions as an architectural mapping of the human understanding and reason in order to lay a foundation for science. It is not primarily or explicitly concerned with criticizing thinkers or scientists, nor should it be seen as a polemic against other positions. However, as Kant already points out in the introduction of the *Critique of Pure Reason*, this mapping eventually should undermine the dogmatic claim that progress in metaphysics can be achieved by conceptual analyses, or in his words by 'pure

cognition of concepts'.<sup>76</sup> As such his enterprise is directed in an abstract way against other philosophical analyses and claims. There is a radical difference for Kant between such 'dogmatism' and critique, in the sense that critique takes a (methodological) step back by questioning the necessary presuppositions of the analysis of concepts. We can only use pure reason for analysing concepts in a correct way when we know the capabilities and limits of reason.<sup>77</sup> The change from object to subject also implies a radicalization of the manner of analysis: transcendental critique is more foundational than object-centred analysis, as it is concerned with the necessary conditions of knowledge, i.e. prior to any empirical content.

When we neglect the aspect of determining the limits of reason itself, according to Kant, we run the risk that anything we say becomes ungrounded. That is the main reason critique is called transcendental: it is an inquiry (and not a doctrine) focused on the *a priori* structures of knowledge of objects, not of these objects themselves: 'For its [i.e. transcendental critique's] aim is not to expand the cognitions themselves, but only to correct them'.<sup>78</sup> Transcendental critique should be seen as a preparation for an 'organon', a structure of logical rules and characteristics to acquire *a priori* knowledge of the nature of the knowing subject, prior to any experience (but deduced from experience nonetheless), and itself not used to expand the corpus of knowledge and science.

There is also a developmental aspect to this analysis of the understanding and reason for Kant. As he makes clear in the *Critique of Pure Reason*, critique is not just the enterprise of determining what can and cannot be said<sup>79</sup>; it is also the final step in the development of reason itself. In his chapter on the polemical use of reason, Kant distinguishes critique as we generally use it in our daily praxis - to criticize something, to be polemical - from its philosophical use as the search for the necessary preconditions of knowledge. He posits three phases in the development of reason. First, its dogmatic use. The faculty of reason is used here in a manner that certain presuppositions are taken as fact, that is: without reflecting on their status as presuppositions, or in other words, neglecting to look for the things (faculties) that make them possible. This is exactly what happened in classical metaphysics, according to Kant.<sup>80</sup> As a follower of Hume, Kant claims that these presuppositions should be questioned, made explicit, and possibly even rejected.

The next phase in the development of reason is scepticism, which is characterized by disbelief regarding any 'higher' principle:

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<sup>76</sup> Immanuel Kant, *Critique of Pure Reason*, trans. Werner S. Pluhar and Patricia Kitcher, Unified ed. (Indianapolis, Ind.: Hackett Pub. Co., 1996), p. B XXXV.

<sup>77</sup> *Ibid.*, p. B XXXV-XXXVI.

<sup>78</sup> *Ibid.*, p. B 26.

<sup>79</sup> *Ibid.*, p. 424.

<sup>80</sup> *Ibid.*, p. B 7, 494, 788.

A procedure of this kind – of subjecting the facts of reason to examination and, according to the findings, to rebuke – may be called the *census* of reason. There can be no question that this procedure leads inevitably to *doubt* concerning all transcendent use of principles.<sup>81</sup>

But as Kant aims to make clear, this sceptical attitude is purely destructive; it leads to no positive knowledge of any kind. This is the main difference between scepticism and critique, the latter being the third step in the development of reason. While Hume casts reason aside as an authoritative faculty because experience and empirical facts falsify its claims, Kant aims to reinstate reason by subjugating it to grounding analyses and, consequently, indirectly to a limiting analysis by reason itself. Hence, scepticism should not be seen as a final stage but merely as a temporary resting place. With the consciousness that critique is a necessary development for thought and philosophy in general, reason has become mature.

In conclusion, I would like to recapitulate the most important aspects of critique in Kant for my purposes: the double role of positivity and negativity it takes on in Kant's work from his 'Critical period'; the reversal of perspective from objective to subjective; and the secondary role of polemics. Critique for Kant is on the one hand the enterprise of reason grounding and limiting itself, *a priori*, to keep itself pure. This transcendental critique thus aspires to a reduction of the number of claims that can justifiably be made by reason. By searching for a layer of analysis prior to scientific claims, turning the perspective to the subject and demarcating reason anew and inserting new boundaries, the critical philosopher is able to reject certain knowledge claims by declaring them 'out of bounds'. On the other hand, contrary to this limiting and destructive side of reason there is the founding or positive side of critique. A new starting position, the analysis of the subject, can not only dismiss prevailing unjustified beliefs, but also open up, or reintroduce, elements that may give rise to new claims, and create new connections within old philosophical discourses. This constitutes a new vision of subjectivity and ethics, but it also opens up a new perspective on philosophy as an exercise primarily concerned with mankind and its products of thought. The emergence of all kinds of human sciences such as psychology, cultural anthropology, and sociology could all be interpreted as consequences of this anthropological turn. Or formulated negatively: without the turn to the subject, these disciplines would not have emerged in the way they did.

Another positive aspect of this critical project is the conceptual revolution it instigated with respect to moral philosophy, especially with thinking about autonomy. On the one hand, transcendental critique works by keeping speculative reason within the limits of experience. On the other hand, Kant

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<sup>81</sup> Ibid., p. B 788.

opened up the conceptual space needed for autonomy. These two domains are conceptualized as the *phenomenal* and the *noumenal* domain. The first is characterized by a restraining feature; the second opens up the perspective of heteronomy versus autonomy. In combination they stand for, respectively, the negative and the positive aspects of the philosophical use of critique according to Kant.<sup>82</sup>

This short flight through the *Critique of Pure Reason* shows that critique for Kant is much more than our daily, mostly polemical, use of the word ‘criticism’ suggests. Kant does retain the polemical aspect, but in a by-and-large implicit way. Critique has most of all to do with the question of how an analysis of the conditions of knowledge can provide criteria for declaring claims on knowledge unjustified. For Kant it is the analysis of the presuppositions of scientific knowledge, and therefore a grounding and founding of reason, which shows us the limits of thought. After this ‘Critique of the conditions for knowledge’ the aspect of ‘Criticism of practical phenomena’ can commence. It is this procedural structure that I would like to preserve and cherish.

### §3.2 The pinnacle of Enlightenment thinking

In Kant’s famous essay on the Enlightenment we find other topics and a different style of writing than in his three *Critiques*. Theoretical analysis is replaced by an engagement with daily life, and a call for change. The call is especially directed at the literate part of civil society, exhorting it to lose ‘the ball and chain of [its] permanent immaturity’. This is mostly a democratic call, and not a revolutionary one, as a revolution for Kant will only lead to new forms of subjugation on the basis of false beliefs or prejudices. Instead, people should use their reason publically, which presupposes the freedom to use reason. This public use is the use outside of institutional obligations, on its own behalf, a use ‘addressing the real public’, instead of, for example, that of a congregation.

Two features of this essay may strike us as remarkable: first, Kant’s vigilance against what he calls ‘the pernicious and disreputable [‘schädlichste, also auch die entehrendste’] religious immaturity’; and second, his claim that it is the right of the ruler to demand absolute obedience. The main purport of the essay, as the first feature brings out, is to liberate the people from the dictates of the church. This is not an incitement to insurrection, but rather an announcement that now the time has come for people to use their understanding confidently in religious matters ‘without outside guidance’. In Kant’s view his sovereign Frederick the Great, who promoted religious tolerance in his realm, made possible the conditions for mankind to work ‘their way out of barbarism’, in Prussia at least.

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<sup>82</sup> Ibid., p. B XXIV-XXV.

With respect to the second point, the obedience to the monarch, Kant's standpoint is clear: as long as the sovereign is able to guarantee public security and social order, and should be considered as enlightened himself, i.e. able to use reason himself and stimulating his people to think for themselves, he may legitimately demand obedience. By commanding his people to obey, the monarch institutes the circumstances for introducing a higher degree of intellectual freedom than would be possible in those other forms of government with more civil freedoms, such as the freedom to act. Kant seems to think that only a commonwealth that is able to think reasonably should have the freedom to act. At the same time there is the suggestion by Kant that only under the regime of an enlightened despot can and should people enjoy this freedom, when he writes that the people should only act freely within a state and government that 'finds it agreeable to treat man' in accordance with 'his dignity'.

Kant's rhetoric in this essay is strikingly feisty and polemical, especially when it comes to the roles of both the general people and their 'guardians', such as the 'caretaker of the soul' [Seelsorger]. The problem of the people is that they pass up their ability to use their understanding. Kant detects a lack of courage [Mut] but also laziness [Faulheit] and cowardice [Feigheit] in the people. The guardians [Vormünder] are mostly responsible for this subjugation:

First, these guardians make their domestic cattle stupid and carefully prevent the docile creatures from taking a single step without the leading-strings to which they have fastened them. Then they show them the danger that would threaten them if they should try to walk by themselves.<sup>83</sup>

The people, represented as cattle, have first been made ignorant, and afterwards fearful. But Kant reassures us:

Now this danger is really not very great; after stumbling a few times they would, at last, learn to walk. However, examples of such failures intimidate and generally discourage all further attempts.<sup>84</sup>

It is not too late: through trial and error, people will eventually learn to walk on their own. This then is Kant's emancipatory call, to both the herd and its shepherds. Interesting is Kant's view that the people have been, and are still being kept, ignorant. His claim is not that the authorities belie the people, but

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<sup>83</sup> "Nachdem sie ihr Hausvieh zuerst dumm gemacht haben und sorgfältig verhüteten, daß diese ruhigen Geschöpfe ja keinen Schritt außer dem Gängelwagen, darin sie sie einsperrten, wagen durften, so zeigen sie ihnen nachher die Gefahr, die ihnen drohet, wenn sie es versuchen, allein zu gehen." ———, 'Beantwortung Der Frage: Was Ist Aufklärung?', *Berlinische Monatsschrift* Dezember-Heft (1784): p. A482.

<sup>84</sup> "Nun ist diese Gefahr zwar eben so groß nicht, denn sie würden durch einigemal Fallen wohl endlich gehen lernen." Ibid.

that they prevent them from deliberating. This theme, the blocking of the use of reflexive capacities and the emphatic call for courage in using these capacities for oneself, will run through the whole history of critical thought in one form or the other.

The three distinctive features of the critical tradition I proposed, *ethos*, *pathos* and *logos*, can be found in Kant's work thus understood: *ethos* applies to the attitude Foucault described, whereby Kant is concerned with 'the contemporary limits of the necessary', in the sense that his critical philosophy limits the knowledge claims that can be made. Kant's philosophical attitude is directed at overcoming an apparent deadlock between two different, or even opposite, conceptions of human knowledge and its conditions of possibility. At the same time, the essay on the Enlightenment emphasizes the equal capacity of everyone to think reasonably, something he had shown in his *Critiques*. Kant *urges* us to use our rational capacities to think for ourselves, and not be reduced to cattle by church or other authorities. I see this as a part of his *pathos* as it is expressed in the essay on the Enlightenment, a concern with the social and political issues of his time. Kant's emphasis on courage to think for oneself and his deduction of the limits of knowledge coincide here, in connection with his method and distinctions, his *logos*. Kant's critical project integrates epistemology and a philosophy of moral action through the transcendental analysis of the understanding and reason.

This analysis of the integration of *ethos*, *pathos* and *logos* in Kant's philosophy is only a first step in the historical development of philosophical critique as I am presenting it here. In the philosophy of Hegel we find a change of emphasis regarding critique, which might also be understood as a deepening of the critical approach itself.

#### **§4 Hegel: transformative or dialectical critique**

With the writings of Georg Wilhelm Friedrich Hegel we enter a new stage of critique. Hegel deems Kant's critique of reason and the subject insufficiently radical. He criticizes Kant's method of transcendental deduction for neglecting something important: the *transformative* influence of the realization, or consciousness, that it is our subjectivity that shapes the world. In other words, Hegel contends that Kant's transcendental critique is static and overlooks the transformative effect of critique on subjectivity.

To understand this criticism of Kant's project and to grasp the transformative or dialectical critique Hegel presents as an alternative to transcendental critique, we need to occupy ourselves with the argument in the *Phenomenology of Spirit*. Hegel is concerned, just as Kant, with the radical claims of the sceptic, who denies the possibility of acquiring any objective knowledge of reality through the use of reason. Establishing a relation between our understanding

and reality ('the Absolute' in Hegel's terms) requires something that could be called knowledge, if we are to escape from the sceptical position. How to establish this relation between understanding and reality? What criterion do we need? In the following I will first analyse Hegel's critique of Kant's critical project (§4.1), after which I concentrate in §4.2 on the introduction of a crucial concept for Hegel's philosophy: consciousness. In §4.3 I make a connection between Hegel's analysis of consciousness and his main socio-political work, the *Philosophy of Right*. Finally, in §4.4 I show how Hegel's philosophy should be interpreted from the perspective of the critical *ethos*, *pathos*, and *logos*.

#### §4.1 Deepening the critical enterprise

In the 'Introduction' to the *Phenomenology* Hegel summarizes the three epistemological positions I have sketched in §3.1: those of scepticism, metaphysics and Kantian idealism. Hegel describes the position of the sceptic that no objective or scientific relation between thinking and the outside can exist objectively as follows:

This unease [that objective knowledge cannot be guaranteed] is even bound to be transformed into the conviction both that the entire project of acquiring what is in-itself for consciousness by way of cognition is, in its very concept, absurd, and that there is a sharp line separating cognition from the absolute.<sup>85</sup>

For Hegel, the second position is the one of the metaphysician who sees understanding [*Erkennen*] as the instrument with which to get a hold on reality. The third position is the Kantian: the perspective that perceives understanding as a passive medium 'through which the light of the truth reaches us'.<sup>86</sup> For Hegel the Kantian and metaphysical perspective are not that different, as they both perceive the understanding as a tool. And this view of understanding is grounded in an argument that is circular in nature, according to Hegel:

If we once again subtract from the reshaped thing what the instrument [*Werkzeug*] has added to it, then the thing – here, the absolute – is once again for us exactly as it was prior to this fully superfluous effort.<sup>87</sup>

We could read this as follows: when we take the understanding purely as an instrument or as a medium to interpret the world we waste our time, as the analysis of the knowing subject amounts to nothing more than giving an

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<sup>85</sup> Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit/Phänomenologie Des Geistes*, trans. Terry Pinkard (Bamberg and Würzburg: Joseph Anton Goebhardt, 1807), p. 73.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

explanation for something that is immediately given. It would make knowledge, and science in general, nothing more than claims arising intuitively from the understanding. The only addition would be that the philosopher could explain to us how this process of understanding works. To be critical seems to presuppose more than this.

A different but similar argument put by Hegel, in particular against the Kantian position we find in the *Critique of Pure Reason*, is that Kant's analysis ultimately would lead only to subjective knowledge. This argument against Kant's epistemology has become known as the problem of 'Subjectivism'.<sup>88</sup> Kant's method of transcendental critique presents the critic as self-standing and outside the critical exercise itself, that is, he starts his analysis without 'critically' inspecting the position of this critical subject. What this means is that in Kant subjectivity itself is conceived or presupposed as an empty and timeless entity. And, crucially, it is the suggestion that it is exactly this feature of subjectivity that could guarantee the objectivity of knowledge: it is because the subject, or thinking in general, is founded on the necessary features of the understanding of human beings that the representation of an object by a subject is objective. In other words, the logical rules behind any representation, also known as 'apperception' (or presented as subjectivity in general), are shared by any thinking human being, and this asserts that claims derived by using these rules should be seen as objective knowledge. Or at the least, it is the only form of knowledge we, as humans, can guarantee.<sup>89</sup>

This conception leads to an interpretation of subjectivity, however, that falls outside the critical endeavour Kant aims to undertake, as it is reason that should establish its own rules and limitations, but doing so without being scrutinized itself. Reason is *presupposed* to be the ultimate authority to venture in critical enquiry, thereby denying the possibility of metaphysics from the outset and without an explicit justification. In short, subjectivity is posited as the norm by Kant, but without argument. And so Hegel can conclude that Kant's critical philosophy is not critical enough.

The question for Hegel now becomes if and how it is possible to start a critical enquiry without presupposing subjectivity (as in Kant) on the one hand and objective reality on the other. This is the problem Hegel alludes to in the introduction to the *Phenomenology*: how to conceive of a criterion that can be used to determine if something is objective knowledge without presupposing too much – subjectivity, in this case. Or in William Bristow's words: "[how] to define a method of reflection that is completely open in the sense that

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<sup>88</sup> William F. Bristow, *Hegel and the Transformation of Philosophical Critique* (Oxford; New York: Clarendon Press; Oxford University Press, 2007), p. 9.

<sup>89</sup> *Ibid.*, p. 33.

everything can in principle become an object of assessment or of reflection [...]?"<sup>90</sup>

Hegel starts answering these questions concerning methodology by making a distinction between, on the one hand, knowledge as it appears to us in the course of history [*das erscheinende Wissen*], and scientific knowledge on the other. However, to establish whether there is coherence between 'apparent knowledge' and science we need a criterion. As we saw earlier, the principle of subjectivity, seen as the corpus of logical rules and categories of understanding, will not do. It leads to the presupposition of a knowing subject without criticizing this subject itself. But what then remains to function as a criterion?

According to Hegel there is something that has primacy over the relation between the knowing subject and its object, and this something is 'consciousness'. What consciousness can do is reflect on being a subject without absolutizing it, as if it contains some specific principles, for now and ever. If we would take consciousness as a preliminary fact, but without preliminary content, just as a process of reflection, maybe we could use it as a criterion to determine how the relation between subject and object exists, develops and should progress; this is the strategy Hegel follows. This latter aspect of the development of reason and rationality has become especially influential through the course of the nineteenth, twentieth and even the twenty-first century, but also by implication have the other aspects that are concerned with dialectical development, in the sense of expansion, differentiation etc. Political philosophers in particular need to confront the idea, method and consequences, I believe, of this conceptualization of development and change. It is in this respect that Hegel is one of the most important philosophers to understand our timeframe.

#### §4.2 Consciousness as ground

Consciousness is the new starting point for critical philosophy, as epistemologically it precedes any other distinction. For Hegel, it is the most elementary precondition in philosophy, displacing the subject-object distinction to a more developed stage in the *Phenomenology*. Consciousness is the ultimate pre-position of thinking, something that needs to be presupposed but cannot be reflected upon as such. In other words, it is self-positing. In a sense Hegel remains loyal to the Kantian (and even Cartesian) project of critical philosophy as the search for the conditions of knowledge, but radicalizes this project even further by performing a transcendental deduction upon Kant's subject itself. This is necessary, because Kant still presupposes both self-reflexive reason and the impossibility of metaphysics, as we have seen.

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<sup>90</sup> Ibid., p. 212-213.

This new starting point for critique has serious consequences for the structure of critique as it has now become involved with the development of consciousness as a process that stands in a dialectical relationship with reality. One of the most important outcomes of this is that the dialectical or transformative critique transcends the Kantian critique of limiting metaphysical claims and grasping the foundations of a knowing subject. In addition to these goals, Hegel's philosophy also aims to evaluate social and political reality in a more explicit sense than does Kant's critical philosophy, as thinking and reality should now be understood as the two sides of the dialectical process.

To be sure, I do not intend to claim that this bridging between subject and object or the practical-normative aspect of evaluating reality cannot be found in the works of Kant. As we saw, for Kant also the most important thing to do in social practice is to think for oneself. This conclusion is directly related to his practical philosophy and the Categorical Imperative he deduces from the transcendental analysis of the free will, and indirectly to transcendental critique and the focus on subjectivity. For example, in the preface of the *Critique of Pure Reason* Kant writes:

Our age is, in especial degree, the age of criticism, and to criticism everything must submit. Religion through its sanctity, and law giving through its majesty, may seek to exempt themselves from it. But then they awaken just suspicion, and cannot claim sincere respect which reason accords only to that which has been able to sustain the test of free and open examination.<sup>91</sup>

Here we see in what sense Kant's critical project also has a positive goal (and not 'positive' only in a normative sense, it is also a 'making possible'). As in his essay on the Enlightenment, Kant claims that rational human beings should be able to use their minds to think for themselves and should utilize it both pro- and reactively. This claim results directly from Kant's critical analysis of pure reason and the conception of freedom as free from any external, phenomenal force derived from it.

Hegel's arguments with respect to autonomy are directed first and foremost against Kant's principle of the Categorical Imperative, which prescribes that moral actions require universalizable maxims. But because it is too formal and abstract, it cannot direct action towards the good in a concrete way. Although Hegel values Kant's conception of freedom and autonomy greatly, he is bothered by how the moral principle in Kant is founded solely on an abstract

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<sup>91</sup> Kant, *Critique of Pure Reason*, A.xi note.

deduction of freedom from the noumenal world.<sup>92</sup> In short, the missing link in Kant is the relationship between constitutive subjectivity and the organization of the shared, historical human world. In this regard, one could say Hegel's philosophy is more concerned with the world outside the subject than Kant seems to be in his critical phase. Yet Hegel continues Kant's philosophical project, even when he tries to dig further still for the roots of philosophy.

In sum, this Hegelian radicalization of philosophy, the new and improved critical philosophy as it were, has some important consequences for the critical 'method'. When we seriously want to reach the ground of thought and its relation to the outside world without presupposing subjectivity or reason dogmatically or as a *petitio principii*, we need to establish a method that can make sense of the relation between subject and object dynamically. This implies that reality, as an object, receives a positive ontological status: it has existence [Dasein] outside the subject, a kind of existence that is more than an unmediated, thus unknowable, thing-in-itself. The subjectivism of Kant's critical philosophy has been overcome by the analysis of (self-)consciousness in which both positions function: the subject perceives, understands and reflects on this understanding which constitutes objects as a fact. The self-realization of the understanding of an object makes this object not merely an object outside me (an sich) and presented through the categories; it is also my object (für sich). At first glance there may not seem to be that much of a difference with Kant's conception. In both Kant and Hegel there is an outside world, unmediated and raw. In no way can we know this world without the mediation and synthesis of understanding. For Hegel however there is a dynamic relation between this constituted object and the consciousness in which this object is my object. This latter internalization means that something presents itself as existing on top of consciousness of the outside. This is 'self-consciousness': we know that we know.

The dynamic transition from perception up to self-consciousness through the stage of consciousness is being expressed in the *Phenomenology* in the following way:

The *being* of what was meant, along with the *individuality* and the *universality* opposed to that individuality in perception as well as the *empty inner* of the understanding no longer exist as the essence. Rather, they exist merely as moments of self-consciousness. That is to say, they exist as abstractions or distinctions that are at the same time nullities *for* consciousness itself, that is, they are no distinctions at all but purely vanishing essences.<sup>93</sup>

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<sup>92</sup> Most clearly in: Georg Wilhelm Friedrich Hegel, Allen W. Wood, and Hugh Barr Nisbet, *Elements of the Philosophy of Right*, Cambridge Texts in the History of Political Thought (Cambridge England; New York: Cambridge University Press, 1991), §135.

<sup>93</sup> Hegel, *Phenomenology of Spirit/Phänomenologie Des Geistes*, p. 167.

The Kantian subject ('empty inner of the understanding') and object ('the being of what was meant') are thus no longer radically in opposition. Instead we have come to recognize the stage in the development of self-consciousness Kant's critical analysis addresses *and* its overcoming as 'moment of self-consciousness'. As such, self-consciousness is concerned, on the one hand, with the immediate object outside the subject, which is for self-consciousness a negative aspect (not-I) but a part of existence. On the other hand, self-consciousness has itself as object – what Hegel calls, after Fichte, 'the tautological "I am I"'<sup>94</sup>.

In this dialectical process, the development from perception to self-consciousness, Hegel refutes (or better, overcomes) both the sceptical and the Kantian position with respect to epistemology. The phenomenological object receives concrete existence through the 'Kantian' principles of the understanding but this undeveloped relation between object and subject is transcended by the emergence of self-consciousness; this is 'after the fact', so to speak. This implies there is a necessary and continuous dialectical movement between subject and object in which the object and the subject have concrete existence. The relation between them, before self-consciousness, is what we call knowledge.

The relationship between object and subject wouldn't be dialectical were it to stay static and fixed, as if after the presence of some sort of object before self-consciousness the relation would remain the same. And indeed it does not; both the subject (as self-consciousness) and the object (the external world) change when this specific relation we call knowledge has been established. The object has become my object, and self-consciousness knows that it knows the object. In this stage the subject has become spirit [*Geist*]. And so for Hegel spirit is 'the essence *existing-in-and-for-itself*, which as consciousness is at the same time actual and which represents itself to itself [...]'.<sup>95</sup>

What this means is that the totality of all relations of self-consciousness with itself and all relations of self-consciousness with objects - in short, the collection of everything we would call knowledge - is called 'spirit'. Now the question becomes, returning to the initial topic, how can this dialectical construction be put to use as philosophical critique? To formulate a preliminary answer, in the spirit of Hegel's philosophy: we need to unite the synchronic conception of spirit with the diachronic, dialectical development of self-consciousness and its guiding principle, autonomy. In short, the transcendental and the historical dimension of self-consciousness need to be somehow connected.

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<sup>94</sup> Ibid.

<sup>95</sup> Ibid., p. 437.

## §4.3 Hegel's early criticism of natural right

The *Philosophy of Right* should be seen as the instantiation of exactly this project: it is both an overview of the nineteenth-century science of state, abstract right and morality (this is the synchronic element; Hegel's time 'comprehended in thought'<sup>96</sup>), and a transcendental excursion - that is, grasping the conditions for the world as we know it now - on the realization of the idea of freedom in the form of a development of all aspects of the human will in the course of history and philosophy (the diachronic element). When we compare it to the philosophy Kant, we can instantly recognize in what sense the project of critique has been transformed in the philosophy of Hegel. As we saw, in Kant transcendental critique aims to reach firm ground on which a solid structure of knowledge could be built, and to establish limits for the justification of knowledge claims. The result was a conceptualization of objective knowledge grounded on subjective principles: of the understanding and of reason. The transcendental deduction of these principles suggested there are a-historical conditions for valid knowledge. With Hegel this static and fixed conception of subjectivity (and objectivity) comes under attack. We should perceive subjectivity rather as part of a historical development of human consciousness, in which both thinking and the outside world continually change. According to Hegel, the development of consciousness should be understood as the realization of the idea of autonomy as Kant saw it: as the self-realization of collective consciousness or *Geist*. The significant contrast with Kant, though, is the way Hegel continuously aims to show how the realization of this conception of freedom can be traced in the course of history and the development of society. In this sense Hegel could be seen as encyclopedian<sup>97</sup>: as someone who combines all available knowledge to create a coherent idea on the genesis of the present.

In the previous sections I have presented Hegel's conception of critique as both a criticism and a radicalization of the Kantian critique of epistemology that eventually leads to a critique of consciousness in the *Phenomenology* and an analysis of its realization in social reality in the *Philosophy of Right*. We should add, however, that Hegel's earlier political and social writings are concerned with a critique of natural right theories.<sup>98</sup> We need to take a closer look at this shift.

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<sup>96</sup> Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, p. 21.

<sup>97</sup> See for an analysis of Hegel as philosopher and as Wise Man (or: encyclopedian) for example: Alexandre Kojève and Raymond Queneau, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, Agora Paperback Editions (Ithaca, N.Y.: Cornell University Press, 1980), p. 78 ff.

<sup>98</sup> For the analysis of the conception of critique in the social and political writings of Hegel I will make extensive use of Seyla Benhabib's outstanding study of philosophical critique in modern Western philosophy: Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986).

In his earlier work Hegel was especially concerned with overcoming conceptual bifurcations, such as form and content, concept and intuition, and identity and difference. In his view these divisions made impossible the restoration of a unity between the theoretical (conceptual) and the practical (ethical world). The philosophical means for such a project had been absent from the work of both empiricists and transcendental philosophers.<sup>99</sup> This was made apparent in some of the classical natural right theories, such as those of Hobbes and Locke. Hegel's main criticism of these theories is that the presupposition of a state of nature, as a counterfactual abstraction, implicitly presupposes normative criteria with regard to the human condition. Even worse, these criteria are not based on *a priori* conceptions of human beings (i.e. they are not based on Kantian transcendental deductions). They consist of empirical aspects derived from modern society, yet presented as aspects that precede it. More specifically, individuals are presented as existing prior to any social or ethical unity. In this manner the relationship between the individual and the ethical totality remains purely accidental.<sup>100</sup>

In this initial philosophical analysis of the theories of natural right, presented for the most part in Hegel's essay on Natural Law<sup>101</sup>, Hegel's own solution for the normative evaluation of social reality is a return to the Greek polis. The polis for Hegel is the circumstance in which the reconciliation between comedy and tragedy was achieved. In this sense, as Seyla Benhabib argues, could the early Hegel be characterized as someone who wrote in adherence to 'the ideal of the ancients and by the fact of the moderns.'<sup>102</sup> In modern societies, in sharp contrast to the ancients, a bifurcation in ethical life becomes apparent, instigated by the economic system of property. It is the bifurcation between alienation and the modern economy through which it comes into being that would later be made famous by Marx.

What Hegel's analysis purports to show is how natural rights theories rely on a conservative and dogmatic faith in the early, modern, industrial or capitalist mode of production by positing a pre-social rational individual. However, Hegel's own solution of referring to the ideal unity of the polis falls prey to the same objection, as his critique of natural right theories turns itself into a form of dogmatism; or, as Benhabib summarizes the problem in this text by Hegel:

The fact that war rather than peace, politics rather than economics, is emphasized simply means [for Hegel] that

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<sup>99</sup> Ibid., p. 23.

<sup>100</sup> Ibid., p. 25. This is also the main argument against any thinking in terms of social contract one can find in the *Philosophy of Right*. See for example also Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, §75, §258.

<sup>101</sup> Georg Wilhelm Friedrich Hegel, *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law*, Works in Continental Philosophy (Philadelphia: University of Pennsylvania Press, 1975).

<sup>102</sup> Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory*, p. 28.

institutions of individuation which tear the person away from the ethical totality are criticized, but the mediation of ethical institutions through the will and freedom of individuals is not explained.<sup>103</sup>

Hegel's earlier writings mark an important break with Kant's project of philosophical critique by longing for an original unity. This is a break that is restored in Hegel's later writings when he recognizes that this philosophical stance is impossible. To elaborate, one of the main purports of Kantian critique is to be 'critical' in the sense of showing how certain claims about reality are unfounded or grounded on unjustified principles by establishing a connection between Kantian epistemology and the philosophy of moral action based on a *transcendental* (and not a speculative *and* historical) analysis of subjectivity. In Hegel's early critique of natural rights theory this analysis of the preconditions of subjectivity and its indirect connection to autonomy is not utilized for reaching an *immanent* moral criterion that could be used to evaluate the modern industrial world. Instead, it is the reference to a prior circumstance, to the memory of the polis as reconciled totality, that makes possible the devaluation of the present. What makes this strategy problematic? And are there alternatives?

In the next section I turn to the Hegelian answer to the question on what grounds a political theorist, as historical actor, is able claim what he claims. From what perspective does a theorist write and where does his objectivity come from? In the early Hegel of the essay on natural law, as well as the later Hegel of the *Phenomenology* and (later still) the *Philosophy of Right*, we are confronted with a problematic characteristic of the philosophical author that has haunted philosophy, and critical philosophy in particular, from the start: the paradoxical role of the philosopher/scientist within the humanities as both historical actor and as an independent or objective and critical thinker of reality, the philosopher as 'observer-thinker'<sup>104</sup>. This latter 'transsubjective'<sup>105</sup> stance of the philosopher, in the sense of being both a participant and an observer of the same social reality, has become increasingly difficult to maintain as philosophy incorporated historical development as one of its methodological building blocks; for this could result in a dogmatic glorification of the present, or the past, as is the case in almost any normative theory of alienation. The following section deals with this theoretical position that is part of both the *ethos* and the *logos* of critical philosophy, in this case Hegel's.

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<sup>103</sup> Ibid., p. 30.

<sup>104</sup> Ibid., p. 30-31.

<sup>105</sup> Ibid., p. 31.

§4.4 The Hegelian *ethos*

In the preface of the *Philosophy of Right*, Hegel famously and intriguingly writes about the role or task of the philosopher. This task does not just consist in 'the discovery of truth, the statement of truths, and the dissemination of truths and correct concepts'<sup>106</sup>. Instead, Hegel insists that this task concerns the connections and genesis of these truths and the way these connections can be established:

And if, amidst this jumble of truths, there is something that is neither old nor new but enduring, how can it be extracted from these formlessly fluctuating reflections – how can it be distinguished and verified other than by *scientific means*?<sup>107</sup>

This rhetorical question is directed against the form of positivist thinking he perceives in the works of his colleague and academic rival Jacob Friedrich Fries. The 'scientific means' Hegel refers to is the speculative mode of cognition Hegel has expounded in his *Encyclopedia* and *the Science of Logic*. Characteristic of this method, when we observe its use in the *Philosophy of Right*, is the way it starts with a particular elemental principle, the human will, and progresses by logical steps to all differentiated aspects of reality Hegel sees as a necessary part of it. Hegel's view on the role of the philosopher becomes clear when he writes on the relation between philosophy, actuality, and rationality:

[...] since philosophy is exploration of the rational, it is for that very reason the comprehension of the present and the actual, not the setting up of a world beyond which exists God knows where [...]<sup>108</sup>

And later on we find the famous and often misunderstood claim:

What is rational is actual; and what is actual is rational.<sup>109</sup>

The first quote could be read in line with Kant: limiting the claims that can be made about reality by changing the perspective from the object to the characteristics of the subject, as the precondition for rationality. The Hegelian twist is expressed by the second quote: the emphasis in philosophy should not just be on the given conditions of subjectivity for knowledge but on the way these rational principles become part of reality, and vice versa.

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<sup>106</sup> Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, p. 11.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid., p. 20.

<sup>109</sup> Ibid.

In my view there is no necessary symmetrical or reciprocal relationship between the two sides of the equation in 'the rational is the actual'. Hence it shouldn't be read as a pure affirmation of the status quo; in itself the claim does not entail a conservative, non-critical position. What this relation between the rational and the actual suggests is that there is a developmental relation between rational thinking (understood as the way subjectivity functions as described by both Kant and Hegel) and the way the human world is organized; in other words, there is an onto-genetical relationship between thinking and being, or existence. That the actual should in turn be deemed rational should be read as the claim that actuality, the world as it exists, has rational aspects that can be perceived retrospectively, through speculative analysis. This does not mean that all relations, objects, institutions, social spheres, rights and morals are rational from the outset. Only after the demonstration that (and how) these existing phenomena are related to self-realization can they be called 'rational'. The role of the philosopher is then to recognize what is rational, i.e. in accordance with Kantian critical philosophy, in actuality.

The only thing the philosopher can do, Hegel emphasizes in this preface, is 'to comprehend his own time in thought'<sup>110</sup>. And this is what Hegel aims to do in the *Philosophy of Right*: showing how the state, civil society and the family all are expressions of a development of human will, advanced through different developmental stages that concern freedom, or as mediating features that have to do with the development of the idea of (abstract) right and morality (which are themselves expressions of the idea of free will). Claims that extend beyond the rationality of the present, about the future as 'a world as it ought to be'<sup>111</sup>, can never be part of speculative science as Hegel presents it here; for that, one needs to turn to the imagination 'which can construct anything it pleases'.<sup>112</sup> In short, thinking about the future cannot present us with criteria that could be used to evaluate the world. Only a speculative critique can do that.

The same can be said about using a situation in the past as a criterion for claims on 'as it ought to be', as we saw earlier with the natural rights theories and their methodology. Both ends of the timeline, past and future, seem to be sealed off as points of reference to evaluate the present, on this latter account of the philosopher who grasps his own time in thought. The consequence of this position is that critique, its analysis and criteria, can only be immanent to the present, as it is neither the future nor the past that can function as a conceptual or empirical measuring-stick for the present. Hence, there is no justification for referring to a state of nature as an indication of how the world

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<sup>110</sup> Ibid., p. 21.

<sup>111</sup> Ibid., p. 22.

<sup>112</sup> Ibid.

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ought to be, nor to any reference to a utopian horizon that could help us to evaluate the quality, and to determine the direction, of the present.

To conclude this section on Hegel, I return to the concepts of *ethos*, *pathos* and *logos*, to evaluate Hegel's project on its critical merits. To start with the *ethos* in his writings: here we find an important ambiguity. On the one hand Hegel seems to be concerned with the limits of thought and the perspective of the philosopher when he writes in the *Philosophy of Right* that the task of the philosopher cannot be more than comprehending his time in thought, in the sense that the philosopher can only understand the world he lives in by reconstructing its historical and rational development. On the other hand, he seems to reach beyond this claim, when he writes about absolute knowledge and absolute spirit in the final chapter of the *Phenomenology of Spirit*. Absolute knowledge should be understood as that stage in which consciousness is completely and fully self-conscious.<sup>113</sup> This could mean, for example, that in this (end) stage of dialectics an absolute consciousness of self can give reasons for *all* its acts (in accordance to the universal law), or claim that it is possible to have complete encyclopaedic knowledge at one's disposal.<sup>114</sup> I believe that this latter deduction should be read as hypothetical and as a speculative exaggeration, one that should be dislodged from Hegel's more important insight that any social actor is necessarily historical.

With respect to the *pathos* in Hegel's writings there is again no easy answer. The emphasis in his later writings is on the *factual*, historical realization of autonomy in the institutions of the modern state, while his earlier work, especially his *Jenaer Schriften*, is concerned with concrete social reality and its relation to morality, which includes upcoming phenomena such as industrialization and its consequences (think of unequal wealth, narcissism and *Verelendung*).<sup>115</sup> To make sense of these two seemingly different projects and evaluate Hegel's commitment, a more elaborate definition of the concept of *pathos* seems to be necessary.

With the question of the '*pathos* of critical thought' or the '*pathos* of theory' I aim to evaluate to what extent a philosophical project is committed to a specific goal, specific values and the realization of these values. This goal is, as formulated by Kant and Foucault, not accepting for a fact that one is being dominated - not by these people, these institutions, these principles, and/or this logic. Their aim is to convince people to act against forms of domination,

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<sup>113</sup> 'This last shape of spirit is that of absolute knowledge, that is, the spirit which at the same time gives to its complete and true content the form of the self, and which precisely as a result realizes its concept as much as it persists within this realization within its concept.' Hegel, *Phenomenology of Spirit/Phänomenologie Des Geistes*, p. 798.

<sup>114</sup> Kojève and Queneau, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, p. 75-76.

<sup>115</sup> See for example: Shlomo Avineri, 'Labor, Alienation, and Social Classes in Hegel's Realphilosophie,' *Philosophy and public affairs* 1, no. 1 (1971).

for example in the name of democracy as it should be understood: as the social practice that refers to actions and institutions that are structured around the *pathos* of non-acceptance. This is what I will discuss in part II of this dissertation.

In my view, such commitment is necessarily accompanied by a style of writing that expresses a sense of urgency. As such, *pathos* also refers to both the emotional and the intellectual force and intensity of a text through which a specific (i.e. an Enlightened) commitment is being evoked. Part of this force originates from a specific choice of words by the author, the rhetorical gestures, and the level of involvement and (lack of) distance from his subject, part of it in a particular affinity with social groups or specific issues. In short, *pathos* in my dissertation refers to a commitment towards the goal of not being dominated, the goal of getting people to act against forms of domination, supported by, or on the basis of, the values of the Enlightenment, and an engagement with what I would like to call 'the subjects of history'. That is to say, with the people who are being denied their claims of being respected in accordance with the value of not being dominated. This group of subjects differs throughout history, and I perceive it as the task of the critical political philosopher to discern what group(s) of subjects are the dominated subjects of his time. To give some examples of 'subjects of history': slaves and women in ancient Greece; the industrial worker in the nineteenth century; Afro-Americans during most of the history of the United States; refugees and *sans papiers* since the introduction of the nation state; the illiterates and subaltern people all over the world; Muslims since 9/11, etc.

Most important with regard to the rhetorical form of writing is to be present as an author in a text. One has to be sensitive yet not shun an energetic stirring up, mediating between rigorous argument, delicate exploration and forceful evocation, between being a committed witness and a distant traveller. Yes, a critical philosopher is in my view more an essayist, creating an antagonistic outlook, than a scientist looking for objectivity.

Mostly, the involvement of a critical author should be fuelled by an adherence to the political goals of the Enlightenment, in particular to the values of solidarity, freedom and equality *and their violations in social life*, which is best understood in terms of domination and subjectivation. I understand these particular values as concepts and criteria that have an affective force in themselves, as they are embedded deeply in our Western culture, in our daily practices and our self-understanding and auto-affection. They are part of our political horizon and political consciousness.<sup>116</sup> It is the task of the critical political philosopher to put them to use in his writings.

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<sup>116</sup> I will return to the concept of ethical horizon in chapters 6 and 7.

Simultaneously though, I believe these values are in themselves of such a high level of abstraction that they are fundamentally contested and almost without a fixed meaning.<sup>117</sup> The values of freedom and equality can be 'staged', and alluded to, however; they can be performed. Indeed I believe these values are in their core *performative*: they receive their concrete meaning in relation to a specific demand of a social group or individual.<sup>118</sup> Spelling out these abstract notions, pinning these values to the board by enclosing them in strict definitions, grinding them into small pieces, deprives them of their affective force. This is not to say that no content can be given to the concepts of freedom and equality, but rather that their meaning is essentially contested, and that they are the means of contestation at the same time.

I believe we now can return to Hegel's *pathos*. In retrospect, it is hard to decide if we should be critical or affirmative with regard to Hegel's commitment towards the values of the Enlightenment. It is clear that Hegel's commitment can be found in his respect for the Kantian analysis of freedom as autonomy, and a certain form of social criticism can be found even in his later work. Two important concepts that in some way imply such a form of criticism are 'recognition' and 'labour'.

Throughout Hegel's work we find the concept of recognition in different contexts. Recognition is one of the crucial aspects in the development of self-consciousness in the *Phenomenology*, but it also plays a significant role in some of Hegel's earlier writings. Its use is related to intersubjectivity. Axel Honneth's philosophical project crucially entails a reconceptualization of this idea of recognition found in Hegel, as the main building block of the foundation for a critical social theory. In his *Struggle for Recognition* he writes:

In his political philosophy, Hegel set out to remove the character of a mere 'ought' from the Kantian idea of individual autonomy by developing a theory that represented it as a historically effective element of social reality, and he consistently understood the solution to the problem thus posed to involve the attempt to mediate between the modern doctrine of freedom and the ancient conception of politics, between morality and ethical life [*Sittlichkeit*]. *But it is only in the years that he spent in Jena as a young philosophy lecturer that he worked out the theoretical means for accomplishing this task, an approach*

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<sup>117</sup> I will return to values as 'floating signifiers', almost empty in their meaning but useful when addressed performatively in chapter 4.

<sup>118</sup> This conception of core values can be found in, for example, the writings of Jacques Rancière (with respect to equality, see in particular: Jacques Rancière, *The Ignorant Schoolmaster: Five Lessons in Intellectual Emancipation*, trans. Kristin Ross (Stanford, Calif.: Stanford University Press, 1991).) and Ernesto Laclau when he writes about empty and floating signifiers. See for example: Ernesto Laclau, *On Populist Reason* (London; New York: Verso, 2007 (2005)), p. 133.

whose inner principle pointed beyond the institutional horizon of his day and stood in a critical relationship to the established form of political rule. *At the time, Hegel was convinced that a struggle among subjects for the mutual recognition of their identity generated inner-societal pressure toward the practical, political establishment of institutions that would guarantee freedom.*<sup>119</sup>

However, Hegel did not follow through on this line of thinking, to Honneth's apparent disappointment:

Within Hegel's oeuvre, of course, the programme thus outlined never made it beyond the level of mere sketches and proposals. Already in the *Phenomenology of Spirit*, the completion of which brought to a close Hegel's period in Jena, the conceptual model of a 'struggle for recognition' had lost its central position within Hegel's theory.<sup>120</sup>

Honneth's argument revolves specifically around the concept of spirit in Hegel's philosophy, and the increasing emphasis on the philosophy of consciousness that emerges in Hegel's *Realphilosophie* and later writings. From 1805 onwards, the dialectical framework of self-consciousness, as consciousness that moves away from itself before returning as self-consciousness, is conceived in its most explicit and abstract formulations. Because of the focus on this process of consciousness, the necessary existence of an ethical structure moves to the background; instead of being the starting point of the analysis of subjectivity, the structure of ethical relations becomes just one of the stages in the development of *an* and *für sich* consciousness. Honneth rejects this move, as it disconnects consciousness from concrete existence. He writes:

The constitution of human consciousness is now no longer integrated as a constitutive dimension into the process of the development of ethical social relations. Matters are, rather, just the other way around: social and political forms of human interaction now represent mere transitional stages in the process of the consciousness-formation that produces the three media of Spirit's self-knowledge.<sup>121</sup>

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<sup>119</sup> Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, 1st MIT Press ed., Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 1996), p. 5. My emphasis.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*, p. 32. The three media of self-knowledge refer to art, religion and science.

Formulated in other terms, Hegel's philosophy is in Honneth's view gradually 'diluted' from a social analysis of moral consciousness to a transcendental and dialectical analysis of spirit. After his time in Jena concrete mutual recognition and practical intersubjectivity only return in Hegel's philosophy in the passages on contract and juridical recognition in the *Philosophy of Right*<sup>122</sup>; in the *Phenomenology* recognition plays a more central role, but here this role is confined to the analysis of consciousness, especially with regard to the (formal) dialectical relationship between master and slave.<sup>123</sup> For Honneth this has robbed Hegel's philosophy of its 'decisive point': the possibility of social critique in terms of a struggle for recognition.<sup>124</sup>

A second 'critical' aspect in Hegel's philosophy, in addition to recognition, can be found in his conception of labour. For Hegel labour is the essential activity of the human being. Through labour, the subject externalizes itself by transforming what is given to it. By changing the object according to his will, the object of labour becomes part of the spiritual world. The relationship between spirit and labour is even stronger than that between the subject and labour, as can be read in the part on religion in the *Phenomenology*: spirit appears in the world as the artisan, in his activity of bringing himself forth in an object.<sup>125</sup> As such, labour is the necessary condition for spirit to emerge.

The underlying logic and goal of Hegel's theory of labour is well summarized by Seyla Benhabib in the form of four presuppositions.<sup>126</sup> These all contribute to a reconciliation of the 'we', the individual, and universal spirit. First, in Hegel activity or labour exclusively refers to the process of the externalization of consciousness in an object. This establishes self-consciousness, but also indirectly intersubjectivity as this object only has value in a context of trade, where individuals inevitably come into contact with each other. Thus the context of trade, the market, is part of spirit. Spirit itself should be conceived as the subjectivity that is both in and outside history, as diachronic and synchronic entity. This is the second presupposition within the theory of labour: spirit is 'between' different conceptions of subjectivity, on the one hand as an interrelational entity taking part in trade (or other intersubjective activities: scientific experiments or discussion, in performative art between artist and spectator, etc.) and on the other hand as a subject that stands outside this practice of trade, observing its logics. Third, we can only understand spirit when we see it in its development as intellectual and practical existence, as part of the common world and as being that observes this world. The fourth presupposition is closely related, and addresses the development of consciousness itself. Any stage of consciousness is overcome by an increase of consciousness. When consciousness realizes that this

<sup>122</sup> See for example: Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, §40, §73ff., §209.

<sup>123</sup> Hegel, *Phenomenology of Spirit/Phänomenologie Des Geistes*, ch. IV A.

<sup>124</sup> Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, p. 62.

<sup>125</sup> Hegel, *Phenomenology of Spirit/Phänomenologie Des Geistes*, p. 630.

<sup>126</sup> Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory*, p. 54.

developmental logic is part of its own becoming, the only limit to its development is consciousness itself.

This analysis of the presuppositions of the theory of labour leads to the conclusion that labour as externalizing activity for consciousness is both seen as a transformative and a valorizing activity in Hegel's philosophy: it functions as the motor behind the development of spirit and as the evidence for this development at the same time. In other words, labour has a pivotal role in establishing a connection between the individual consciousness and the development of the spirit and history as such. Labour has an emancipatory role in contributing to the development of freedom. However, from this double role of labour it is a relatively small step to absolutize the labouring subject as the only subject that can take consciousness and history (in short, spirit) to a higher stage of development. Conceptualized in such a way - labour as an emancipatory and normative phenomenon - this leads to some interesting and problematic analyses with regard to civil society, for example in relation to the rabble.<sup>127</sup>

Hegel's perspective on recognition and on labour seems to be characterized by a particular optimism. He does not argue for the normative force of recognition or labour, but rather *shows* dialectically how and to what extent these are *necessary* elements in the development of consciousness and the realization of freedom as autonomy. This necessity is not presented as a normative-evaluative requirement but as a driving force behind progress in general; a progress that, additionally, has become real already - it is analysed as the constitutive factor that made the actual rational. In short, the rhetorical force of both recognition and labour resides in Hegel's speculative analysis, and not in an emphatic appeal to his readers. Furthermore, we may conclude that *pathos* and *logos* are conflated or fused together in Hegel's philosophy. It is speculative logic itself that should be seen as the means of persuasion, by inducing an 'Aha!-Erlebnis' in the reader.

It is my contention that Hegel's argument in favour of autonomy does not contain the same sense of urgency as Kant's. The main difference between Hegel's writings and (especially) Kant's essay on the Enlightenment is that the latter urges us to change our attitude, while Hegel's philosophy is 'merely' a demonstration. Kant confronts the reader with his time and insists on using our rational capacities. In short, Kant formulates the contemporary principles or possibilities for emancipation both in 'dry' philosophical treatises (his three *Critiques*), and in an essay that reads like a pamphlet. Hegel's later writings, on the other hand, seem to be exclusively concerned with understanding, and not with changing reality, thereby downplaying the normative force his writings undoubtedly have.

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<sup>127</sup> I will return to the notion of the rabble in the *Philosophy of Right* in chapter 6.

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I now turn to Hegel's method of argumentation, his *logos*, a much-discussed and crucial topic in contemporary political philosophy, and especially important for this dissertation. With *logos* I refer to, in this case, Hegel's view on method and the use of concepts and consciousness, which stands in a clear relationship to our current usage - either in a positive, affirmative, or a negative, critical way; or both at the same time. The conception of dialectics and historical development, Hegel's conceptual framework (consisting of concepts such as necessity, particularity, universality, singularity, subjectivity, consciousness, will, desire etc.), his conception of state and society, and his systematic logico-historical approach in general, are part of what I understand as Hegel's *logos*, and all are still influential in contemporary politico-philosophical debates.

We therefore need to consider to what extent and in what way we would like to use Hegel's concepts and method. In the next chapters I go into different aspects of Hegel's philosophy, explicating which insights I would like to uphold, and which I think we should put aside. For now I will postpone this analysis of Hegel's *logos* however, because I think it is more insightful and helpful to first discuss some aspects regarding *ethos*, *pathos* and *logos* of the philosophy of Karl Marx.

To summarize, I feel Hegel's *ethos* should be understood as it is presented in the preface of the *Philosophy of Right*. It is in line with the modern attitude Foucault had identified in the essay by Kant, as Hegel tries to avoid overstepping his authority as a philosopher; as a philosopher, he cannot do more than grasp his time in thought. For this he uses a particular *logos*: the speculative method of conceptual analysis, on the grounds of a dialectical process that is concerned with the will, both theoretical and practical. With regard to *pathos* we have to be frank: Hegel's style shows a lack of political commitment. In his later writings especially, considered to be some of the greatest of the philosophical tradition, there is a lack of devotion to the social cause, an affective force that stimulates or inspires people to act.

To recapitulate the previous two sections on Kant and Hegel with respect to the critical *ethos*, we seem to end up with transcendental or speculative critiques when we reject both the past and the future as criterion. Kant's formulation of critique was grounded on the transcendental analysis of the subject, as we saw earlier. In this manner Kant could escape the strategy of referring back or forward in time to secure his normative criteria. One should not conclude from this, however, that Kant manages to steer away from the problem of founding critique within a historicized perspective on philosophy and on the subject; on the contrary, Kant remains a thinker-observer, outside time and context. I think Hegel's criticism of subjectivism and a too-static conception of subjectivity is relevant here. The question for us then becomes one regarding philosophical critique: how to conceive of 'immanent critique'

without losing the characteristics Kant associates with the critical stance in general - foundational analysis, changing perspective and limiting claims on reality, and the criterion of the autonomous subject - with the added Hegelian restriction of the radical historical context-boundedness of the knowing, thinking, acting, self-reflective subject? Put in other words: how is the normativity of critique guaranteed in modern philosophy? Where do our normative criteria come from?

The previous sections on Kant and Hegel lie at the base of my conception of critical philosophy, especially its *ethos* and *pathos*: the analysis of conditions of thought (its theoretical side) combined with a conception of freedom (its practical side), and commitment to the ideas of the Enlightenment. I have argued that the transition from Kant to Hegel primarily is to be understood as an attempt by Hegel to bridge the phenomenal-noumenal divide, by establishing a method to show how 'real' freedom can only exist outside of reflexive thought, i.e. in the world outside.

In the works of Karl Marx we find another transition in critical philosophy. In general, his approach is both a continuation of, and a distancing from, the Hegelian project. In the following section I will show that with Marx's writings a different conception and target of critical philosophy has emerged, characterized by the primacy of social reality over thought, by new forms of structural analysis, and by a new role for the philosopher as also a social agent and political activist. My discussion will revolve around a concept that has become an essential part of Marxian forms of philosophical critique: the concept of ideology. My goal in the next section is to deal with all the characteristics mentioned, and to connect them to my own conception of critique as a specific configuration of *ethos*, *pathos*, and *logos*.

## §5 Marx: the ambiguities of social critique

It has become a fairly common practice to distinguish between different phases of Marx's life and work, for example by distinguishing between the early Marx (pre-1844), a middle period (between 1844 and 1867) and the late period (post-1867), the Marx of *Capital*. Although useful in some respects, for example when arguing for a shift in Marx's writings that started out as philosophical in reaction to Hegel towards a more scientific or sociological and economical approach later on, I will abstain from such categorizations. For I believe there is more continuity to be found in Marx's writings than these periodizations allow for: the common denominator is, I believe, the abiding dedication to social criticism throughout them.<sup>128</sup>

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<sup>128</sup> As argued by, for example, Joseph O'Malley, in: Karl Marx and Joseph J. O'Malley, *Critique of Hegel's 'Philosophy of Right'*, Cambridge Studies in the History and Theory of Politics (Cambridge Eng.: University Press, 1970), p. xv.

This does not mean, however, that we should nowhere distinguish between different accounts of critique and its methods, it is just not always apparent that a specific method for social critique can always be assigned to a definite period in Marx's work. In Marx we find both 'immanent critique' and 'ideology critique', and the two sometimes overlap. I will show in what sense Marx's critiques can be understood as an *ethos*, as a *pathos*, and as part of a normative methodology or *logos* that is indebted to Hegel, but which aims to reach beyond it.

### §5.1 Immanent critique

With 'immanent critique' I refer to a normative methodology that aims to steer clear of three obstacles. First, the presupposition of a state of nature and of a social contract. Second, the evaluation of reality based on criteria derived from a utopian horizon. Third, transcendental analyses that do not take into account one's own historical context. With 'ideology critique' I mean, following Benhabib, the project of showing that the given is not to be thought of as a natural fact 'but a socially and historically constituted, and thus changeable, reality'<sup>129</sup>. This latter description applies, I think, to some of Hegel's work. It also applies to Marx, with one crucial amendment: any given is no natural fact but a socially and historically constituted reality, *and instantiated by and in favour of the ruling class*. I will first discuss the use of immanent critique in Marx's writing, especially in relation to Hegel. After that I will show how the concept of ideology plays a crucial role in Marx's work and its reception, especially in the twentieth century. The influence of the critique of ideology on political and social theory in contemporary philosophy and sociology is still recognizable, as I will show in this chapter and others.

One relevant aspect of Marx's work concerns the internal consistency of the self-interpretation of an already existing social reality.<sup>130</sup> In other words: how people understand the world they live in, and in what sense this understanding is correct. The main methodological characteristic of this analysis is, according to Marx, that there is no norm that transcends this social reality, or the discourse on this reality. As a matter of principle, there is no reference to an image of mankind *in abstracto* or *in general* that functions as a norm, and no allusion to either a reconciled, coherent future social configuration, or one in the past. The only norm that makes possible a critical evaluation of social reality – for example, the functioning of a state, of capitalism – is the consistency of the self-description of a process or structure. In other words, conceptually at least, immanent critique does not come from outside the object, it consists in explicating the presuppositions of a theory and showing in what sense the theory is self-defeating. Alternatively, we find what

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<sup>129</sup> Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory*, p. 47.

<sup>130</sup> *Ibid.*, p. 33.

Marx sometimes critically calls 'criticism' or 'transcendent critique', in contradistinction to immanent critique, which comes to stand for any normative theory that derives its criteria from 'external' sources, from the nature of man, or from previous or future societies.<sup>131</sup>

Just as with Hegel in his essay on *Natural Law*, however, we find an ambiguity in the writings of Marx. Although Marx does not refer to pre-social circumstances or an ideal of a reconciled social totality, he does refer to an a-historical account of humanity: the human being as a species being [*Gattungswesen*] with specific needs and drives. This account forms the basis of, and the criterion for, Marx's conception of 'alienation' - one of the crucial critical concepts he has used extensively and throughout his writings, but probably most clearly and explicitly in his *Economical and Political Manuscripts of 1844*.

However, this is only one use of the concept of critique in Marx's writings. In the following I discuss several other examples of his use of critique, to be found in the following texts: the *Critique of Hegel's 'Philosophy of Right'* from 1843, a book that was never published during his lifetime, *The German Ideology* Marx and Engels wrote in 1845-1846, and the *Grundrisse* from 1857-58. At the end of this section I will turn to Seyla Benhabib's analysis of the use of critique in Marx's *Capital*, published in three volumes between 1867 and 1894.

In his early work *Critique of Hegel's 'Philosophy of Right'*, Marx is concerned with Hegel's discussion, in the *Philosophy of Right*, of the state in general, and the constitution, the monarch, the executive power and the legislative power in particular. It is helpful to distinguish three 'techniques of reading Hegel' that Marx employs here. First, a technique of changing perspectives; second a fairly straightforward analysis to show up inconsistencies; and third the historical method for clarifying the significance of institutions through an account of their genesis, first developed by Karl von Savigny of the Historical School of Law.<sup>132</sup>

The first technique sees Marx employ an operation of transformation or inversion: against the idealist, unifying Hegelian perspective Marx chooses a materialist/empiricist perspective on reality. This change of perspective, inspired by Ludwig Feuerbach's criticism of speculative philosophy, is directed against Hegel's pantheistic view of reality.<sup>133</sup> According to Marx, we should try to disassemble Hegel's analysis. In his view the speculative method Hegel employs in the *Philosophy of Right* leads to an analysis in which all (proclaimed 'rational') elements of reality are characterized as being part of a differentiating and enveloping development of freedom-as-self-realization, culminating in (or from) the idea of state. The family, civil society and the state

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<sup>131</sup> Ibid., p. 32-33.

<sup>132</sup> Marx and O'Malley, *Critique of Hegel's 'Philosophy of Right'*, p. xx.

<sup>133</sup> Ibid., p. xxvii, 7.

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are necessary steps within a grander scheme in the direction of the realization of absolute spirit. For Marx this is a clear mystification of history and reality. Breaking down this unifying, speculative and organicistic analysis can bring to light the empirical content behind Hegel's analysis. Marx sees it as his task to reorganize this 'data' so that they point to different conclusions than Hegel's.

Right from the start of *Critique of Hegel's 'Philosophy of Right'* Marx points out a mystifying conversion of subject and object in Hegel's conception of state. For Hegel the state is the leading principle, the subject of history and the actual idea; the family and civil society can only be seen as the 'inner imaginary activity' of the state.<sup>134</sup> What this means is that the family and civil society are not necessary conditions of the state. It is the other way around, in Marx's reading of Hegel: family and civil society exist because there is something like the state. The consequence of this perspective is that the state as actual idea is both infinite and rational, while the family, civil society, and individuals as such are just particulars, one-sided and incomplete: they are rational only in the sense that they should be seen as necessary aspects of the development of the state. Marx thus criticizes Hegel for presenting the state as an end in itself; for Marx mankind, or individual man and the family, qualify as such an end. Kolakowski summarizes this critique of Hegel's political philosophy as follows:

(...) if human individuals are only 'moments' or stages in the development of universal substance, which through them attains the supreme form of being, then they are mere instruments of that universal substance and not independent values. The Hegelian philosophy thus sanctions the delusion that the state as such is the embodiment of the general interest, which is only the case if the general interest is completely alienated from the interest and needs of actual individuals.<sup>135</sup>

Here we clearly see the shift in perspective from Hegel to Marx. Hegel starts from the perspective of the most developed and actualized concept, the state, and thus considers the whole variety of different kinds of social phenomena as necessary parts of the organism called 'state'. Marx, on the other hand, starts from the radical materialist standpoint of 'pure' human existence and presents the state as something that should be seen as that entity that has evolved from a specific development within a pre-existing sociality.<sup>136</sup>

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<sup>134</sup> Ibid., p. 8.

<sup>135</sup> Leszek Kolakowski and P. S. Falla, *Main Currents of Marxism: The Founders, the Golden Age, the Breakdown* (New York: W.W. Norton & Company, 2005), p. 102.

<sup>136</sup> It is tempting to describe the difference in terms of a top-down (Hegel) versus a bottom-up (Marx) approach and it certainly is illuminating. However, this wouldn't do justice to Hegel's *Philosophy of Right* as an anthropology of the human will. I would argue that the *Philosophy of Right* should be read both ways, as the title page suggests: the book is both concerned with natural right (the anthropology of

Just as we saw with Kant in relation to the metaphysician and the sceptic, and then with Hegel in relation to Kant, here also the subject-object distinction is being utilized critically: by criticizing the attribution of subjectivity to the idea of the state Marx is able to formulate a fundamental or radical (starting at 'the roots') critique of Hegel's speculative philosophy and his theory of state in particular.

What makes this approach part of the *logos* of critique (as I have described with respect to Kant and Hegel), is the manner in which Hegel's theory of state is rejected. With the rejection of the state, or the idea in general, as the subject of history, substituting concrete experience and praxis for the idea and thought, Marx reinterprets the dialectical movement. The primacy of concrete existence over reflexive thought should be seen as another attempt to formulate the foundations for thought, which, as we have seen, is the ultimate transcendental or critical move.

We can begin to see now that the 'immanence' in immanent critique does not just refer to the analysis of the consistency of a particular theory, for example of the social or the economical. It also refers to the assumption of 'base' experience as a starting point of an analysis itself - instead of some anthropological or transcendental starting point - together with a norm that does not transcend the relevant praxis. Giving other content to the subject-object distinction can attain this result: the idea of the state has been traded in for concrete experience as a base for reflection and dialectical development. Characteristic for Marx is thus the methodological shift from idealist to materialist presuppositions: he reverses the whole Hegelian constellation of the subject of consciousness, together with the objectified products of this consciousness that are present in reality, as spiritual phenomena. Instead of abstract thought that becomes concrete in reality, from concept to idea as realized conception, Marx starts from concrete existence and experience, and shows how abstractions are 'mere' reflections, mediated by social relations and interests.

In *The Foundations of the Critique of Political Economy*, better known as the *Grundrisse*, written in 1857-1858 and first published in Moscow in 1939, Marx demonstrates this approach again:

It seems to be correct to begin with the real and the concrete, with the real precondition, thus to begin, in economics, with e.g. the population, which is the

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the will and its consequences for morality and right) and the science of State; its strength and weakness lie in the attempt to combine these aspects.

foundation and the subject of the entire act of production.<sup>137</sup>

To start with the most elementary and concrete material of social reality, or 'economics', we find for example the concept of 'the human population'. But the concept of 'population' is already an abstraction, as Marx immediately notes: it is composed of classes, which in turn have their own constitutive elements, such as wage labour and capital. These again presuppose other elements: exchange, division of labour, etc. In the end, the phenomenon of 'population' proves to be not a 'chaotic conception of a whole', but a 'rich totality of many determinations and relations'.<sup>138</sup> It is this progression or 'ascension' of simple relations to more complex ones that is 'the scientifically correct method' for Marx. And Hegel is explicitly the target here. For Marx, Hegel was wrong to conceive the real as a product of consciousness. It is not thought that brings the concrete into being, as Hegel seems to suggest, but the other way around: 'thought appropriates the concrete, reproduces it as the concrete in mind. But this is by no means the process by which the concrete itself comes into being.'<sup>139</sup>

Next to this change of the starting point of philosophy, with Marx the goal and object of critical philosophy change as well, which leads to another understanding of critical *pathos*. In both Kant and Hegel there was a clear epistemological goal: establishing the conditions for thought and knowledge, and the realization of freedom; the latter approached indirectly in Kant and directly in Hegel. Marx adds something crucial: social criticism on the basis of an engagement with the weakest of society and the victims of the system and its ideology. Recognizing this commitment, or *pathos*, is, I believe, crucial for understanding Marx's oeuvre. Its goal is not primarily philosophical, especially not in a speculative sense.

### §5.2 The critique of ideology

Immanent critique is just one of the methods of analysis we find in Marx's work. As we have seen, this sometimes results in inconsistency: the theory of alienation presupposes a weak kind of anthropology (the anthropological assumption of the species-being) that functions as a normative basis for his rejection of a social practice. This would mean his critique could not be immanent, i.e. without transcending the here and now in any form. This raises the question of whether it is even possible to formulate such an immanent critique. I will return to this question later on.

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<sup>137</sup> Marx, Karl, *The Grundrisse*, in: Robert C. Tucker, ed. *The Marx-Engels Reader*, 2d ed. (New York: Norton, 1978), p. 237.

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*

The critique of ideology also deals with this grounding of immanent critique, as both a foundational analysis and a normative theory concerned with some sense of autonomy or freedom. I will now turn to this concept of ideology in Marx's writings.

Firstly, I will turn to *The German Ideology*, written by Marx and Engels in 1845-1846. This text is first of all a ferocious critique of Hegelianism and idealism, as becomes clear in the rejection of both the old- and young-Hegelians, but it is also a rejection of the radical materialist position of Ludwig Feuerbach. *The German Ideology* presents an alternative history, on the basis of a conceptual framework Marx would retain in his later work: the concepts of class and class interest are introduced, just as 'production force', and the relations between class, state and law.

What concerns me here is the connection Marx and Engels establish between the ruling class and the ruling ideas in society, and in particular the way in which this connection can be *known*. As we have seen, Hegel understands the concepts and ideas in philosophy, for example freedom as self-realization and the state as the ultimate expression of the free will etc., as part of the self-realization of the concept of freedom through history. For Marx and Engels, on the other hand, these constructs of thought are expressions coming from the ruling classes, which then are 'mystically' connected into a more or less coherent whole without reference to the class that had expressed them; they are thoughts that have been separated from the individual consciousness of the ruling class and are re-presented as if they stand for the common interest of all members of society.<sup>140</sup> It is this apparently independent corpus of ideas, presumably representing the whole of society (or even mankind), which has become known as 'ideology'.

What we end up with, consequently, is a difference between, on the one hand, the world as it appears, as presented by science, philosophy, religion and all other forms of reflection that transcend concrete action and labour - discourses that are mere one-sided reflections of the ruling class - and on the other hand the analysis of the real base of society: the sum of productive forces, capital funds and social forms of intercourse.<sup>141</sup> For Marx and Engels an analysis of this base of society shows us that we live in a distorted reality. Individuals that are principally *living* human individuals who can produce their own means of subsistence cannot live up to their potential in the modern industrial society.<sup>142</sup> Not only is it impossible for the (proletarian) individual to achieve self-activity, as the means of production are in the hands of the ruling

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<sup>140</sup> Marx, Karl and Friedrich Engels, *The German ideology*, in: *ibid.*, p. 174.

<sup>141</sup> *Ibid.*, p. 165.

<sup>142</sup> *Ibid.*, p. 149-150.

class, the individual cannot even safeguard his very existence within this system.<sup>143</sup>

We now see more clearly why Marx's critique in these works, *Critique of Hegel's 'Philosophy of Right'*, *The Economic and Political Manuscripts*, and *The German Ideology*, is not to be conceived as an immanent critique. Two aspects are important here. In *The German Ideology*, Marx and Engels write:

This method of approach is not devoid of premises. It starts out from the real premises and does not abandon them for a moment. Its premises are men, not in any fantastic isolation and rigidity, but their actual, *empirically* perceptible process of development under definite conditions.<sup>144</sup>

Marx and Engels here express a specific view of humanity: the constitutive role of labour for Man.<sup>145</sup> At the base of mankind there is his potential to produce his material life:

What they are, therefore, coincides with their production, both with what they produce and with how they produce. The nature of individuals thus depends on the material conditions determining their production.<sup>146</sup>

Furthermore, Marx and Engels explicate the derivation of these premises: they are found *empirically*. Again this should be understood in relation to Hegelian philosophy. In *The German Ideology* the targets are the young Hegelians who 'consider conceptions, thoughts, ideas, in fact all products of consciousness, to which they attribute an independent existence, as the real chains of men'.<sup>147</sup> And more decisively, the Hegelians are 'the staunchest conservatives', their struggle is not part of 'combating the real existing world', but is 'merely combating the phrases of this world'.<sup>148</sup> Philosophy and reality have become radically divided in these receptions of Hegel's philosophy; the connection between German philosophy and German reality has become lost and so has the relation of their criticism to their own material surroundings. In short, the criticisms of the Young Hegelians (but also the Old who are conservative from the start) have become dogmatic, representing something other than social reality; they have become ideological.

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<sup>143</sup> Ibid., p. 191.

<sup>144</sup> Ibid., p. 155. My emphasis.

<sup>145</sup> See for an analysis of labour in Hegel and Marx also: Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory*, p. 48ff.

<sup>146</sup> Tucker, ed. *The Marx-Engels Reader*, p. 150.

<sup>147</sup> Ibid., p. 149.

<sup>148</sup> Ibid.

It is Marx and Engels' contention that the dogmatic character of the analysis can be undone by turning to the most basic and concrete circumstances of man – through something that could be called a 'weak anthropology'. Any form of abstraction should be avoided and this leads to the analysis of mankind as consisting in the material conditions of individuals; the conditions that are already there, the natural conditions, and the conditions that man himself produces. These premises can be verified in a purely empirical, rather than a logical-deductive or speculative, way.<sup>149</sup>

The premises of Marx's theory are thus in the end not the products of a transcendental analysis, speculative philosophy or an analysis of fundamental concepts; they cannot therefore be called philosophical. I believe the turn to the empirical is a decisive step in the methodology of Marxism and Critical Theory in general; while it started out as a criticism of speculative philosophy, it increasingly came to emphasize scientific data and social research. From philosophical critique Marx's analysis has turned into social or sociological critique.

### §5.3 Marx's *ethos*, *pathos*, and *logos*

Turning to my conceptual triplet for analysing critical philosophical theory, it appears that in Marx and Marxism the contents of *ethos*, *pathos* and *logos* begin to change. Undoubtedly Marx's *pathos* is incredibly forceful, remaining focused on the transformation of social reality on the basis of freedom and equality. Throughout his work, Marx emphasizes concrete existence, particularly the abhorrent situations that emerged since the industrial revolution. This *pathos* is probably one of the few aspects that have remained unchanged in Marx's thinking, however. With respect to *logos* we have seen that his methodology transformed from an inversed or materialistic dialectics into an empirical approach. We have to conclude from the developments in Marx's writings that he at one point has left critical philosophy and has entered the scientific framework of critical sociology and political economy.

Finally, with Marx's *ethos* we reach an important point. How are we to understand Marx's position as a social scientist and as a social actor? Similarly as with Hegel, we are confronted with the 'transsubjective' subject. This time even more emphatically, as Marx explicitly claims there is just one perspective that is able to grasp the nature of social reality: political economy. The next section discusses the consequences of this attitude towards critical theory.

To be sure, it is not my goal here to establish a radical divide between philosophy and sociology. However, Marx and Engels' turn to empirical science marks an important shift that has serious consequences for the project of critique on the level of both *logos* and *ethos*. I will discuss two of these

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<sup>149</sup> Ibid.

consequences in particular: the difference between traditional social theory and critical social theory, and the role of the critical theorist in relation to ideology. For this purpose, I move beyond Marx to the tradition of Critical Theory, or the Frankfurt School as the most important continuation of the project of social critique initiated by Marx and Engels. It is especially the Frankfurt School that has tried to respond to the imminent danger of losing the ability to criticize social phenomena, against the backdrop of emerging positivistic social sciences (and linguistic idealism), by arguing for a scientific stance that should still be considered both objective and emancipatory.

### **§6 Critical Theory: critical social and interdisciplinary science.**

The Frankfurt School of Social Research refers to an interdisciplinary group of thinkers that aims to combine Marx's scientific-critical approach with the tradition of philosophical critique associated with Kant and Hegel. Other intellectual influences include Freud, Weber and Lukács. Founded in 1923 by Carl Grünberg, the school first rose to prominence under the leadership of Max Horkheimer, director from 1930 onward, with other notable associates being such as Theodor Adorno, Erich Fromm, Herbert Marcuse and, more loosely related, Walter Benjamin.

In this section I will discuss one of the founding texts of Critical Theory, written by Max Horkheimer in 1937, *Traditional and Critical Theory*. As the title suggests, the essay is concerned with the difference between traditional scientific theories and theories that can be called critical in the sense Marx used this term. However, traditional theory should not be confused with the main targets of Marx's critical writings, i.e. the speculative philosophy of Hegel or the conservative and essentialist materialism of Feuerbach<sup>150</sup>. Instead, the target of Horkheimer's text is positivist science, a relatively new approach to social reality, instigated by Auguste Comte and Emile Durkheim in the second half of the nineteenth century, and the linguistic idealism of Edmund Husserl. Linguistic idealism and positivism approach social reality in the same way nature is being approached by physics and other natural sciences: by using mathematics, that is, 'towards a purely mathematical system of symbols'<sup>151</sup>. They should use empirical data and scientific methods to distil the laws of the social and language.

Against positivist social science, my main concern here, Horkheimer argues that theory is not merely an 'ordered set of hypotheses'. In such an absolutized conception of theory, theory itself becomes 'a reified ideological category'.<sup>152</sup> Let's compare this association of 'traditional' theory and ideology with the way

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<sup>150</sup> On Marx and Engels' criticism of Feuerbach's materialism, see for example: *The German Ideology*, in *ibid.*, p. 167ff.

<sup>151</sup> Max Horkheimer, *Critical Theory: Selected Essays* (New York: Continuum, 2002 (1972)), p. 190.

<sup>152</sup> 'Traditional and Critical Theory', in: *ibid.*, p. 194.

Marx uses the concept of ideology. In *The German Ideology*, 'ideology' refers to the ruling ideas concerning freedom, but also to the idea and practices of state, law, politics, and even science and philosophy. These ruling ideas and practices, though imposed on society as being universally valid, should be conceived, according to Marx and Engels, as the ideas of a ruling class.

Horkheimer concentrates on one aspect of this thesis of ideology: the ideological nature of prevalent scientific discourses, and in particular the unjustified presentation of positivist science as the universally valid approach towards knowledge of the social. Crucially, the traditional or positivist conception of theory is presented as being wholly objective: a complete overlap is suggested between, on the one hand, 'the conceptually formulated knowledge', and the empirical facts that are being subsumed under these concepts on the other.<sup>153</sup> This identification of fact and concept is one of the main characteristics of traditional theory and at the same time is its main flaw, as it presupposes a direct link between the subject and object of the social sciences.

According to Horkheimer, presupposing an identity between facts and concepts results in an improper perception of the relation between the subject and object. Instead, the connection should be perceived, as in Marx, as one between real social and material processes and the (scientific) reflection on these processes that is dependent on the specific social circumstances of the subject. Against any positivist account of science, Critical Theory insists that the context of discovery and the context of justification are radically interdependent.

The goals of a critical theory for Horkheimer are several. First there is the task of showing how and in what sense thinking and perceiving in general presuppose a double mediation by the social: there is the historical character of the perceived object; and there is the historical character of the perceiving and thinking bodily organ. Social reality is not the result of the abstract and conscious activity of the free individual, or the concrete and blind activity of society, as is claimed in bourgeois economic theory.<sup>154</sup> Both the subject and the object are influenced and even determined by how both social reality and the subject evolve. Horkheimer especially emphasizes the role of technology, and the ways in which new inventions regarding transportation and production change the way we perceive reality. The 'common' individual however, deceived by bourgeois ideology, does not notice these changes; he only perceives the 'sequence of facts' of sensible reality, ordering these facts under already present concepts.<sup>155</sup>

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<sup>153</sup> Ibid., p. 192.

<sup>154</sup> Ibid., p. 200.

<sup>155</sup> Ibid., p. 202.

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These changes are noticed, of course, in a critical theory - 'critical' being understood in the sense of 'dialectical critique of political economy'<sup>156</sup>, rather than a critique of pure reason as in Kant.<sup>157</sup> On the one hand, this critical stance does not presuppose mediation by ideology (or class struggle in general) as it does not have an inherently biased, or even normative, force. On the other hand, the second goal of a critical theory is to criticize in the normative sense, i.e. to

[...] not simply eliminate one or other abuse, for it regards such abuses as necessarily connected with the way in which the social structure is organized.<sup>158</sup>

It is not the specific and concrete social misfortunes, cruelties and wrongs in society that are the primary target of this normative or polemical aspect of critical behaviour, but the structural logic and material edifices 'behind' or, at the base of, society, as they are the cause of these excesses. To analyse this logic and structure the critical theorist has to be able to take two conflicting stances in relation to the social whole. On the one hand, the critical individual must be able to see the world as it is as his own world, that is to say, as a man-made world with its specific mode of production and its concomitant culture. On the other hand, and at the same time, the critical individual experiences the world as one that is not the creation of a unified, self-conscious will, but as a society ruled by the laws of capital.<sup>159</sup> These two distinct observations contain both the recognition and the condemnation of social life, which is an untenable situation. Only in the reconciliation between the concept of man as induced from reason, and a social reality in which this concept of man has been realized, will the felt need of the critical individual to struggle against the unreasonable disappear.<sup>160</sup>

Again, just as in Marx, there is apparently a right way of observing and understanding social reality, as against a one-sided, or even illusory, ideological one. This suggests the existence of at least two qualitatively different standpoints with respect to the perception and evaluation of reality. This is where immanent critique and critique of ideology meet: how can we argue for a dissonance between social reality and our concept of man? The answer seems to be both easy and paradoxical at the same time: what we see and experience is not the same as what we reasonably think. Here we reach the normative core of Marxist critical philosophy: immanent critique presents us with the norm for evaluating social reality and its logic, formulated in terms

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<sup>156</sup> Political economy is the scientific approach that analyses the presuppositions of the economy in relation to state and government.

<sup>157</sup> Horkheimer, *Critical Theory: Selected Essays*, p. 206n.

<sup>158</sup> *Ibid.*, p. 207.

<sup>159</sup> *Ibid.*, p. 207-208.

<sup>160</sup> *Ibid.*, p. 210.

of political economy, while the critique of ideology shows how the nature of social reality is being occluded by the ideas of the ruling class.

From the distinction between positivist science and critical theory in the case of Horkheimer, and speculative philosophy and materialist, empirical social philosophy in Marx, it is a relatively small step to the problematic role of the critical philosopher or social scientist. This brings us to the second consequence of the turn towards an empirically informed materialist social science. For Horkheimer, what we see and think is itself the effect of historical, materialist, and social causes. The critical individual recognizes this: he is able to perceive the world he lives in as his world, but also as a world that does not fulfil the more general idea of human life. 'But how?' we may ask. Is this critical individual not determined by the historical development of subject and object itself? Is the conception of the autonomous individual not itself an effect within the social logic of 'the sum of productive forces, capital funds and social forms of intercourse', as Marx called it? Can the critical individual transcend his own context? And what does this tell us about the nature of historical materialism and the determinative forces of capitalism?

It is this problematic that from the start has haunted the first generation of the Frankfurt School and Critical Theory in general. How to conceive of an analysis that presupposes determination of the subject and at the same time keeps critical distance from the immersion and determination of this same subject? In the following chapter I will discuss some of these issues in Critical Theory, such as the paradox of 'the observer-thinker' or 'transsubjectivity' (Benhabib), or the emergence of the 'judgmental dope' (Celikates). In chapter 4 I focus on a new conception of critical-political philosophy that tries to deal with the split in the ideological conception of Marx between false and real consciousness. This is necessary for my conception of democracy, as an emancipatory or progressive account of democracy is hard to imagine when a critical theorist would be needed to 'enlighten' the *demos*.

Critical political philosophy and democracy are intimately bound together, as I will argue. To make this argument, I will need to vacate the ideological structure created and explicated by Marx and Horkheimer, and enter the methodological structure of 'post-foundational critical political philosophy'. I believe this is the only current perspective that can meet the terms - the *ethos*, *logos* and *pathos* - of politico-philosophical critique.



# Chapter 3. Late twentieth-century critique and its limits

## §1 Introduction

In the previous chapter I have argued that critical philosophy should be understood in the following way: it consists in the first place of a specific *ethos* of delimitating the claims that can be made by a philosopher *as an historical social actor*. These limits are determined on the basis of an analysis of the contemporary conditions of thought. Second, critical thought should be characterized by a specific *logos*: a contemporary method for analysis that utilizes specific conceptual tools to grasp our world. Third and last, we have the critical *pathos*, which is an involvement with the 'subject(s) of history' and a specific emotional and philosophical commitment to some of the core values of the Enlightenment, expressed in an engaged style of writing, directed at pressing contemporary social and political issues.

Ideally, this latter aspect of critical *pathos* should not be seen independently from the *ethos* and *logos* an author conveys. Kant is a nice example here. In the critical writings of Kant we do not recognize a particular emotional affect; at the most this affect is an intellectual one. In his essay on the Enlightenment, however, we can distinguish an involvement with the emancipatory capabilities of human beings. In Hegel we find a strong cognitivist tenet throughout his work, although some of his earlier writings do seem to contain a commitment towards people that suffer from the violations of those Enlightenment ideals of equality, freedom and solidarity. Hegel is one of the first philosophers able to analyse the negative social and political consequences of the industrial revolution, such as poverty, new forms of slavery and a form of liberal individualism. The *pathos* that has had, and probably still has, the greatest force and influence within the critical tradition is that of Karl Marx. Marx combines formal and abstract social and economic analysis with inspiring pamphlets and critical articles. His activist style of writing urges the reader to take a stance and to commit him- or herself.

I ended the last chapter with an analysis of the concept of ideology in the writings of Marx and Horkheimer. I believe the concept of ideology is a pivotal notion in establishing the contemporary conceptual limits of critique, and for understanding the role of a specific strand of critical philosophy that emerged in the course of the twentieth century. As I have argued at the end of chapter 2, in a theory of ideology the philosopher over-extends his role, as he claims to have the truthful and objective perspective, and the correct means to analyse

the nature of reality. This kind of *ethos* however is not feasible for a contemporary critical philosopher. From the perspective of *logos*, critiques of ideology presuppose that a single body of scientific discourse, for example that of political economy, can provide both an overarching and objective truthfulness, and an emancipatory potential. This type of *logos* cannot be maintained either. Finally, the *pathos* that accompanies the Marxist analysis of ideology has led some critical theorists to a pessimistic, even cynical exposition. In such a way critical analysis loses most of its positive and inspiring potential and force.

But there are more problems with ‘traditional’ critical philosophy than just that of ideology. Since the nineteenth century two features of philosophical *logos* in particular have come under scrutiny: a teleological conception of history, and anthropological essentialism (or essentialism in general). To start with essentialism, the critical *logos* of Kant, Hegel and Marx is characterized by specific anthropological claims. For Kant the division between the noumenal and the phenomenal is crucial for understanding human beings in their essence. The knowledge of human being should be ‘pragmatic’, in the sense of investigating ‘of what [the human being] as a free-acting being makes of himself, or can and should make of himself’ and not be directed at its physiological characteristics.<sup>161</sup> Hegel in turn seems especially concerned with human beings as not only thinking, but also willing, creatures. The introduction of the *Philosophy of Right* provides an analysis of different aspects of the human will in its relation to freedom. That human beings produce and externalize their thinking in the form of taking possession, that they do all kinds of labour, engage in economic relationships, and live within institutions, proves to be crucial for the analysis. With Marx the situation is not that different, although he lays more emphasis on the material and social aspects of these essential processes of externalization and the existing relationships of dependence between social classes. In Marx’s, but also Hegel’s philosophy, human beings flourish when they are able to live up to their potential, which requires certain social conditions to be fulfilled.

In these anthropologies, human being is defined by characteristic and necessary features such as freedom or autonomy, conceptualized as the capacity to organize life and act in accordance with one’s own rules. In Hegel and Marx, true human activity is characterized by an externalization in the form of work; mankind is described as a species that develops through a process that could be called ‘ontological alienation’, which refers to the dialectical logic that makes the (moral, social, technical) progression of mankind or history possible. It is this collection of anthropological claims,

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<sup>161</sup> See the preface of Kant’s *Anthropology from a pragmatic point of view* from 1798, in: Immanuel Kant, Günter Zöllner, and Robert B. Loudon, *Anthropology, History, and Education*, Cambridge Edition of the Works of Immanuel Kant in Translation (Cambridge, UK; New York: Cambridge University Press, 2007), p. 231.

deduced in either a speculative or a materialist fashion, which forms the normative conditions of many critical analyses in the tradition of Critical Theory.

There are several problems with this perspective on human kind: firstly, it is highly essentialist, as it presupposes labour as the core business of human living. By reducing meaningful human activity to labour and processes of production, labour becomes the norm for human flourishing and even for the necessary development of human freedom. Secondly, this view on the human species is objectivist. Everyday experiences of subjects, in all their diversity, are being neglected, in favour of objective conditions and relationships. Thirdly, human interrelationship, or intersubjectivity, appears as subordinate to subjectivity. I will return extensively to this issue in §2 below.

A final feature of philosophical thought that has become problematic in the course of the nineteenth and twentieth centuries, one closely related to the first and second problem, is a conception of history as a necessary development of reason towards a goal, a goal that is pre-established. Hegel's and Marx's historical analyses are characterized by a form of idealist and materialist determinism respectively, in which history develops in accordance to specific rules and principles: the development of the concept of freedom in the case of the former; in the latter the specific distribution of the means of production that would result in a reconciled totality. One methodological downside of this approach is that any historical event that falls outside this development cannot be understood, or is deemed contingent and/or unimportant.<sup>162</sup> Another is that the approach that is built on teleological historical-materialist assumptions became crucial in providing and securing the normative foundation of a critical theory, while not being able to support an empirical research program as envisioned by the first generation thinkers of the Frankfurt School.<sup>163</sup>

The problem with *pathos* in many strands of political philosophy is that it often fails to commit or engage. A form of distancing from its object, for example from concrete political or social practices, so as to give a merely analytical, formal or objective account, can in my view not count as *critical* political philosophy. Principally, political analysis can be neither neutral nor objective, as any use of concepts, distinctions, specific interests, questions, and social or political categories already betrays a commitment towards a specific historical

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<sup>162</sup> It has been argued that social and anthropological theories based on organicism and functionalism are also vulnerable to this kind of criticism, as they seem unable to deal with change. See for an outstanding analysis of functionalism in the social sciences and the influential contributions to social theory of Talcott Parsons: Hans Joas, Wolfgang Knöbl, and Alex Skinner, *Social Theory: Twenty Introductory Lectures* (Cambridge, UK; New York: Cambridge University Press, 2009). For a radical critique of organicism: Willem Schinkel, *Denken in Een Tijd Van Sociale Hypochondrie: Aanzet Tot Een Theorie Voorbij De Maatschappij* (Kampen: Klement, 2007).

<sup>163</sup> Jürgen Habermas, *The Theory of Communicative Action*, 2 vols. (Boston: Beacon Press, 1984), Volume 2, p. 382.

framework that contains evaluative, or even normative, presuppositions, i.e. it is always built around specific conceptions of freedom and equality. Any critical political philosopher should make this framework and the commitments it entails explicit. This often means one has to take sides with(in) a specific political discourse and relate to foundational texts, in favour or against a leading discourse, a social practice or an influential author. Also, critical political texts typically contain specific tropes, styles of discourse, that show the involvement and dedication of an author, and pull the reader towards the position that is advocated. I think we find this strategy in most of the work of Karl Marx and that of the representatives of Critical Theory, as well as in Kant's essay on Enlightenment.

In the following sections I discuss some solutions to the problems that have haunted critical philosophy for decades. These are the problems I have sketched above: the role of the critical philosopher in relation to his object of analysis and his targets (for example: objectivism); the conceptual contents of critical theory (for example: essentialism); and the forms of commitments and style of writing (for example: distanced). Which parts of these accounts should be maintained, and which should be abandoned? My strategy in answering these crucial questions is to analyse some of the important post-WWII philosophical writings that have reflected upon the most pertinent transformations within Critical Theory and critical philosophy in the last decades.

I proceed as follows: in §2, I discuss the ground-breaking shift from the philosophy of the subject to the philosophy of intersubjectivity and of discourse in the writings of Jürgen Habermas and Michel Foucault. In §3 I focus on Peter Sloterdijk's analysis of the critical tradition and its descent into cynicism and pessimism. In §4 I evaluate a recent contribution to the tradition of the Frankfurt School of social research by Robin Celikates, which ranges over several of the important themes in critical social theory, especially with respect to *ethos* and *logos*.

## **§2 The shift to discourse and intersubjectivity**

At the end of the nineteenth century and during the course of the twentieth an important shift has taken place from subject-centred to subject-decentred, and mostly language- and practice- oriented, philosophy. To be sure, the fact that language- and practice-oriented philosophy is now commonly accepted does not imply that the subject has become unimportant. It does imply however that the subject is not the most important presupposition or condition for understanding reality. Rather, we should look to the structures that are the condition for the experience of subjectivity; in particular to language, cultural

signs and symbols (semiology), and other processes and phenomena that precede (the experience of) consciousness.

In this section I will focus on the concept of 'discourse', in relation to the philosophers Jürgen Habermas and Michel Foucault. I will approach both thinkers by explicating their use of the concept of 'discourse' in relation to the subject and will show in what sense both try to distance themselves from the concept of ideology and the analysis of ideology critique. Again, I will utilize the concepts of *ethos*, *logos* and *pathos* to structure my analysis.

### §2.1 Habermas and discourse

Habermas is still one of the most important intellectuals of the last few decades. His work could be understood (partially) as a reflection on the research of the first generation of thinkers of Critical Theory and their adaptations of Marxist social critique. However, Habermas has not been a 'Frankfurter' all along. In the course of the 1960s, he began to stylize himself as a representative of Critical Theory, and also to be seen by others as the representative of the second-generation Frankfurt School. His thought is influenced by the tradition of Marxism, hermeneutics and Western liberal thought.<sup>164</sup> These influences, taken together, contribute to the systematic analysis of language and its potential for entailing rationality<sup>165</sup>; the emphasis on the epistemological primacy of intersubjectivity over subjectivity; and the conceptualization of communicative reason, or as Habermas sometimes also calls it: 'the paradigm of mutual understanding'<sup>166</sup>.

In the early 1980s a synthesis of different insights and ideas converges in what is considered to be Habermas' main work: *Theory of Communicative Action* (1981). In this book he presents an encompassing view consisting of many different theories arising from philosophy, sociology, psychology, pedagogy and the historical sciences, enabling him to argue that within a shared language a rational consensus can be achieved, and that this situation is to be expected in a rational social context.<sup>167</sup> When we speak or act, Habermas claims, we adhere to different principles or validity claims - of truth, of normative correctness and of truthfulness - that make our actions or utterances rationally defensible in a 'discourse': a specific form of communication in which the participants sort out their differences with regard to action and speech.<sup>168</sup> This conception of rationality results in his famous

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<sup>164</sup> Joas, Knöbl, and Skinner, *Social Theory: Twenty Introductory Lectures*, p. 200 ff.

<sup>165</sup> *Ibid.*, p. 209.

<sup>166</sup> Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 1987), p. 295.

<sup>167</sup> Joas, Knöbl, and Skinner, *Social Theory: Twenty Introductory Lectures*, p. 229.

<sup>168</sup> "Das Medium, in dem diese negativen Erfahrungen produktiv verarbeiten werden können, ist der theoretischen Diskurs, also die Form der Argumentation, in der Kontroverse Wahrheitsansprüche zum Thema gemacht werden." In: Jürgen Habermas, *Theorie Des Kommunikativen Handelns*, 4. Aufl. ed.

theory of action. The theory distinguishes three paradigmatic forms of action: purposive-rational (in relation to objects in terms of means and ends); strategic (in relation to subjects in accordance with a means-ends schema); and communicative (in relation to subjects, on the basis of shared norms). This division, combined with the division between the system world (predominantly organized through instrumental and strategic action) and the life-world (complementary to communicative action), constitute the basis of a critical theory that is able to distinguish between different (speech)acts in order to evaluate in what sense they are under the influence of strategic and instrumental reason; in short, to what extent the life world has been colonized by the system world.

Particularly insightful with respect to Habermas' critical *ethos* and *pathos* is his *Philosophical Discourse of Modernity*, published in Germany in 1985. Ferocious in its analysis, this book could be seen as a declaration of war on phenomenological (Heideggerian) and (post-)structuralist (in short: French twentieth-century) philosophy. I will not go into the specific arguments here against philosophers like Nietzsche, Heidegger, and Derrida, or sociologists like Luhmann and Castoriadis, as Habermas' dismissals are completely consistent with his theory of communicative action. His style of writing however - both his formulations and the contents of his arguments - reveal Habermas' *pathos*. He forcefully denounces French philosophy (and the 'French' Germans such as Nietzsche and Heidegger) for its 'rhetorical gestures' leading to performative contradictions. Moreover, this kind of philosophy for Habermas is characterized by grave normative deficits, by which he means that emancipation and manipulation are conflated in an unjustifiable way. The distinction between the two is abolished because there are no normative criteria left. As a consequence, this style of philosophy leads to a repudiation of modern forms of life.<sup>169</sup>

While Habermas thus argues that the above thinkers betray the emancipatory impetus of the Enlightenment, he does believe that he himself can do justice to exactly this tradition of Enlightenment that has become problematical in Modernity. We have seen how he attempts to counter any form of positivist, 'objectivist', that is, non-critical philosophy: by emphasizing the almost utopian (or counter-factual) phenomenon of communicative reason as a principle of mutual understanding.

However, the suggestion that this counter-factual sphere of communicative rationality can be utilized as the backbone of a normative theory has become problematic. I believe it is insightful to relate this counterfactual ideal to the logic behind any theory of alienation. Such theories isolate specific features of mankind or social reality in order for them to function as criteria to assess its

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(Frankfurt am Main: Suhrkamp, 1995 (1981)), p. 39. See also: Hauke Brunkhorst, Regina Kreide, and Cristina Lafont, *Habermas-Handbuch* (Stuttgart: Metzler, 2009), p. 304.

<sup>169</sup> Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, p. 337-338.

contemporary condition. The theory of communicative action as critical socio-philosophical theory functions in a similar fashion: there is a particular way of interacting that may guarantee some kind of optimal form of social life. As long as we strive to interact in this way things are fine. But when this kind of human behaviour becomes blocked, we end up with an alienated, ossified situation unworthy of human beings, as this rational form of communication is deemed characteristic of *any* worthwhile human interaction, free from systemic constraints.

In the end, the *ethos* and *logos* of Habermas' work suffice to dismiss the Habermasian framework of communicative reason for grounding an understanding of philosophical critique. Let's see why. The possibility of rational-communicative discourse, understood as a process of deliberation, is in this theory the necessary condition for any meaningful and normative conception of democracy for democracy presupposes, firstly, the conditions for uncoerced discussion on issues that concern all people in society, and secondly, the presence of specific capacities in its participants to understand and conform to the rules of discourse. Both conditions however are problematic. First, we may reasonably ask where the demand of the first condition comes from. I believe the answer to this boils down to the question of from what position Habermas himself theorizes: does he stand outside the lifeworld/systemworld dimension? By claiming universal validity he seems to do so, which makes his account not critical enough in my view, as he does not take into account his own situatedness.<sup>170</sup> Second, it remains unclear why hypothetical validity claims would be suited for a critical theory<sup>171</sup>. Third, why should these conditions be achieved at all? The second condition is problematic as it seems conditioned upon the existence of a set of fixed rules for optimal forms of communication, foreclosing the possibility of conceiving another collection of rules, and, more importantly, neglecting or evading the analyses of the power struggles that have made possible this formation of rules, and have created a specific subjectivity that conforms with them.

Still, Habermas' focus on *intersubjectivity* rather than *subjectivity* remains valuable. With the model of communicative action Habermas breaks with the 'philosophy of consciousness', or 'philosophy of the subject'. Although Western philosophy has, at least since Hegel, been concerned with the relation *between* selves, of social interaction, it has always approached it from an active self that

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<sup>170</sup> See for a discussion of the relation between the context and situatedness of the author and the validity of his claims, in relation to both the writings of Habermas and Foucault: James Tully, *Public Philosophy in a New Key, Ideas in Context* (Cambridge; New York: Cambridge University Press, 2008), Volume 1, Chapter 3, for example p. 94ff. And: Hans Joas, 'The unhappy marriage of hermeneutics and functionalism' in Axel Honneth and Hans Joas, *Communicative Action: Essays on Jürgen Habermas's the Theory of Communicative Action*, 1st MIT Press ed., Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 1991), p. 115-116.

<sup>171</sup> For a critical discussion if this is the case, see Herbert Schnädelbach's contribution 'The transformation of Critical theory' in ———, *Communicative Action: Essays on Jürgen Habermas's the Theory of Communicative Action*.

shapes the world. Habermas' approach however is 'pragmatic': social interaction should be understood from the perspective of language-in-use. Benhabib describes this distinction as follows:

The philosophy of consciousness puts the cart before the horse: it attempts to ground sociation (*Vergesellschaftung*) on individuation, whereas individuation proceeds under conditions of sociation alone.<sup>172</sup>

Benhabib's critique is probably too strong with regard to Hegel's subject-centred philosophy, as individuality could be interpreted, for example in the *Philosophy of Right*, as an effect that can only be realized fully in a state of *Sittlichkeit* and isn't pre-social as such. However, it is undoubtedly true that Hegel conceptualizes intersubjectivity in the abstract as the relation of one consciousness to another. For Habermas, in contrast, social action always entails linguistic communication. A far-reaching consequence of this conception is that interpretation and misunderstanding are always constitutive features of intersubjectivity, something that cannot be accepted in Hegel's system.<sup>173</sup>

With this emphasis on discourse and intersubjectivity as language-in-use we have one example of an attempt to leave behind the theory of the subject and move towards a conception of intersubjectivity that puts language and pragmatic use of language centre-stage. What is holding me back from embracing Habermas' normative framework itself is his aim to ground his theory on a counter-factual instantiation of an ideal context of speech. Additionally, because he hereby necessarily overextends his role as a social scientist, I cannot agree with his philosophical attitude.

## §2.2 Foucault and discourse

Michel Foucault's concept of discourse is very different from that of Habermas. While both are concerned with rationality, Foucault emphasizes how rationality can only be understood - or even exist - in relation to its opposite: irrationality. Inspired by thinkers like Nietzsche, the structuralist Lévi-Strauss, and Bataille, his many studies of, for example, madness, delinquency, and sexuality show a heightened interest in the constitution of, and the logic behind, normalizing, 'rational' structures and techniques of (decentralized) power in modern history.

The concept of 'discourse' is most explicitly used by Foucault in his methodological work from 1969, *The Archaeology of Knowledge*. It refers to a

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<sup>172</sup> Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory*, p. 242-243.

<sup>173</sup> It would lead to 'bad infinity'. Hegel cited by Benhabib in: *ibid.*, p. 243.

practice or practices that 'systematically form the object of which we speak'.<sup>174</sup> Foucault's method of analysis is to focus on the relation of signs and statements and the manner in which these constitute meaning and make possible events, for example scientific events. In Foucault's view, inspired by structuralists like Lévi-Straus and Saussure, this meaning is not just the reference of statements to an external object, fictive or real thing, or living being; this meaning is also constituted within language, by the referencing of statements to each other. By presenting an analysis of the components of language one can describe this extra-designative or correspondence feature of language.

This analytical project is not just concerned with language, however. Foucault is also concerned with the context in which this language appears, in particular the subject of enunciation (*who* is speaking?), the institutional context from which the subject speaks (from *where* does the subject speak?), and the relation between the subject and concrete distribution of objects (*how* does the subject relate to material bodies?). These latter relationships determine what can be said and what counts as relevant information or as being meaningful.<sup>175</sup> A doctor, for example, is an expert on health, but his authority is in part dependent upon a medical setting and on his capacity to reproduce and utilize a specific discourse, i.e. a collection of statements about the human body and its pathologies. Outside these specific settings that are concerned with the body and its pathologies - i.e. outside the medical discourse - this doctor has no authority over other subjects with regard to the claims he makes.

Foucault does not want to deny all meaning to subjectivity, but he does want to emphasize that the subject is not the master of language, the creator and judge of linguistic expression.<sup>176</sup> The rules and limits of speech are outside the subject, and determine to what extent he can say meaningful things. Foucault writes:

Thus conceived, discourse is not the majestically unfolding manifestation of a thinking, knowing, speaking subject, but, on the contrary, a totality, in which the dispersion of

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<sup>174</sup> Michel Foucault, *The Archaeology of Knowledge*, trans. A.M. Sheridan Smith (New York: Pantheon Books, 1972), p. 49.

<sup>175</sup> It has been argued that this conception of discourse as autonomous structure is insufficient to explain how discourses change through time. There are non-discursive elements, objects or specific skills, that contribute to shifts and changes within discourses such as changing styles of statements, modalities of enunciation and the kind of subjects that are formed within practices. See: Hubert L. Dreyfus, Paul Rabinow, and Michel Foucault, *Michel Foucault, Beyond Structuralism and Hermeneutics*, 2nd ed. (Chicago: University of Chicago Press, 1983).

<sup>176</sup> I agree with Martin Saar when he writes: "To claim that the subject was always at the 'center' of his works for Foucault therefore means that even the fundamental and radical critique of the subject was part of a redescription or reconceptualization of subjectivity (and never its abandonment)." Martin Saar, 'Genealogy and Subjectivity,' *European journal of philosophy* 10, no. 2 (2002): p. 234.

the subject and his discontinuity with himself may be determined.<sup>177</sup>

It is discourse that determines the subject and not the other way around. The dispersion and discontinuity Foucault speaks of is a reference to the 'decentering' of subjectivity, the latter understood as the authoritative epistemological and moral entity we find in Kant and Hegel. The subject, as transcendental, moral or psychological unit, is not the starting point for language and action but an effect of discourse, as the subject always has to relate to specific rules for speech and action that are already present. Foucault's philosophical and historical analyses are concerned especially with these rules and the practices in which specific subjects and particular conceptions of subjectivity are identified, and the manner in which these conceptions, rules and practices change.

The activity of searching for these rules and their conditions, in documents of all kinds, is called by Foucault an 'archaeology of knowledge': it is literally a digging in archives for the rules that define what can be said, done and changed within different practices<sup>178</sup>, for example concerning the treatment of patients or criminals, or the sexual upbringing of children. From the 1970s this archaeology is complemented by a 'genealogy', which is, formally put, the analyses of the formation of discourses by and within different structures of constraint. In other words, genealogy is concerned with the norms of conduct, and 'their conditions of appearance, growth and variation.'<sup>179</sup> In short, genealogy deals with the network of social forces that form and change specific social practices. It is a manner of telling the subject the story of the powers working on him, of telling him how he became who and what he is.<sup>180</sup> Taken together, this archeology and genealogy differ greatly, though not fully, from the philosophical enterprise of Kant or Hegel; just as in their cases, Foucault is still concerned with the conditions of/for subjectivity but he places these conditions outside reason and the subject, in the form of discourses. This makes his philosophy 'critical' in another sense than in the works of Kant and Hegel. As we have seen in the previous chapter, critique in Foucault is

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<sup>177</sup> Foucault, *The Archaeology of Knowledge*, p. 55. See also: "Discourse is not a place into which the subjectivity irrupts; it is a space of differentiated subject-positions and subject-formations." In: Burchell, Gordon, and Miller, eds., *The Foucault Effect: Studies in Governmentality*, p. 58.

<sup>178</sup> "What I am doing is thus neither a formalization nor an exegesis, but an archeology [...]. By this word, I do not mean the mass of texts gathered together at a given period, those from some past epoch which have survived erasure" Foucault means the set of rules which at a given period and for a given society define: the limits and forms of the sayable; of conversation; of memory; of reactivation; and of appropriation. In: ———, eds., *The Foucault Effect: Studies in Governmentality*, p. 59.

<sup>179</sup> See 'The discourse of language', in: Foucault, *The Archaeology of Knowledge*, p. 232. See also, for example, 'Nietzsche, genealogy, history' (p. 81) and 'What is Enlightenment' (p. 46) in: ———, *The Foucault Reader*. In 'The discourse of language' a distinction between Genealogy and criticism is explicitly made: while the first studies the formation of discourse, the latter analyses the 'processes of rarification, consolidation, and unification in discourse.' Foucault writes: "the difference between the critical and the genealogical enterprise is not one of object of field, but of point of attack, perspective and delimitation." p. 233

<sup>180</sup> Saar, 'Genealogy and Subjectivity,' p. 236.

concerned with the contemporary limits of the necessary, which I called his *ethos*. These do not consist of (the rules for) transcendental deductions<sup>181</sup> or the analysis of the progressive development of consciousness, as these are all part of a specific *logos*. On the contrary, Foucault intends to show how this conception of the subject and history occludes the struggles and power-relations that lie at the base of any structure of knowledge.<sup>182,183</sup>

A final comparison concerns the relation between the work of Marx and Foucault. This relation is complex and would require an extensive research project of its own.<sup>184</sup> Here, I just want to note that with the turn towards Nietzsche during the late 1960s it becomes clear that Foucault's work is not about unmasking ideologies. He distances himself from both the scientism and the positivism of the Marx of *Capital*, and the speculative dialectical historicism of the Marx of the *Economic and Political Manuscripts of 1844*.<sup>185</sup> This has consequences for Foucault's *ethos*, *pathos* and *logos*. Especially with regard to Foucault's *pathos* this is a delicate matter, as it has been claimed that his philosophy lacks normative criteria and remains normative only in an implicit sense. I believe the first claim is untrue, while the second could be argued for to some extent. In the end I believe Foucault has been fairly successful in writing engaging texts that inspire all kinds of people, scholars and non-academics alike, for involvement in discussions that have to do with the politics of everyday life as executed by states and their institutions, the economy or the academic world itself.

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<sup>181</sup> "I try to assume a greater and greater detachment in order to define the historical conditions and transformation of our knowledge. I try to historicize to the utmost in order to leave as little space as possible to the transcendental. I cannot exclude the possibility that one day I will have to confront an irreducible residuum which will be, in fact, the transcendental." In: Michel Foucault and Sylvère Lotringer, *Foucault Live: (Interviews, 1966-84)*, Semiotext(E) Foreign Agents Series (New York: Semiotext(e), 1989), p. 79. This latter insight that historical analysis cannot be devoid of everything transcendental (and *vice versa*) is an important contribution to and presupposition of post-foundational political philosophy, a perspective on philosophy I present in chapter 4.

<sup>182</sup> Foucault distinguishes between two conceptions of knowledge: first, *savoir* refers to 'the movement of knowledge', which is the process through which the subject is being modified by what it knows or by the labour performed in order to know. Second, *connaissance* as the formation of knowledge, is the process that is concerned with the multiplication of knowable objects while the subject of knowledge, the scientist, remains the same. In: Michel Foucault, *Remarks on Marx: Conversations with Duccio Trombadori* (Columbia University, 1991), p. 69-70.

<sup>183</sup> This is, again, an ambiguous project just as with the role of the subject. Foucault considers the relationship between subject and object to be dialectical when he says that science and truth should be conceived of as an experience in which both the object and the subject of knowledge is being constituted. He writes: "[...] it [that there isn't just one truth that is given] confirms the presence of a real and intelligible history, of a series of collective rational experiences (which responds to a set of quite precise and identifiable rules) in the course of which the knowing subject is constructed as much as the object which is known." In: *ibid.*, p. 63-64.

<sup>184</sup> Such attempts have been successfully made, of course: see for example Steven Best, *The Politics of Historical Vision: Marx, Foucault, Habermas*, Critical Perspectives (New York: Guilford Press, 1995). A more general and shorter comparison of Foucault and Marxism can be found here: Mark Olssen, 'Foucault and Maxism: Rewriting the Theory of Historical Materialism,' *Policy futures in education* 2, no. 3 & 4 (2004).

<sup>185</sup> Foucault refers to the Marxism of the 1960s in France and its claim of being a 'general theory of the "scientificity" of science'. In: Foucault, *Remarks on Marx: Conversations with Duccio Trombadori*, p. 59-60.

### CHAPTER 3

Does Foucault's work lack normative criteria? It does not, but these criteria are not always theorized explicitly. It is easy to understand why this is so, as he tries to argue against the attempts to ground a normative theory on a universal feature of Man or History. Nevertheless, as has become clear in his later work, for example in the essays on critique and the Enlightenment, Foucault alludes to a particular conception of freedom that could be understood as 'striving to be without too much institutional constraints'. Foucault's normative framework, often found only implicitly throughout his books, is not grounded in a fixed anthropological conception of man; Foucault does not allude to a human essence that could provide us with an ethical or moral norm. This does not mean, however, that Foucault denies the importance of the values of the Enlightenment, or that he distances himself from commitment with the 'subjects of history'. On the contrary, his analyses of the mental institutions, for example, should be seen as the construction of a different perspective on people that are called mentally ill. Most explicit is, I believe, Foucault's commitment to the inmates of the French prison cells. Not only did he utilize his academic skills to write a genealogy of the social phenomenon of delinquency and punishment, but he also attended protests against the French government to urge it to change the conditions and rules governing the penitentiaries.

A remark Foucault made in 1975 on the role of the intellectual is insightful with regard to *ethos*, *logos*, and *pathos*.

The intellectual no longer has to play the role of an advisor. The project, tactics and goals to be adopted are a matter for those who do the fighting. What the intellectual can do is to provide instruments of analysis, and at present this is the historian's essential role. What's effectively needed is a ramified, penetrative perception of the present, one that makes it possible to locate lines of weakness, strong points, positions where the instances of power have secured and implanted themselves by a system of organization dating back over 150 years.<sup>186</sup>

First, the strong bond between theory and revolutionary (or political) action, so prevalent in Marxist theory, has been almost completely severed. At most the theorist can provide some conceptual tools, discursive suggestions for points of entry, or 'flanking' to use a military term. The *logos* behind the analysis consists of the ontology of power relations and institutional tactics, and could only contribute to, and not determine, subversive strategies. This is, to be sure, all part of Foucault's *ethos* of staying within the boundaries of contemporary times and thought, the time of violent revolutions in the West

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<sup>186</sup> Michel Foucault and Colin Gordon, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, 1st American ed. (New York: Pantheon Books, 1980), p. 62.

for him is past<sup>187</sup>. Struggles against domination should instead focus on local practices and relations of power that are expressed by particular institutions.

Second: while the role of the intellectual has become smaller in comparison with the theorist in Marxism, the role of the individual has not, or not necessarily at least. It is clear in the case of Foucault that part of his commitment is to concrete social practices. By attending protests, writing pamphlets and letters in support of social struggles, the intellectual can still be heard. I believe public influence has become an important part of the contemporary intellectual's role, and is almost obligatory for the critical political philosopher. This should be part of his *pathos*.<sup>188</sup> Additionally, the dramatizing gestures Foucault makes in his later work gives his genealogies a critical force; these genealogies could thus be seen as a specific critico-historical genre.<sup>189</sup> Part of the force of these genealogies, e.g. *Discipline and Punish*, lies in the form in which the structures of power are represented. They abundantly sketch the material forces of instruments and their effects on bodies and minds; they lavishly use paradigmatic examples and grand historical connections or jumps; and sometimes they even bring into play theatrical effects and exaggerating gestures. All these techniques, or 'rhetorical-narrative tools'<sup>190</sup> should be seen as instruments utilized by Foucault to put the addressee, the reader in this case, under his spell, with the aim to enable the recipient reflect on his own predicament.

### §2.3 Habermas and Foucault: decentring subjectivity and the evaluation of ideology

Both Habermas and Foucault argue that the model of subjectivity, as a conscious epistemological, moral and transcendental entity, should be abandoned, if we are to get a grip on social interaction and the interrelationship between knowledge and power.

The paramount difference between both thinkers is this: while Foucault implies, in Nietzschean fashion, that there is no viable sphere completely outside the influence of the knowledge-power duality, for Habermas this sphere is still at the horizon, as a counter-factual, in the form of the life-world and communicative rationality. Both function as a counterweight to

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<sup>187</sup> That is not to say that this is the case for other parts of the world for Foucault, as his commitment towards the revolution in Iran has shown.

<sup>188</sup> I believe the author that comes closest to this Foucaultian conception of critical philosophy is James Tully. In his description of what he calls 'public philosophy' Tully points to four characteristics we also find in the writings of, and other political interventions by, Foucault: first, it starts from the primacy of reflecting on oppressive practices; second, it has the aim of disclosing the historically contingent nature of these practices; third, the method consist of surveys of languages and practices in which social struggles arise; fourth, the aim is not only to question the imposed limits (on conduct and language) but also to actively engage with citizens to transform these limits. In: Tully, *Public Philosophy in a New Key*, Volume I, p. 16-17.

<sup>189</sup> Saar, 'Genealogy and Subjectivity,' p. 238.

<sup>190</sup> *Ibid.*, p. 239.

instrumental and strategic rationality, which could be explained by the influence of Marxism and Critical Theory on Habermas' thought.

It should not come as a surprise that Habermas' and Foucault's conception of ideology is rather different from how it was conceived by Marx (and Engels), and from the work of the members of the Frankfurt School. Nonetheless, in his earlier critical work on methodological issues especially, we find in Habermas a conception of ideology that claims to be critical. A connection between ideology and psychoanalysis is established<sup>191</sup> to show how particular needs and wishes cannot be controlled consciously but only through the pressure of ideology, the latter understood as an illusionary and utopian representation of the social that represses and obfuscates the true goals of social actors. This repression should be criticized and be substituted by an institution that facilitates rational intersubjectivity and deliberation, similar to a psychoanalyst who facilitates the analysed in expressing what has been repressed.<sup>192</sup> This theme, made explicit during the 1970s, is abandoned by Habermas in the 1980s, as the repressed dimension in the form of the unconscious still seems to suggest consciousness (and the philosophy of the subject) as such; when there exists something like distorted communication or consciousness, there apparently is something like undistorted communication, which brings us back closely to a classical normative theory of alienation. Additionally, there is the problem of understanding the unconscious itself as pre- or anti-social phenomenon: how should the unconscious be understood when the subject is conditioned and dependent on the conditions of intersubjectivity, i.e. language?<sup>193</sup> Eventually, Habermas discards this conception of ideology to make room for his theory of communicative rationality and the theory of communicative action.<sup>194</sup> In his view this perspective has no use for the concept of ideology and its underlying premises with regard to subjectivity and consciousness.

With Foucault the situation is somewhat different. In his work we find a weak account of ideology, especially with regard to a critique of science, as it does

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<sup>191</sup> Habermas has not been the first to establish this connection; in the writings of Horkheimer (based on Erich Fromm's social psychology) political economy, psychoanalysis and culture form the theoretical paradigms of his critical social theory from the 1930s. See for an analysis of the development of Horkheimer's thought: Axel Honneth, *The Critique of Power: Reflective Stages in a Critical Social Theory* (Cambridge, Mass.: MIT Press, 1991), Chapter 1.

<sup>192</sup> See: Thomas Biebricher, *Selbstkritik Der Moderne* (Frankfurt am Main: Campus, 2005), p. 57-58. See also: Robin Celikates, 'Kritik Als Soziale Praxis: Gesellschaftliche Selbstverständigung Und Kritische Theorie' (Thesis (doctoral)-Universität, Bremen, 2008, Campus, 2009), p. 195 ff. And: Brunkhorst, Kreide, and Lafont, *Habermas-Handbuch*, p. 39-43.

<sup>193</sup> ———, *Habermas-Handbuch*, p. 43.

<sup>194</sup> Habermas writes in the concluding reflections in *The Theory of Communicative Action*: "Social theory need no longer ascertain the normative contents of bourgeois culture, of art and of philosophical thought, in an indirect way, that is, by way of a critique of ideology. With the concept of communicative reason ingrained in the use of language oriented to reaching understanding, it again expects from philosophy that it take on systematic tasks. The social sciences can enter into a cooperative relation with a philosophy that has taken up the task of working on a theory of rationality." Habermas, *The Theory of Communicative Action*, Volume 2, p. 397.

not refer to a distorted or even a false consciousness. Instead Foucault is concerned with a demystification of the human sciences as objective knowledge<sup>195</sup>, which is more in line with the approach of Horkheimer in his article on traditional and critical theory. In an interview from 1977, published as *Truth and Power*, Foucault gives three reasons why the concept of ideology should be abandoned. First, ideology seems to stand in opposition to something that should be seen as truth. For Foucault the problem is not to distinguish between what is scientifically true and not, but how effects of truth are produced within discourse. Second, ideology is necessarily connected to the subject as a conscious and authoritative entity. Finally, and this is the most important downside Foucault presents, ideology stands 'in a secondary position relative to something which functions as its infrastructure, as its material, economic determinant, etc.'<sup>196</sup> Ideology for Foucault is always relative to an origin that establishes and maintains the ideological relationship - a fixed circumstance that determines in the last instance what is and can be thought. Discourses, however, continuously change, create minor differences and shifts, and disperse and distort. Foucault's critique of Marx here is not that he is not scientific enough, but on the contrary that his theory is too much of a science and thus has a potential for subjectivation and domination.

Ideology as repression of individual desires or goals, as Habermas understood ideology in a psychoanalytical manner in the 1970s, is from the Foucaultian perspective a fruitless and one-sided conception. Take for example the ideological structure created by capitalism. For Foucault capitalism is as much (or even, more of) a system that produces as one that inhibits or prevents.

What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, and produces discourse.<sup>197</sup>

This productive side of power is especially true and prevalent in modern societies, at least from the seventeenth and eighteenth centuries onwards, as it is more efficient than previously techniques of repression and inhibition.

Concluding this section, we could say that the concept of ideology for both Habermas and Foucault is inapplicable as it is still grounded in a philosophy of consciousness and in the concept of subjectivity. Additionally, by posing a linguistic structure and practice as pre-subjective entity, a structure that makes the experience of subjectivity possible, ideology, as instantiated by a specific subject, for example a social class, becomes a problematic concept.

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<sup>195</sup> Biebricher, *Selbstkritik Der Moderne*, p. 58.

<sup>196</sup> 'Truth and power', published in: Foucault and Gordon, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, p. 118.

<sup>197</sup> *Ibid.*, p. 119.

But there are yet other problems with the critique of ideology that Marx and Engels initiated, problems that stretch beyond methodological problems and philosophical assumptions. These have to do with the attitude of the critical theorist and the affective or psychological state with which he approaches reality. In the next section I will discuss these performative characteristics by setting out the *ethos* and *pathos* behind critical thought as analysed by Peter Sloterdijk.

### **§3 From pessimism to jovial philosophy? On *Dialectic of the Enlightenment* and Sloterdijk's *Critique of Cynical Reason*.**

As I have argued earlier, I believe Marx was on the right track with his emphatic activist writings. We could say Marx politicized Hegel's often formalistic and abstract discourse, especially his system in the *Phenomenology* and the *Philosophy of Right*, while at the same time fundamentally criticizing Hegel's philosophy. Additionally, Marx expanded the early Hegelian analysis of industrialization and its consequences for the social sphere with his own theory of labour and a critical use of the concept of alienation. This was accompanied by a rhetorically committed manner of writing, in the form of pamphlets, manifestos, and articles in journals. In short, Marx was an activist, a committed journalist and a critical philosopher all at the same time.

The engaged writings of Marx, of Kant in the essay on the Enlightenment, the force and style of Nietzsche's writings, but also the performances of someone like Foucault, Žižek or even Habermas (when writing outside academia) all point to a similar trend: they are being critical, as well as affectively engaged with their subjects. The first generation of critical thinkers of the Frankfurt School tried to engage with social reality in a similar fashion. But in the long run something went awry: their work turned cynical. My goal here is not to give a detailed historical description of a philosophy, or the *pathos* of a philosophy, that has gone sour, but to illustrate this pessimistic attitude by elaborating on several influential writings that have expressed *and* addressed this attitude.

In his essay *Traditional and Critical Theory* Horkheimer had opted, against positivism, for a social theory that aims to understand and, through this, to confront the categories that dominate social life, as we have seen in the previous chapter. At the end of this essay one might perceive a tentative optimism, as Horkheimer seems to suggest that Critical Theory at least could contribute to social change, as long as its practice is combined with an interest in changing social reality. In short, theory can only be a revolutionary factor when people are conscious of real social injustices. For Horkheimer the conditions for revolutionary success are dependent on the right form and application of the theory, which cannot be determined beforehand. Only at the end of the process of change can we determine if theory has contributed to the

victory; until that time we have to struggle over the right utilization of Critical Theory. This certainly is not a form of defeatism, only a specifically tentative positioning of the critical thinker by Horkheimer, probably caused by a reluctance to emphasize the role of the critical theorist too much, as if he is the revolutionary subject itself, or the one who should bring this subject into existence. Or, less sympathetically, it could be seen as an attempt to close the authority gap between theorist and revolutionary subject, for example out of fear of taking up the responsibility for initiating change.

Well before the Second World War, Horkheimer had abandoned this cautious optimism with regard to the liberation of men mediated by theory. The lack of optimism and hope turned into blatant pessimism, however, when he joined hands with Adorno to write the series of essays that have become known under the title *Dialectic of Enlightenment*, published in 1944 in New York where both intellectuals were in exile. Instead of the realization of a promise of liberation, in their view the technologically progressing domination of nature had led to the decay of civilization and the ubiquitous prevalence of instrumental reason.<sup>198</sup>

*Dialectic of Enlightenment* is above all a pessimistic book. And not without good reason: it attests to the horrors of the world wars and the emergence of three forms of totalitarian thought – Fascism, Communism and Liberal capitalism. But it also attempts to reach beyond these historical events. The book should be read primarily as an indictment of Western culture in general, its belief in objectivistic and positivistic science and the latter's most apparent effects in the form of technological development and bureaucratization. Even Critical Theory (and philosophy) has fallen under the spell of instrumental reason, as the authors write in the preface of the book.<sup>199</sup> Critique is transformed into affirmation: theory has been subjected to raw facts ('the obstruction of the theoretical faculty paved the way for political error and madness'<sup>200</sup>) and there is not a single expression left in language that is characterized by a subversion of the status quo and hegemonic thought.

Adorno and Horkheimer's main argument in *Dialectic of Enlightenment* is that the emancipatory project of Enlightenment has destroyed itself. Although they believe freedom is inherently bound to the Enlightenment, the result is nevertheless that the realization of this idea has led to an undeniable process of regression, which is illustrated by the adherence of the people to despots and totalitarian regimes. For Adorno and Horkheimer the emancipatory feature of Enlightenment is the overcoming of natural determinism in particular, by means of knowledge. But knowledge has become a curse as it has

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<sup>198</sup> For an analysis of this shift, see for example: Honneth, *The Critique of Power: Reflective Stages in a Critical Social Theory*, Chapter 2 and 3.

<sup>199</sup> Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment*, A Continuum Book (New York: Seabury Press, 1972), p. xii.

<sup>200</sup> *Ibid.*, p. xiii.

foreclosed the possibility of staying in touch with its obverse: myth or the irrational. Honneth summarizes the main thesis of *Dialectic of Enlightenment* in the following way:

Adorno and Horkheimer assume that the human species has freed itself from the superior strength and threatening environment once it has learned to overcome the limits of a merely passive resistance to natural dangers and to transform mimetic modes of reaction into instrumental acts of control. In the activity of social labour carried out from the perspective of control, the natural environment is now objectified and gradually cognitively deprived of its sensory richness, which frustrated intervention.<sup>201</sup>

It is this instrumental, objectified relationship with nature that leads to a process of self-denial. That is, to a form of alienation.

However, Honneth has also argued strongly that *Dialectic of Enlightenment* should be understood as a particular kind of critique, a form he calls 'world-disclosing'.<sup>202</sup> Thus understood, many of the criticisms of the world disappear, for example that it is above all a theory of alienation. Instead, Honneth conceives the book as 'a device of *rhetorical condensation*, which a disclosing critique of society would have to employ in order to evoke a new way of seeing the social work'<sup>203</sup>. As such we should ask if its rhetorical gestures are productive, as a means of persuasion and critique. That is: are the *ethos*, *pathos* and the *logos* behind the *Dialectic of Enlightenment* still useful and convincing?

It is especially Theodor Adorno's pessimistic worldview that seems to have had a large influence on the *pathos* in the critical writings after the Second World War, even though Horkheimer's 'optimism' had also slowly become less pronounced during the 1930s. Although Horkheimer and Adorno's pessimism is easy to understand from the perspective of the horrors of, for example, the concentration camps of the Nazis or the work camps under Stalin, and the millions of young men that were killed during the world wars, we should ask whether there are other factors that have contributed to the withering away of the critical imputes in Western philosophy. Is there something inherent to the critical project of philosophy that has led to the emergence of pessimism, or even cynicism?

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<sup>201</sup> Honneth, *The Critique of Power: Reflective Stages in a Critical Social Theory*. p. 48

<sup>202</sup> ———, *Disrespect: The Normative Foundations of Critical Theory* (Cambridge: Polity Press, 2007), Chapter 2.

<sup>203</sup> *Ibid.*, p. 59, my emphasis.

## §3.1 Sloterdijk's intervention

One particularly forceful answer to this question concerning the *logos*, *ethos*, and especially the *pathos* of first-generation Critical Theorist, and critical philosophy in general, can be found in Peter Sloterdijk's book from 1983, *Critique of Cynical Reason*. In this extensive essay, written in an aphoristic, jovial and 'psycho-political' style<sup>204</sup>, Sloterdijk analyses the psychological conditions for writing critique, especially Adorno's. Of course, Sloterdijk's analysis also focuses on what I have called the *ethos* and *logos* of critical philosophy; nevertheless, I think its most important and insightful contribution is to be found in its diagnosis of a critical 'psychological sensitivity' that has developed into 'grumpiness'. Sloterdijk writes in the introduction:

Its aesthetics [of the founders of Critical Theory] ran just along the threshold of nausea toward everything and anything. There was scarcely anything that took place in the 'practical' world that did not inflict pain on it or was spared being suspected of brutality. For it, everything was somehow chained like an accomplice to 'false living' in which there is 'no true living'.<sup>205</sup>

In other words, Sloterdijk traces the historical background and mental state of the founders of Critical Theory and presents these thinkers as Marxist humanists who lost faith in reconciliation with humanity altogether. At the same time they refuse to interpret social reality in any affirmative fashion. This has led especially to a form of resentment<sup>206</sup> with Modernity and to a lack of commitment enforced by a will to act. We, as critical philosophers and modern citizens, seem especially concerned with the things we *cannot* change.<sup>207</sup>

Sloterdijk is mainly concerned with the affective conditions for critique, as a critique cannot be without (quasi-)transcendental features. Adorno's

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<sup>204</sup> Sjoerd van Tuinen defines psychopolitics as 'the ecology and economy of energies and affects that are articulated only on a collective level.' The collective Sloterdijk analyses is the collective of Enlightenment thinkers. In: Sjoerd van Tuinen, 'A Thymotic Left? Peter Sloterdijk and the Psychopolitics of Ressentiment,' *Symploke* 18, no. 1/2 (2010).

<sup>205</sup> Peter Sloterdijk, *Critique of Cynical Reason*, Theory and History of Literature V. 40 (Minneapolis: University of Minnesota Press, 1987), p. xxxiv.

<sup>206</sup> Sjoerd van Tuinen understands this diagnosis of resentment, which can be found in Sloterdijk's writings, in a Nietzschean fashion. It should be understood as the feeling of revenge that is expressed after the impulse for action has been transformed into a feeling of discontent and renegefulness. It is especially an internalized reaction to the better-off of society. 'From psychopolitics to cosmopolitics: the problem of resentment', in: Stuart Elden, ed. *Sloterdijk Now*, Theory Now (Cambridge: Polity press, 2012), p. 38.

<sup>207</sup> "[T]he modern cynic is radically alienated both from his own linguistic products and from the possibility of ideologically centred political activity." In: Timothy Bewes, *Cynicism and Postmodernity* (London: Verso, 1997). See also: Babette Babich, 'Sloterdijk's cynicism: Diogenes in the marketplace', in: Elden, ed. *Sloterdijk Now*, p. 20.

philosophy especially is singled out as postulating an 'emotional a-priori', characterized as a transcendental feature of man that enables him to escape from the ideological tentacles of state apparatuses and capitalism. In Adorno's aesthetics it is claimed that only sensitivity [*Empfindung*] manages to create enough distance between man and the ideological framework; in Sloterdijk's view this leading idea functions in Adorno's philosophy by creating a utopian disposition in favour of happiness that never will arrive. This is what makes Adorno's later philosophy cynical. Without the faith in any form of reconciliation this theory is destined to end in a 'paralyzing resentment'<sup>208</sup>.

Sloterdijk's book is not an academically written monograph in the traditional sense. There are seldom any explicit references; there is no critical analysis on the basis of close reading or any tentative sifting of deductive reasoning; many arguments consist of a witty play of words, creative metaphors, *ad hominem* arguments and absurd allegories; even illustrations can be found throughout the course of the book and function both as paradigmatic examples and comic relief. But these do have a clear philosophical goal: "it is time for a new critique of temperaments."<sup>209</sup> This is particularly a pragmatic goal, since Sloterdijk argues that the old ways have become counter-productive. As a thinker inspired by the *ethos* and *pathos* of Nietzsche, Sloterdijk cannot agree with the strategy of referring to a 'naked truth', as a motive or strategy that 'wants to tear through the veil of conventions, lies, abstractions, and discretions in order to get *to the bottom* of things'.<sup>210</sup> In short, the normative structure of a critique of ideology and a theory of alienation, as a referring back to a - factual or utopian - reconciled totality that functions as a criterion for a devaluation of the present, as some kind of conservative progressivism, has become obsolete and unconvincing.

In *Critique of Cynical Reason*, Sloterdijk is concerned with the premises and consequences of a critique of ideology. He questions the distinction between the apparent existence of false or illusory consciousness and the enlightened consciousness of the social theorist. As a first 'critical' reversal, Sloterdijk values the enlightened consciousness of the critic as false itself. A 'critique of cynical reason' starts off by re-establishing the definition of cynicism as 'enlightened false consciousness', a 'modernized, unhappy consciousness, on which enlightenment has laboured both successfully and in vain'<sup>211</sup>. This reversal should not be understood as a historical or dialectical one, as if 'critical' consciousness has now come to a new level of understanding of social reality, and of itself. Instead, it is part of what Sloterdijk calls 'physiognomical' critique<sup>212</sup>, particularly concerned with the pathogenic structure of false

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<sup>208</sup> Sloterdijk, *Critique of Cynical Reason*, p. xxxv.

<sup>209</sup> *Ibid.*, p. xxxvii.

<sup>210</sup> *Ibid.*, p. xxxviii.

<sup>211</sup> *Ibid.*, p. 5.

<sup>212</sup> Physiognomy, which is also known as anthroposcopy, refers to the assessment of someone's personality on the basis of his outer appearance, especially his or her face.

consciousness that already possesses reflexivity.<sup>213</sup> Sloterdijk takes the *pathos* of Critical Theory at face value and considers it as representing the characteristics of the personalities and social (even national) status of the authors themselves. The argument however is not *ad hominem*, as it is addressed at the genre of social critique in general.

In an extensive historical analysis, which is often very amusing and captivating, Sloterdijk shows how critical thought – misleadingly called ‘rationalism’, against the irrationalisms of the ideologies of fear, power, tradition and sentiments; i.e. counter-enlightenment - has successfully developed several strategies for criticizing ruling structures based on the ideas, or ideals, of the Enlightenment: from critique of revelation and religious praxis, of culture (Rousseau), of metaphysics (Kant), of idealism (Marx), of Christian morality (Nietzsche), of the conscious and psychological transparency (Freud), to critiques of liberalism, bourgeois society and individualism. This sequence of influential critical ‘unmaskings’ is followed by a ‘twilight’ of cynicism of the critical project as it is eventually confronted with its real antagonist: the knowledge of the ruling powers<sup>214</sup>, those who determine both the rules for the execution of power and the norms of general consciousness. It is this dominating consciousness that decides on the influence and scope of critical thought and not the other way around, to the frustration of the critical theorist.<sup>215</sup>

Sloterdijk pinpoints several developments that have contributed to the emergence of cynicism, which in my view means an extreme form of pessimism and disbelief, which presents itself as a form of defeatism, i.e. without the will of overcoming one’s own predicament. Sloterdijk sees the idea of the Enlightenment as itself founded on an epistemological and especially academic idyll of peace. Enlightenment – and here Sloterdijk refers to Kant’s famous essay - is ambivalent in that it produces conflicting affects of gain and loss; ‘Mündigkeit’ and adult-hood imply both a process of joy for rebirth, *and* the pain and mourning of loss.<sup>216</sup> It deals with emotional change, with detachment, mourning and resolution, aspects nobody seems to have noticed before except Nietzsche. The pain of the bereavement of old beliefs, the loss of superstition and the slow but definite withering away of the acceptance of heteronomous sovereignty was only bearable for the critic because of his

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<sup>213</sup> The original German text reads: “Es geht um die Struktur eines reflexiv *abgefederten* falschen Bewusstseins.” Peter Sloterdijk, *Kritik Der Zynischen Vernunft*, 1. Aufl. ed., Edition Suhrkamp (Frankfurt am Main: Suhrkamp, 1983), p. 38.

<sup>214</sup> “What is presented here under a title that alludes to the great traditions is a meditation on the sentence ‘Knowledge is power’. This is the sentence that dug the grave of philosophy in the nineteenth century. It sums up philosophy and is at the same time its first confession, with which the century-long agony begins.” ———, *Critique of Cynical Reason*, p. xxvi.

<sup>215</sup> *Ibid.*, p. 78.

<sup>216</sup> *Ibid.*, p. 10-13.

professed belief in the better argument, in reasonable insight and in the promise of consensus in uncoerced dialogue.<sup>217</sup>

In this conception the seeds of cynicism are already planted. The proponents of Enlightenment and their antagonists (the irrationals, the conservatives, the theists, the rich etc.) are in a constant struggle for power by means of all kinds of strategies: from utilizing the force of the better argument to the force of discursive and physical violence and repression. Sloterdijk analyses in general terms the techniques the 'rationalists' embraced for marginalizing their opponents: talking about 'bias', arguing against the irrationality of power, and fighting tradition. However, all these strategies face an opponent who is disinclined to engage in rational dialogue. How to deal with such a situation of non-responsiveness *in a rational way*? The answer is simple and paradoxical at the same time: one reaches for other, more discursively *violent* means. According to Sloterdijk, the new weapon of choice for the rationalist became the critique of ideology, as 'the polemical continuation of the miscarried dialogue through other means'.<sup>218</sup> This strategy is used firstly to combat the conservative-complacent consciousness, and secondly as training exercise for self-affirmation. In short, it is both a weapon and a means for the self-disciplining and self-confidence of the critical theorist.

### §3.2 Framing rhetoric

Sloterdijk's analysis of critique of ideology is articulated in surgical and military terms, emphasizing the precision of a military or a medical undertaking by which the critical theorist aspires to operate: the rationalist operates by 'attacking in the flanks', and 'cutting deep in the body underneath the consciousness'; it is 'a retreat from lively polemics with his opponent', 'into the trenches of a cold war of consciousnesses'.<sup>219</sup> The goal of the critical theorist is thus not to convince the opponent, after a 'diagnostic process' aimed at retrieving the causes of the blindness and the pathological sensitivity of the nerves of the irrationalist, but to 'preserve' - as pathological examples - 'the corpse as embodiment of his beliefs and ideas', etc.<sup>220</sup> This rhetorical style purports to show the violence inherent in the tactics and strategy of the Enlightened and the Moderns; the critic of ideology attacks the ignorant and anti-rationalist out of a will to power, not with physical weapons but only by discursive and affective means. This is what makes him feel superior.

Specific transitions in the humanities have contributed to transformations of the praxis of social critique. One important addition, we have seen this already in the work of Habermas, has been the introduction of the unconscious and a

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<sup>217</sup> Ibid., p. 12-13.

<sup>218</sup> Ibid., p. 15.

<sup>219</sup> Ibid., p. 18.

<sup>220</sup> Ibid., p. 16-17.

more general implementation of psychoanalysis. This turn to psychology is preceded by other theories of the psyche, and theories of psychopathologies in particular, as Sloterdijk shows. These psychological theories have led to social analyses that base their findings on aberrant characteristics of the human psyche, such as the tendency to lie, egoism, sublimation and wishful thinking. Marx's work shows an ambiguity in this regard though, according to Sloterdijk, as an additional motive of the project of unmasking that Marx initiates is not typified by an emphasis on the subjective side, but on the nature of the politico-economical, the objective side, so to say. This has been a grave mistake according to Sloterdijk:

When ideologies are criticized from a politico-economic perspective, one never really gets down to 'human weaknesses.' [...] Each of its members [i.e. each individual in a capitalist system] is mystified in a way corresponding to its position. Even the capitalist, in spite of practical experience with capital, finds *no* true image of the total structure, but remains a necessarily deceived epiphenomenon of the process of capital. It is here that a second offshoot of modern cynicism grows.<sup>221</sup>

Where cynicism first emerged after abandoning the intention to solve dissensus through the means of dialogue in the figure of the coroner that tries to preserve the dead body of the irrationalist, the second appearance of cynicism is in the Marx(-ist) analyses that are accompanied by the claim that ideologies, seen from the outside, appear as false consciousness, but as completely true and consistent when seen from the internal point of view.<sup>222</sup> In other words, people carry precisely those mistakes inside their heads that are needed to make the system function. This is yet another duplication of reality: apparently there is not only a false consciousness, but also a 'right' one, and consequently a 'false' false consciousness, completely caught in some ideological trap.

What particularly becomes clear in this analysis is the precarious sensitivity of the critical theorist and the defeatism it has led to. First of all the critic is tormented by a sense of duty: of defending the better argument, of identifying the right and righteous consciousness. The weight of this duty, probably best understood as the *pathos* that accompanies the *ethos* of the Enlightenment, has become unbearable and a specific process of incremental fatigue is set in motion. Formulated in more Sloterdijkian terms, the critic is confronted with an intensified and almost unbearable experience of the self and his role as an initiator of emancipation, as pressure increases by continuously amplified responsibility that turns against the critic himself.

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<sup>221</sup> Ibid., p. 20.

<sup>222</sup> Ibid. I will return to this paradox of true and false in ideology and its critiques in chapter 4.

Sloterdijk's analysis of the *pathos* of Critical Theory is illustrative in showing how Critical Theory tries to express a discomfort with the modern world, a disappointment with regard to the stagnation of reason and the advancement of irrationalism, formulated in 'perversely complicated structures of consciousness that has become reflexive'. In what he calls a pathography of critical thought, a mapping of the manner in which a form of thinking has gone stale, Sloterdijk conceives of this consciousness as the psychological state that 'is almost more melancholic than false; it is a consciousness that, under the compulsions of self-preservation, continues to run itself, though run down, in a permanent moral self-denial.'<sup>223</sup>

For Sloterdijk, (Hegelian) dialectics is first a logic that claims to have ontological pretention, and second a method of the victor that forecloses the consciousness of the losing party, as just a moment in the narrative of the vanquisher:

Hegel's *Weltgeist* operates like a cannibal who devours opposed consciousness and gains its sovereignty by digesting them.<sup>224</sup>

Dialectics is not the process of struggle or polemics with a necessary logical-speculative outcome, but the narrative of the victor. Not even Marx could escape this logic as his dictatorship of the working class shows; "Marx's thinking, itself dictatorial, affirms this dictatorship".<sup>225</sup> Adorno's work, especially his negative dialectics, is an attempt to escape this logic of dialectical overcoming – and eventually this strategy of forgetting. Negative dialectics wants to free dialectics from its affirmative character, as it gives up the attempt 'to get it right' and refuses to surrender to the history of the conqueror and its hidden - or better, reconceptualized - violence.

Unfortunately Adorno eventually got stuck in a form of pessimism, disappointment and defeatism. Even more sophisticated than pessimism, however, is cynicism, as it claims moral authority on the basis of Enlightened consciousness. For Sloterdijk, cynicism is even to blame for our present condition: an academic culture of pseudo-critiques without the intent to contribute to change.<sup>226</sup> And we can now relate this back to the first generation

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<sup>223</sup> Ibid., p. 217.

<sup>224</sup> Ibid., p. 372.

<sup>225</sup> Ibid., p. 374.

<sup>226</sup> Van Tuinen summarizes Sloterdijk's views on the 'achievements' of the first and second generation of Frankfurt theorists as follows: "The problem is that modern debunking and critique have only given us better insight into the misery of our situation, without providing the means for improving it. The Enlightenment is blinded by its own light: a collective "realism" and an institutionalized "rationalism" have led to an exhausting self-preservation that leaves all idealistic or utopian critique in its wake." Sjoerd van Tuinen, 'Critique Beyond Resentment: An Introduction to Peter Sloterdijk's Jovial Modernity,' *Cultural politics. Special issue: Peter Sloterdijk* 3, no. 2 (2007): p. 277.

of critical thinkers, above all Adorno. Primarily because of the events of the Second World War, dialectics has lost its optimistic conviction of progress, its power of persuasion that history tends progressively towards the realization of freedom, of Kantian autonomy. And dialectics and history are the same; this is the inevitable link between epistemology, ontology and moral philosophy Hegel had established.

Throughout his book, Sloterdijk argues for a new *pathos* for philosophy. The concept of *thymos* plays a crucial role here and is comparable to my own notion of *pathos*. According to Van Tuinen we should understand *thymos* - or the perspective that is inspired by *thymos* called thymotics - as disclosing the practices human beings already possess and utilize for reflecting on their lives and their wants, and on their capacities to change.<sup>227</sup> This is in the end what *kynicism* stands for, in contradistinction to cynicism: a plebian form of affirmative thinking, and responding to Enlightened practices with forms of irony and sarcasm.<sup>228</sup> When we take this concept of *thymos* and *kynicism* together within a critical *pathos*, then perhaps we have found some first indications that direct us to a conception of a commitment that wants to take seriously the emancipation of the status and practices of 'the people'. This will prove to be a crucial element in my account of a progressive conception of democracy that I will present in part II of this dissertation. The question remains of whether sarcasm and irony can or should motivate us, however.

### §3.3 Critical revolution?

The question for us remains, though, whether Sloterdijk's critique can still be called 'critical' in the sense that I have presented thus far. I agree with Sloterdijk that traditional Critical Theory has lost its 'critical' force, understood in the pathogenetic sense of engaging with social reality, with the goal of liberating the subject of history in a committed, energetic and charismatic manner. This is because it has admitted defeat; it has resigned itself to failure, by dropping the key word of the Kantian Enlightenment, autonomy; or at least, by making it an impossible goal to achieve. The theory of ideology is the main suspect here. What Sloterdijk convincingly shows is how the relation between the critical scientist and theory, the *logos* that runs from Hegel and Marx to Freud, in combination with the events of political and social reality, has led to pessimism and a disbelief in a consensus about the possibilities of resolving this pathological reality. But that is not all; against their better judgment these thinkers still try to convince us readers of the ugly state we are in. Enlightened false consciousness thus entails a disbelief in one's own capacities as a critical theorist, while persisting in being one. For Sloterdijk this is a crucial part of what makes it a form of cynicism.

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<sup>227</sup> Elden, ed. *Sloterdijk Now*. p. 44

<sup>228</sup> See Babich's contribution in: *ibid.* p. 20

But how convincing is this? For example, the fact that Adorno and Horkheimer in *Dialectic of Enlightenment* use a specific *logos* and *pathos* (a theory of alienation, and pessimism) to convince their readers does not immediately imply that they don't believe in the effectiveness and force of this analysis itself. We should not point towards a lack of integrity of these authors, but rather to their aims and capacities for convincing a public to act in favour of a better world. In the end, what Sloterdijk tries to achieve through his style of writing is to direct our attention to a series of thinkers, performers and authors that, to our detriment, play only a marginal role in the manner in which we see ourselves, and our history of thought and philosophizing. That is, he refers to thinkers who have used the vulgar and witty, sometimes sarcastic, humour and even foul play (e.g. Diogenes and Nietzsche), and turns it into a satirical philosophical consciousness. The goal is to make it possible for philosophy to regain some of the self-confidence it has lost after the horrors of the twentieth century. This is needed to liberate oneself as critical philosopher from the misconceived and cynical duty of educating the unpolished consciousness.<sup>229</sup> And this is similar to Habermas' project: revitalizing the critical tradition by abandoning the project of ideology critique and its *ethos*, *pathos*, and *logos*.

Although I share some of Sloterdijk's reservations with respect to the pessimism and defeatism of traditional Critical Theory - and I certainly agree with his comments on the ubiquitous phenomenon of individual, group and systemic egoisms and the prevalence of subjective reason at the cost of objective reason<sup>230</sup> - I don't believe 'the exuberant experience of a well-spent life' in which 'courage can *suddenly* make itself felt as a euphoric clarity, or a seriousness that is wonderfully tranquil within itself' and which 'awakens the present within us' - after which 'awareness climbs all at once to the heights of being'<sup>231</sup> - will do the trick as an alternative for critical political philosophy. It is above all the wrong medicine for an old disease. It is not a jovial philosophy, a philosophy of irony and sarcasm that can motivate us - both the people and critical philosophers - to act. I believe Timothy Bewes is correct when he writes:

Disillusionment with enlightenment, the loss of faith in Modernity and rationality, is not primarily the result of enlightenment's failure to fulfil its promises, as Sloterdijk says. It is the consequence of the formalization of an endemic disappointment - unknowability, undecidability -

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<sup>229</sup> Bewes writes on Sloterdijk's oeuvre in general, and accurately I believe: "The aims of Sloterdijk's book are to recover the tradition of satire, of polemic, of sophistry, from the dustbin of philosophy to which the Western 'dialectical' tradition has consigned it." Bewes, *Cynicism and Postmodernity*, p. 4.

<sup>230</sup> Sloterdijk, *Critique of Cynical Reason*, p. 542 ff.

<sup>231</sup> *Ibid.*, p. 547. My emphasis.

as the definitive modern condition, by way of the concept 'postmodern'.<sup>232</sup>

It is in fact the failure of thinkers like Sloterdijk to think through the consequences of post-foundational philosophy that has led to the new metaphysical gestures and jovial philosophy Sloterdijk practices. This is unfortunate, as I think post-foundational philosophy is eminently suited to conceptualize a critical position with regard to political philosophy, as I will show in part II.

And we urgently need such a critical position. Part of my contention has probably to do with the fact that we live in another world, almost thirty years after the publication of the *Critique of Cynical Reason*: communist states in Europe have collapsed; religion has returned as a social and political force with often violent conflicts as a result; financial markets are determining the course of politics; and a politics based on fear has emerged as one of the driving forces behind policy making, especially after the attacks on neo-liberal symbols of capitalism by fundamentalist religious groups. Even more recent phenomena await interpretation by political philosophy: the emergence of protests across the globe against socio-economic inequality; against forms of religious totalitarianism and dictatorship; against abuse of public money by white-collar criminals - and most of this in the name of 'Democracy'.

On the other hand there are some striking resemblances between the early 1980s, when *Critique of Cynical Reason* was published, and the present time: both are characterized by economic crisis; there is an ongoing (political) advancement of, and doubts with regard to, neoliberalism; the ambiguous role of nation-states and international collaboration becomes more pertinent (especially in Europe); there is the belief in economic recovery by implementing even more neoliberal and conservative policy throughout the Western world. And on the leftist front of political philosophy, we find a continuing reconceptualization of old themes: the attempts to reformulate a new critical Marxism; the search for, and understanding of, new forms of political, ecological and economical activism; the incorporation of Foucaultian critico-historical analyses - just like in the beginning of the 1980s. This is what makes Sloterdijk's book still very relevant as a critical intervention, an analysis I believe we have to take seriously. But only by reflecting on the *pathos* and *ethos* he finds in the traditions of critical thought, and not by adopting his *logos*. It would be a mistake, however, to believe that we are dealing here with a repetition of the 80s. This is why I contend that the time has come to reconceptualize the project of philosophical critique, for example to come to a progressive account of democracy that can give us insight to these changed

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<sup>232</sup> Bewes, *Cynicism and Postmodernity*, p. 6.

conditions, and that hopefully can contribute to a better world. Instead we should reformulate the *pathos* of critical philosophy, for example by deconstructing the values of the Enlightenment itself. I will return to this enterprise in chapter 4.

#### **§4 Escaping from the problems of ideology critique: Robin Celikates on critical praxis.**

It seems fitting to conclude my historical reconstruction of the project of 'classical' critical philosophy with a discussion of one of the most recent publications in this tradition. In his 2009 dissertation *Kritik als soziale Praxis*, Robin Celikates presents and analyses some of the aspects that have preoccupied Critical Theory. To recapitulate: it is especially in the work of the first generation of thinkers of the Frankfurt School that the problem of 'transsubjectivity' - i.e. taking part in a social context and being an 'objective' observer of this context at the same time - takes hold, although we have seen it emerge already in the work of Hegel and Marx. To be sure, the problem is not that the critical thinker should be neutral or independent. Both Marx and Horkheimer are clear about whose side we have to take, that of the subordinated class. This is part of the praiseworthy aspect of their *pathos*. Nonetheless, in their view an *objective* critical stance can be obtained as long as the political economy is taken as the basis for an absolute scientific approach that can ground and analyse the emergence of all social facts, from the most fundamental, concrete practices to the most abstract reflections that exist in society. It is this kind of overextension by the critical philosopher with respect to the prevalence (or use) of a scientific method that concerns me here, and the consequences it has for both the *ethos* a critical theorist has and the *logos* he utilizes. The aspect of *pathos* is not irrelevant here, as I believe it can shed light on a solution for the lack of 'objective force' we end up with when it is concluded that an objective standpoint for philosophical critique is unobtainable.

For Celikates, four dogmas of Critical Theory stand in the way of a contemporary critical enterprise: that of scientism and objectivism; that of totality; that of functionalism; and that of rupture [Bruch] and asymmetry.<sup>233</sup> In this section I will focus exclusively on the first and last dogma, as they have to do, in the former, with science and its critical force, and in the latter, with transsubjectivity, i.e. at the same time being within and outside the social whole that is being investigated. Additionally, I will discuss the problematic of the (potentially) hierarchical relationship between theorist and social actor, and thereby with the *ethos* of critical thought.

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<sup>233</sup> Celikates, 'Kritik Als Soziale Praxis: Gesellschaftliche Selbstverständigung Und Kritische Theorie', p. 27.

First, however, I need to shed some light on an important distinction that lies in the background of this discussion: that between the social theorist and the social scientist. Without blowing this distinction out of proportion, I consider a social theorist to be someone who tries to construct a coherent theory on the nature of the social sphere based on certain ideas about quasi-transcendental features of human interaction, or the institutional make-up of societies; in other words, an historico-genetical analysis or a weak anthropology, that *could* be backed up by empirical evidence. A social scientist, on the other hand, attempts a description of the social sphere by gathering empirical data on the basis of some basic hypothesis on social interaction, dynamics or institutions. While a social theorist generally recognizes that his theory has a normative or prescriptive dimension, a social scientist often does not. The latter does not always realize that his attempt to grasp the nature of the social also necessarily contributes to forming this reality.<sup>234</sup> So, in line with Horkheimer's distinction from the 1930s, I conceive of social theory as linked to critical theory, and social science as 'traditional', positivistic theory.

#### §4.1 Two dogmas of critical theory

The first dogma Celikates perceives, the dogma of scientism and objectivism, has to do with the status of Critical Theory as both an objective social science and a normative and prescriptive theory. The dogmatism itself resides in the belief that the objects of critical social theory are objectively and empirically discernible. At the base of the theory's objectivism lies the claim that the method of research itself, political economy, is to be considered value-free and that the theories at their core are not normative in the sense of relating to an ideal or model; in short, that it is concerned with facts or factual knowledge concerning reality. What is principally being occluded in Critical Theory is where the normative force of the theory comes from.<sup>235</sup>

The fourth dogma consists in the belief that there exists a *necessary* epistemological asymmetry between the critical theorist and the social actor (an individual or group). The theory seems to stress that being a participant on the one hand and an observer of social reality on the other cannot and should not be seen as two stances of the same subject. Presenting these as radically different perspectives makes it possible to assign a privileged position to the intellectual.<sup>236</sup> I believe Celikates is right in identifying these as some of the core problems of Critical Theory; these are dogmas that especially have to do with the *ethos* of critical philosophy.

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<sup>234</sup> See for an attempt to categorize different social philosophies and theories along the lines of weak and strong descriptive and normative assumptions and aims: Emmanuel Renault, 'A Critical Theory of Social Suffering,' *Critical horizons* 11, no. 2 (2010).

<sup>235</sup> Celikates, 'Kritik Als Soziale Praxis: Gesellschaftliche Selbstverständigung Und Kritische Theorie', p. 27-28.

<sup>236</sup> Ibid.

Celikates himself presents a theory of 'reconstructive critique' to counter the problematic features of traditional Critical Theory. His methodological solution to both dogmas is to ground Critical Theory on the values, norms, self-knowledge, expectations and intuitions of social actors that, taken together, form the 'normative structures of practices that are constitutive of a specific social whole', and not on the values and norms of the researcher.<sup>237</sup> This solution hits two birds with one stone: first, the participant of a social practice is honoured as someone who can decide for himself to what extent a practice answers to his norms; second, the social theorist is still necessary as someone who has the means of reconstructing an analysis with a normative dimension. It is argued that the critical social theorist is well equipped and trained to make explicit the often implicit normative content of the social practices, which the social actor can then be confronted with. This makes the analysis of the critical social theorist one of a 'second order', as he merges with the social actor only on a higher reflexive level. This layered relationship between theorist and social actor should not primarily be understood in a qualitative sense (i.e. the theorist as an authority on the matter) but also (or mainly) in a quantitative sense, as someone who can shed another light on the matter.

For Celikates, this approach of distinguishing between first and second order discourses functions both in a normative and in a critical manner. It is normative in that it presupposes the possibility of a reflexivity capacity used by any social actors, without referring to a grander narrative on the good or just. Second, this 'reconstructive critique', as he calls it, is critical as the reconstruction itself can be challenged when a disparity between the conclusions of the analyst and the factual self-understanding of the social actor (if there is any) arises.<sup>238</sup>

What kind of 'critical relation' is established here? From the outset Celikates' target is the irritating know-it-all, the person who claims superior knowledge of the people within a social order, and in this way subjectifies these social actors as 'judgmental dopes', as people who cannot think for themselves. In this sense Celikates' theory is concerned with the critique of ideology and the role of the critical theorist in liberating the subject of history from its false consciousness. Alternatively, I believe this theory could be seen as being directed *against* all kinds of theories that perceive subjectivity *exclusively* as an effect of forces or structures, which makes self-experience and self-understanding, actions and autonomy, impossible, thereby undermining the conditions for any critical theory or critical philosophy based on the principles of autonomy.

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<sup>237</sup> "Rekonstruktive Kritik trägt die normative Maßstäbe der Kritik nicht von außen an die Adressaten heran, sondern versucht sie aus den normative Strukturen der für einen bestimmten sozialen Zusammenhang konstitutiven Praktiken zu entwickeln", *ibid.*, p. 187.

<sup>238</sup> *Ibid.*, p. 188.

In short, Celikates' considerations have relevance for any normative theory and any thinker/theorist that makes claims about processes that precede, or even constitute, the form and content of our consciousness *and* presupposes that this theory is objectively true to some extent. In other words, for any theory that is vulnerable to what Habermas calls a 'performative contradiction'<sup>239</sup>.

#### §4.2 Reconstructive critique

Celikates' book is an important contribution to the literature on the role of the critical sociologist, historian and political theorist, as it brings together and evaluates several theoretical attempts to escape from the 'trap' of the deadlock of ideology: are you in or outside of the ideological framework? To recall, what Celikates is interested in is the difference between the self-understanding of social actors on the one hand, and the second order reflection with which a theorist frames the other within a particular conceptual scheme as part of a social praxis. How does the critical social theorist escape from the ideological deadlock without losing the critical potential of his analysis?

I believe Celikates' approach is two-pronged. On the one hand, he aims to escape from the scientism of positivist sociology, by defining 'objective' truth as a form of general consensus, rather than a truthful or precise representation of reality. On the other hand, he aims to avoid a full-blown pragmatic conception of truth that poses the beliefs of individual actors as the determinant for the truth of a theory; a single social actor should not be able to 'veto' an argument, evaluation, or theory. His argument is that we could all agree that something is the case, which determines what we consider to be true. And it is not enough to conclude that something is false when there is disagreement. It could still be the case that the individual that disagrees is ideologically blocked in his self-reflection.<sup>240</sup> This possibility of blockage leads to a fundamental or even constitutive tension in the methodological self-understanding of Critical Theory between its descriptive and normative claims, and its truthfulness. On the one hand, the plausibility of a critical analysis is not independent from the actual experience of the participant that

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<sup>239</sup> See for example: Martin J. Matustik, 'Habermas on Communicative Reason and Performative Contradiction,' *New German Critique* 47, no. Summer (1989). James Bohman seems to point to the same problem with the term 'self-referential contradiction' that is 'underlying all of postmodern scepticism and its 'totalizing', rather than dialectical, critique of modern Enlightenment reason.' Bohman, James, 'Two versions of the linguistic turn: Habermas and poststructuralism' published in: Maurizio Passerin d'Entrèves and Seyla Benhabib, eds., *Habermas and the Unfinished Project of Modernity: Critical Essays on the Philosophical Discourse of Modernity*, Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 1997), p. 197.

<sup>240</sup> "Insofern ist die Zustimmung der Adressaten zwar notwendig [for the validation of a critical analysis] (im Sinne von alternativlos), ihre Ablehnung um konkreten fall aber eben nie hinreichend." In: Celikates, 'Kritik Als Soziale Praxis: Gesellschaftliche Selbstverständigung Und Kritische Theorie', p. 232.

takes part in a social structure. On the other, it is hard to maintain that the analysis is simply wrong or beside the point if the participant rejects it.<sup>241</sup>

This points us to the question of what should be regarded as the criterion to mark the participant as being blocked in self-reflection. To come to a satisfying answer we have to focus on some of the anthropological or quasi-transcendental presuppositions of the theory. For Celikates, the most important aspect of being human is self-reflection. From psychoanalysis he takes up the idea that autonomy (and speaking for oneself or 'Mündigkeit' of which Kant spoke in his essay on Enlightenment) should be understood not as a substantial characteristic, but as a procedural one, an interpretative assumption. Autonomy is characterized by the capacity to be reflective in relation to one's own conditions: first, the fact that one is dependent on external influences and determinants; and second, on the fact that one cannot control all internal influences such as bodily processes and habitual trains of thought.<sup>242</sup> The task of the critical analyst is then to 'connect', as a therapist, with the consciousness of the participant of a social structure. In particular to elucidate the problematical and pathological aspects the participant is experiencing, or as they are being expressed. But to avoid the reproach of creating a 'judgmental dope', the only values and norms that can be alluded to by the analyst are those that are part of the self-understanding of the participant;<sup>243</sup> the analyst himself remains silent about what is wrong or unjust.

But what if no pathological experience is suggested by the social actor? Celikates addresses this problem in the following way: we should first abandon the idea of a 'necessary false consciousness' to reserve space for the perspective of the critical analyst.<sup>244</sup> Discarding the possibility of 'necessary' or 'complete false consciousness' is to make the - in my view justified - claim that there is no complete or total interpellation<sup>245</sup>, or entire ideological indoctrination, possible; one has to presuppose that there is some 'space' that principally remains untouched by ideology to reserve an opening for a conception of free will and autonomy and, consequently, for a perspective for Critical Theory. For Celikates the existence of complete interpellation is problematical: it is a theoretical absurdity.<sup>246</sup>

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<sup>241</sup> Ibid., p. 230.

<sup>242</sup> Ibid., p. 199.

<sup>243</sup> See for a similar approach to social critique: Rahel Jaeggi, *Entfremdung: Zur Aktualität Eines Sozialphilosophischen Problems*, Frankfurter Beiträge Zur Soziologie Und Sozialphilosophie Bd. 8 (Frankfurt am Main: Campus, 2005).

<sup>244</sup> Ibid., p. 220.

<sup>245</sup> The concept of 'interpellation' is coined by Althusser and stands for the manner in which all individuals are recruited by ideology and transformed into subjects. In: Louis Althusser, *Lenin and Philosophy, and Other Essays*, ed. David J. Romagnolo, trans. Ben Brewster, Internet edition ed. (New York; London: Monthly Review Press, 2002 (1971)), p. 174.

<sup>246</sup> Celikates, 'Kritik Als Soziale Praxis: Gesellschaftliche Selbstverständigung Und Kritische Theorie', p. 220-221.

I believe Celikates has hit the nail on the head in several respects. First, he is right that it should be a social actor that must decide if a particular critical theory is an adequate (re)description of the social reality he is part of. Second, critical theory itself, of a philosophical or a sociological nature, should be envisioned as a meta- or second-order theory without an inherent objective value. Third, the consequence of a pragmatic conception of truth is not that 'anything goes', as there are convincing grounds (empirical, normative, methodological etc.) that make a critical analysis a *convincing* enterprise.<sup>247</sup> Fourth and last, the theorist and social actor are two participants in a dialogue in which a form of conversational equality is presupposed. The temporary asymmetrical difference that exists between the critical theorist and the participant should not be seen as qualitative in nature. Instead of having more advanced or superior capacities to understand reality, the theorist has more chances and opportunities to analyse, in addition to possessing specific psychological phenomena that exist on a more personal level, such as a fascination with particular social structures.

#### §4.3 The need for critical *pathos*

However, there are two caveats I would like to add, in which my differences with Celikates' account of critical theory are expressed. First, we seem to have dissimilar conceptions of the nature of critique, as becomes clear in Celikates' emphasis on empirical proof as the 'core strength' of the tradition of Critical Theory<sup>248</sup>, thereby marking the main difference between the Marxist (or Frankfurtian) tradition of Critical Theory and the Kantian (or Foucaultian) interpretation of critique. While Celikates chooses a sociological approach that consists of a direct relationship between theoretical framework and empirical data, I focus on the philosophical approach, which is more concerned with conditions for thought in general and less involved with finding empirical support. This is not to say that the philosophical critique is empirically unsound; as long as it does not radically contradict empirical data (or as long as it shows why the available empirical data is unsound itself) its 'validity' is maintained. The difference between sociological critique (as understood by the Frankfurt School) and philosophical critique can be best explained as entailing another attitude with regard to scientific method.

A second, more pressing issue is that I believe Celikates' account, like any account, cannot be called 'critical' when separated from a normative framework - what I have called a '*pathos*'. In short, a reconstructive critique is not critical as long as it is not explicitly concerned with or committed to 'the subjects of history', those that are mistreated according to some conception of the values of the Enlightenment.

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<sup>247</sup> Ibid., p. 235-236.

<sup>248</sup> Ibid., p. 236.

To recall: for Celikates a theory is critical when it is able to create a distance between the self-description of a social actor and the reconstruction of the critical theorist. This idea is grounded on two pillars: first, Celikates had argued that total false consciousness, which could be conceived of as a complete overlap between the description of the self and reality of an individual, and the conception of reality the powers that be want you to believe, is a theoretical impossibility. This contributes to the insight that the existence of different meaningful (or even 'valid') but competing descriptions of reality is possible. With this I agree. The second pillar is that we should ascribe to human beings the capacity to 'live one's life in a self-determined, reflexive, and critical manner, and that one is able to discern for himself what this means'.<sup>249</sup> I could not agree more, and consider this one of the key conditions for any progressive political philosophy.

However, in my view this argument for the impossibility of complete false consciousness and the ascription of reflexive capacities does not necessarily lead to the conclusion that reflection or self-consciousness as activity and criterion is enough for Critical Theory to play a 'critical' role. It is one thing to suggest that self-consciousness is important, or even fundamental, but another to claim that for resolving a tension between different narratives on the social it is sufficient to facilitate and activate the self-reflexive capacities of the relevant social actors. That which makes a critical reflection 'critical' is a critical method, i.e. a specific understanding, reconstruction or reframing of a human praxis *in combination with a norm that can be used to evaluate a tension* between the self-understanding of subjects and the analysis of a critical theorist. Without this norm there is no normative tension at all, only another description. It is not the point in critical theory, I believe, that there is or could be a difference or incoherency between the self-understanding of the actor and the description of the structure by the critical scientist; the point is that there are perspectives on social structures that try to show in what sense social structures are good or bad. In short, there are perspectives that are explicitly or implicitly normative.

Celikates does not deny this, but cautions the critic not to retreat into his ivory tower as the debunker of ideology; the responsibility for the adherence to a norm for the most part lies with the participant. He writes:

The interpretations offered by theory should be  
argumentatively put to the test by the social actors

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<sup>249</sup> "Wenn diese Begriffe ('Mündigkeit' and autonomy) hier inhaltlich weitgehend unbestimmt bleiben, so ist das auch der Einsicht geschuldet, das seine substantiellere Bestimmung insofern widersprüchlich wäre, als sie gerade die avisierte Mündigkeit und Autonomie der Subjekte – nämlich ihre Fähigkeit, ihr Leben selbstbestimmt, reflexiv und kritisch zu führen und dabei selbst festzulegen was das für sie bedeutet – beschränken würde." In: *ibid.*, p. 198.

themselves in practices of self-understanding that are undistorted as much as possible.<sup>250</sup>

But then the question becomes: what is the normative status of the description of the social structure by the critical theorist? As we have seen, Celikates remains loyal to the premises of the Marxist politico-economic analysis by framing the discourse on social critique in terms of (class) interests, which is a specific ontological enterprise that itself has implicit normative consequences from the start. Of course, one could try to present a neutral, objective or positivistic descriptive analysis along the line of class differences. For example, we could describe how the lifestyle, conditions of labour, or well-being of higher- and lower- educated citizens differ in nature. But this raises the question of why we should do such a thing, as these differences don't tell us anything normative in themselves. They could indicate that we live in an unequal society, and this presupposes a specific conception of equality of course. But again, this can all be part of a descriptive theory. From such a description it can be argued that we live in a morally unjust, or just a bad, society, but it can be argued just as easily that these differences (in well-being: chances, health, income, etc.) are justified, for example in an ideological framework that believes that everyone is responsible for his own well-being and circumstances, in a more or lesser degree ('the American dream' and its particular underlying conceptions of freedom and equality in the United States comes to mind). This is the case as long as we do not show any commitment towards an ideal or value, even if the conception and validation of this ideal or value is very problematical itself.

In short, my point is that we need a specific commitment *as critical theorists* (for example, towards a specific understanding of social equality, freedom etc.) to write a critical theory. A 'critical' theory is not a theory that is marked by a specific *distance* between theorist and participant or social structure, as Celikates seems to suggest when he calls his reconstructive critique 'critical', but one that is marked by a specific *ethos, pathos and logos*. To be sure, Celikates does not claim that we, as critical theorists, should be disengaged, as he shows the same commitments as Marx or Foucault when describing what a critical theory should consist of. However, he remains silent about his own commitments and the rhetorical role they should play in the validation of his analysis.

In the wake of the writings of Michel Foucault and Jacques Derrida, relatively<sup>251</sup> new ideas on philosophical engagement, philosophical attitude

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<sup>250</sup> "In einer etwas weniger dramatische Version [than Horkheimers' revolutionary praxis] sollten die Deutungsvorschläge der Theorie von der Akteuren selbst in möglichst unverzerrten Praktiken der Selbstverständigung argumentative überprüft werden." Ibid., p. 223.

<sup>251</sup> These are 'relatively' new, as they still should be understood as contributions to philosophical debates that go as far back as to the writings of Kant or even to the ancient Greeks. We are still moving within the tradition of philosophy of course, although the form and content, the limits and history of this tradition are constantly being redefined by its practitioners. This is why, for example, I believe that

### CHAPTER 3

and method have been presented in recent decades; new forms that seem able to escape from some of the problems that a critical theory of ideology has suffered from. These problems are not solved in the manner in which second and consecutive generations of Frankfurt School critical philosophers (Habermas, Honneth, Benhabib, Celikates) respond to their predecessors; and Peter Sloterdijk's account is in my view also insufficient. Instead, we should look to deconstructive accounts for validating critical political philosophy. In the next chapter I show how this tradition has responded to the problems of Hegelian and Marxist thought and in what sense these latter traditions can still contribute to a useful account of critical political philosophy.<sup>252</sup>

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Sheldon Wolin is only partially right in his famous article from 1969, 'Political theory as a vocation', when he states that 'Like the extraordinary scientific theory [as described by Thomas Kuhn], such efforts [of the 'epic' political theorist] involve a new way of looking at the familiar world, a new way with its own cognitive and normative standards.' Sheldon S. Wolin, 'Political Theory as a Vocation,' *The American political science review* 63, no. 4 (1969): p. 1078. Although I agree with Wolin on the creative process of taking another perspective (*ethos*) and use of concepts and the understanding of rationality (as we have seen in the analyses of the critical theories of Kant, Hegel and Marx in chapter 2), I believe it is especially the *pathos* of critical political theory that has remained constant with its emphasis on the aversion against domination by 'higher' powers.

<sup>252</sup> A recent example of a political theory based on deconstruction can be found in Susan McManus' book *Fictive Theories. Towards a deconstructive and utopian political imagination* (2005). In it McManus presents a similar critical conception of political philosophy when she summarizes her three 'guiding suggestions' for a 'politics of creative epistemologies of possibility'. First, we need to view the political in terms of becoming rather than being. Second, we need to question all the existing categories and organizations of the present. And last, it means seeing the world as unfixed and unfinished to 'inform, guide, fabricate our desired futures.' Susan McManus, *Fictive Theories: Towards a Deconstructive and Utopian Political Imagination*, *Studies in European Culture and History* (Houndmills, Basingstoke; New York: Palgrave Macmillan, 2005), p. 14-15. The differences between McManus' account of political theory and my own are not that big. However, while McManus focuses exclusively on the *ethos* and *logos* of the deconstructive perspective, I try, additionally, to incorporate the *pathos* of the Enlightenment, as expressed by Kant. Another important difference is the Utopian perspective McManus wants to utilize. I believe the way to contribute to actual political struggle is not to adhere to a utopian horizon (understood as a 'non-place'), but to focus on theoretical strategies that can be used in the praxis of struggle itself. I will go into these strategic aspects in chapter 4.

# Chapter 4. Deconstruction as a critico-philosophical (back)ground

## §1 Introduction

The tradition of Marxism as a framework for critical social and political theory has come increasingly under scrutiny from different sides, which, as I have explored in my earlier chapters, run along the lines of the categories of *pathos*, *ethos* and *logos*. In chapter 2, I have shown, for example, how philosophical critique, as transcendental, dialectical, or immanent, ran up against specific difficulties as well as up to the limits of thought, such as the idea of thought as an historical phenomenon. In chapter 3 the preconditions for a critique of ideology took centre stage. Several important insights with regard to method, the role of the philosopher, and his commitment showed that alternative analyses were both needed and available. The following sections discuss how I aim to continue the critical project in philosophy that Kant initiated, by updating it so as to make it a fitting enterprise for an engaging political philosophy in the first decade(s) of the twenty-first century.

In the time-span of one-and-a-half centuries the speculative philosophical product of the Enlightenment and of philosophical critique in particular, i.e. the ideal of the autonomous subject, withers away as a normative criterion for critical philosophy. Coming from a position wherein humans are perceived as being situated in a natural or divine, that is, an almost unchangeable, order in the pre-Kantian era, the evocation of the autonomy of the subject and the optimism it brought in Enlightenment thinking have gradually diminished in Modernity and post-Modernity - epochs in which self-consciousness, and especially the problematical nature of its self-transparency, have taken centre stage in philosophical thought. However, this should not discourage us in searching for critical tools. Seen from this perspective, the present chapter is an attempt to reformulate the project of critical philosophy without remaining trapped in the old Enlightenment or Kantian ideal of autonomy. Additionally, my project aims to overcome the problems that have emerged within the critical theories on ideology. It aims to reformulate a critical political philosophy that deals with the theories of the conditionality of the subject without losing the normative force of the tradition of critique.

It is my contention that the problematic of the critique of ideology lies at the heart of any modern critical political philosophy. In the following sections I try to formulate conceptions of *pathos*, *logos* and *ethos* that escape from the ideological trap: that of the futility of attempting to construct a coherent conception of critical philosophy that is not made conditional upon a division

between the false consciousness of the masses and the true or enlightened consciousness of the critical scientist or political leader. For that we have to contextualize the proclaimed primacy of philosophical analysis and its discourse. I believe deconstruction is a successful attempt and a useful perspective or method for moving beyond the critique of ideology.

In this chapter I will first present some final remarks on ideology and its critiques, and the manner in which these concepts have recently been understood. With respect to deconstruction, the method I would like to adopt, I will base my argument on several philosophers that have aimed to combine a specific view of the critical theorist with a post-metaphysical or non-essentialist method, and with a specific political or ethical commitment. In particular the work of Jacques Derrida, as the founder of deconstruction, is important here, as I show in §3. Building explicitly on Derrida's ideas are political theorists Ernesto Laclau and Chantal Mouffe, who are among the first thinkers to have tried to explicitly politicize deconstruction and to use its premises for formulating a social ontology. In §4 and §6 I discuss some of the characteristics and elements of deconstruction as presented by Mouffe and especially Laclau that are in my view important for a conception of a critical political philosophy today. In the form of an interlude, §5 provides a short analysis of the relation between the transcendental and the historical in recent progressive political thought, as this theme runs continuously through the background of contemporary political theory and philosophy. But first I return to the concept that has haunted political thought since Marx: ideology.

## §2 Revising ideology?

There has been a revival of the notion of ideology in recent political thought. One important force here is Slavoj Žižek, but other contributors include Ernesto Laclau, Raymond Geuss<sup>253</sup>, and Rahel Jaeggi. These authors all see the concept of ideology as still an important tool for critique and critical social and political theory. And they all agree on at least some of the problems of the 'classical' accounts of ideology critique as formulated by Marx and Engels, and Marxists like Horkheimer and Althusser. I will first focus on these problems and the solutions proposed.

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<sup>253</sup> Geuss understands ideology as: "the set of beliefs, attitudes, preferences that are distorted as a result of the operation of specific relations of power; the distortion will characteristically take the form of presenting these beliefs, desires, etc., as inherently connected with some universal interest, when in fact they are subservient to particular interests." This is of course a classical Marxist understanding of the concept. In: Raymond Geuss, *Philosophy and Real Politics* (Princeton: Princeton University Press, 2008), p. 52. Unfortunately, Geuss leaves it to us to decide whether we would like to continue with the critique of ideology: "If ideology exists, it does not seem outrageous to assume that analysing and criticizing them is a reputable task for a political theory." (p. 55) His critique of the Rawlsian framework seems to indicate that he believes ideology does exist. (p. 88ff.)

One of the main objections against the classical accounts of ideology critique concerns the objectivist or positivistic epistemological stance of the theorist in relation to social reality and to other social actors. It is as if the critical theorist stands outside the ideological framework, having access to objective knowledge of reality, and enabling him to free the social actor from his delusions. We have considered this objection already in the previous chapter. A second objection we have come across is that the critique of ideology entails that subjects - on the part of the recipient of the critique so to say - suffer from a false consciousness. They are 'judgemental dopes', being deceived by ruling ideas that are presented as being the universal good. This is, paradoxically, at the same time the truth of ideology: ideology is successful at the moment the false representation imposed by ideology is believed to be true by the subjects. Rahel Jaeggi has described these two objections as two of the main 'paradoxes of ideology': the first objection could be understood as 'the paradox of the non-normative critique that is normatively significant'; the second is framed as 'the paradox of the interpenetration of true and false'.<sup>254</sup>

Another objection against the critique of ideology, but also against Marxist theory in general, was formulated by Michel Foucault. The imposition of ideology itself presupposes a conception of power that is fairly centralized and originating from a single direction: from the ruling class or the superstructure that functions in its name. In response, Foucault argued that the execution of power in Modernity cannot and should not be thought of in terms of imposed class interests or be reduced to economic relations in general. Instead, there is a coupling between power and knowledge, employed by institutions to manage and police the population. Foucault writes in *Security, Territory, Population*:

A physics of power, or a power thought of as physical action in the element of nature, and a power thought of as regulation that can only be carried out through and by reliance on the freedom of each, is, I think, something absolutely fundamental. It is not an ideology; it is not exactly, fundamentally an ideology. First of all and above all it is a technology of power, or at any rate can be read in this sense.<sup>255</sup>

In the Modern era, power should not be thought of as imposing ideas that become disentangled from the class they originate from, but as a technique that is materialized in all kinds of social institutions. Ideology imposes beliefs,

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<sup>254</sup> Rahel Jaeggi, 'Rethinking ideology', in: Boudewijn Paul de Bruin and Christopher F. Zurn, *New Waves in Political Philosophy*, New Waves in Philosophy (Basingstoke England; New York: Palgrave Macmillan, 2009), p. 66 ff.

<sup>255</sup> Michel Foucault, Michel Senellart, and Arnold I. Davidson, *Security, Territory, Population: Lectures at the Collège De France, 1977-1978* (Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2007), p. 49.

ideas and expressions not in a cognitive sense, but rather in a material sense, something Louis Althusser had already argued in his famous essay on ideological state institutions from 1970.<sup>256</sup> For Althusser concrete individuals are necessarily 'interpellated', i.e. constituted as subjects. It is the state and its most powerful institutions, the family and the school, that directly and indirectly, consciously and unconsciously, 'hails' individuals, who thereby become subjects of this state.<sup>257</sup>

The differences between Foucault and Althusser are vast, however. Crucially, Foucault sees knowledge as the main instrument of power, against which he emphasizes the need for, and existence of, counter-discourses, while Althusser places the descriptive Marxist theory of the state explicitly in opposition to ideology.<sup>258</sup> That is: Marxist theory should be used to generate objective knowledge on the ways ideology forms subjects. Such a theory should function both in a descriptive and critical manner, which means that it should be able to liberate subjects from their initial interpellation. It is able to do so by using a 'special mode of exposition' that is both concrete enough to be recognized by subjects and abstract enough to give rise to knowledge.<sup>259</sup> The only way to liberate the subject is to counter ideology's strategy of suppressing its temporality, or historical genesis.<sup>260</sup> What is crucial here, though, is that this historization of the conditions of thought, subjectivity and social reality also lies at the basis of the writings of Foucault of course, and the other thinkers that could be seen as taking part in the history of critical thought, all the way back to Hegel, or even Kant.

However, the paradox of the non-normative theory that has normative implications and the paradox of the interpenetration of true and false still stand, especially in the work of Louis Althusser. We can tackle these paradoxes with the help of Ernesto Laclau and Slavoj Žižek.

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<sup>256</sup> "[A]n ideology always exists in an apparatus, and its practice, or practices. This existence is material." Louis Althusser, 'Ideology and ideological state apparatuses', in: Althusser, *Lenin and Philosophy, and Other Essays*, p. 166.

<sup>257</sup> *Ibid.*, p. 170ff.

<sup>258</sup> "The State is thus first of all what the Marxist classics have called the State apparatus. [...] Presented in this form, the Marxist-Leninist 'theory' of the State has its finger on the essential point [...] The State apparatus, which defines the State as a force of repressive execution and intervention 'in the interests of the ruling classes' in the class struggle conducted by the bourgeoisie and its allies against the proletariat, is quite certainly the State, and quite certainly defines its basic function." *ibid.*, p. 137.

<sup>259</sup> *Ibid.*, p. 173.

<sup>260</sup> Another divergence between Althusser and Foucault can be found with regard to the role of the individual versus that of the population in their respective theories. Foucault writes: "Vis-a-vis government, population is both aware of what it wants and unaware of what is being done to it. Interest as the consciousness of each of the individuals making up the population, and interest as interest of the population, whatever the individual interest and aspirations may be of those who comprise the population, will be the ambiguous fundamental target and instrument of the government of populations. This is the birth of an art, or anyway, of absolutely new tactics and techniques." Foucault, Senellart, and Davidson, *Security, Territory, Population: Lectures at the Collège De France, 1977-1978*, p. 106. Foucault points here to the double role the modern state has with respect to disciplining: both the individual and the population as a whole are targeted, while in the essay of Althusser the emphasis lies only on the manner in which the individual is interpellated into a subject of the state.

However conflated and distorted its conceptualization may have been<sup>261</sup>, according to Žižek ideology could still have its uses in critical theory, as long as we are conscious of the development of the concept in critical thought. For Žižek this development has historically progressed in three, dialectical steps: first it stood for a collection of ideas, beliefs and concepts that is presented as the truth, while really serving the particular interests of the ruling class. The technique of critique of ideology then, was to show the contradictions of these beliefs and its realization in practices. This is what I described in chapter 2 as Marx's attempt to formulate an immanent critique of ideology. The second step in the development of the concept is marked by a focus on the material existence of ideology in practices, institutions and rituals; or with the inscriptions of ideology in subjects by way of social institutions. This is what we have seen in the writings of both Foucault and Althusser: the indoctrination through the (exclusive) means of ideas and beliefs is bypassed and (partly) substituted by disciplining institutional practices. The third and final step is the dispersion and localization of ideology into heterogeneous procedures: ideology is perceived as being decentralized and only vaguely connected to a social whole or a state. Žižek cautions us here, because it may be exactly this perception that shows the force of the current ideological framework: the third step in the development of ideology claims that ideology is presented as 'the elusive network of implicit, quasi-'spontaneous' presuppositions and attitudes that form an irreducible moment of the reproduction of 'non-ideological' (economic, legal, political, sexual...) practices'.<sup>262</sup> This third concept of ideology is theoretically untenable. The conclusion for Žižek is relatively simple: the concept of ideology has grown too strong. Ideology has become an all-encompassing phenomenon even discourse analysis cannot escape anymore, as it has become impossible to discern to what extent discourse can be extra-ideological. Žižek astutely resists what he calls the 'quick, slick 'postmodern' solution' of renouncing any extra-ideological reality and, hence, levelling all discourses as symbolic fictions.<sup>263</sup> Instead we should try to keep the tension between the real and the fictional alive by emphasizing a 'reflective distance'<sup>264</sup> between the Real (the hinge of class struggle that cannot be symbolized) and reality (the ideological framework). This is not just a simple reversal of truth and falsity, but the radical consequence of Lacanian thought: for Lacan, and Žižek, the constitution of social reality presupposes the repression of the real-as-class-struggle as 'radical outside', that is, as something that is constitutive for our perception of reality, but which is often neglected as such.

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<sup>261</sup> Žižek writes: "Ideology can designate anything from a contemplative attitude that misrecognizes its dependence on social reality to an action-orientated set of beliefs, from the indispensable medium in which individuals live out their relations to a social structure to false ideas which legitimate a dominant political power. It pops up precisely when we attempt to avoid it, while it fails to appear when one would clearly expect it to dwell." In: Slavoj Žižek, ed. *Mapping Ideology* (London; New York: Verso, 1994), p. 3-4.

<sup>262</sup> *Ibid.*, p. 15.

<sup>263</sup> *Ibid.*, p. 17.

<sup>264</sup> *Ibid.*, p. 19.

Laclau's conception of ideology comes most clearly to the fore in an extensive article from 1997, 'The death and resurrection of the theory of ideology'. After approvingly underscoring the historico-Hegelian analysis of the development of the concept of ideology by Žižek, Laclau adds that this does not mean that we should get rid of normative concepts like 'distortion of reality' or false consciousness just yet. A concept like distortion could still function in a useful, maybe even normative, way when we 'simply' reject *any* extra-discursive viewpoint (that is: a position outside the grasps of power, for example on the basis of 'real', objective, scientific knowledge), and see this viewpoint as the ideological illusion itself.<sup>265</sup>

However, 'distortion' receives a special meaning here. Usually it refers to a situation in which an original position has changed into something that is counter to its nature, or, as it (reasonably, ethically) should be. Laclau reverses this relation: what if the original position itself is ideological, and a specific form of distortion is constitutive of any identity or totality? To understand this counterintuitive move, and its implications for ideology and critical philosophy in general, I believe it is now time to go deeper into a strand of philosophy that is reasonably well-equipped for dealing with problems that concern the complex relationship between truth and falsity, autonomy and heteronomy, between the real and the illusory, and between the rational and the irrational - to name just a few dichotomies that have come to the fore in this dissertation until now - and the discussions around ideology and its critique in particular. This tradition of philosophy is called 'deconstruction', and it lies at the heart of what is called post-foundational philosophy.

### §3 Derrida and deconstruction as a critical method

At its inception deconstruction was presented by Jacques Derrida as a specific exercise of textual analysis with respect to literature, from novels to philosophical texts, in a non-essentialist or post-metaphysical manner. As such, deconstruction should be understood as an attempt to move beyond specific forms of formalism and structuralism prevalent in philosophy and the humanities.<sup>266</sup> As a post-structuralist method, deconstruction aimed to emancipate the literary critic from his subservient relation to the philosopher. In the work of Derrida, and that of Paul de Man, a strong case was made that the literary critic and the philosopher stand in a more complex relationship than philosophy traditionally had claimed; it is not obvious that philosophy can deal with texts and the conditions of discourse more successfully than literary criticism can.

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<sup>265</sup> Ernesto Laclau, 'The Death and Resurrection of the Theory of Ideology,' *MLN* 112, no. 3 (1997): p. 299.

<sup>266</sup> Christopher Norris, *Deconstruction, Theory and Practice*, 3rd ed., *New Accents* (London; New York: Routledge, 2002), p. 15. See also: McManus, *Fictive Theories: Towards a Deconstructive and Utopian Political Imagination*, p. 9.

Written language as used in novels and scientific texts alike takes centre stage in deconstruction. Norris writes:

This is the most important point to grasp about deconstruction. There is no language so vigilant or self-aware that it can effectively escape the conditions placed upon thought by its own prehistory and ruling metaphysics.<sup>267</sup>

The task of deconstruction, as Derrida sees it, is to make explicit these historical conditions by closely reading texts and pushing the arguments they contain to the limit. In an analysis of one of Husserl's text, for example, Derrida shows how Husserl's intention to remain a true positivist, by continuously rejecting the historicity of meaning and the genetic approach in general, cannot succeed, as Husserl eventually has to reconcile the structuralist demand with the genetic demand, undermining his own project.<sup>268</sup> In another instance deconstruction is utilized for tracing back the blind spots in Hegel, by analysing Georges Bataille's readings of Hegel. One of these blind spots, for Bataille at least, is the negativity of real and irreversible death, a negativity that cannot be incorporated into a representation of meaning that contributes to a greater whole.<sup>269</sup> The upshot is that some processes and phenomena are so extreme and irrational that they cannot be sublated in Hegelian fashion. Derrida demonstrates through the work of Bataille how these blind spots or oversights (implicit and unconscious, or not) are supplementary to (or even partly constitutive of) the rest of the arguments in a text, for example the writings of Hegel.

Deconstruction should be seen as the strategy of making explicit the boundaries of thought and, at the same time, as the process of showing that it is impossible to do so. In this regard deconstruction is an endless *critical* project as it is concerned with the conditions of thought and knowledge, as presented in texts. There is no definitive foundational result however: it is always possible to ask anew for the conditions of a text, what its limits are and what could be regarded as 'being outside the text'. This is an endless exercise: one can always rework the text, make new connections and find new gaps.

### §3.1 Deconstruction and normativity

One of the issues that has haunted deconstruction for many years is its normative impetus and criteria, or more to the point: the apparent lack thereof. Derrida himself has not often made explicit in a systematic fashion what deconstruction politically or scientifically can and should *do* and on what

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<sup>267</sup> Norris, *Deconstruction, Theory and Practice*, p. 21-22.

<sup>268</sup> Jacques Derrida, *Writing and Difference*, trans. Alen Ball (London; New York: Routledge, 2009 [1979]), p. 193ff.

<sup>269</sup> *Ibid.*, p. 327.

basis. Until the 1990s it wasn't clear from the outset what the political, ethical or critical contribution of deconstruction could be. This changed with the publication of several of Derrida's essays and books during the 1990s, especially in *Force of Law* (1990), *The Other Heading* (1992), *Spectres of Marx* (1994), *The Politics of Friendship* (1994) and *Rogues* (2005). I will focus mainly on the first text here, as it presents the clearest account of what it means to *do* deconstruction, in this particular text in relation to justice.

In the first part of *Force of Law*, called: 'Of the right to justice/from law to justice', Derrida shows he is aware of the tension between deconstruction and justice; he is aware that it remains unclear in what sense deconstruction is a contribution for realizing justice, and in what sense it poses a danger to it.<sup>270</sup> I think this awareness could be expanded a bit further: Derrida probably realizes that it is not at all clear to his readers in what sense deconstruction could be seen as a normative, critical or even an evaluative method or strategy.

Derrida's first deconstructive move in this text is, characteristically one could say, to show how the concepts of law and justice are necessarily but ambiguously interrelated. He even speaks of an 'equivocal slippage' between the concepts as there seems to be no rule, norm or criterion to distinguish clearly between them.<sup>271</sup>

What concerns me here is the way Derrida presents deconstruction as a method of questioning foundations and the deduction of origins. There are several passages that present deconstruction as a 'way of questioning', for example with respect to 'justice, law, morality and politics', aimed at 'destabilizing, complicating or recalling' conceptual oppositions, paradoxes and foundations.<sup>272</sup> As I have tried to show, this is one part of critique within the critical project that started with Kant: analysing the conditions and presuppositions of thought and knowledge, thereby (implicitly) criticizing certain conceptions, accounts and traditions. But we should ask whether deconstruction couldn't do more. With regard to critical *logos*: is there a 'positive' side to deconstruction? And with *pathos*: does deconstruction adhere to some notion of autonomy, equality or solidarity? And finally, *ethos*: does deconstruction have a goal that can respect the necessary limits of contemporary thought? In my view it is here that the discussion concerning the status of deconstruction as critical method becomes pertinent.

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<sup>270</sup> For example when he writes: "why does deconstruction have the reputation, justified or not, of treating things obliquely, indirectly, in indirect style, with so many "quotation marks", and while always asking whether things arrive at the indicated address? Is this reputation deserved? And, deserved or not, how does one explain it?" *Force of Law*, published in: Jacques Derrida and Gil Anidjar, *Acts of Religion* (New York: Routledge, 2002), p. 244.

<sup>271</sup> *Ibid.*, p. 231.

<sup>272</sup> *Ibid.*, p. 235.

## §3.2 Justice and the deconstruction of a concept

What deconstruction designates is that one cannot approach certain topics like deconstruction and justice directly, unambiguously or univocally, but only by means of 'illegitimate' shortcuts and by detours, through all kinds of tropes and other figures of thought and writing. With regard to justice Derrida writes:

That is how I would like to employ myself here: to show why and how what one currently calls deconstruction while seeming not to 'address' the problem of justice, has done nothing else while unable to do so directly but only in oblique fashion.<sup>273</sup>

However, deconstruction aims to do more than just show the impenetrability and ambiguity of discourse: its goal is to show that an ultimate rational foundation (of theory, of order, of law) is by definition unavailable.<sup>274</sup> What this means, in my view, is that both deconstruction and justice cannot be grounded by reference to an absolute starting point, an ultimate foundation, like (human) nature or God.

Concepts like justice and deconstruction, but also 'the ethical', 'the political' and 'the social', or even 'democracy' (as I will try to show in the next chapters), indicate that *logos*, as the process of showing the grounds of thought, is always interpenetrated by the opposite of *logos*, which Derrida calls 'the mystical' and 'the experience of *aporia*'. In other words, on the one hand we find rationality, which could be understood as understanding order and causes, demarcating rational and reasonable limits, justifying deductions and conceptual familiarities, calculating consequences and deliberating on decisions – in short: a scientific, rationalistic approach. On the other hand we find an *aporia*: an impossibility of grasping the ultimate meaning, or of reaching the core of a figure of thought or the conditions for being, or of understanding and experiencing something fully and completely. It indicates that there is a necessary irrationality at the base of thought.

But we have to be careful here. Derrida solely equates deconstruction and justice in this text. It does not become immediately clear in what sense this equation can be extended to other concepts. From the analysis of *justice as aporia* we can conclude only that we cannot decide what is the just thing to do. In Derrida's words:

Is it ever possible to say that an action is not only legal but also just? A person is not only within his rights but also within justice? That such a person is just, a decision is just? Is it ever possible to say, "I know that I am just"? I would

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<sup>273</sup> Ibid., p. 237.

<sup>274</sup> Ibid., p. 242.

## CHAPTER 4

want to show that such confidence is essentially impossible, other than in the figure of good conscience and mystification.<sup>275</sup>

With this position Derrida aims to undermine several centuries of philosophical thought, and maybe even the whole philosophical enterprise since its inception. It constitutes one of the most important contemporary radical expressions of scepticism, with respect to the possibility of grounding normative philosophy, there is. We have to take Derrida seriously and ask ourselves: what do we need in order to speak of such concepts as freedom, autonomy, equality, fraternity or solidarity? This is analogous to the question Foucault had linked to the critical *ethos* in his essay on the Enlightenment, about the contemporary methodological, normative and historical limits and conditions for envisioning ourselves as autonomous beings.<sup>276</sup> Yet Derrida's position seems to be even more sceptical, or even blatantly nihilistic.

However, deconstruction and nihilism are as far apart as can be, according to Derrida. And there are two reasons for this. First, deconstruction deals with an historic consciousness, for 'historical and interpretative memory'<sup>277</sup> lies at the heart of deconstruction. Its task is to respect this memory and to take on the responsibility for a conceptual heritage. For Derrida this responsibility is infinite:

one must be *juste* with justice, and the first justice to be done is to hear it, to try to understand where it comes from, what it wants from us, knowing that it does so through singular idioms.<sup>278</sup>

And somewhat later Derrida refers to something we could call an emancipatory goal in deconstruction:

[Deconstruction] hyperbolically raises the stakes in the demand for justice, the sensitivity to a kind of essential disproportion that must inscribe excess and inadequation in itself. It compels [us] to denounce not only theoretical limits but also concrete injustices, with the most palpable effects, in the good conscience that dogmatically stops before any inherited determination of justice.<sup>279</sup>

Derrida clearly has a point to prove: deconstruction is no nihilistic, sceptical, apologetic and neutral exercise. And he does so by using some concepts that do make us wonder, as they are clearly derived from essentialist philosophical

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<sup>275</sup> Ibid., p. 245.

<sup>276</sup> Cited in Chapter 2.

<sup>277</sup> Derrida and Anidjar, *Acts of Religion*, p. 248.

<sup>278</sup> Ibid.

<sup>279</sup> Ibid.

traditions. However, all these concepts (conscience; essential disproportion; injustices that are compelled with palpable effects) are limited by the process of deconstruction itself: it can always be shown in what sense these concepts are founded on an irrational, mythical core, or at the least on an *aporia* at the basis of its (rational) conception.<sup>280</sup>

This latter idea of the *aporia* at the base of any rational thought eventually leads to a form of decisionism in Derrida's thought with respect to normative issues, as well as to political and ethical ones. This is the second point against nihilism: deconstruction, coming face to face with the responsibility of realizing justice infinitely, is confronted with its limits when it asks for more. There is never enough, deconstruction does not end. Derrida conceptualizes the realization of this feature as a moment of suspense, a moment of force and motivation that is part of deconstruction in its quest for the beyond of any given determination and matter of fact.<sup>281</sup> Bringing a halt to this process of asking more justice, by deciding what to do, to settle it, is an injustice in itself; there is always more to be attained.

On the other hand, no justice can become effective without a decision. Derrida connects this with his idea of freedom, as acting in accordance with the duty that cannot be justified. This is arguably a non-Kantian or contra-Hegelian conception of freedom and decision, as the freedom of a decision should fundamentally be understood apart from any rule or principle. Only pragmatic reasons urge us to take such a decision. To illustrate: in Derrida's view, adhering to the categorical imperative would make a decision or judgment based on its principle not morally right, but only legally correct. On the other hand, Derrida does refer to *the intention to decide on the just thing* and this is in principle achieved by the intention to learn, understand and interpret, which we could see as a call for the necessity of *Bildung*, some form of cultural education.

In the end, though, any decision is necessarily incomplete, and this is probably the most important feature deconstruction maintains:

At no moment, it seems, can a decision be said to be presently and fully just: either it has not yet been made according to a rule, and nothing allows one to call it just, or it has already followed a rule [...] which, in its turn, nothing guarantees absolutely; and, moreover, if it were guaranteed, the decision would have turned back into calculation and one could not call it just.<sup>282</sup>

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<sup>280</sup> I will return to this mythical core, which should probably be understood as the messianism of Judaism, in chapter 7.

<sup>281</sup> Derrida and Anidjar, *Acts of Religion*, p. 248-249.

<sup>282</sup> *Ibid.*, p. 253.

Deconstruction points us towards the structural and ethical shortcomings of any reading of a text, or a description of ‘facts’ or reality. It does so by emphasizing both the method of deconstructing, endlessly pointing towards the radical ungroundedness of thought in the service of the unattainable (justice, democracy, equality), and the process of frustrating this stream of interpretation and thinking in the decision.

I believe deconstruction should be seen as part of the project of critical philosophy as I have described it through a Foucaultian lens. Deconstruction is both an analysis of the preconditions of a text and a normative ideal, but with a twist. The analysis does not help us to ground knowledge. On the contrary, deconstruction shows the aporetic nature of this quest and its consequences for thought. Some of its normative features become clear in its radical *ethos*, and have to do with responsibility: deconstruction pushes us as philosophers to the limit. Our task is to uproot any foundation and to show how its justification and grounding is based on a play of force between rationality and irrationality; or how rationality and irrationality are necessarily coextensive and co-original. This does not mean we cannot trust any order or rationalization, it just means that it always has an unexplained, irrational or mythical, sometimes violent, component at its base.

With these premises in mind we could try to rethink our social and political conditions and the consequences of deconstruction for political action, as well as our understanding of democracy. Important clues for this mission are provided by Ernesto Laclau and Chantal Mouffe.

#### **§4 Post-foundational political philosophy: discourse and hegemony**

An early adaptation and utilization of deconstruction in political philosophy, even before Derrida’s own ‘political turn’ in the 1990s, can be found in the work of Chantal Mouffe and especially in that of Ernesto Laclau. In their *Hegemony and Socialist Strategy*, published jointly in 1985, Laclau and Mouffe are the first to combine the method of Foucaultian discourse analysis with deconstruction, in order to reconceptualize and ‘reactivate’ anew some of the classical Marxist categories of struggle and emancipation, but also the Marxist *pathos*, i.e. its commitment towards emancipation and a just world.<sup>283</sup> This project is supplemented by concepts that have become known as characteristically post-Marxist, such as ‘hegemony’, ‘articulation’, and the post-structuralist move of conceiving the social as ‘discursive space’. The influence of deconstruction becomes immediately clear in quotes like these:

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<sup>283</sup> The most extensive overview of Marxist and post- and neo-Marxist philosophy can be found in Kolakowski’s seminal work from 1978: Kolakowski and Falla, *Main Currents of Marxism: The Founders, the Golden Age, the Breakdown*. A more critical history of Marxism is presented by Dick Howard: Dick Howard, *The Marxian Legacy*, 2nd ed. (Minneapolis: University of Minnesota Press, 1988).

If, as shown in the work of Derrida, undecidables permeate the field, which had previously been seen as governed by structural determination, one can see hegemony as a theory of decision taken in an undecidable terrain. Deeper levels of contingency require hegemonic - that is, contingent - articulations, which is another way of saying that the moment of reactivation means nothing other than retrieving an act of political institution that finds its source and motivation nowhere but in itself.<sup>284</sup>

I aim to build upon the project of Laclau and Mouffe, their *ethos* as well as their *logos* and *pathos*, to understand and ground normative political theory in our time, to understand the relation between politics and the political, the social and society, democracy and philosophy in light of post-structuralism, and more generally, post-foundational political philosophy.

In contrast to many of Derrida's texts, Laclau's and Mouffe's work is not (primarily) focused on writing as praxis or concerned with the *aporia* at the basis of any theory that aims to be coherent and grounding. Instead, they reformulate Marxist political theory through post-structuralist and post-Marxist insights: grasping the nature of politics and of the social with the goal of emancipating subjects, while criticizing the totality of any identity, the primacy of reason and rationality by rejecting the transparency of the social, the teleology and necessary development of history, and subverting the idea of the autonomous subject as conceived by Kant and Hegel.

Crucially, Laclau and Mouffe share with Derrida the rejection of the Habermasian framework of universalism, rationalism and modern, consensus-based deliberative democracy, and the commitment towards the political project of the Enlightenment<sup>285</sup>, which I have conceptualized as the critical *pathos*. Like Derrida, they affirm the responsibility and political decidability that deconstruction presents us with. For Mouffe, these are crucial characteristics of democracy in a pluralist society.<sup>286</sup> Laclau emphasizes, in similar fashion, that we need deconstruction to correctly understand concepts such as the ontological categories of the political and the social and their conceptual relationship<sup>287</sup>, as well as more specific political phenomena such as representation, participation, the subject of policy, and values such as toleration, equality and freedom.<sup>288</sup>

In the next sections I will focus on some recent work by Ernesto Laclau, to see how his ideas compare to those of other contemporary thinkers, on the level of

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<sup>284</sup> See the preface to the second edition, in: Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, 2nd ed. (London; New York: Verso, 2001), p. xi.

<sup>285</sup> Chantal Mouffe, ed. *Deconstruction and Pragmatism* (London; New York: Routledge, 1996), p. 1.

<sup>286</sup> *Ibid.*, p. 8-11.

<sup>287</sup> I will analyse these concepts in chapter 5 and 6 respectively.

<sup>288</sup> Mouffe, ed. *Deconstruction and Pragmatism*, p. 47ff.

the *ethos*, *pathos* and *logos* of political theory. One book in particular should be seen as setting a new standard in this respect: *Contingency, Hegemony, Universality. Contemporary Dialogues on the Left* published in 2000. This book offers a unique presentation of an expansive discussion on theory and/as praxis between three influential contemporary leftist political thinkers, Judith Butler, Ernesto Laclau and Slavoj Žižek. All three contributors seem above all to be concerned with establishing the conditions for, and limits of, post-foundational critical political philosophy. I return to this project in §5.

From the reflections on Derrida in the above we should conclude that the project of critical political philosophy combined with deconstruction leads to a post-foundational and post-ideological philosophy.<sup>289</sup> Why should a critical political philosopher aim to be post-foundational? In chapter 2 I alluded to one of Foucault's texts. To recall, we need to reconsider our position as philosophers by being loyal to the following dictum, inspired by Foucault: our theories need to be oriented toward the 'contemporary limits of the necessary,' that is, toward what is not or is no longer indispensable for the conceptualization of ourselves as autonomous subjects, while at the same time acknowledging our historically contingent nature as social actors. I believe this *ethos* lies at the base of any conception of post-foundational philosophy. Now is the time to give philosophical content to this maxim. I will systematically elaborate on some essential characteristics of this post-foundational critical political philosophy, in respective order: the introduction of the concept of 'hegemony' as an alternative for ideology; and some of the preconditions for post-foundational thought. Last but not least, I will systematically connect to some of the characteristics of the critical project I sketched earlier, by way of the conceptual distinction of *ethos*, *logos* and *pathos*. This turns the following sections into a form of conclusion to both this chapter, and the previous chapters on philosophical critique.

To understand why the concepts of discourse and hegemony are important as critical political concepts I think we have to contrast hegemony with the way in which ideology is used in the critical praxis of classical Marxism. To recall, to say something is 'ideological' is to claim that a description of reality, a specific way of being, or the functioning of the institutions or the state in general, is imposed on individuals or a group of people to the benefit of the dominant class or those in power. It is suggested that this image is forced upon an ignorant lot, and intentionally so just to instigate and uphold a dominant (economical) position in society. In itself this is not a preposterous or otherworldly claim, although one could say it is cynical and pessimistic. The question is, from a critical philosophical point of view, however, what this claim implies and presupposes. There were three questions that concerned me

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<sup>289</sup> One of the first theorists that has systematically argued for this name, with respect to political philosophy that is, is Oliver Marchart in his book: Oliver Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*, Taking on the Political (Edinburgh: Edinburgh University Press, 2007).

in particular: first, what does this critique of ideology imply with regard to the theorist? And second: what does this critique imply with regard to his audience? Third, historically, what kind of commitment has this theory led to, and what should we salvage from the tradition of ideology critique? We have seen already, when discussing the work of Sloterdijk and Celikates, why and how we could try to evade the classical errors of the critical analyst of ideology. I now intend to provide an alternative to these solutions.

#### §4.1 Discourse again

In the past few decades at least two concepts were (re)introduced that could be interpreted as a means to side-step the problematic of ideology, at least in part. First, we have the concept of discourse in the Foucaultian sense: the sequence of statements that constitutes the rules and the practices in which subjects are formed, i.e. in which they attain forms of self-experience - physically and mentally.<sup>290</sup>

As we have seen, ideology barely plays a role in Foucault's theory, as it is too deeply involved with the idea of truth versus untruth, and of unmasking power. For Foucault power works on a different level: it is not imposed by people with malicious intent and/or self-centred interests, but bound up with a specific implementation of specific rationalities, on the basis of scientific knowledge, and particular manners of speaking and acting. To escape from this coupling of power and knowledge, according to Foucault, we have to find new ways of living that deviate from the power structures within society; not by unmasking them, but by transforming and stylizing oneself in relation to aesthetic experiences and counter-discourses. One example of a deviation from discourse that Foucault gives is the emergence of discourses around homosexuality and the way they can be used in a subversive manner. The earlier discourses presented homosexuality not only as a perversity, but also made possible reverse or counter-discourses in which homosexuality 'began to speak on its own behalf, to demand that its legitimacy or "naturalness" be acknowledged'.<sup>291</sup>

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<sup>290</sup> In his later writings Foucault introduces the concept of 'dispositive' or 'apparatus', which I think can be best understood as the materialization and embodiment of discourses and the relations between different kinds of them. He writes in *Power/knowledge*: "What I'm trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements." Foucault and Gordon, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, p. 194.

<sup>291</sup> Michel Foucault, *The History of Sexuality*, 1st Vintage Books ed. (New York: Vintage Books, 1990 (1978)), p. 101. In more general terms he writes: "We must make allowance for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy." *ibid.*

It should be noted that this non-deterministic and non-teleological position presupposes some minimal account of 'openness' already; without it no critical distance is possible. It does not become clear though how this openness can be utilized just yet. I will return to this issue in §6.

The concept of discourse counters two of the problems of ideology and its critique, as we have seen. First, the critical distinction between (scientific) knowledge and power has become obsolete. Like others, the critical theorist works within and from specific discourses. As such there is no 'critical' distinction any more between the subjects that are under the spell of ideology and those that have moved outside it. In other words, there is no qualitative difference (objective versus commonsensical, or illusory) anymore between the descriptions of reality by the critical theorist and those by other social actors. And this leads to a second consequence of the introduction of the concept of discourse: the opposition of false consciousness versus real consciousness has lost its meaning. The aim of critique is no longer to free the people from a consciousness infected by the class interests of the already powerful, or to unmask what is illusory, but to present counter-discourses, or stimulate people to re-envision themselves by engaging in alternative, possibly even subversive, practices. A partial consequence of this was the reconceptualization of modern rationality and power itself: power should not be seen as something in the hands of the powerful, but as a relationship on the basis of knowledge.

#### §4.2 Hegemony as substitute for ideology

A second concept that indicates a way out of a critical framework that is built on the notion of ideology is *hegemony*. Hegemony has played an important role in Marxist theory since the beginning of the twentieth century, when it was introduced by Antonio Gramsci. He introduced it as a concept for explaining how social groups could become dominating social forces. He especially argues that before the rise to power of a group some form of informal 'leadership' already must be in place.<sup>292</sup> Like in Althusser's theory on ideology this form of leadership becomes materialized in particular practices that stand outside the institutions of the state, such as private enterprise.<sup>293</sup>

For Gramsci, in capitalist democratic societies it is the 'organic' intellectual – as opposed to the traditional intellectual who believes there is an intellectual class that stands outside society - that functions as the 'deputy' of the dominant class that rules the State<sup>294</sup>; the intellectual is stationed on different levels in society and government, and operates through varying degrees of

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<sup>292</sup> Antonio Gramsci, Quintin Hoare, and Geoffrey Nowell-Smith, *Selections from the Prison Notebooks of Antonio Gramsci* (London: Lawrence & Wishart, 2010 (1971)), p. 57.

<sup>293</sup> *Ibid.*, p. 59-60.

<sup>294</sup> Or against it, as the organic intellectual is the intellectual 'which every class creates alongside itself and elaborates in the course of its development'. *Ibid.*, p. 10.

mediation: via civil society (academics, unions, media) and by the complex of superstructures on the level of the State or political society in general, consisting of all the public institutions. There are two hegemonic principles in which organic intellectuals are involved: the organization of 'the "spontaneous" consent' given by the people to the 'general direction imposed on social life by the dominant fundamental group'; and 'the "legal" enforcement of discipline on those groups who do not "consent"'.<sup>295</sup> The use of scare quotes by Gramsci suggests a fairly cynical approach to the matter: they are used to indicate that people are made to believe that the judgments and convictions of the organic intellectuals are in accord with the people's demands, wants and needs, while they are really and ultimately in the interest of the ruling class. Hence, Gramsci's account of hegemony should be seen as a supplement to the classical concept of ideology: ideology is the illusion imposed by the dominant class that something is the case while in reality it isn't; hegemony, here, is the strategy used by this class to convince the subordinate class that this illusion is the truth *and* to guarantee that these illusory convictions are continuously being reproduced in society.

As we have now witnessed the substitution of ideology by hegemony - the shift from class demands that become ruling on the level of ideas and beliefs to the materializations of these demands in institutional practices by means of consent and coercion, as (partially) conceptualized by Gramsci, Althusser and Foucault - we can now turn to Laclau and Mouffe's adaptation of this concept. For them the 'hegemonic operation' is first of all characterized by the emergence of a claim or a demand of a group of people that comes to stand for a universal claim. This is analogous to the classical understanding of ideology. In the first instance this universal claim had been a particular claim of a particular group, in contrast to other demands, whether congruent or deviating. There is a specific logic by which a particular claim becomes a 'universal' or hegemonic claim; Laclau especially has explicated this issue tirelessly. At the moment a particular claim is expressed, it can muster other, similar claims around it. With the expansion of the agreement about the pertinence of a demand the claim necessarily becomes more abstract (or 'impoverishes its meaning'<sup>296</sup>). By this logic, according to Laclau, a claim can become 'universal', that is: it comes to represent the fullness of a community or society; a demand gradually comes to stand for an ideal, belief, or practice to which everyone seems to adhere. This is not a universality based on an essence (as characteristic or natural for a particular group or class). However, as the universal version of the claim never loses its particular content completely, its content, even in its most abstract expression, remains stained

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<sup>295</sup> Ibid., p. 12.

<sup>296</sup> Laclau, 'The Death and Resurrection of the Theory of Ideology,' p. 310.

by (a trace of) the 'original' particular substance. When the universality of this claim has been accepted it has become hegemonic.<sup>297</sup>

It is important to note two things with respect to this logic: first, the description of this logic does not negate the fact that the constitution of a particular hegemonic notion or demand could be accompanied by the use of physical force to become hegemonic, or, even more important, does not negate the fact that this process is implicated in relations of power. On the contrary, power relations are presupposed throughout by both Laclau and Mouffe. Second, a hegemonic notion or corpus of connected ideas and concepts<sup>298</sup> does not represent the demands of a quantitative majority *per se*. Just as with the notion of ideology, the content of a hegemonic discourse is presented as universal and objective, but in 'reality' it is particular. The main difference, however, is that the reverse of a hegemonic discourse is not presented as the truth, but again should be understood as a collection of particular discourses, claims and demands. Additionally, a hegemonic discourse does not necessarily consist of (or impose) an all-compassing framework of social, political and economic meaning. There are always counter-discourses that prevail and run along the back- or underground. This they take over from Foucault.

#### §4.3 Hegemony and the economy

In their analysis of hegemony, Laclau and Mouffe emphasize a conceptual displacement that makes Gramsci's contribution important for my account of post-foundational political philosophy, as it breaks with the economic essentialism of classical Marxist analysis. Laclau and Mouffe emphasize the idea presented by Gramsci that the hegemonic class, i.e. the class that organizes coercion and consent to remain the dominant and dominating class, does not impose only class-specific, economic ideological elements, but also necessarily introduces discursive elements that come from other fragmented historical forces, such as religion or culture; or they could be interpreted as coming from outside the economic sphere.<sup>299</sup> This makes it possible to leave behind the one-sided focus on class in critical theory coming from the Marxist tradition.

The introduction of non-economic forces in Marxist theory is an important shift because in this way Gramsci could come up with an understanding of collective will that is not primarily defined as the will of an economic class (as

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<sup>297</sup> Laclau is fairly consistent in his description of this logic. See for example: ———, *Emancipation(S)*, *Radical Thinkers* (London: Verso, 2007), p. 14-15. And: ———, *On Populist Reason*, p. 70-71. Or finally: Judith Butler, Ernesto Laclau, and Slavoj Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* (London: Verso, 2000), p. 51.

<sup>298</sup> What Laclau calls a 'chain of equivalence'. See for example: Laclau, *Emancipation(S)*, p. 39ff.

<sup>299</sup> "The relational specificity of the hegemonic link is no longer concealed, but on the contrary becomes entirely visible and theorized. The analysis conceptually defines a new series of relations among groups which baffles their structural location within the revolutionary and relational schema of economism." Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 67.

in Marx). It also recognizes the existence of cultural, religious or political demands without running the risk of being called a conspirator with the bourgeois ideology, of 'sleeping with the enemy'. In short, Gramsci transforms the Marxist framework by releasing it from the tight grip of its economism. But the reconceptualization remains ambiguous: Gramsci remains loyal to the core of the science of political economy as the hegemonic class continues to be economically dominant. This is what Laclau and Mouffe call Gramsci's 'inner essentialist core': it is still the economy that eventually determines which class will be hegemonic. The necessary consequence of this Marxist dogma is that any political struggle is nothing other than a zero-sum game amongst economic classes.<sup>300</sup> This in turn means that any conception of politics, as a particular and independent practice, is a logical impossibility.

To maintain a conception of politics or 'true' political struggle, Laclau and Mouffe free the concept of hegemony from the clutches of the science of political economy. They achieve this by showing that three fundamental Marxist theses that also lie at the base of Gramsci's theory – the conception of labour as commodity; the growing unity and impoverishment of the work force in capitalist relations of production; that the work force has a fundamental interest in socialism<sup>301</sup> – are false. The specific arguments do not have to concern us here. From the deconstructive, post-foundational perspective it is sufficient to say that any essentialist approach towards the constitution of the social should be dismissed.

This gives rise to the question of whether it is possible to have multiple hegemonic discourses at the same time in society, when the economic discourse is no longer perceived as being all-determining. This is conceivable, I believe, but depends on the perspectives we utilize to make sense of the social: on the level of communities, nations, continents, the globe etc. I believe the concept of 'globalization' precisely points to the current struggle for hegemony of different discourses in relation to core economic practices and human values, in which the neo-liberal conception of life actually has become hegemonic. Does this mean that this hegemony is complete? Actually, no. Although it poses as a crucial reference point in relation to almost all other discourses in the world, it is still primarily a discourse of the Western world, of western societies, especially connected to financial practices and the organization of institutional logics. In short, there are other hegemonic discourses.

#### §4.4 Ideology, hegemony and normativity

For hegemony to be either descriptively or normatively useful as a concept in a post-foundational political philosophy we have to disengage it from the

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<sup>300</sup> Ibid., p. 69.

<sup>301</sup> Ibid., p. 77.

Gramscian-Marxist framework of superstructure and base, so that it loses its association with the 'strategy of the organic intellectual in favour of the ruling class'. Instead we should understand it as a descripto-normative concept that values a specific discourse: a *hegemonic* discourse or rationality as a set of rules and practices that have become normatively prevalent in society.<sup>302</sup> I think Aletta Norval is right to understand hegemony as both denoting a political relation, and as the achievement of a specific claim or discourse of winning after a struggle for acceptance and dominance.<sup>303</sup> As such, hegemony has taken over part of the role of ideology. However, it does not refer to a leading corpus of ideas and practices that is associated with a specific class or group of people. From this perspective a hegemonic discourse could be understood as a depersonalized, or post-structuralist, account of ideology.

As we have seen in §2 of this chapter, Laclau would like to maintain the concept of ideology in political theory. However, we understand now that it cannot have the same normative import as it had in the writings of Marx and Engels, Horkheimer or Althusser. Instead, ideology and a related concept like distortion, become constitutive for the understanding of the social and the political. Ideology has become descriptive. A problem with this reconceptualization is that it seems that two kinds of conceptual closure, what Maeve Cooke has called 'ideological' and 'metaphysical', have been conflated. On the one hand we could discern a form of closure that tries to conceal its incompleteness by referring to a fictive unity. For example, when someone alludes to freedom and equality as 'universal' principles (which is a form of 'closing the social' on the basis of these principles by identifying the social as a complete whole or a totality), which generally means that we have reached consensus *as a social whole* on their (normative, emancipatory, economical) importance. For Cooke the question with regard to this kind of closure is not whether this representation is a projection of completion, but whether it is 'a rationally justifiable representation of the transcendent object'.<sup>304</sup> Because rationality has become a contested and problematic concept from a Foucaultian and Derridian perspective - who and what decides what is rational? What struggle of power lies at the base of the distinction rational/irrational? What mythical origin or displacement lies at the basis of rationality? - I would reframe this description as referring to the *pathos* of critical philosophy and the performativity in which it is expressed. Cooke's

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<sup>302</sup> In chapter 6 I will claim that the concept of society itself should be understood as the collection of hegemonic practices.

<sup>303</sup> "Hegemony denotes a type of political relation (articulatory relation where persuasion predominates over the use of force) as well as a substantive achievement (a particular force has managed to achieve supremacy by imposing its will onto the rest of society through the creation of consent and the incorporation of interest of rival forces)." Aletta Norval, 'Democratic decisions and the question of universality: rethinking recent approaches', in: Simon Critchley and Oliver Marchart, eds., *Laclau: A Critical Reader* (London; New York: Routledge, 2004), p. 156.

<sup>304</sup> Maeve Cooke, 'Ressurrecting the Rationality of Ideology Critique: Reflections on Laclau and Ideology,' *Constellations* 13, no. 1 (2006): p. 15. See also: ———, *Re-Presenting the Good Society*, Studies in Contemporary German Social Thought (Cambridge, Mass.: MIT Press, 2006), p. 99, 116ff.

account points in the same direction as she indicates that reference to a totality, such as 'the good society', has a persuasive capacity that 'arouses feelings of attraction and convinces us rationally of their merits'.<sup>305</sup> But I would additionally argue that such reference has the function to do so in an emphatical and affective way, and this is just as important.<sup>306</sup>

Ideological closure, on the other hand, is then for Cooke 'the concealment of the complicity with the perpetuation of oppressive social relations'<sup>307</sup>, or relations of domination. By this she means that we should understand it in the traditional sense of ideology: someone – like Gramsci's organic intellectual - is willingly and knowingly influencing the manner reality is perceived in favour of one social group. I agree with Cooke that this distinction between two kinds of closure is necessary to escape from positivism and to make possible a critical position that avoids 'epistemological and ethical authoritarianism'.<sup>308</sup> However, I believe we should understand the first example of closure as the process of hegemony, and the second as ideology. Both processes are at work in the social and politics, but I agree with thinkers like Foucault (and Laclau) that hegemony has become more prevalent than ideology.

In short, ideology should leave its overburdened past behind, and then it could still function in a more toned down version: as a descriptive concept, for example as denoting the collection of ideals and beliefs of a group of people, or of an institution such as a religion or a political party; and as a normative concept at the moment people want us to believe that their ideology is (objectively) universal. At the moment someone contests for this we can argue for the insight that no such objective universality can exist, and that this ideology can be at the most 'hegemonic', i.e. a leading discourse that regulates specific practices and institutions.

I believe that with hegemony we finally have escaped from the tight grip of the critique of ideology and its scientific presuppositions with regard to the theorist, that is: with its *ethos* and its *logos*. Additionally, we can leave behind the conception of the consciousness of the people as being completely subjectivated. With hegemony we have found a concept that fits very nicely in a post-foundational critical political philosophy that, for example, could be used in a progressive account of democracy. But there are other foundations,

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<sup>305</sup> ———, *Re-Presenting the Good Society*, p. 119-120.

<sup>306</sup> Cooke is rather ambiguous on this matter. First she argues in clear terms of 'justification', as a critical theorist addresses autonomous agents: "[...], the question of the motivating power of ideas of the good society is tied to questions of justification". (p. 120) In chapter 6, though, she comes to a more complex understanding of practical reason in which feelings and reasons coexist: "[...], the model of practical reasoning outlined above rejects any kind of simple opposition between reasons and feelings, intuitions and passions." (p. 151) And later on it becomes clear that feelings should strengthen the rational component for the latter to be able to motivate us: "To be affectively compelling, the reason offered must feel right, grant a sense of access to the transcendent object, and be capable of stimulating ethical thought and action." (p. 152) In: *ibid.*

<sup>307</sup> ———, 'Ressurrecting the Rationality of Ideology Critique: Reflections on Laclau and Ideology,' p. 15.

<sup>308</sup> *Ibid.*

concepts and logics and their consequences that have been introduced by Laclau, and suggested by deconstruction, that can be helpful in developing a post-foundational philosophy. In section §6 I discuss several of these, in particular social antagonism, the role of signifiers, and dislocation. But first I reflect on some discussions that have haunted critical thought through the last centuries, and which can provide some context for establishing the contemporary limits of the necessary for philosophical critique.

## §5 The intertwinement of the transcendental and the historical

Establishing the ‘contemporary limits of the necessary’ for our times implies the conviction that there is no objective truth to be found, just a collection of intersubjectively shared conceptions of reality. The philosopher cannot stand outside this intersubjective sphere, but can try to reflect on it from inside in order to look for its conditions and implicit presuppositions. And so he should, as this is part of his critical attitude or *ethos*. Thus the analysis of conditions for thought is still a transcendental gesture, but it does not transcend the social praxis as such: it is immanent to the social sphere the theorist writes from. This analysis could therefore be called quasi-transcendental: transcendental under contextual conditions. This feature of post-foundational thought has also been contained in the concept of the ‘historical a priori’.

Quasi-transcendality is extensively discussed by Judith Butler, Ernesto Laclau and Slavoj Žižek in their joint book *Contingency, Hegemony, Universality* from 2000. In a series of theoretical discussions and rejoinders, they dissect questions like: how to conceive of foundational structures without absolutizing and naturalizing them? What is the status of this ‘quasi-transcendental’ gesture and what is involved in its construction? And more in general: what does it mean to be a theorist? To give an example, Laclau’s and Žižek’s adherence to the Lacanian Real as the limit of any symbolic order suggests an a-historical or transcendental kernel (the impossibility of closure) of any structure, while this structure is itself necessarily historical. How is this possible? How can a historical structure be characterized by an a-historical lack? I believe this construction is more than just a rhetorical gesture and points to a problem any critical theorist has to deal with. This problematic has been around for at least two centuries and the thinkers I presented in chapter 2, Kant, Hegel and Marx, are some of the most important philosophers to have addressed it. I will revisit them now briefly to explicate the problem of quasi-transcendality and the historical a priori, or the paradox between the transcendental and the historical.

To recall, Kant grounds his critique of pure reason on the transcendental deduction of the structures of knowledge and the subject. He ends up with the categories of the understanding and the regulative ideas of reason as *a priori* structures, necessary to make any knowledge and coherent view of the world

possible. A question that has bothered post-Kantians and modern philosophy from the start is how to conceive of these universal features in the light of the radical historicity of any subject. Hegel's solution was to incorporate Kant's analysis in a more encompassing logico-deductive or dialectical scheme, embedded in a historical conception of the development of collective reason as freedom in reality. This project leaves us with some important questions with regard to theory and the theorist: what is the relationship between the historical and the dialectical dimension of the theory? And what does this say about Hegel as a theorist? To start with the last question: Hegel is ambiguous about his own role, as we have seen. Either he could be perceived as the encyclopedian thinker at the end of time, summarizing and indicating all of the important aspects of the progression of reason; or he is someone who aims to grasp his time in thought, thereby contextualizing his own position as a thinker by reflecting on the progression that made his own thought and world possible. With regard to the relation between dialectics and history, it is clear that this relation does not consist in a parallelism, as if dialectical development is on a par with the historical development. The *Philosophy of Right* is the most explicit example of this fact: it is not the case that the sequence of sections of the *Philosophy of Right* reflects the historical development. Instead, the book is characterized by a speculative progression, from the most elemental (the practical and free will) to the most complex and layered: *Sittlichkeit*. However, there are many references to historical events and reflections that contribute to the existence of such an historical progression. As such this book should be understood as both diachronic and synchronic.

Marx presents us with an interesting case with regard to the paradox between the historical and the transcendental, and the role of the philosopher, or social scientist. By confronting speculative philosophy with an empirical approach, turning idealism on its head and forcing it into a materialism and an empiricism, and actively taking sides in the class war he supposes as the base of the social and as an effect of the economy, Marx has had a tremendous influence on the development of philosophy, sociology and political science, and its active and critical roles. His *pathos* is often very clear: one must side with the people who are the victims of the system and history, by showing how the system creates anomalies that undermine its own basic principles and create suffering for (most of) the people that participate in it – those I have called 'the subjects of history'. With respect to his *ethos* and *logos*, however, things are not that clear-cut. When we consider in what sense Marx adjusts the limits of the necessary, we noted earlier that Marx explicitly rejects Hegel's speculative method. Instead, an empirical approach should be used. This however led to incoherencies, as convincingly shown by Laclau. For example, Marx's theory of the logic of history, his historical materialism, is built on two ideas: the contradiction between the forces and relations of production, and the struggle between classes. Both ideas are constitutive for the structure of society, but in different ways. The contradiction between the forces and relations of production is an objective historical process, existing

independently from the consciousness of the subject and lurking behind the empirical and contingent variation of concrete situations.<sup>309</sup> The contradiction itself eventually leads to social revolution that transforms the economic foundation and the ideological superstructure that has emerged from it.<sup>310</sup> The identity of the classes in the class struggle, however, seems to lack such objectivity. Marx writes in *the Communist Manifesto*:

The history of all hitherto existing society is the history of class struggles. Freeman and slave, patrician and plebeian, lord and serf, guild-master and journeyman, in a word oppressor and oppressed stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary re-constitution of society at large, or in the common ruin of the contending classes.<sup>311</sup>

The social agents in the class struggle can apparently only be determined empirically, by analysing factual history. This is only one example of the incoherent use of specific categories used for social analysis. On the one hand we have a theory that describes social change beforehand and in a dialectical, law-like and hence necessary fashion. On the other we have the empirical claim of omnipresent class struggle that lies at the base of any social structuring. This struggle is contingent in both its content and result. The Marxist historical analysis has tried to mix both ideas but never could escape the consequent ambiguities.<sup>312</sup> A possible way out is to assume, as Marx does in my view, that necessity always prevails over contingency. Or put better: every necessity is only tainted by contingent elements. In the case of the social this is the emergence of an antagonism between social groups. This antagonism emerges necessarily in relation to the forces and relations of production, but it is contingent in the sense that it is not clear from the outset which antagonizing classes the mode of production will produce. In post-foundational thought this presupposition of contingency in the service of necessity is turned on his head: it is the necessity of contingent social formations that lies at the basis of the social and politics. I will return to this topic in the next section.

What these reflections on Kant, Hegel and Marx show is that the introduction of a historical and developmental perspective in philosophy leads to a more complex and sometimes even ambiguous theoretical framework, in which the search for foundations or transcendental features stands in a conflictual

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<sup>309</sup> Ernesto Laclau, ed. *New Reflections on the Revolution of Our Time* (London; New York: Verso, 1990), p. 21.

<sup>310</sup> See the preface of *A Contribution to the Critique of Political Economy* from 1859. In: Tucker, ed. *The Marx-Engels Reader*, p. 4-5.

<sup>311</sup> *Ibid.*, p. 474.

<sup>312</sup> Laclau, ed. *New Reflections on the Revolution of Our Time*, p. 23.

relationship with the historicity of subjectivity and social relations in general. There is an inherent tension in Modernity between grounding and historicizing, and as such between the *ethos* and *logos* of critical philosophy. This problematic is still pertinent, as the discussions between Butler, Laclau and Žižek clearly indicate. On this level I believe there are no major differences between the approaches of Butler, Laclau and Žižek in *Contingency, Hegemony, Universality*, or in other writings - something they conclude themselves in the book. Their allegiance lies in the acceptance of a specific role of the critical philosopher with respect to *ethos*, *pathos* and *logos*. To start with *ethos*, it is clear that all three of the above thinkers emphasize the important role of theory. Judith Butler writes:

The commitment to radical interrogation means that there is no moment in which politics requires the cessation of theory, for that would be the moment in which politics posits certain premises as off-limits to interrogation – indeed, where it actively embraces the dogmatic as the condition of its own possibility. *This would also be the moment in which such a politics sacrifices its claim to be critical, insisting on its own self-paralysis, paradoxically, as the condition of its own forward movement.*<sup>313</sup>

What Butler highlights here is that critical philosophical reflection should always consist of an analysis of the preconditions of thought and social practices. In other words, being critical requires a stance outside the logic of the practice, even outside the political philosophical practice itself. The reasons are clear: without this attitude one runs the risk of dogmatism, of non-critical and unreflective thought, even of disappearing in or behind a discourse, that is, following and executing a pre-subjectively established logic. Part of the critical enterprise is to distance oneself from this logic by focusing on its conditions.

Butler draws another important conclusion in her last contribution to *Contingency, Hegemony, Universality*: critical theory does not precede political action but is part of it.<sup>314</sup> This means that the influence of critical reflection should not be overestimated, as if it is an essential and determinate prerequisite for political struggle. Theory and reflection should be seen as an integral part of political action, not as its grounding principle or its justification in the last instance. There is no necessary relationship between theory and practice, only a collaboration between the two when the need arises; the critical philosopher can try and engage in critical reflection to address the mishaps of reality that can instigate political action of course, independent from pre-existing struggles. Political struggle, on the other hand, can exist

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<sup>313</sup> Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 264. My emphasis.

<sup>314</sup> *Ibid.*, p. 265.

without this theoretical reflection, as long as it wants (which is not to say critical reflection cannot attribute to its cause!). What is especially dismissed in this conception of the relation between theory and praxis is the Marxist distinction between the ideality of philosophy and the actuality of the world, as if the philosopher stands outside the world as it is presented to 'us'. This and the previous two chapters are especially meant to show how the overextension of this distance between thought and reality, particularly that created by Marxism, should be left behind. Instead we should focus on the possible discrepancy between *what* is important to us and *why*; and *how* the realization of this has come to be as it is. Or, we should be focusing, in Butler's words, on: 'maintaining a certain distance between the ideality of the ideal and the givenness of its modes of instantiation'<sup>315</sup>.

The concept of the 'historical a priori' is indispensable for this task. First introduced in the writings of Dilthey in his critique on Kant<sup>316</sup> and later picked up by Foucault, this concept is used both to emphasize the grounding and the temporal feature of core categories and concepts that are used by the theorist to understand his time. For Foucault the historical a priori refers to the shared concepts used in discourse to describe a phenomenon, a situation, or a practice; concepts that are, implicitly or explicitly, being accepted as the elementary units of analysis.<sup>317</sup> In my account of democracy the people, or *demos*, and social institutions are part of these constitutive elements, amongst others. By referring especially to these I necessarily exclude or undervalue others. In the conception of democracy I present below, for example, citizenship, rights and justice only play a secondary or peripheral role. As such I try to direct the focus of attention to other concepts that I believe are important to understand a post-foundational conception of democracy. This in turn does not mean I invent a new discursive formation; rather I aim to contest, and rearrange at the same time, a particular ordering of the historical a priori concepts we need for making sense of our political timeframe.

Throughout their work Butler, Laclau and Žižek aim to do the same thing: by restructuring their conceptual strategies, to achieve the goal of maintaining the distance between the ideality of our ideals and its realizations. And they share the same premises: the prevalence of discourse (or the symbolic order) over

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<sup>315</sup> Ibid., p. 269.

<sup>316</sup> For an analysis of Dilthey use of the historical a priori, see: Jos de Mul, *The Tragedy of Finitude: Dilthey's Hermeneutics of Life*, Yale Studies in Hermeneutics (New Haven: Yale University Press, 2004), p. 146-152.

<sup>317</sup> "The positivity of a discourse [...] characterizes its unity throughout time, and well beyond individual oeuvres, books and texts. [...] Different oeuvres, dispersed books, that whole mass of texts that belong to a single discursive formation [...] all these various figures and individuals do not communicate solely by the logical succession of propositions that they advance, nor by the recurrence of themes, nor by the obstinacy of meaning transmitted, forgotten, and rediscovered; they communicate by the form of positivity of their discourse, or more exactly, this form of positivity (and the conditions of operation of the enunciative function) defines the field in which formal identities, thematic continuities, translations of concepts, and polemical interchanges may be deployed. Thus positivity plays the role of what might be called a historical a priori." In: Foucault, *The Archaeology of Knowledge*, p. 127.

subjectivity; power as depersonalized structure intimately bound up with knowledge; the constitutive role of the outside of any identity; and 'the social' and 'the political' as ontologically elusive categories<sup>318</sup>. Still, the authors disagree on core concepts like universality (how empty can it be?); 'the Lacanian real' (is it historical, transcendental or an 'historical a priori?'); the importance of economic class for social struggle; and the feasibility of a strategic use of deconstruction in the theoretical practice that deals with social movements (is it useful to argue against the concept of identity if the latter proves to be efficient in social struggles?). In general, however, we should conclude that the similarities outweigh the differences. This has become clear with respect to *ethos* and *logos*, but especially manifests itself with respect to *pathos*.

Butler, Laclau and Žižek are concerned with what they call 'the tasks of the political left', as the subtitle of *Contingency, Hegemony, Universality* makes clear. Within a post-foundational ontology, such tasks must reckon with non-stable entities and identities. Following Laclau, I believe it is in the political struggle itself that such 'antagonisms' and their effects (identity) emerge.<sup>319</sup> The task then is not to be defensive but to take sides and choose, as critical political philosopher, one of the positions in these antagonisms, as a source of inspiration and commitment towards a better world, whether this should be called political left, or right. The task is to construct a hegemonic universality that serves the people that are less well off. In Laclau's words:

The task ahead is to expand those seeds of universality, so that we can have a full social imaginary, capable of competing with the neoliberal consensus that has been the hegemonic horizon of world politics for the last thirty years.<sup>320</sup>

More than ten years after the publication of *Contingency, Hegemony, Universality* I would say this analysis has not lost any of its persuasiveness and force; one could even argue it has become more pertinent than ever after specific developments in the last decade. The analysis of these developments, especially in relation to our understanding of democracy, will be the subject of the second half of this dissertation.

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<sup>318</sup> My goals in chapters 5 and 6 are to construct a critical account of the political and the social that can help us to conceptualize a progressive account of democracy.

<sup>319</sup> Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 306.

<sup>320</sup> *Ibid.*

## §6 Foundations of post-foundational philosophy

At the base of Laclau and Mouffe's original conception of hegemony we find a plethora of post-foundational premises. Laclau especially has expounded on these premises and has employed them in his work following *Hegemony and Socialist Strategy*. In this section I elaborate on three of these premises and concepts to sketch the conceptual and ontological framework through which Laclau manages to stay in sight of a Marxist critical horizon, while at the same time subscribing to a deconstructive, that is, a post-foundational, approach. These premises are: the primacy of social antagonism; the dialectics between contingency and necessity; and dislocation as structural ground for a conception of freedom. In §6.4 I conclude part I by arguing for the 'organic critical political philosopher'.

### §6.1 Antagonism and identity

First of all, Laclau preserves the Marxist ontological premise that the social exist by virtue of concrete, material differences, or 'elements'. The materializations of these differences in social oppositions are called antagonisms.<sup>321</sup> As we have just seen (§4.3) this social antagonism is not necessarily or exclusively of an economic kind, but could also consist of cultural, religious, gender or other differences, as the hegemonic functioning of society incorporates more than only economic logics. For Laclau, the positions within the concrete social antagonisms have no objective meaning *of their own*; they are not already existing identities that dialectically stand or historically come to stand in opposition, like the relation between master and slave, or a worker against an owner of the means of production in the Marxist analysis of capitalism. Antagonism can also emerge around cultural or religious differences, for example the Jewish-Christian tradition against a version of the Islamic faith (or within its own traditions), so prevalent and politicized in contemporary Western society. These positions are not fixed but 'staged': that is, they are the outcome of multiple struggles for hegemony.

Laclau argues that antagonisms are not objective or fixed but that they are first of all 'the limit of all objectivity'<sup>322</sup>. This implies that antagonism makes impossible the constitution of any objectivity (a neutral, positivistic standpoint for describing social reality): from this perspective it is assumed that there is no objective outside vis-à-vis the social that can be perceived from the inside

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<sup>321</sup> For Laclau and Mouffe, antagonisms are not the same thing as 'real opposition' or 'contradiction'. While the former is exclusively concerned with material objects, the latter has no necessary relation to actual struggles and remains within the domain of abstract logic. In: Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 123-124.

<sup>322</sup> Laclau, ed. *New Reflections on the Revolution of Our Time*, p. 17.

and *vice versa*. However, this outside is at the same time constitutive for this inside, which is also a crucial insight contained in deconstruction.<sup>323</sup>

On this social antagonism as the limit of all objectivity, Laclau writes:

[The first is that] antagonism and exclusion are constitutive of all identity. Without limits through which a (non-dialectical) negativity is constructed we would have an indefinite dispersion of differences whose absence of systematic limits would make any differential identity impossible. But this very function of constituting differential identities through antagonistic limits is what, at the same time, destabilizes and subverts those differences.<sup>324</sup>

That is to say, any identity can only be understood by that which is on the outside of this identity, otherwise the identity would be inconceivable as an independent object. At the same time this outside is what threatens ('destabilizes and subverts') this identity, as it is a precondition for its existence: *without* an outside the identity is not conceivable, but *with* the outside the identity is threatened as an identity, as it is not the only element that asks for recognition. This threatening aspect of the outside of the identity is especially important in an antagonistic relation. An example taken from Judith Butler illustrates this point nicely: by articulating your homosexuality<sup>325</sup> you receive part of your (formal or informal) identity by reference to its logico-negative side of 'not being a heterosexual', that is: of not being able to engage in the same practices as heterosexuals, or having the same rights. Now, what does it mean to become emancipated or recognized as a homosexual? This could mean that a homosexual could receive the same rights as heterosexuals, for example the right to get married or to adopt children. The necessary consequence is, paradoxically, that this emancipation threatens part of the identity of homosexuality itself: the proclaimed homosexual has to leave behind one of its characteristics, i.e. the social fact of not fitting into the categories that suit and define 'normal' heterosexuality.<sup>326</sup> A similar example could be given about the question that troubled many Jews after World War II: should there be a Jewish state that would make all Jews in that state Israeli citizens, thereby potentially undermining the identity of being a Jew, of being part of the decimated and disseminated Jewish people?<sup>327</sup> Of course, it is not

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<sup>323</sup> Ibid., p. 17-21.

<sup>324</sup> ———, *Emancipation(S)*, p. 52-53.

<sup>325</sup> I do not mean to say that homo- or heterosexuality is a voluntaristic act, or that it is a natural or biological fact. I don't believe it is either one.

<sup>326</sup> Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 175.

<sup>327</sup> Claude Lanzmann mentions a book written by Georges Friedmann (*Fin du peuple Juif*, 1967) who argues against the formation of a Zionist state for exactly this reason. In: Claude Lanzmann and Frank

my intention to claim that the process of emancipation is unimportant or should be discouraged; these examples are just illustrations of the logic of identification and antagonism, and its outside(s).

The 'constitutive threat of the outside', as deconstruction would put it, is however *not always* a relevant structural dimension of *any* system or social formation. I agree with this criticism of Laclau's theory by Urs Stäheli. Not every perceived identity, and difference as such, is antagonistic and/or part of a hegemonic struggle; this would lead to an unjustified conflation of logical argument and everyday social experience. Here is a simple example to demonstrate this: one of my hobbies is basketball, both as player and as coach. As such I consider myself as being a head coach. My identity as a head coach is naturally distinguished from its opposite, i.e. from what is meant by 'not-being-a-head-coach', that is: its outside, such as the players, the referee, my assistant-coach or other members of my ball club, dependent on context. Does the existence of this negative outside of my identity present all these people as a threat to my identity as head coach? Yes it does, but only logically. The emphasis on the social antagonism, and 'the threat of the outside of any identity' between me as head coach and the outside of this identity, which consists of all kinds of people with different roles, is only socially or politically (and not logically) relevant when we want to address this relation for a specific reason: i.e. when I have a disagreement with my players, when the referee addresses me etc., in short: when the relationship between coaches and player, referees or my assistant becomes an issue in one way or another. In other words, at the moment I am recognized as the head-coach (which is a hegemonic procedure, established by coercion and consent), the antagonism is only logically apparent, up until the moment my identity becomes contested, or politicized: when it becomes a subject of discussions concerning my functioning, my contract, my exposure to media etc.

Consequently, before seeing the constitutive outside as a 'subversive and destabilizing' threat, we need to answer two questions: first, as Stäheli rightly argues, what does it mean to think the impossibility of an identity prior to an antagonistic relation?<sup>328</sup>; and second, at what moment does this antagonism become politically relevant exactly? With regard to the first question, the example of me as being head coach, as conceived as an identity prior to these relationships, is impossible. The question then becomes: are there any non-relational qualities I possess that give me an identity? The sobering conclusion of any post-foundational political philosophy must be an unmistakable "No!", that is: there is no identity without an outside. In short: identity is constructed; there is a process of identification that connects, pre-consciously and consciously, different elements to a more-or-less coherent whole that I call "I",

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Wynne, *The Patagonian Hare: A Memoir*, 1st American ed. (New York: Farrar, Straus and Giroux, 2012), Chapter 17. Many thanks to Ticia Herold for pointing me to this example.

<sup>328</sup> Stäheli, Urs, 'Competing figures of the limit', in: Critchley and Marchart, eds., *Laclau: A Critical Reader*, p. 234.

which is always related to an objective outside, and only *potentially* unique in its combination.

The second question, seen from the perspective of post-foundational critical political philosophy, is a lot harder to answer. When does a difference become relevant as social and political antagonism? I believe this is one of the core questions of political philosophy; I will try to answer it in part II.

## §6.2 Contingency and articulation

The paradoxical relationship between the inside and the outside of any identity and the emergence of social antagonisms lead us to a second post-foundational or deconstructive element: the prevalence of contingency over necessity. Reality cannot be grasped completely, and any identity is necessarily incomplete and finite - some aspects always escape thought.<sup>329</sup> Instead of holding on to the logic of speculative dialectics or historical materialism, which are characterized by a *necessary* progression of social relations and the externalization of historical contingency - which means that certain 'irrationalities' have no discernable role in dialectical development - the relation between necessity and contingency is rethought in post-foundational philosophy, or better put, it is deconstructed. Throughout his work, Laclau has shown how the dynamics between necessity and contingency could be rethought as the main ontological premise for political struggle.<sup>330</sup> One of his re-descriptions of the deconstructive logic of contingency and necessity leads to the conclusion that while the conditions of existence for any social identity are contingent, the relation between a political identity and its conditions of existence is necessary. It is not possible to discern where a new process of identification will come from, or to know beforehand how an existing identity will change; an identity is never created *ex nihilo*, but always in relation to an outside that is necessarily part of it.<sup>331</sup>

This seemingly impeccable logic cannot explain, however, why social identities should be conceived as contingent. Note that this is not the same thing as

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<sup>329</sup> In Lacanian theory, most successfully promoted by Slavoj Žižek, this 'core' that resists any symbolization is called 'the Real'. Probably any book written by Žižek suffices to get a grip of this concept, but especially relevant due to its political aspirations is: Slavoj Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology* (London; New York: Verso, 1999). One could argue that 'The real' is the most important concept in *Contingency, Hegemony, Solidarity* (a confrontation between Judith Butler, Žižek and Laclau) because it (paradoxically) 'symbolizes' the space of non-symbolization that makes possible any form of resistance in post-Marxist theory.

<sup>330</sup> See for example: Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, Chapter 1. Laclau, ed. *New Reflections on the Revolution of Our Time*, p. 18ff. For the relation between deconstruction and contingency: ———, *Emancipation(S)*, p. 89ff. For contingency and political action: Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 49. On Hegel and contingency: *ibid.*, p. 59ff. On contingency and ethics: *ibid.*, p. 80. See also Oliver Marchart's 'Politics and the ontological difference. On the 'strictly philosophical in Laclau's work' in: Critchley and Marchart, eds., *Laclau: A Critical Reader*.

<sup>331</sup> See for example: Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 51.

saying that social identities (being a head coach of a basketball team, an administrative employee, a single mother, an Afro-American, gay, crippled, or all of the above etc.) are arbitrary or illusory. Identities are contingent not because they do not or cannot exist or because they are meaningless; what Laclau means is that they are not fixed entities with specific essential features. Identities should be understood as the effect of power relations. Social identities, with or without political meaning, are first of all 'articulations', which means they are expressions within a - Foucaultian - discourse that orders social differences. Laclau writes:

We will call articulation any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice.<sup>332</sup>

In short, identity is the *result* of an articulatory process, rather than something preceding it. It is the effect of a discursive praxis in which an individual or group identifies itself with something that is different, in a logically positive or negative sense, i.e. with elements in the social domain; this combination makes possible a temporary and contingent position we call identity: 'this is me!'. Rather than to a free and undetermined will that chooses to be one thing or the other, the contingency of the identity must be ascribed to the presence of differences in the social and the (partially non-voluntaristic) assembly of such differences in the process of identification. As the social is ordered by different principles, discursively and materially, which include and exclude differences and elements, not any conceivable 'structural position' is available in the process of identification. Although one could 'choose' to identify with something, or its outside - for example to follow in the steps of one's father's professional career - this choice is not made freely in a purely negative sense. There could be several different discourses that prevent or enable a son to make a choice that is different from his father's (or the same as his father's, for that matter): moral, economical, socio-political etc.

One of the important claims Laclau makes with regard to contingency and antagonism in relation to 'choice', 'autonomy' and 'freedom', is that the system of capitalism has changed the meaning of these values drastically: the discursive principles that previously had prescribed the possibilities of identification, those that have to do with morals and the family, religious practices, economic interdependencies etc., became less stringent and effective with the introduction of capitalist logics. Capitalism, with its tendency to continuously create new connections between desires and their satisfaction, in the form of markets, became hegemonic, opening up the social in radical ways. This opening-up leads me to a third concept I would like to discuss, that of 'dislocation'.

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<sup>332</sup> Ibid., p. 105. See also Fred Dallmayr's contribution 'Laclau and hegemony' in: Critchley and Marchart, eds., *Laclau: A Critical Reader*, p. 39.

## §6.3 Dislocation as the (pre)condition of freedom

Dislocation should be seen as yet another concept contributing to a post-foundational account of political philosophy. It refers to a failure of any (social) structure to completely determine and incorporate all possible identifications into its logic. As such, dislocation refers to an ontological feature of a structure: that a structure can never be completely closed; some form of struggle and change is always possible. Laclau writes:

Every identity is dislocated insofar as it depends on an outside that both denies that identity and provides its condition of possibility at the same time. But this in itself means that the effect of dislocation must be contradictory. If on the one hand, they threaten identities, on the other, they are the foundation on which new identities are constituted.<sup>333</sup>

Dislocation is a characteristic of anything that has, or claims to have, an identity. It lays at the basis of a non-objectivist conception of the social, that is, a conception of social relationships that is based on 'contingency, power, the primacy of politics and historicity'.<sup>334</sup> What it indicates is that any historical development is characterized by unintended and contingent consequences, meaning that any dialectic necessarily remains unresolved 'in the last instance'; there is no rationality underlying historical development, it is always susceptible to the emergence of new antagonisms and subversive articulations. One of the examples Laclau gives is what he calls 'the uncontrolled dislocatory rhythm of capitalism'<sup>335</sup>. In his view, capitalism is characterized by a rapid process of social transformations and re-articulatory interventions. The introduction of the capitalist mode of production at the end of the eighteenth century especially shows us how capitalism affects the consciousness of people. And these changes are not only to the detriment of the social: the destruction of feudal society, and the harmful effects of capitalism, such as the dehumanizing discipline of the factory, and the insecurities of wage labour, were not just met with passively by the work force. They also instigated new forms of resistance that indirectly led to the cultivation of skills and abilities, such as creating the means for organized action in the form of unions and collective strikes;<sup>336</sup> in short, capitalism created poverty and *Verelendung*, but

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<sup>333</sup> Laclau, ed. *New Reflections on the Revolution of Our Time*, p. 39.

<sup>334</sup> *Ibid.*, p. 36.

<sup>335</sup> Gilles Deleuze and Félix Guattari present the capitalist logic in similar fashion. According to them the deepest law of capitalism is: "it continually sets and repels its own limits, but in so doing gives rise to numerous flows in all directions that escape its axiomatic." In: Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (London: Athlone Press, 1988), p. 522.

<sup>336</sup> Laclau, ed. *New Reflections on the Revolution of Our Time*, p. 39.

also new forms of political subjectivity that contributed to, and even made possible, the struggle against these circumstances.<sup>337</sup>

This example shows the decisive move away from classical Marxism and its emphasis on the destructive power of capitalism. In Laclau we find a more affirmative presentation of history, less cynical with regard to capitalism, maybe even more nuanced, but above all not fixed on the necessary development of history. His theory shows that a non-teleological conception of social development, i.e. a contingent conception, does not necessarily lack explanatory force.

Still we need to ask: can a theory based on hegemony, antagonism, dislocation, and articulation have any *normative* force? And more importantly: can it be *critical*? In the last decade several authors<sup>338</sup> have criticized Laclau's theory for being normatively deficient. Simon Critchley has pointed out the ambiguity in Laclau's position:

If the theory of hegemony is simply the description of a positively existing state of affairs, then one risks emptying it of any critical function, that is, of leaving open any space between things as they are and things as they might otherwise be.<sup>339</sup>

To resolve this problem of descriptive theory versus normative, critical theory, we need to make a distinction between the ethical and the normative, according to Critchley. Laclau seems to agree and he adopts this distinction in *Contingency, Hegemony, Universality*. About such a theory of hegemony Laclau writes, in Derridian fashion:

[...] Hegemony is a theoretical approach that depends on the essentially ethical decision to accept, as the horizon of any possible intelligibility, the incommensurability between the ethical and the normative (the latter including the descriptive).<sup>340</sup>

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<sup>337</sup> For other, more recent examples of the consequences of Laclau's conception of the logic of antagonism and the structural openness of the social for the understanding of political struggle, see: Anna Marie Smith, *Laclau and Mouffe: The Radical Democratic Imaginary* (London; New York: Routledge, 1998), p. 68ff.

<sup>338</sup> To name a few: Mas'ud Zavarzadeh and Donald Morton, *Theory, (Post)Modernity, Opposition: An "Other" Introduction to Literary and Cultural Theory* (Washington, DC: Maisonneuve Press, 1991), p. 122ff. Simon Critchley, 'Is there a normative deficit in the theory of hegemony', in: Critchley and Marchart, eds., *Laclau: A Critical Reader*, p. 113-122. Geoff Boucher, *The Charmed Circle of Ideology: A Critique of Laclau and Mouffe, Butler and Žižek* (Melbourne, Australia: Re.press, 2008), p. 77ff. Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology*, p. 174.

<sup>339</sup> Critchley and Marchart, eds., *Laclau: A Critical Reader*, p. 117.

<sup>340</sup> Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 80.

Several paragraphs earlier, a theory of hegemony was said to be not a neutral description of a discursive logic, but ‘a description whose very condition of possibility is a normative element governing [...] whatever apprehension of ‘facts’ as facts there could be’<sup>341</sup>. What Laclau suggests is that a theory of hegemony does not have a separate ethical argument, i.e., there is no analysis or deduction, or meta-ethical argument that can offer an objective criterion for evaluation. All we can do is envision an ‘unavoidable ethical moment, in which the fullness of society manifests itself as an empty symbol.’ Analogous to Derrida’s distinction between the concept of *juste* in contradistinction to justice, Laclau alludes to universality without content, a horizon to strive for, independent from any normative, descriptive or moral order. That is: completely transcending *Sittlichkeit* in Hegel’s sense of the ethical daily life in his *Philosophy of Right*, in which the concept of freedom as right and duty is incorporated and actualized in the family, civil society and the state. We find the incommensurability between the ethical and the normative/descriptive in Laclau as the radical difference between the actual and that which we perceive as the absolute ought, without giving the latter any content. The post-foundational ontology of hegemonic processes is the normative theory itself.<sup>342</sup>

Critchley, as a Derridean in this respect, accepts this construction but expresses his worries about the lack of commitment Laclau seems to show: why *ought* this ethical life as universal and empty stay empty? Why shouldn’t there be an engagement with our ethical horizon itself? As I have suggested in the previous two chapters, and will fully develop here now, I do not believe it is impossible to discern what our commitments should consist of, even if these don’t have a concrete content. I believe we could even say something about possible strategies to commit to these specific values. In the final section of this discussion on Laclau’s philosophy I focus on the deconstructive conception of the values of the Enlightenment and the performative nature of these values when used in political struggles.

#### §6.4 The ‘floating’ values of the Enlightenment

Dislocation, as the impossibility of any structure to become a complete all-encompassing identity, is an important conceptual tool that makes possible a post-foundational conceptualization of, for example, freedom. To be sure, Laclau distances himself from any concept of freedom that has a positive content, such as freedom as self-determination or as freedom-of-choice. Freedom is above all an ambiguous concept:

On the one hand, a freedom that dislocation does not coerce to choose would not be my freedom but the freedom of the structure that has constructed me as a subject. On the other

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<sup>341</sup> Ibid.

<sup>342</sup> I return to this topic and its relation to the democratic horizon in the final two chapters of this dissertation.

hand, a freedom which is my freedom [...] can only be the freedom of a structural failure – i.e. dislocation. But in that case the ambiguity of dislocation [...] contaminates freedom itself.<sup>343</sup>

Laclau aims to show that any discussion on freedom ends up with a negative conclusion: from whatever side we approach freedom in a (post-)structuralist conception of reality and subjectivity, we always end up with the conclusion that there is no such thing as ‘pure’ freedom, as existence free from restraint, or complete self-determination. At the same time, a completely determined world, as the ultimate negation of freedom, makes no sense, as it is impossible to conceive what this totality would be like. It would have to incorporate and anticipate any possible articulation and event, which is empirically unjustifiable.<sup>344</sup> More importantly, it is also logically impossible, as any identity is only distinguishable by virtue of its outside. If there was such a thing as an all-encompassing totality (which is a pleonasm) then we wouldn’t be able to perceive or think it at all. In short, the ontological premise of the impossibility of a completely independent and total structure creates a form of ‘objective’ or ‘creative’ freedom in social reality. To put it as simply as possible: the world changes, and not according to laws. How can this ‘objective freedom’ be translated to ‘subjective freedom’, as the experience that ‘we could take matters in our own hands’, that is: translated to some form of autonomy?

I want to claim that Laclau’s conception of freedom and hegemony can and should be understood in line with Foucault’s tentative dictum concerning freedom - not to be governed ‘so much’ - combined however with the strategic means and courage of transcending the rules of deliberation as formulated by Habermas. Transposed to a democratic society, to be discussed in part II of this dissertation, this ultimately leads to the following preliminary definition: *‘democratic freedom’, i.e. freedom of the people as subjects and objects of government, can only be understood as a particular negotiation between the duality freedom/unfreedom, between consent and coercion.* This abstract and thus dissatisfying definition for any critical democratic praxis can be made more acceptable by adding this insight: critical theoretical reflection cannot do without *ethos* and *pathos*. The critical philosopher should approach the concept of freedom, but also that of equality and of solidarity, by analysing the conceptual contemporary limits of the necessary, mediating between what should be accepted as forms of coercion, and what should be the conditions for ‘genuine’ consent. In the end this analysis should be directed towards social practices that could be defined as being part of politics but which shun the particular mediation between coercion and consent the critical philosopher has envisioned.

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<sup>343</sup> Laclau, *Emancipation(S)*, p. 18-19, note 2.

<sup>344</sup> Even the neo-liberal hegemonic discourse has not managed to ‘capture’ the whole world, as became clear on 9/11 of 2001, when its radical outside, i.e. anti-hedonistic, self-sacrificing religiosity showed itself in the form of terror.

With regard to *ethos*, *pathos* and *logos*, on the one hand, the post-foundational or deconstructive conclusion that we as philosophers cannot give any positive, rational content to freedom or equality through the means of philosophical deduction, anthropological analysis or speculative reasoning does not mean that we as *critical political philosophers* have to stop here or that we should dismiss these values. My introduction of *pathos* is meant to help us exactly at this juncture, as it should be understood as taking seriously the emancipatory tradition of the Enlightenment as expressed in the work of Kant. On the other hand, although we, as critical philosophers, should explicitly allude to the values of the Enlightenment, this does not mean we must take on (all) the contents, and their foundation, these concepts were given during the Enlightenment - or any time before or after, for that matter. I believe we should rather perceive these values as 'floating signifiers'<sup>345</sup>, another concept I borrow from Laclau: particular concepts that can function as a point of reference, or a principle of solidarity, for a group of people to partake in political struggle; they then (re)appropriate such a concept by giving it another meaning.<sup>346</sup> The concepts of 'freedom', 'equality', 'solidarity', even 'democracy' pre-eminently function as floating signifiers because of both their hegemonic status and their abstract, almost empty meaning in the Western world. To recall, a hegemonic idea, such as freedom, functions as a universal, while originally being part of a particular political discourse that managed to establish itself in the social, as a frame of reference or as a norm. At the moment an idea like freedom is accepted and institutionalized, for example in a rule of law, the articulatory process of recasting the meaning of such floating concepts commences - in jurisprudence, in political deliberation and 'on the street'. In short, a political struggle in a constitutional democracy, in the name of equality or freedom, can take place because democracy is to more or less an extent defined on the basis of the concepts of freedom and equality.<sup>347</sup> Because of the almost absent positive content of these values they can become part of an alternative articulatory and subversive praxis that aims to redefine their meaning to use it 'critically' in a political struggle. For example, at the moment the concept of equality is re-appropriated in a concrete political struggle - or, genealogy and/or deconstruction! - the universal and abstract (hegemonic) meaning of equality breaks down and is presented in its particular form, and it is this particular content that will be antagonized by the account articulated by the political subject involved in the struggle. In short, equality becomes the object of a struggle for hegemony.

<sup>345</sup> Laclau, *On Populist Reason*, p. 133. See also: Howarth, David, 'Hegemony, subjectivity, democracy' in: Critchley and Marchart, eds., *Laclau: A Critical Reader*, p. 261.

<sup>346</sup> Laclau gives an example of the appropriation of an empty signifier with regard to the concept of 'producer': "if 'producers' became an empty signifier by loosening its links with particular referents, it could also be appropriated by sectors different from the populist ones, and reinscribed in an alternative equivalential chain - that is to say, it could become a floating signifier." In: Laclau, *On Populist Reason*, p. 205.

<sup>347</sup> In Laclau's term they form a 'chain of equivalences'. A neo-liberal chain of equivalence, for example, could comprise of a network of concepts consisting of private property, the market and competition, the individual, safety, negative freedom, own responsibility and protection from the state, etc.

We now see how my conception of *pathos*, as the adherence to the values of the Enlightenment and the commitment towards the subjects of history, can be understood from a deconstructive, post-foundational point of view. The adherence to a value entails two stances that are paradoxically related: on the one hand, an ambiguous faithfulness towards the 'particular' universal hegemonic status quo (generally institutionalized in a rule of law) by subscribing to its core value; on the other, the usage of this hegemonic concept as part of a strategy for strengthening and legitimizing the struggles against this particular hegemonic conception and execution of this law by redefining it.

I believe the premises of post-foundational philosophy as explicated by Ernesto Laclau and the reconceptualization of hegemony by Laclau and Mouffe, are some of the most successful attempts by contemporary critical political theorists to shape new concepts for understanding political and social phenomena. Hegemony can be used as a meta-concept that sheds light on the manner in which structures of power work, and change. Hegemony is a concept that is part of a logic that describes how processes of democratic political struggle come about and persist. In contrast to classical Marxist theory this is done not by explicating the ways the people are kept ignorant of the real logics of social reality, or by arguing that there is a dominant economic class that constructs and exploits a fictive institutional framework to maintain their dominance, but by showing how specific ideas become generally accepted through a particular combination of coercion and consent.

That an idea, a social class, a political party, a political ideology, a political or economic system is hegemonic means that its place in a social order is seen - by a majority - as rightful, while simultaneously being the result of a struggle for power. The consequences of this conception for an understanding of contemporary democracy will be addressed in the final chapter of this dissertation.

I conclude with a final proposal for a perspective on the role of the critical political philosopher. Gramsci has pointed us to one crucial distinction, besides hegemony versus ideology, which could help us in understanding the role of the critical philosopher: that between the organic and the traditional intellectual. I think this distinction could be expanded to function as a *critical* intervention and a second conceptual step towards the final dismissal of the logic of ideology and its critiques. Just as an organic intellectual could 'work' in favour of the ruling class, either concealed or not, we could conceptually explore the possibility of an intellectual whose aim it is to contribute to a better world with less domination. This leads me to add another role within this framework: could there be a conception of an intellectual that is both 'inside' society - being 'organic' in Gramsci's words - and critical; that is: an

organic *critical* intellectual<sup>348</sup>? Put in other words: how can we stay within the conceptual framework of the organic intellectual without losing his normative imputes, as he is already part of specific discourses? I believe Foucault has pointed us in the right direction, and so has deconstruction: one of Foucault's goals was to emphasize the existence and creation of new discourses, besides pointing to counter-discourses and presenting the historic context of discourses to show their contingent nature. This enterprise has the danger of creating new forms of subjectivation, as Foucault himself well understood, but one can never completely escape this predicament. My concept of *pathos* should be seen as a fixation on an ethical horizon that could help us to stay aware of the possibility and dangers of *theoretical* closure, or so I aim to show in the second part of this dissertation. This second part is concerned with recreating a progressive theoretical framework for democracy, an enterprise I gladly take up as the organic, critical, post-foundational political philosopher that I aspire to be.

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<sup>348</sup> Laclau writes that the question of the status of the intellectuals had been an important subject during the discussions in the Second International. With the concept of 'socialist intellectual' Laclau points to the counterpart of the organic ideological intellectual. In: Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 287. I have decided to use the more strategic notion of 'organic *critical* intellectual', because 'socialist' is in my view too much linked in contemporary political thought with processes of labour, anti-capitalism and authoritarianism.



## **Part II: *Demos*, democracy and the democratic horizon**



# Chapter 5. The political difference

## §1 Introduction

The main goal of this second part of my dissertation is to formulate a critical, progressive and post-foundational conception of democracy that goes beyond the deliberative account discussed in the first chapter. To do so I first need to set up a conceptual framework that can shed light on our understanding of democracy and on how to transcend it. My central claim is that democracy is best understood as a specific way of dealing with *the political difference*: a particular conceptualization of the split found in the nature of thinking about politics. This split generates a difference between what has been named 'the political' and 'politics', between *le politique* and *la politique*, but also between 'polity' or 'policing' and 'politics'. Just as important as the definitions or contents of these dimensions of politics and the political is the difference between them. How this difference is thematized – or occluded – is an important topic in contemporary political theory.

This implies dealing with the 'nature' or retrieving the 'grounding' feature of the split between *le* and *la politique*, and thus with the critique and ontology of political thought itself. By analysing the conceptualization of the political difference, tracing how several philosophers of the second half of the twentieth century have employed it, I commit myself to giving an answer to the question 'What are the conditions of politics and political thought?' I will discuss different instantiations of the political difference, in different time frames and socio-political contexts, thus keeping the strategic aims and structural positions of the authors in mind. Or in my own vocabulary: I will analyse their critical *ethos*, *pathos*, and *logos*.

The 'ontological difference' found in the work of Martin Heidegger constitutes, in my view, the philosophical inspiration for contemporary discussions of the political difference. I will start my analysis by reconstructing this ontological difference in §2. The first attempt to make a distinction between politics and the political we find in the writings of Carl Schmitt, analysed in §3. In §4 I reflect on the relationship between the ontological and political difference.

Next, I discuss three contemporary philosophers on the political difference: Paul Ricoeur, Claude Lefort and Jacques Rancière. For all three, the general goal of formulating the political difference on a conceptual level is the same: to resolve a political deadlock or crisis; to safeguard an autonomous sphere for political thinking, and for democracy. However, there are some striking

divergences between these authors concerning the concept of political difference, its objectives, and, especially interesting for me, its critical value.

In §5 I turn to the first 'real' instance of the formulation of a political difference, found in an early text of Paul Ricoeur. This is the first twentieth-century instance of a conceptualization of politics as consisting of two dimensions that cannot, and should not, be conflated in one grounding or overarching principle of politics. In §6 and §7 I present an analysis of the political ideas of Claude Lefort and Jacques Rancière, and their versions of the political difference. A comparison of these theories can be found in §8. Finally, the conceptualization of the political difference as I see it, and some alterations of the formulations of Lefort and Rancière that I deem necessary for a critical politico-philosophical conception of democracy, can be found in §9.

## §2 The ontological difference

Heidegger's philosophy can best be understood as a perpetual dealing with the question of 'being'. The question 'what is Being?' can be answered either in a traditional metaphysical or in a phenomenological way. Metaphysical ontology generally deals with the questioning of sensible substance, that which is present in our experience. The metaphysical question concerning ontology aims to distinguish the essential components that make an object that particular thing. It distinguishes between the thing as sensible phenomenon and its ontological ground. According to Heidegger, however, in this approach the question of being itself is neglected. The starting point of ontology should not be the sensible substance versus a 'scientific observer', as an object versus a subject, but rather the entity that utters this 'question of Being as such'. This entity is what Heidegger calls 'Dasein' (Being-there). The emphasis on *Dasein* is the starting point of a phenomenological focus on being. This phenomenological perspective does not consider the sensible substance as the paradigm of Being; it does not start from the uses of the connecting word 'be' (the copula); and it does not ask for the Being that realizes all beings. 'Being-there' or *Dasein*, which should be understood as the concrete existing human being, is the ground for appearance, the ground that allows for an understanding of Being. And Being is that which discloses itself to this *Dasein* in its understanding of world.<sup>349</sup>

It is the ontological difference that points towards the gap between the ground of being, which is human existence or *Dasein*, and Being (Sein) itself, as that which appears to *Dasein* through beings (things, objects, phenomena). Note that it is still Being that lets beings appear to *Dasein* and in this sense we could critically say that Being is still a metaphysical notion. Being is the metaphysical

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<sup>349</sup> Reiner Schürmann, 'The Ontological Difference and Political Philosophy,' *Philosophy and phenomenological research* 40, no. 1 (1979): p. 108.

pendant of the ontological difference, while *Dasein* is the phenomenological counterpart. In this chapter I will employ this distinction between the metaphysical (or as I call it: ontological) dimension and the phenomenological (or: ontic) dimension to open a new perspective on political philosophy.

This conception of the relationship between Being and *Dasein* should be understood as a partial overcoming of subject-centred and idealist philosophy. According to these latter traditions (Heidegger seems especially concerned with the Kantian and Hegelian framework) the world is an objectified idea that establishes itself through dialectics or movements that are initiated or propelled by thought. In contrast, the phenomenology of Heidegger suggests that there are structures that make the subject-object dynamics itself possible; structures or phenomena that decide how the world presents itself to thought. In this way, Heidegger can propose that the world opens up through other logics than those of cause and effect; there is an interplay between Being and *Dasein* in which Being grants *Dasein* the possibility of perceiving beings, or lets *Dasein* be as pre-reflexive and reflexive being.

With the question of being it is a matter of going 'backward or forward' between what is asked of Being by *Dasein* and asking what *Dasein* is as a being in the light of Being.<sup>350</sup> Instead of the primacy of a knowing subject, with its transcendental epistemological characteristics, versus a 'static' world *an sich*, which is unknowable outside the mediation of this subject (the perspective we can find in Kant's *Critique of Pure Reason*), Heidegger claims that Being co-constitutes that which a subject perceives and how it perceives it. The way a subject perceives the world is not fixed but occurs through '*Stimmung*' and events or *Ereignisse*. In his view, it is Being itself that can confront historical subjects with (discontinuous) events that cannot be understood as being part of dialectical stages in a historical development of reason or freedom. Both aspects, the romantic tenet in Heidegger's thought in the form of constitutive moods and the emergence of non-rational events, are features that are breaking with the Hegelian or idealist framework.

This new conceptualization of the relation between Being and *Dasein* has far-reaching consequences for concepts such as 'ground', 'foundation' and 'constitution'. Within a metaphysical framework these terms function to define things, in the first instance, as a primal cause. In their phenomenological function they only manifest the way in which things appear to thinking.<sup>351</sup> But more important for us here is that these concepts of 'ground', 'nature', or 'origin', but also references to the absolute, the idea, or the essence of a thing, do not refer to phenomena or causes outside of the ontological difference. There is not a single extrinsic or external point that structures reality, only a

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<sup>350</sup> Martin Heidegger, *Basic Writings*, trans. D. F. Krell ([S.l.]: Routledge, 1978), p. 49.

<sup>351</sup> Schürmann, 'The Ontological Difference and Political Philosophy,' p. 109.

## CHAPTER 5

multifariousness that unconceals things to us. There is no objectivity outside thought but only the existence of, and mediation between, Being and *Dasein*.

An important consequence of taking the ontological difference seriously is the way it makes any 'objective' way of thinking impossible - 'objective' referring here to the a-historical analyses outside any context, such as could be found for example in positivistic sciences. In other words, 'there is no outside to *Dasein*'. As Rainer Schürmann puts it:

What seems to be a simple requirement for man to understand his world becomes the way of being of this world itself. A human way of being turns into Being's way of Being.<sup>352</sup>

I read this as the affirmation of the position on the radical boundedness of any author, scientist, and philosopher to context. And similarly for any thought, fact, or object that comes before thought and into being. To quote Heidegger from *Being and Time*:

This guiding look at Being grows out of the average understanding of Being in which we are always already involved and *which ultimately belongs to the essential constitution of Dasein* itself.<sup>353</sup>

There is nothing outside this way we perceive; there are only different ways the world appears (or shows itself) to us. And there can and will be shared perceptions of course; there can be hegemonic discourses on reality, for instance. This perspectivism is one of the most important conclusions other thinkers, like Nietzsche and (the late) Wittgenstein and virtually all thinkers after the linguistic turn in philosophy, have tried to express.<sup>354</sup> This way of understanding the relation between reality and the way we think about it (which is the same in this account) is crucial because it breaks with any positivist account of this relation. In my view this widely accepted idea justifies the conclusion that the contributions of post-metaphysical philosophy (metaphysics understood in the traditional, pre-Kantian sense) matter in *any* scientific or political debate, without this philosophy being subservient to science, or the political order. Critical philosophy is possible, as I have claimed in part I - but it is also necessary! It is the only way of reflecting on the

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<sup>352</sup> Ibid., p. 113.

<sup>353</sup> Heidegger, *Basic Writings*, p. 49.

<sup>354</sup> I understand this as the consequence of Nietzsche's point from the *Twilight of the Idols*: "Die wahre Welt haben wir abgeschafft: welche Welt blieb übrig? die scheinbare vielleicht? ... Aber nein! mit der wahren Welt haben wir auch die scheinbare abgeschafft!" Friedrich Nietzsche, 'Wie Die "Wahre Welt" Endlich Zur Fabel Wurde. Geschichte Eines Irrthums,' in *Götzen-Dämmerung Oder Wie Man Mit Dem Hammer Philosophirt*. (1889). There is only one world: the way it shows itself to us or, which is I think the same, the way we understand it.

conditions for thought and discourse itself, and the only way to counter forms of positivism and common sense.

The ontological difference as Martin Heidegger presents it has importance for philosophical reflection as it shows us that we have to deal with a fundamental and constitutive gap (or difference) between the world as we perceive it, and the world that constitutes us. It posits a fundamental entanglement of ontology and epistemology but within certain limits. Ontology still means 'the question of what 'is'', but with the reservation that any understanding of being is mediated by our current way of thinking and knowing about the world (what we think and can think now). On the other hand, our current way of thinking is made possible by a specific history, structural context and by particular events. It is the going backward *and* forward between these poles, traversing the gap without filling it, which is the task of what I would like to call, following Oliver Marchart<sup>355</sup>, post-foundational ontology.

In part I I have argued that any normative theory should avoid reference to a more original, reconciled or real position, as this presupposes an idealization of humanity or the world. This also applies to any normative theory based on a speculative account of human essence. These are all forms of thinking outside the here and now; fixed on a utopia, a non-place, or a dystopia for that matter. I think being loyal to the ontological difference and its derivative 'the political difference' can help us to steer clear of this normative strategy. In the next section, I present a political thinker that has made an important contribution to thinking about the ground or nature of politics. After that I discuss how the ontological difference and the political difference are interrelated.

### §3 Schmitt and the political

Carl Schmitt was probably the first thinker in the twentieth century to formulate a distinction between politics and the nature of politics, or 'the political'. We find this division in an influential book from 1927, *The Concept of the Political*.<sup>356</sup>

#### §3.1 Politics and the need for 'the political'

For Schmitt 'the political' points towards something beyond mere politics, as 'politics' was exclusively being identified with the state at that time. According to Schmitt, there is a need to introduce a new concept concerning politics because the equation 'state = politics' had become erroneous and deceptive at

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<sup>355</sup> Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*.

<sup>356</sup> I use here Carl Schmitt and Leo Strauss, *The Concept of the Political*, trans. George Schwab (New Brunswick, New Hersey: Rutgers University Press, 1976). Also see on the notion of the political in Schmitt: Chantal Mouffe, *On the Political*, Thinking in Action (London; New York: Routledge, 2005).

the moment when, in parliamentary democracy, state and society penetrate each other, and politics loses its autonomy.<sup>357</sup> In a democracy every domain of society - Schmitt points to the domains of religion, culture, education, and the economy - can come under scrutiny and lose its neutral status. This is a good thing, as Schmitt makes clear several times, as it marks the possibility of a total state.<sup>358</sup> This reference to the 'total state' that potentially embraces every social domain should be seen as an attempt to criticize the de-politicizations of social domains instigated by late nineteenth-century liberalism.

In other words, with the interpenetration of the state and society in democracy, or 'the blurring of the boundaries between state and society' as Schmitt also calls it, the state loses its specific political characteristic, which is the monopoly on politics. In short, politics has lost its meaning in relation to the state; everything has become politics and nothing is any longer non-political.<sup>359</sup> So what defines the praxis we could genuinely understand as 'political'?

Schmitt's goal is to reserve an autonomous space (or characteristic) for politics. To this end he coins the concept of 'the political', which he defines as the domain where political actions and political motives can be reduced to the distinction between friend and enemy. 'The political' is negatively defined as the situation in which war is absent or where armed struggle is prevented, which amounts to the same thing.<sup>360</sup> To quote Schmitt:

War is neither the aim nor the purpose nor even the very content of politics. But as an ever-present possibility it is the leading presupposition that determines in a characteristic way human action and thinking and thereby creates a specifically political behaviour.<sup>361</sup>

For Schmitt war is thus something we necessarily have to take into account when we think about politics. It is its extreme limit, 'an exception that doesn't negate the decisive character [of the political] but confirms it'.<sup>362</sup> For Schmitt this characteristic of politics is not normative but ontological; war is not desirable, but negatively defines the political. From the perspective of the friend-enemy distinction, the political is - negatively - defined by the absence of war. The primary distinction between friend and enemy is what distinguishes politics from other social domains. And so the famous dictum by Clausewitz - 'War is not merely a political act, but also a real political instrument, a continuation of political commerce, a carrying out of the same

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<sup>357</sup> Schmitt and Strauss, *The Concept of the Political*, p. 22.

<sup>358</sup> *Ibid.*, p. 23, 25.

<sup>359</sup> *Ibid.*, p. 25.

<sup>360</sup> *Ibid.*, p. 26 & 34.

<sup>361</sup> *Ibid.*, p. 34.

<sup>362</sup> *Ibid.*, p. 35

by other means.<sup>363</sup> - should be reversed: politics is nothing but a continuation of military intercourse with an admixture of other means.<sup>364</sup>

No positive reasons are given as to why it is necessary to define an autonomous sphere for politics, besides the argument that the presence of democracy denies the monopoly of the state in relation to the political praxis. Schmitt contends however that without a concept of the political a specific form of human behaviour would be missed: the specific modes of action and thought in which humans distinguish between their friends and enemies. Connecting Schmitt's analysis and conceptual in(ter)vention to my earlier discussion of the ontological difference, we can say that the friend-enemy distinction becomes the lens (the ontological dimension) through which we can perceive politics (the ontic dimension).

Important to notice here is that there is no political difference in Schmitt's analysis. There is no gap between politics and the political. Politics, a praxis situated in the modern national sovereign state, has simply been made obsolete by the introduction of the democratic state, and the linkage of social domains and the state it implies. The political is being used by Schmitt to create conceptual space to analyse specific political processes and action without a *necessary* reference to the state and other domains. And the consequence of this conceptual shift made by Schmitt, from a primacy of parliamentary politics to the primacy of the political, is severe - and possibly dangerous - for thinking political practice in general, as the friend/enemy distinction now becomes meaningful outside of a democratic state: any structure or group of people is concerned with politics at the moment its discourse distinguishes between friends and enemies.

### §3.2 Mouffe's adaptation of the Schmittian framework

We could try to generate a political difference from the work of Schmitt though, without positioning the logic of the political outside a democratic political context. This is what Chantal Mouffe aims to do in her books *The Democratic Paradox* and *On the Political*. She takes from Schmitt the important insight that the liberal conception of the liberal democratic state runs the risk of neglecting the necessity of creating a *demos*, that is, a political community. The central question of the political constitution of 'the people' is, Mouffe notes:

something that liberal theory is unable to tackle adequately, because the necessity of drawing such a 'frontier' contradicts its universalistic rhetoric.<sup>365</sup>

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<sup>363</sup> Carl von Clausewitz, *On War*, Book I, Chapter 1, section 24, translated by J.J. Graham. This book can be found online: <http://www.gutenberg.org/files/1946/1946-h/1946-h.htm>

<sup>364</sup> Schmitt and Strauss, *The Concept of the Political*, p. 38.

In Mouffe's, and Schmitt's, views the liberal notion of equality, in its reference to the general concept of 'humanity', loses its meaning and political force at the moment it is seen as independent from the constitution and definition of 'the people'. For Mouffe it is exactly the tension between those who are inside the demos and those outside that determines and inscribes the meaning of rights and equality.

With a reference to the work of Heidegger, she places politics, as the praxis of institutional politics through which a social order is created, on the ontic level.<sup>366</sup> The political<sup>367</sup> can be seen on the ontological level as the way in which society is being constituted. That is, through the friend-enemy distinction, or antagonism<sup>368</sup>. But for Mouffe the friend/enemy relation needs to be recast into a milder version of antagonism. She argues for an 'agonistic pluralism' instead, which should be seen as an alternative to deliberative (Habermas) and aggregative (Schumpeter) models of democracy.<sup>369</sup> Agonism is concerned with a struggle between adversaries, rather than the struggle between enemies in antagonism. The aim of democratic politics, seen from the perspective of agonistic pluralism, is to transform antagonism into agonism by mobilizing hostile passions 'towards democratic designs.'<sup>370</sup>

Politics, in Mouffe's account, is referring to the discourses and institutions within a society; politics is concerned with creating the social order.<sup>371</sup> Behind this discursive order there is a *constitutive* (and normative) principle, which Mouffe identifies as the political and which she correlates with Schmitt's friend/enemy distinction.<sup>372</sup> Accordingly, Mouffe is working alongside one trajectory of the political difference: she criticizes any discourse on politics that is concerned with consensus, such as the Habermasian framework and 'Third way' politics.

Unfortunately, by choosing this approach Mouffe evades the fundamental tension between politics and the political, by approaching it from one side only. And thereby the tension in the ontological difference between what presents itself to us, and the way we analyse and confront it. Mouffe writes:

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<sup>365</sup> Chantal Mouffe, *The Democratic Paradox* (London; New York: Verso, 2000), p. 42-44.

<sup>366</sup> "Politics [...] indicates the ensemble of practices and discourses and institutions which seek to establish a certain order and organize human coexistence in conditions that are always potentially conflictual because they are affected by the dimension of 'the political'." In: *ibid.*, p. 101.

<sup>367</sup> "By 'the political' I refer to the dimension of antagonism that is inherent in human relations, antagonism that can take many forms and emerge indifferent types of social relations." In: *ibid.*

<sup>368</sup> ———, *On the Political*, p. 8-9.

<sup>369</sup> ———, *The Democratic Paradox*, p. 101.

<sup>370</sup> *Ibid.*, p. 102-103.

<sup>371</sup> "by 'politics' I mean the set of practices and institutions through which an order is created, organizing human coexistence in the context of conflictuality provided by the political." In: ———, *On the Political*, p. 9.

<sup>372</sup> *Ibid.* p. 11.

[But] I contend that it is the lack of understanding of 'the political' in its ontological dimension that is at the origin of our incapacity to think in a political way.<sup>373</sup>

The above citation indicates a typical 'foundationalist' move. Mouffe refers exclusively to the ontological dimension and seems to overlook that it is probably precisely the ontic dimension - the political circumstance in which consensus-based politics and liberal universality has become hegemonic - that urges her to develop her critical thesis. This is understandable from a strategic point of view, as Mouffe seems to have a political aim and not merely a theoretical or philosophical one.<sup>374</sup> To write a critical philosophy, however, we need to account for - and more importantly, make explicit - the way the ontic and the ontological aspect influence each other in an active, interdependent, but non-teleological way. We have seen that the two poles of the ontological difference cannot be separated completely because of the interdependence between politics and the political. With the existence of the one the other is being presupposed.

Mouffe would have to argue in what way this Schmittian distinction between friend and enemy needs to be employed with respect to political analyses *here and now*: what should urge us to change our perspective on democracy, consensus-based politics and liberal ideology? What events - wars, terror, economic crises - trigger us? Instead she presents the distinction as an a-historical given, a fundamental rule that should have primacy over any thinking about politics, independent of the current world order. I do not mean to say that her story is a-historical, as she engages with contemporary models of democracy and with liberal ideology; however, I believe her story is one-sided by focusing exclusively on theory.

#### **§4 From the ontological difference to the political difference**

I have argued that the political difference can be used only in relation to - as a derivative of - the ontological difference. This is crucial for developing a critical political philosophy as I have defined it: our argument needs to include a critique of our own position as philosopher, even when we know we cannot completely fathom our own historicity, assumptions and biases. This means we need to try as hard as possible to question our own ontological assumptions with regard to politics, or 'the political', with respect to the 'critical' bases of these assumptions; critical understood here as part of a specific *ethos, pathos* and *logos*. I have called this a *post-foundational critical political philosophy*. It involves answering questions like: where are we coming from as political subjects? In what way are we influenced by discourses from

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<sup>373</sup> Ibid., p. 9.

<sup>374</sup> Ibid.

the past? Why are we asking this particular question now? What events trigger us to write as political philosophers?

As mentioned, my goal in this chapter is to analyse the nature of politics by reference to the ontological difference: first, we have the ontic level, which is political reality and praxis, as we currently perceive it. But as we have seen (and will see) the ontic level is dependent on the ontological side. The ontological grants us the lens or perspective, in short, the conceptual tools, to think about politics: our current political situation, context or constellation. We have seen one example of such a lens already: the friend/enemy distinction as employed by Schmitt and Mouffe. This specific perspective on the ontic can function as a norm with which to criticize specific views and perspectives, and allows us to formulate alternative analyses of the nature of the ontic. We need to realize, though, that these norms are just temporary and radically bound to our perspective as historical individuals.

Second, we are literally confronted by the ontic, the outside world. This ontic side, i.e. politics as it functions on a daily basis, confronts us as social actors and philosophers alike in at least two ways: first, as a specific political discourse, for example revolving around the role of politicians, the relation between citizen and government, the daily functioning of the State and public debates that come and go. Second, there is also the ontic as that which quasi-spontaneously appears as part of politics: some relations or structures become politicized and this often is a contingent matter, which means that this process of politicization, becoming part of politics, can rarely be anticipated. It is often only in retrospect that particular appearances, such as outbursts of violence, protests and specific struggles, can be understood as revolutions, emancipations, insurgencies or terrorist acts and thus placed under the banner of, or with reference to, politics or democracy. At the same time, every aspect of (social) reality can be politicized, as I will argue, which means that any aspect of reality can contribute to our idea of the political.

Finally, I think it is important to see that democracy and politics don't stand in a necessary relation: some practices are democratic without being concerned with politics (a poll for choosing the new flavour of potato chips for example), and there can be politics without democracy. The political difference that I discuss in the following sections can help us to understand some of these relations between politics and democracy.

At the moment we are focusing on the preconditions and emergence of political discourses and events. We enter the domain of the ontological, however with a proviso nicely formulated by Oliver Marchart:

The ontological level cannot be accessed immediately, for this would require envisaging it as a solid ground (as being). If it is to fulfil its function of *grounding*, however, the ground,

as we have seen, is simultaneously an abyss. Since there is no ground of being, the ontological level is irremediably separated from the ontic level.<sup>375</sup>

The ontological can only be accessed through the ontic level, which means that we grasp our own time (Hegel) but with the reservation that this *diagnosis* is not untimely, but mediated by moods, irrational events and discursive principles. In short: by antagonism and subjectivation.

What we end up with in this conception of the political difference, as a successor or derivative of the ontological difference, is a dynamic process that asks a lot from the critical political philosopher, as we need to try our best to take account of both the hegemonic analysis of political discourses, and the conditions that constitute these discourses. Only at that moment can we, as critical political philosophers, try to formulate alternatives and amendments, based on our commitments.

In the following sections I will present three formulations of the political difference, formulated by Paul Ricoeur, Claude Lefort and Jacques Rancière respectively. There are important similarities between their conceptions, but also differences that I will try to pinpoint. After evaluating their views using the ontological difference as my methodological criterion I will distil a conception of the political difference that I can use for coming to a post-foundational conception of democracy.

## §5 The first instance of a political difference: Paul Ricoeur

Probably the first instance of the difference between two conceptions of politics that manages to preserve the tension between them can be found in the work of Paul Ricoeur, especially in his text 'The Political Paradox' ('Le Paradoxe Politique').

### §5.1 The constitutive tension between polity and politics

In response to the student revolts in Budapest in 1956, Ricoeur pleads for a renewed reflection on political power. His goal is from the outset to show how there is a crucial difference between the ideal sphere of political organization and the actual political praxis. It is this distinction that helps us to understand what is wrong with certain Marxist and Leninist conceptions of the state and society. The distinction Ricoeur analyses is that between *le politique* - translated as 'polity', as the ideal of political organization and the historical rationality that has been associated with it - on the one hand, and the concrete

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<sup>375</sup> Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*, p. 24.

manifestations of this ideal sphere that Ricoeur calls *la politique* or politics on the other. He holds that this first sphere of polity should be seen as autonomous, and that this contributes to a form of political alienation.<sup>376</sup>

The surprising yet important conclusion of the article is that this alienation should not be overcome; the difference between polity and politics leads to a political paradox that we have to live with. Trying to reconcile the difference, to sublimate the tension between policy and politics - attempted by philosophers throughout history - will only make things worse. How does Ricoeur reach this novel insight?

After presenting a small overview of the history of thinking about the state and citizenship, Ricoeur argues that political thought always has proceeded linearly and rigidly from a conception of the state to citizenship, followed by some idea about civism. Generally this civism is presented as the virtuous aspect of citizenship in relation to the state. According to Ricoeur, polity has always, at least as far back as Plato and Aristotle, been concerned with the political good as the teleology of the state. Outside this state the good could not be conceived. And this good is the state's ultimate goal: it exists to establish the humanity of man. Arguing that Rousseau actually concurs with Aristotle on the relation between state and citizen, Ricoeur concludes:

In the two cases, with the Telos of the State [in Aristotle] and the generating pact of the general will [in Rousseau], it is a matter of manifesting the coincidence of an individual and passionate will with the objective and political will, in short, of making man's humanity pass through legality and civil restraint.<sup>377</sup>

For Ricoeur - but also for Hegel - it is this coincidence between the individual will and the universal will that legitimates the state. At the same time this coincidence is part of the ideal conception of the state. The discourse on the state that is concerned with achieving this overlap is what Ricoeur calls 'polity'.

In times of socialism and capitalism, and here Ricoeur extends the historical exercise to his own time, the task of polity needs to be preserved against the role of the economic discourse that tends to overshadow or even incorporate (the thinking about) polity in Modernity. Polity needs to be autonomous to be reasonable, even if its 'rational intentions' prove to be 'mad pretensions'.<sup>378</sup>

However, polity cannot do without politics: 'If the State is rational in its intentions, it nevertheless advances through history by means of decisions.'<sup>379</sup>

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<sup>376</sup> Paul Ricœur, *History and Truth*, trans. Charles A. Kelbey, Northwestern University Studies in Phenomenology and Existential Philosophy (Evanston, Ill.: Northwestern University Press, 2007).

<sup>377</sup> *Ibid.*, p. 253.

<sup>378</sup> *Ibid.*, p. 254.

<sup>379</sup> *Ibid.*

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We easily see why: polity can be rationally organized, thought out and argued for as a principle that has the good as its object, but it still needs to be implemented in the real world eventually. This brings about contingencies and irrationalities that cannot be avoided: polity needs to be adjusted to the unruly world according to models concerning probable futures and implemented by human individuals, which means these decisions are influenced by more than rational oversight and rational deliberations. And without this necessary interrelationship between polity and politics we cannot understand the political domain altogether:

From polity to politics, we move from advent to events, from sovereignty to sovereign, from the State to government, from historical Reason to power.<sup>380</sup>

There are some important disparities between the two poles of the political difference, as Ricoeur points out. On the one hand, polity receives its meaning only retrospectively, by which Ricoeur means, in my view, that polity as the result of a rational exercise can become reality *as rational ideal* only after it has been implemented. Polity is retrospection. Politics, on the other hand, is about looking ahead and deciding what needs to be done; politics is prospection. From the perspective of managing power in a legitimate way, this observation leads us to conclude that deciding in the spirit of polity, 'politics' in short, is at the same time exercising power, and the conquest for and preservation of this power.

These two perspectives of polity and politics are standing in a paradoxical relationship: on the one hand we have the perspective of polity that sees itself as the bringer of the good and that sees its counterpart, 'politics', as the evil *qua* irrationality of the contingency of decision-making. On the other hand we find the perspective of politics that considers itself as the principle that executes in the spirit of polity and sees polity as legitimate authority. This is what Ricoeur calls 'the problem of political evil': the tension between the ideal of the authority of State and the praxis within the state that consolidates its legality. In reality politics-as-governing cannot achieve its ultimate goal because of its contingent and irrational nature. Sovereignty and the sovereign never coincide, as the task of the sovereign is to consolidate the expression of a specific historical rationality that is called State; and polity can never identify itself with politics as such.<sup>381</sup>

Instead of seeing this tension as one that has to be overcome, it must be maintained at all costs. This is an explicit critique of Marx and Lenin, who both see the gap between sovereign and sovereignty as one of political alienation that needs to be overcome by rejecting the state in favour of a classless society. What the socialist regime does, in Ricoeur's view, is reduce political alienation

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<sup>380</sup> Ibid., p. 255.

<sup>381</sup> Ibid., p. 261.

to economic alienation: the split between polity and politics is seen as an illusion, as it is believed that polity itself is nothing more than the expression of a ruling class interest. Without a ruling class, without ideology and a superstructure grounded by the idea(l) of state, there is no alienation. This is the solution the socialist regime presents and which leads, according to Ricoeur, to 'an eschatology of innocence [that] takes the place of an ethic of limited violence'<sup>382</sup>.

For Ricoeur the political evil of the political paradox cannot be overcome and this should not lead us towards a political defeatism. On the contrary: 'such a reflection leads rather to a political vigilance.'<sup>383</sup> There may be no theoretical solution to the paradox, but Ricoeur does formulate a 'practical resolution', so as at least to cope with the tension:

To be sure, it is, of course, necessary that the State *be* but that it not be too much. It must direct, organize, and make decisions so that the political animal himself might be; but it must not lead to the tyrant.<sup>384</sup>

And the picture of the tyrant here for Ricoeur refers to the socialist regime, that is built on 'the thesis of the withering away of the state' 'by promising too much for the future and tolerating too much in the present'.<sup>385</sup> Eventually for Ricoeur the practical solution can only be a reformulated conception of liberal democracy within a socialist context that can deal adequately with the political paradox, by instituting structures that can monitor and 'control'<sup>386</sup> government to render the abuse of political power impossible. In Ricoeur's view these checks in the first place consist of legal remedies, such as an independent magistrature and the right to strike, in addition to citizen's rights in relation to free access of information and knowledge so as to make room for the existence and influence of public opinion.<sup>387</sup>

### §5.2 The political difference as immanent, ontic difference

As we saw, it is crucial for Ricoeur that the difference between polity and politics itself cannot and should not be overcome – this would necessarily lead to tyranny. Ricoeur uses the political difference as a criterion to evaluate different conceptions of state, the relation between state and society, and political ideology in general. It remains an immanent difference, however. The difference between polity and politics is ontic in its nature. Ricoeur presents his case, the political paradox, as something that is immediately present, and this bypasses the critical exercise of establishing the nature of politics. His

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<sup>382</sup> Ibid., p. 262.

<sup>383</sup> Ibid., p. 261.

<sup>384</sup> Ibid., p. 262.

<sup>385</sup> Ibid.

<sup>386</sup> Ibid., p. 262.

<sup>387</sup> Ibid., p. 267-270.

argument seems to imply the existence of two conflicting *discourses* on politics. On the one hand, a praxis of reflection on the idea of state that has existed for millennia, the philosophical discourse used by political ideologues; on the other hand, an 'opportunistic' praxis that concerns itself with everyday politics, the discourse that concerns political science and policy-makers. Ricoeur's position is only implicitly concerned with the ontological level of his exercise, what I call 'the political'. Ricoeur's political difference does not have the same structure as the ontological difference found in Heidegger. The difference in Ricoeur is not between the ontological level - thinking about the preconditions of politics or 'the political' - and the ontic level - the political situation as it presents itself. Instead its focus is exclusively on the latter aspect: the daily praxis of governing a people in general, political praxis and its additional praxis of reflection. Or in other words, the conflict between those who think about good government, for example the ideologues of a political party, political theorists, civil servants concerned with the evaluations of policy, and the people who are involved with daily decision-making and the execution of policy, such as politicians and civil servants at the ministries and municipalities.

Perhaps Ricoeur would say that it is the difference between polity and politics itself that constitutes the ontological side. The difference between political ideology and the concrete application of these ideals itself is constitutive for our thinking on politics. Ricoeur's most important contribution could thus lie in breaking with the tradition in political philosophy in which conceptual tensions need to be sublated. His text is one of the first instances in twentieth-century political thinking of *grounding and justifying* a political system, in this case liberal democracy, on a conceptual paradox. His conclusions do not refer to any transcendent or anthropological criterion, just to a practice of reflection - What is a state? What is concerned with the good? - and a practice of acting, and especially the way these interrelate. Most importantly, it is not the definition of both poles of the difference, of polity and politics, which constitutes the paradox or tension; it is the unavoidable gap between them. It is the tension between the idea of state and government and its daily praxis as governing that is constitutive, of democracy in this case.

In the next two sections we will discuss other formulations of the political difference, in the work of contemporary philosophers Claude Lefort and Jacques Rancière.

## **§6 Claude Lefort: philosophy versus political science**

Lefort observes that twentieth-century political philosophy is often characterized by a lack of autonomy for thinking about politics as a separate

social domain, and as a separate object for philosophy.<sup>388</sup> This should not surprise us when we take a quick look at some theoretical developments within the social and political sciences of the nineteenth and twentieth centuries. With the emergence of sociology as independent scientific praxis, instigated by the positivism of Auguste Comte, thinking about politics and society slowly turned into scientific knowledge without a normative impetus, basing itself exclusively on sociological (empirical) facts. Marxist critical theory tried to counter this development, as we have seen in chapter 3. According to Lefort, however, Marxists 'are unable to discern freedom in democracy, because democracy is defined as bourgeois.'<sup>389</sup> Instead they put their hopes on the intellectuals, people who are 'haunted by the specter of the correct theory'.<sup>390</sup>

In short, the political sciences that emerged in the late nineteenth and the twentieth centuries were constituted around positivism and the scientific will to objectify. As a result, Lefort argues, it is the political sciences' own will to objectify that creates the political or social 'facts', but this is concealed in the attempt to present themselves as 'discovering' these presumed facts. In turn, this strengthened the belief that it is possible to establish what phenomena - institutions, relations and activities - are characteristically political or social, against those that are presumed to be economic, juridical, aesthetic, etc.<sup>391</sup> But most importantly, according to Lefort the real blind spot of these sciences is that they think they can proceed in this way without ever examining the form of society that makes possible the division between all these domains.<sup>392</sup>

### §6.1 The forming of the social whole

For Lefort, political science is inherently characterized by a process of forming [*mise en forme*] the social space instead of discovering it, both by a 'giving-sense/giving-meaning' [*mise en sense*] and a process of 'staging' [*mise en scène*].<sup>393</sup> 'Giving-sense or giving-meaning'<sup>394</sup> refers to the way society is

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<sup>388</sup> One of the famous essays of Lefort opens with: "My purpose here is to encourage and to contribute to a revival of political philosophy." In: "The question of democracy", Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Cambridge, UK: Polity Press in association with Basil Blackwell, Oxford, UK, 1988), p. 9.

<sup>389</sup> Ibid., p. 10.

<sup>390</sup> Ibid.

<sup>391</sup> "According to Lefort, it is in this *mise-en-sense* and *mise-en-scène*, the form of the social, or 'the manner of being in society,' that is denegated by political science to the profit of both a system of independent spheres and a reconstructed knowledge of the whole." In: Bernard Flynn, *The Philosophy of Claude Lefort. Interpreting the Political*, ed. Anthony Steinbock, Northwestern University Studies in Phenomenology and Existential Philosophy (Evanston, Illinois: Northwestern University Press, 2005), p. 112.

<sup>392</sup> Lefort, *Democracy and Political Theory*, p. 11.

<sup>393</sup> Ibid., p. 11ff. For the analysis of the shaping and forming of Communism, see one of Lefort's last books that was published during his lifetime: ———, *Complications: Communism and the Dilemmas of Democracy*, Columbia Studies in Political Thought/Political History (New York: Columbia University Press, 2007).

presented by political science as a site that articulates itself through particular conceptual distinctions, like the real and the imaginary, the just and unjust or the normal and the pathological. 'Staging' can be recognized in the way the positivism of the political sciences presents the neutrality or objectivity of the researcher, as if the political scientist is a neutral subject versus an independent object, the social whole called society.<sup>395</sup> The fiction of this scientific Subject

fails to recognize that any system of thought that is bound up with any form of social life is grappling with a subject matter that contains within it its own interpretation, and whose meaning is a constituent element of its nature.<sup>396</sup>

The positivist political scientists are guilty of, what I would call, non-critical and non-philosophical thinking. They are looking for objects that are characteristic of a specific domain without ever examining the form and preconditions of society within which the division of reality into various sectors appears and is legitimated.<sup>397</sup> The scientific assumption is that the object can have substance only if it is particular, by separating it from other defined or definable objects.<sup>398</sup> This was the main target of the critique articulated by Horkheimer as we have seen in the second chapter.

### §6.2 Lefort's ambiguous relation with Marxism

This does not mean that Lefort should be seen as a Marxist political thinker or as standing in the tradition of the Frankfurt School. His attitude towards Marxism is very ambiguous and it probably can be understood best as 'working with Marx against the consequences of Marxism', as he himself insisted.<sup>399</sup> On the one hand, his philosophy starts from a critique of the 'rationalist illusion': the idea that a social whole can be known as such.<sup>400</sup> On the other hand, Lefort moves from this anti-rationalistic position to an historical analysis of 'the political', as the way society reproduces itself, which is more in line with Marx's project.<sup>401</sup>

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<sup>394</sup> The French suggests both translations. Giving-sense should also be understood as a bringing into existence to be perceived by the senses. Giving-meaning has more to do with the symbolic representation of a phenomenon and its effect.

<sup>395</sup> Lefort, *Democracy and Political Theory*, p. 11.

<sup>396</sup> *Ibid.*, p. 12.

<sup>397</sup> *Ibid.*, p. 11.

<sup>398</sup> 'Permanence of the theologico-political', in: *ibid.*, p. 216.

<sup>399</sup> Howard, *The Marxian Legacy*, p. 185.

<sup>400</sup> Lefort writes in 'Permanence of the theologico-political?': "In short, whatever the schema of the reconstruction or description may be, his [the functionalistic or Marxist scientist] approach always consist of isolating relations and combining them in order to deduce society from these operations." Lefort, *Democracy and Political Theory*, p. 220.

<sup>401</sup> Howard, *The Marxian Legacy*, p. 185.

What is problematical in the Marxist tradition for Lefort is the way it hypostasized the distinctions Marx had formulated, without showing how these elements are necessarily intertwined on the level of theoretical reflection, empirical social analysis and political practice. It is Lefort's contention that the tradition of Marxist social science itself is responsible for the underdevelopment of (the practical side of) Marxism.<sup>402</sup> Hence, political philosophy in the spirit of Marx for Lefort means remaining faithful to Marx's radical historical and political point of view. But this means also - and this is the anti-rationalistic point - that theory in itself, taken as a norm, can be dangerous when dogmatically taken as the ultimate solution to all social problems.<sup>403</sup> The notion of revolution especially needs to be abandoned in its traditional historico-materialist understanding of the completion of a rational system.<sup>404</sup>

Lefort points out that every theory that claims to lay bare the structure of reality implicitly claims dominion over this structure. This is as dangerous as when a dictator or populist leader claims to have absolute knowledge of the state, the good or the will of the people. It is the seed of totalitarianism. Consequently, any rationalistic declaration of absolute and objective knowledge of reality must be criticized.

An important consequence of Lefort's anti-rationalist stance is that it is impossible to exactly and exhaustively pinpoint the structure of *any* social form. Philosophical analysis must focus on the irreality and radical dependence of any social unity and order that the social and political sciences present to us. Lefort is especially concerned with how scientists experience the social, with those who take the social as their object. This experience does not allow for the reduction of the social to society or some other social unity. I will return to this idea in chapter 6.

In other words, the social and political sciences lack reflexive thinking about their own historicity, and about the context-boundedness of their theories. As Lefort succinctly puts it, in a formulation that carries overtones of the ontological difference as formulated by Heidegger:

Let me say simply that if we ignore distinctions that are basic to the exercise of the intellect on the grounds that we

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<sup>402</sup> Ibid., 184-185.

<sup>403</sup> "But the most remarkable thing of all is that the withering away of that ideology [Marxism] has done little to set thought free or to help it return to political philosophy. It may well be admitted that it is not socialism, or 'true' socialism as they quaintly say, that is being constructed in the USSR, in Eastern Europe, in China, Vietnam, Cambodia, or Cuba, but how many intellectuals are still haunted by the spectre of the correct theory, by the belief that it will reveal the laws that govern the development of societies that it will enable them to deduce a formula for a rational practice?" Lefort, *Democracy and Political Theory*, p. 10.

<sup>404</sup> "I wanted to show that the concept of Leadership [Direction] was tied to that of Revolution in the sense that we inherited it from Marx. The root of the illusion was the belief in a point of radical rupture between the past and the future, in an absolute moment (even if it is stretched out temporally) in which the sense of history is given." Lefort, Claude, cited in: Howard, *The Marxian Legacy*, p. 186-187.

cannot supply their criteria, and if we claim to be able to reduce knowledge to the limits of objective science, we break with the philosophical tradition.<sup>405</sup>

Philosophy, in short, has a job to do, as the political sciences don't show any interest in reflecting on their own preconditions. It is here that 'the political', and hence the political difference, comes in.

### §6.3 Lefort's political difference

'The political' in Lefort's work indicates that any *factual* hegemonic power structure presupposes some form of recognition of this structure by the people that are part of it. It refers to the symbolic structure of power that characterizes and distinguishes political regimes<sup>406</sup>, and to the manner in which society understands itself as a collectivity.<sup>407</sup> As such the political involves the forging and shaping of social meaning.<sup>408</sup> The political is a symbolic space defined in part by the non-political (the social, the cultural, the economic, politics), but it also provides the context in which these domains are embedded.<sup>409</sup> According to Julian Bourg the political in Lefort is constitutive of politics and as such should be understood as being 'open, irreducible, indefinite, plural, and composed of differentiated spheres of activity'.<sup>410</sup> Eloquently put by Donald Loose:

As a constitutive, coherent entity of fact and meaning, and as an entity inside an imagined whole, the forming of society is essentially connected with the ruling categories that give meaning. With these categories in hand a society will legitimize the location of power for itself. This interpenetrating principle of society is what we rightly call 'the political'.<sup>411</sup>

In short, *the political* should be conceived as the symbolic representation of the unity of the social that functions as a necessary precondition for any statement

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<sup>405</sup> Lefort, *Democracy and Political Theory*, p. 12.

<sup>406</sup> Stefan Rummens, 'Deliberation Interrupted: Confronting Jürgen Habermas with Claude Lefort,' *Philosophy and social criticism* 34, no. 4 (2008): p. 385.

<sup>407</sup> James D. Ingram, 'The Politics of Claude Lefort's Political: Between Liberalism and Radical Democracy,' *Thesis Eleven* 87 (2006): p. 36.

<sup>408</sup> Dick Howard writes: "It's the political question that grounds the social. That emergence of the social to itself which preoccupied Lefort in his earlier writings emerges as fundamental to a redefinition of the political." But: "[The political] does not, [...] exist in the same manner, on the same level, as determined by, or as determining, the social." And finally: "The political is co-institutional with the social. It is a society's self-reflection, the image that it gives itself of itself in the attempt to conjure away and defuse the problem of social division." In: Howard, *The Marxian Legacy*, p. 212-213.

<sup>409</sup> See the introduction by Julian Bourg in: Lefort, *Complications: Communism and the Dilemmas of Democracy*, p. 14.

<sup>410</sup> *Ibid.*, p. 15.

<sup>411</sup> Donald Loose, *Democratie Zonder Blauwdruk: De Politieke Filosofie Van Claude Lefort* (Best: Damon, 1997), p. 67. My translation.

about social and political objects. *Politics*, on the other hand, which is the object of the political sciences, is the competition for public power and the decisions about its use. Like with Ricoeur, 'politics' thus refers to the everyday use of political and administrative power.

What criteria determine the force of this power structure in reality?<sup>412</sup> What makes one perspective on a social whole prevail over another? Again, the political and social sciences cannot answer this question; they can only describe the prevalent political power. For Lefort it is the task of political philosophy to think about the preconditions of politics and society and the way society presents itself. In short, philosophy is responsible for thinking the ontological dimension, 'the political'. Philosophy should ask: what is being presupposed when society, or any other social reality, becomes the object of scientific research? And crucially: in what ways does this specific form of reflection create, stimulate and control these social entities?

The process of creating and controlling the social and political sphere suggests a circular causality between positive political science and its analyses. The political difference can bring to light this reciprocal interdependence.<sup>413</sup> In the following I will make a little tour amongst some of Lefort's political essays to evaluate how the political and politics are interrelated, especially in relation to Lefort's conception of democracy.

A counterintuitive yet very important idea that can be found throughout Lefort's work is that the political difference has primacy over every other conceptual distinction in political and social philosophy. It functions as a 'primordial reference'.<sup>414</sup> What we designate as the social or society is therefore 'in reality' a product of thought, something that is being constituted by the interplay of the political and politics, and can only be understood in relation to the political difference. As we saw earlier, the political in Lefort stands for the ontological side of the political difference, used to designate or analyse the way social and political order is being constituted. Through such an analysis 'we remain true to philosophy's oldest and most constant inspiration', which is to answer the question of how different forms of society come into being.<sup>415</sup> As we have seen, Lefort uses terms from the arts, more specifically the theatre, to portray the forming of social and political orders. What distinguishes one society from another is the '*mis-en-forme*', the shaping, of human coexistence. It is not, according to Lefort, the task of philosophy to localize the political in society, but to show that 'the very notion of society already contains within it a reference to its political definition.'<sup>416</sup> The social already presupposes the

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<sup>412</sup> Ibid., p. 62.

<sup>413</sup> We could call this creating of a social entity like society the creation of a con-fiction: a self-description of a group of people that becomes hegemonic. Schinkel, *Denken in Een Tijd Van Sociale Hypochondrie: Aanzet Tot Een Theorie Voorbij De Maatschappij*.

<sup>414</sup> Lefort, *Democracy and Political Theory*, p. 218.

<sup>415</sup> Ibid., p. 217.

<sup>416</sup> Ibid.

political as a creative medium that determines how we perceive social relations in all their dimensions, such as classes, groups and individuals, the sexes, practices, beliefs and representations.<sup>417</sup>

Politics on the other hand is 'the set of activities whose end is the regulation of public affairs'<sup>418</sup> but with a reflexive loop built into it: it is also the way people within a political and social order perceive themselves as individuals of this order (*mise-en-scène*). Political science is constitutively hampered by this circularity. As we saw earlier, it is not equipped for, or interested in, thinking about the question of why a certain perspective has been chosen, nor what their analyses produce and legitimize. It lacks any reflective and critical distance to its objects; critical in the sense of reflecting on the conditions for the distinction between the political, the social and the economic domain for example.

It is the advent of Modernity – which for Lefort means post-French Revolution - that has made the relation between the political and politics salient. Modernity here is best understood in contrast with pre-Modernity. What they share, for Lefort, is the symbolic importance of the place of power for the conception of the social whole. But while in pre-Modernity the place of power is being occupied by the figure of the king or God, in Modernity this place remains empty. In Modernity, man has to decide how to fill this empty place of power<sup>419</sup> – whether in a totalitarian, or in a democratic way.

#### §6.4 Lefort and Democracy

In democracy the will of the people can manifest itself through an institutionalization of social conflict and a quasi-dissolution of social relations - the emergence of a rational individual, freed from the ties with the church, tradition, family etc.<sup>420</sup> As we saw earlier with Carl Schmitt, the coming of democracy urged philosophers to transform their conceptions of sovereignty and the relation between the state and politics. Lefort however does not blame liberalism of the nineteenth century in order to argue for another concept of politics in the form of 'the political'. Instead, he characterizes the death of the monarch as the point that marks a new relation to sovereignty. With the end of the reign of the king as the link between divine power and earthly power, the space of power is vacated. For Lefort this is the frame of reference for understanding modern democracy and the political difference in Modernity<sup>421</sup>:

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<sup>417</sup> Ibid., p. 218.

<sup>418</sup> ———, *Writing, the Political Test*, trans. David A. Curtis, Post-Contemporary Interventions (Durham, NC: Duke University Press, 2000), p. 268-269.

<sup>419</sup> For the relation between the philosophies of Nietzsche, Heidegger and Habermas on the one hand and Lefort on the other, see: Flynn, *The Philosophy of Claude Lefort. Interpreting the Political*, p. 140ff.

<sup>420</sup> Lefort, *Democracy and Political Theory*, p. 226.

<sup>421</sup> Ibid., p. 17.

It is indeed true that power no longer refers to any point of origin which coincides with the origins of [Divine or Monarchic] Law and Knowledge and that, in that sense, the type of actions and relations which cluster around its pole can be distinguished from other types of actions and relations which might be termed juridical, economic and cultural; and it is therefore true that something can be circumscribed as being *politics*.<sup>422</sup>

We could say it is only this latter domain of politics that concerns the political scientist. What stays hidden for him, however, is the symbolic form that makes the distinctions they use possible (*mise-en-sense*: the distinction between right and wrong, legitimate and illegitimate). An example of such a symbolic forming is the way twentieth-century democracy can be understood in the light of structural transformations in the eighteenth century. The beheading of the king is the precondition for democracy: democracy can only be understood in relation to this empty space of power, an empty space that can only be appropriated temporarily. The exercise of power in a democracy is subject to procedures of periodical redistributions.

This perspective on democracy breaks with the idea that 'democratic government', as a counterpart to authoritarian regimes or a monarchy, means that political power has been transferred or returned to the people or society. True, popular suffrage is an important agency for society to represent itself as a unity in the form of a general (but fragmented) will, but this 'unity' itself is already an effect of the workings of the political: society is created by distinguishing between an inside and an outside of the social. The question then becomes: who has the right to take part in society? What are the limits of the social? With the death of the king, who had a direct relation to a divine order that could be transposed onto the social, society has lost its determinate limits. This also means that every hierarchical social relation comes under scrutiny. Democracy is characterized by a purely symbolic forming of a social unity; conflict over the limits of the social is therefore immanent to its nature. The identity of the people remains latent in democracy. It becomes part of both politics and the political itself.<sup>423</sup>

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<sup>422</sup> Ibid., p. 227. In *Complications*, Lefort writes: "Liberal democracy was born from the rejection of monarchical domination, from the collectively shared discovery that power does not belong to anyone, that those who exercise it do not incarnate it, that they are only temporary trustees of public authority, that the law of God or nature is not vested in them, that they do not hold the final knowledge of the world and social orders, and that they are not capable of deciding what everyone has the right to do, think, say, and understand." ———, *Complications: Communism and the Dilemmas of Democracy*, p. 114. In the last chapter of this dissertation I will elaborate further a philosophical understanding of democracy that does not refer to this beheading of the king as constitutive for our understanding of democracy.

<sup>423</sup> ———, *Democracy and Political Theory*, p. 230.

For Lefort democracy necessarily implies an institutionalization of conflict<sup>424</sup>; all hierarchical relations between people become potentially contestable. There is no ultimate reference point anymore, no final judge or criterion to decide *a priori* who has a right to speak, to know, to exercise power. There are only rules for controlled contest within an institutionalized sphere, which themselves are arbitrary in nature. But there is another important implication. Although popular suffrage contributes in some sense to an idea of a social whole - as it makes clear who is part of the people who can vote - at the same time elections make clear how fragmented the general will of this people is, especially in political systems with multiple political parties. We should understand that especially in representative democracies the capacity to endure conflict is limited. I think it can be best understood by reference to the saying 'agreeing to disagree'; as especially witnessed in the phenomenon of elections.

### §6.5 Lefort's contributions

There are at least three important insights we should take over from Lefort concerning our further discussion on the political difference and a new, critical conception of democracy. First, there seems to be a ruling principle behind the daily praxis of politics, or at least, the way this is perceived by 'traditional', i.e. rationalist political and social science. Before attempting any analysis of, for example, social facts, political practices and economic logics, we should focus on the conditions for thinking society and politics itself. As critical political philosophers, we should ask what the conditions of daily politics and social relations are; we should focus on the political itself, on the emergence of the idea of politics and the society as an apparent whole and particular structure.

This leads to a second insight, this time with regard to democracy: the place of power can never be occupied permanently. As we have seen, for the political scientist the origins of this redistribution of power remain shrouded in mystery. It is the philosopher, and the philosopher alone, who can grasp this phenomenon. With his analysis Lefort has used a foundational or (quasi-)transcendental move of referring to both the historical conditions of the emergence of democracy-as-regime (politics) and to its structural precondition: the empty space of power. Lefort is searching for the conditions that make it possible for politics to emerge as a specific form of action, which is the ontological aspect of politics: the political.<sup>425</sup>

Thirdly, we should understand democracy in its fragmented, contested and depurified form – as a political form of a society that has lost its markers of certainty.<sup>426</sup> For Lefort democracy is not primarily about reaching consensus

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<sup>424</sup> Ibid., p. 17.

<sup>425</sup> Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*, p. 91.

<sup>426</sup> "In my view, the important point is that democracy is instituted and sustained by the dissolution of the markers of certainty. It inaugurates a history in which people experience a fundamental

through debate. More important is the open-ended and conflictual nature of these debates. As Stefan Rummens correctly notes in this respect, the changes within the source of sovereignty in Modernity mean that the symbolic structure of power also continuously changes. The particularity of the people, its needs and demands, the changing circumstances and other contextual elements, is not something that thought and rational deliberation should ignore. On the contrary, this is why there should be deliberation in a democracy. It is the unity-in-diversity that modern democracy has to deal with.<sup>427</sup>

There is controversy as to whether this analysis should be read in a conservative or a progressive fashion: should it be seen as contributing to the theory of radical democracy or as a defence of liberalism? Both positions seem hard to maintain. Lefort's notion of democracy is not strictly liberal. Democratic rights always transcend any particular instantiation of right; rights for Lefort are essentially political, even revolutionary. Moreover, the institutional and political freedom of individuals can never be simply given, but needs to be conquered, often by using force, through breaching the status quo. But neither is Lefort's philosophy radically democratic, as he does not believe that it is possible for 'the people' to act as a collective subject without any form of mediation. The main principle through which the people can express themselves is - and should be - political representation.<sup>428</sup> To conclude this issue, Lefort's political theory is more nuanced and cannot be classified on either side.<sup>429</sup>

His major contribution to political thought notwithstanding, Lefort's is a one-sided attempt to deal with the political difference. Or, more precisely, Lefort remains ambiguous about the relationship between the political and politics. On the one hand, in his conception of the political difference the political has absolute analytical primacy over politics<sup>430</sup>, from a philosophical standpoint, and Lefort himself is primarily concerned with establishing an autonomous sphere for philosophy, clearly separated from the political sciences. On the

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indeterminacy as to the basis of power, law and knowledge, and as to the basis of relations between self and other, at every level of social life (at every level where division, and especially the division between those who held power and those who were subject to them, could once be articulated as a result of a belief in the nature of things or in a supernatural principle)." Claude Lefort, 'The Question of Democracy'. Lefort, *Democracy and Political Theory*, p. 19.

<sup>427</sup> Rummens, 'Deliberation Interrupted: Confronting Jürgen Habermas with Claude Lefort,' p. 389ff.

<sup>428</sup> Ingram, 'The Politics of Claude Lefort's Political: Between Liberalism and Radical Democracy,' p. 43-44.

<sup>429</sup> Also, I do not believe Lefort's political stance is very relevant for this dissertation, as my main emphasis is on two crucial insights in Lefort: first, the negative-ontological, and agonistic concept of democracy; and second, the political difference he lays bare, the relation between its ontic and the ontological dimension. In chapter 7 I will however discuss an important book by a student of Lefort, Miguel Abensour, who is seen as an exponent of the progressive reading, while Michel Gauchet is generally seen as the apprentice who has taken a more conservative path. See for a discussion of these different readings of Lefort's political philosophy: *ibid.*

<sup>430</sup> "[Lefort] distinguishes the political from politics, the former being the constitutive condition of the latter. The political comes first." See 'the translator's introduction' by Julian Bourg in: Lefort, *Complications: Communism and the Dilemmas of Democracy*, p. 14.

other hand, as Lefort makes clear several times, the political and politics are intertwined or interdependent. This would be more in line with Heidegger's conception of the ontological difference as composed of two sides that are co-original. Lefort writes, for example:

The analysis of the forms of political society [i.e. the political] [therefore] leads to the examination of the forms of action [i.e. politics], and vice versa. There are two poles of experience and two poles of knowledge, and the gap is irreducible. Or to say it in modern language: Reflection on the political and reflection on politics are at once distinct and intertwined.<sup>431</sup>

To stay true to the political and ontological difference, we need to ask how both poles of the political difference influence each other. The question regarding in what way politics, or the way its practice is being described by political scientists (the ontic), influences or urges thinking about the political is just as important as the question of how our perspective as philosophers changes the political practice. Referring to 'the beheading of the king' to understand modern politics is not enough; there are more recent events that have changed our thinking about politics, such as the events of 9/11 and its aftermath, the political assassination of Pim Fortuyn in the Netherlands, the economic crisis at the end of the first decade of the twenty-first century and the revolutionary upheavals in the Arabic and Western world. These events have changed our discourses on the daily practice of politics and democracy, and as such should be taken seriously by any thinker who concerns himself with writing critical political philosophy.

Slavoj Žižek states that ontological insight necessarily entails ontic blindness and error, and vice versa. One conclusion that can be drawn from this claim would be that science does not think, but also that philosophers cannot act.<sup>432</sup> An analogy we could use to understand this chiasmic feature is that of a *Gestalt* switch: when we are analysing politics by creating an inventory of important concepts, occurrences and logic, we necessarily occlude the dimension of the political as the conditions of politics. Conversely, when we try to think of the events that influence the political, we cannot concern ourselves with the understanding of (daily) politics. But just as with the Gestalt-switch between the rabbit and the duck we are able to switch between the two approaches: philosophers are trained, like other critical investigators, to describe both reality and to think and to investigate the conceptual conditions for its description.

One of the purposes of my reformulation of philosophical critique, and to weaken the impact of Žižek's remark, is to make the gap between the

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<sup>431</sup> ———, *Writing, the Political Test*, p. 138.

<sup>432</sup> Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology*, p. 15.

ontological and the ontic (and so between analysing political reality and analysing the preconditions of political thought) a constitutive one, but at the same time to show that this gap creates the opportunity to contribute to a conceptualization of a critical account of democracy. This is also part of Lefort's goal as we have seen, as his analysis of the empty place of power and the analyses of attempts by totalitarianisms to fill this place has led to a conception of democracy that remains loyal to the historical a priori condition for political philosophy in Modernity that still remains relevant: the empty space of power. Lefort's conception of democracy thus contributes to both the ontic and the ontological side of the political difference: he starts from the presupposition of a fundamental social discord, and presents democracy in Modernity as a political practice that has an empty place of power at its core.

We have also seen in this section that Lefort's conceptualization of the political difference is concerned with showing the fallacies of the political sciences. Political scientists neglect the symbolic forming of the social and political forms, and so neglect 'the political' side of a political difference. Lefort sees it as his task *as a philosopher* to analyse this aspect in order to make political philosophy a worthwhile exercise again, with respect to politics and the social. Unfortunately, Lefort does not account for the way the discourse of the political sciences and recent events urge us to rethink the political again, thereby ignoring the chiasmic nature of the political difference.

## §7 Rancière's conceptualization of the political difference

In this section I will analyse the political writings of Jacques Rancière, in a similar way as those of Ricoeur and Lefort. I focus exclusively on his work after 1987, as this is explicitly concerned with the nature of politics. Admittedly, it is not clear from the outset how Rancière's account of the political difference is related to the ontological difference found in Heidegger. And this account also differs from Ricoeur's and Lefort's. It is a necessary addition, however, as it presents us with a fruitful understanding of both the ontic and the ontological side of the political difference.

### §7.1 Rancière's political difference

Although there clearly is something like a political difference at play in Rancière's work, there are multiple terms, or pairs of terms, to which such a difference may apply: politics and the political, but also the police and politics, or even the police and democracy.<sup>433</sup> In his most recent writings, however, it becomes clear that politics and democracy are to be considered synonyms.<sup>434</sup>

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<sup>433</sup> In *On the Shores of Politics* (1995) Rancière uses the distinction between politics and the political, politics defined as the sphere that calls forth the social dimension (p. 18). The political on the other hand seems to refer to a violent act of contesting the hegemonic order (p. 11) similar to politics in

## THE POLITICAL DIFFERENCE

In the following passage from *Disagreement* Rancière reconfigures the difference between the political and politics in a fairly comprehensive way, by substituting what we normally call politics by 'police', *prima facie* at least:

Politics is generally seen as the set of procedures whereby the aggregation and consent of collectivities is achieved, the organization of powers, the distribution of places and roles, and the systems for legitimizing this distribution. I propose to give this system of distribution and legitimization another name. I propose to call it *the police*.<sup>435</sup>

We can draw two conclusions here. First, the daily praxis of politics, seen as the activities of the social institutions and their specific procedures, should be conceived in both a broader and a narrower sense than just parliamentary democracy and the institutions of the state (the constitution, law and the courts, the police, the military, schools, the prisons, hospitals etc.). It is broader because it refers to all practices and institutions that are part of society; that is: beyond the legislative, judiciary and executive power of the state. It is narrower than the activities of parliamentary democracy, however, as this conception of politics seems not to be concerned with public deliberation and will-formation within government and society as such, although the 'achievement of aggregation and consent' could be understood as part of a deliberative democratic framework. Second, the concept of 'police' is concerned with something we generally call 'society': a social whole that is composed of specific practices, roles, rules and procedures. Or stronger still: 'police' refers to the logics that determine what is to be called society.

The concept of 'police' or, in the active tense, 'policing' should not be seen as the praxis of a specific branch of the state composed of civil servants (policemen) that keep the streets neat and orderly and the people in check. Instead, for Rancière it stands for the praxis of the institutional structures that contribute to some form of social order and unity, similar to Foucault's notion of governmentality.<sup>436</sup> For Rancière the police is 'an order of bodies that defines

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*Disagreement* (1999). See: Jacques Rancière, *On the Shores of Politics*, trans. Liz Heron, Phronesis (London; New York: Verso, 1995).

<sup>434</sup> See for example Thesis 4 of 'Ten thesis on politics': "Democracy is not a political regime. [...] It is the very regime of politics itself as a form of relationship that defines a specific subject." (p. 31) ———, *Dissensus: On Politics and Aesthetics*, trans. Steve Corcoran (London; New York: Continuum, 2010). But also in *The Hatred of Democracy* it becomes clear that politics begins when a democratic process is initiated. This is when a people of equals decide the distribution of places, ignoring hierarchical relations already in place in society (p. 40). ———, *Hatred of Democracy*, trans. Steve Corcoran (London New York: Verso, 2007).

<sup>435</sup> ———, *Disagreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999), p. 28.

<sup>436</sup> See for a short analysis of the police and policing in Foucault and Rancière: Todd May, *The Political Thought of Jacques Rancière: Creating Equality* (Edinburgh: Edinburgh University Press, 2008), p. 41 ff. I will return to this topic in chapter 6 of this dissertation.

the allocation of ways of doing, ways of being, and ways of saying'<sup>437</sup>. This is not to say that the police exclusively stands for an institute or praxis of domination and subjugation based on fear and violence; it also (or even mainly) contributes to the creation of civil subjects in a non-violent manner, by implementing specific rationalities with regard to, for example, the economy, social health, education, civility. These logics are generally presented and accepted as necessary and good for either the individual or society as a whole. The police is a specific modern form of authority that is productive on the basis of both coercion and consent. In short, the police tries to introduce and maintain specific rationalities that are directing and structuring social conduct.

Politics, on the other hand, is reserved for a very specific and rare activity in reaction to 'policing':

I now propose to reserve the term *politics* [for] whatever breaks with the tangible configuration whereby parties and parts or lack of them are defined by a presupposition that, by definition, has no place in that configuration [created by the police] – that of the part of those who have no part.<sup>438</sup>

What becomes clear in this difficult formulation is that politics presupposes the police. On the one hand we find the police as the logic that structures the social. Politics, on the other hand, only exists in relation to social order, as it is defined as the contestation of a pre-existing ordering. The 'part of those who have no part' (from now on I will use 'the-part-that-has-no-part') is the name for the people that do not play any apparent role within the social order. These are the people that are not entitled to speak, based on the hierarchies and valuations of merit prevalent within society. They can't even be properly perceived: what they say is perceived as nonsense, beside the point, just a disturbing sound, a noise and a nuisance.

To give some examples, in ancient Greece slaves and women were the-part-that-has-no-part. In more contemporary times among such people we find illiterates, people from the third world, certain religious groups (minorities or majorities), criminals, the mentally ill, workers in the factories of the third World, people in the slums, the rabble, political and economic refugees, people without identification documents. The 'part-that-has-no-part' does not exclusively refer to outcasts as such, however. It designates any collection of individuals that falls outside the stratification of a specific social order, as its main feature is that it cannot be identified on the basis of any of the social 'entitlements' that are hegemonic in society. This means that 'the-part-that-has-no-part' can be part, that is, it can be immanently present, in *any* society, without being distinguishable as a specific socially or politically relevant group

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<sup>437</sup> Rancière, *Disagreement: Politics and Philosophy*, p. 29.

<sup>438</sup> *Ibid.*, p. 29-30.

– from the perspective of the police at least. It has no clear identity in the hegemonic configuration of society.

§7.2 Bridging the gap?

Crucial for Rancière's understanding of what is political is the specific relation or gap between the police and politics. From an analytical standpoint we could say that the police has a positive ontological status and politics does not. In other words, the police is always present, or has presence: there are always certain principles and discourses at work that contribute to maintaining social order, such as laws, procedures or morals. Only in extraordinary times, such as social upheavals, violent outbursts, or what is sometimes pejoratively called 'total anarchy', is this social order suspended in some sense. In these times politics can emerge. Politics, we might say, is latent yet active, as it 'haunts' the police order: its force could appear at any time.

Many (political) philosophers have tried to occlude the gap between police and politics by introducing 'figures' to counter the paradoxical position of 'the-part-that-has-no-part' (which could be seen as the non-defined representatives of 'politics'), and are thereby guilty of neglecting the political difference. Rancière calls these figures archipolitics, parapolitics and metapolitics.

The first figure, archipolitics, refers to Platonic political philosophy; Plato is Rancière's prime example here. Archipolitics dismisses the existence of the political difference by presenting a political regime (the *politeia*) as an organism that is regulated by its own law, to wit: 'charging each of its parts with the vital principle that destines it to its own role and good'.<sup>439</sup> In such a conception there is no space for politics as defined by Rancière; there is no space for anything that does not adhere to the laws of the *politeia*. Plato incorporates the-part-that-has-no-part as already a distinguishable part of the community, defined by its work and its trade, its needs and functions. By breaking up the *demos* into particular members it is possible to reconstruct the community in terms of its functions. This dividing up of the *demos* has a strong depoliticizing effect: the common virtue becomes to 'mind your own business', to act in accordance to your place in the community. This law-like organization of the *polis* means that there is no political force in the community, no part-that-has-no-part. In this way the *politeia* as conceived by Plato, and archipolitics in general, is 'the complete achievement of *physis* as *nomos*, community law's complete and tangible coming into being'.<sup>440</sup> What this figure shows is that the political difference between the police and politics can be easily occluded by introducing the principles, roles or functions that determine one's place in the community, thereby also determining who is equipped and allowed to rule and who is not, without exception, and without the possibility

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<sup>439</sup> Ibid., p. 64.

<sup>440</sup> Ibid., p. 68.

of having a justified claim to change the nature of this community. In this way all politics is made redundant.<sup>441</sup>

The second figure that occludes the political difference, named ‘parapolitics’, can be found in Aristotle. It is the reconciliation of, or compromise between, the Aristotelian idea of the nature of the human goal, its *telos* (which is the shared recognition by all of what is just and what is unjust) and the nature of the inevitable existence of inequality within community. On the one hand, politics in Aristotle rests on the conviction that there is an equal capacity for all to rule and be ruled.<sup>442</sup> On the other hand, there is the clear and present situation that there never is an ‘equality of condition’ in any collectivity. So Rancière can conclude that the problem of parapolitics is to reconcile the opposing logics that ground its conception: ‘the one in which the greatest is the rule of the best and the other, in which the greatest good in terms of equality is equality.’<sup>443</sup>

Aristotle’s solution to this opposition between the ideal and factuality of community is to transform the actors and forms of action of the political conflict into the parts and forms of distribution of the police apparatus. This makes the *demos* into just one of the parties involved in the fight over the distribution of the offices in the *polis*.<sup>444</sup>

In our current day and age, the political philosopher and the sociologist have taken over this function, according to Rancière. It is they who distribute and rearrange the democratic apparatus on the basis of the rationality of good government.<sup>445</sup> He writes:

If Plato’s archipolitics is transposed in the modern age into the sociology of the social bond and common beliefs correcting democracy’s sloppiness and giving coherence to the republican body, parapolitics gleefully transforms itself into another brand of ‘sociology’: the representation of a democracy divided from itself, making a virtue, conversely, of the dispersal that prevents the people from forming.<sup>446</sup>

In short, for Rancière social theory, either philosophical or sociological, nowadays provides the principles that establish the order and limits of the social. Aristotle’s parapolitics is seen as a sociology of the social bond by completely delineating the social domain, just as archipolitics does. While the latter is able to do so by reference to natural laws, the former achieves this by introducing the spatial and cultural dissemination of the people.

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<sup>441</sup> Ibid., p. 70.

<sup>442</sup> Ibid., p. 71.

<sup>443</sup> Ibid.

<sup>444</sup> Ibid., p. 72.

<sup>445</sup> Ibid., p. 74.

<sup>446</sup> Ibid., p. 75.

The third figure of responding to the paradoxical figure of 'the-part-that-has-no-part' and the political difference is called 'metapolitics': a philosophical position that declares a radical excess of injustices and inequalities that expands beyond that which the police puts forward as injustice or inequality.<sup>447</sup> Karl Marx is the paradigmatic example here, as Marx introduces a fundamental philosophical or social conflict, the war of the classes, as the basic structure of society. Class struggle grounds all political conflict, and in this manner reduces all other conflicts over equality to this all-encompassing class war.<sup>448</sup>

These three figures illustrate why Rancière deems it crucial to remain loyal to the political difference as difference - not to bridge the gap between the police and politics. At the moment one tries to incorporate politics into the police, either theoretically or concretely, we end up with archipolitics or parapolitics. And the reverse is also true: at the moment we make police subservient to politics, we run the risk of absolutizing and fixating the-part-that-has-no-part, as in metapolitics.

This particular conception of the political difference leads Rancière to an unusual conception of democracy: politics and democracy are the same thing. The contestation of the political order by the-part-that-has-no-part *is* democracy. This view has some radical consequences. The *demos* falls out of the symbolic order and outside the - physical, symbolical, representational - space of society. Also, there is no such thing as democratic police; a political system or regime is never democratic, understood as directly or indirectly ruled by the people. Instead Rancière calls democratic institutions *olicharchic*: they are organizations ruled by the cultural elites. There can never be such a thing as a democratic government or state institution because it is impossible to do justice to 'the people': the police can never account for the community/commonality that can still come into being.<sup>449</sup> For Rancière, the police can never deal with the 'fundamental miscount' of the people that lies at the base of its existence.

### §7.3 A defence of Rancière's political philosophy against Badiou's critique

Ricoeur, Lefort and Rancière are all concerned with overcoming metapolitics in some sense, especially the metapolitics of Marxist thinking. All of them try to withstand the temptation of posing a fundamental injustice at the basis of

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<sup>447</sup> Ibid., p. 81 ff.

<sup>448</sup> Slavoj Žižek adds a fourth figure to this list: Ultra-politics. This is the attempt to depoliticize politics by a militarization of politics when there is no common ground for symbolic conflict. See: Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology*, p. 190. We have to ask, however, if this is a convincing figure and not just a mode of one of the three figures Rancière presents us with. As the different figures are occlusions of the conflicting existence of the part-that-has-no-part in relation to the existing order, we should say that a militarization of a conflict with a minority (in our timeframe and in the Western world: Muslims or non-western immigrants in general) is grounded on a specific symbolic representation by the police and not initiated by politics or the interplay of the political difference itself. So I would conclude that Žižek's fourth figure is a part of parapolitics.

<sup>449</sup> Rancière, *Disagreement: Politics and Philosophy*, p. 9 ff.

society that can be overcome, for example by theoretically privileging a revolutionary subject, such as the worker.

As we have seen, metapolitics for Rancière is a mode of dismissing the political difference between police and politics by presenting a fundamental social injustice at the base of the police and thereby disqualifying this dimension of the police (and consequently, of the political difference) completely. More generally, we could see metapolitics as a means of defying the existence of the police and the use of political philosophy altogether: its logic seems to be in favour of a politics that wants to destroy the existing institutions of the state, its rationality and its practices, as this state is a function that favours the hegemonic class.<sup>450</sup> In Marx this class is of course the bourgeoisie. The metapolitician's ideal seems to be that, when this war has been won by the proletariat, no politics is needed anymore, only some form of bureaucracy: the state as facilitator of the classless society, which is perceived as being without social conflict. For Ricoeur, Lefort and Rancière this move is unacceptable, for different reasons, as we have seen. Ricoeur emphasizes the necessary discrepancy between the ideal and rational idea of the state versus the daily praxis of taking decisions and executing polity. Without this discrepancy we run the risk of creating a totalitarian conception of politics. Lefort shows how neglecting the symbolic and fragmentary instantiating of society leads to totalitarianism, especially if this is connected to the social imaginary of a classless society. And Rancière argues that society is always an artificial structure created by the police, based on (or in conjunction with) a fundamental miscount.

Alain Badiou however has taken up metapolitics in an *affirmative* manner:

By 'metapolitics' I mean whatever consequences a philosophy is capable of drawing, both in and for itself, from real instances of politics as thought. Metapolitics is opposed to political philosophy, which claims that since no such politics exists, it falls to philosophers to think 'the' political.<sup>451</sup>

Badiou's position is interesting and confronting at the same time. Badiou is first and foremost against political philosophy in general, as a discipline that defines 'the political' as 'objective datum, or even invariant, of universal experience'.<sup>452</sup> Politics for Badiou is always violent, non-consensual, militant and antagonistic action; and the inception of politics itself is located in the singularity of an event, based on conflicting ideas about instances of politics. Consequently, all definitions of 'the political' as the condition for politics are unwarranted closures or illusory/ideological, as any discursive approach to the political itself

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<sup>450</sup> That this is a one-sided conception of Marx's political ideas, especially with regard to his ideas on democracy, will be argued in chapter 7 of this dissertation.

<sup>451</sup> Alain Badiou, *Metapolitics* (London: Verso, 2006), Introductionary note, just before the prologue.

<sup>452</sup> *Ibid.*, p. 10.

is already too much of a bad thing. It is a 'subjectivation of a subjectivation'<sup>453</sup>, and subjectivation is for Badiou always a forceful regulation of the subject in relation to a state, which means: parliamentarianism, consensus-based, non-thinking<sup>454</sup>. In short: political philosophy is evil discursified. Politics in Rancière's definition as a contestation of a social order is hard to conceive for Badiou, and the only meaningful correlation is the one between politics and acting/deciding.

Badiou is very critical towards Rancière's political philosophy, as is shown by this ironic summary of Rancière's imperatives: 'Always situate yourself in the interval between discourses without opting for any of them; reactivate conceptual sentiments without lapsing into history; deconstruct the postures of mastery without giving up the ironic mastery of whosoever catches the master out.'<sup>455</sup>

In Rancière's defence though it should be said that he does everything to show how social entitlements are contingent structures and does not seem to choose sides<sup>456</sup>. His position is not negative, in the sense that it tells us what *not* to do, or even stronger, that we should stay passive. Rancière's philosophy is not 'a pure and simple verdict of militant impossibility', as Badiou would have it.<sup>457</sup> What it shows us is that militant action can be justified as long as it is staged in the name of equality. That is, when it stands in a specific relation to our hegemonic system which has equality as the principle *democratic* value. Rancière's political philosophy, therefore, is a philosophy that is directed against too deterministic, conservative and consensus-based accounts of politics and democracy.

Badiou's *Metapolitics*, on the other hand, is a radical Marxist and anti-statist philosophical discourse on the anti-philosophical nature of politics; in the end, it falls short as critical post-foundational political philosophy. Blinded by his *pathos* Badiou fails to see the positive contributions an institution, such as the state, can provide. One could think of such accomplishments as security, some degree of freedom and equality, institutionalized in law and administrations of justice and welfare, for example. Another problem with Badiou's essay is its performative nature. Even if one agrees that thinking about politics and its characteristic features never escapes existing and ruling (hegemonic) discourses, and in this sense is 'guilty' of adhering to the status quo, at least three problems remain. First, any non-philosophical, militant stance is endless without a theoretical horizon that tells us what to do after the militant action itself has taken place. Second, this decisionistic view on politics has its own

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<sup>453</sup> Ibid., p. 48.

<sup>454</sup> Ibid., p. 84.

<sup>455</sup> Ibid., p. 107.

<sup>456</sup> But he does not choose the side of the master, the teacher, the philosopher or the state. His project is concerned with emancipation of those that have no title or entitlement in itself.

<sup>457</sup> Badiou, *Metapolitics*, p. 110-111.

discursive and historical predecessors in political strands such as anarchism. Finally, Badiou's definition of politics as act and decision could be seen itself as an ontological feature of the political difference.

With regard to Rancière, there is one problematic aspect left for me to address, especially when we perceive his conceptualization of the political difference. How is this account to be conceived from the perspective of the ontic versus the ontological? I think we have to conclude that from the viewpoint of the political difference as conceived by Rancière these concepts of the ontic and the ontological make no sense. It is nonsensical to link politics to the ontological and the police to the ontic, as the former does not refer to the condition of thinking about politics, and the latter is not simply the politics in its daily praxis. Is there a way around this dead end? I think there is some textual evidence in Rancière's writings with which to confront this problem and reach some sort of synthesis between the writings of Lefort and Rancière. The crucial question here is to what extent we can ascribe an ontological dimension to Rancière's conception of the political difference. I will return to this issue in §9.

## §8 Lefort and Rancière: a comparison

There are some striking differences and similarities between Rancière's views and those of Claude Lefort, which I will discuss in the following sections. I first concentrate on some obvious differences with respect to their use of a political difference and their conceptions of democracy and democratic practice. Their similarities, or even convergences, can be found when we look at the aspect of the visible and invisible in the writings of Lefort and the sensible and senselessness in those of Rancière.

### §8.1 Divergences

We can immediately point to some striking discrepancies in the conceptions of the political difference and the analyses of democracy by Lefort and Rancière. First of all, their definitions of the two poles of the political difference are very different, as are the dynamics between the poles as well. Lefort's distinction between politics and the political is introduced to establish separate fields of analysis for the political sciences and philosophy: the former concerned with politics, the latter with the political. In Rancière's writing, especially in *Disagreement* and *Hatred of Democracy*, the goal is more 'political' or activist, showing how modern democracy is misunderstood and how democracy-as-regime is a *contradictio in terminis*.

Besides these conceptual differences there are some striking methodological differences too. Lefort's conceptualization of the political difference aims to do justice to the ontological difference first presented by Heidegger, by distinguishing between the preconditions for the appearance of a specific

order, and the way this order is perceived by itself. As we have seen, this is the main difference between philosophy and the political sciences for Lefort. In Rancière, on the other hand, there is an immanent interplay between both poles of the difference, rather than a division over different disciplines as in Lefort. Most important for Rancière are the differences between the logics that structure society and the way it is and can be contested; the manner in which political and social discourses attempt to bridge this gap; and the emancipation of the *demos* as a crucial part of his conception of democracy.

There is also a noticeable divergence with respect to democracy. Lefort speaks about the emergence of democracy-as-regime, while for Rancière democracy-as-regime is an impossibility, and a flagrant attempt by political philosophy and scientific discourse to disarm the real *impetus* of democracy as a principle of contestation. In critical response to Lefort, Rancière rejects the reference to the death of the king as being constitutive for our understanding of democracy.<sup>458</sup> He shows that democracy has been repressed from the start of its conception in ancient philosophy. In Rancière the institutionalization of democracy is neither possible nor feasible as it is this institutionalization that marks the misrecognition (or 'miscount') of the-part-that-has-no-part.

Hence, one obvious issue with combining these two political philosophies is whether the two conceptions of democracy of Lefort and Rancière can be taken together. To recall, for Lefort democracy is characterized by a fundamental negativity in its symbolic structuring of power. That is: by keeping the place of power open, democracy (and only democracy) can keep intact the principle of the 'unity in diversity'<sup>459</sup> of society. In Lefort's view political conflict is constitutive for any social order, which shows at the least that consensus and dissensus are interdependent, and as such any attempt to overcome this fundamental conflict and disagreement by theoretical or ideological means is unwarranted, and runs the danger of becoming totalitarian. For Rancière it is not so much the symbolic function of the place of power that should be stressed when discussing democracy, but the scandal that lies at the base of its conception: democracy is radical because its meaning contains both the ground of any political power and its disruption.<sup>460</sup> This means that any reference to democracy as a political regime is suspect at the moment that this

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<sup>458</sup> Rancière is very critical of this analysis as he writes in *Disagreement*: "Democracy is the designation of subjects that do not coincide with the parties of the state or society, floating subjects that deregulate all representation of place and portions. One could no doubt evoke at this point Claude Lefort's conceptualization of democratic "indetermination", but there is really no reason to identify such indetermination with a sort of catastrophe in the symbolic linked to the revolutionary disembodiment of the "double body" of the king. We need to dissociate democratic disruption and disidentification from this theatre of sacrifice that originally ties the emergence of democracy to the great spectres of the re-embodiments staged by terrorism and totalitarianism of a body torn asunder. And this duality is not the Christian duality of the celestial body and the earthly body: it is the duality of a social body and a body that now displaces any social identification." Rancière, *Disagreement: Politics and Philosophy*, p. 100.

<sup>459</sup> Rummens, 'Deliberation Interrupted: Confronting Jürgen Habermas with Claude Lefort,' p. 394, 399.

<sup>460</sup> Jacques Rancière, 'A Few Remarks on the Method of Jacques Rancière,' *Parallax* 15, no. 3 (2009): p. 120.

regime is based on a social ordering. Democracy in Rancière is exactly the contestation of this ordering.

### §8.2 Convergences

When comparing these two accounts, it appears that the main discrepancy is to be situated in the emphasis on the symbolic dimension of the institution of democracy on the one side, and the immanent possibility of contestation on the other. However, I don't think the two accounts are irreconcilable; moreover, I believe these two perspectives are both necessary to come to a critical post-foundational understanding of democracy. To link them together, we have to say something about the relation between the symbolic function of the emptiness of the place of power and the performativity of the name 'democracy'. In both cases democracy comes to stand for the contingency of a specific social order, and for the possibility of contesting this hegemonic order. In Lefort's account democracy comes to stand for a foundational dissensus and conflict at the base of the social, something that has to be respected institutionally, which leads to a procedural and deliberative account of democracy that can be compared to Habermas's.<sup>461</sup> The main difference then between Rancière and Lefort is that in Lefort's view this contingency can be managed or mediated institutionally, while Rancière emphasizes the fundamental extra-institutional nature of democratic action: '[D]emocratic action is the form of action which carries out the disruption of any ultimate legitimacy of power, or, if you turn it on its positive side, the affirmation of the equal capacity of anybody.'<sup>462</sup> I believe both aspects, the institutional and extra-institutional features of democracy and democratic practice, need to go together. I will return to this feature of my conception of democracy in the final chapter.

However, apart from the important concept of democracy, there is more work to be done for coming to an understanding of political philosophy that can incorporate both the account of Lefort and Rancière. To maintain the, in my view, crucial distinction between the ontological and the ontic side of politics we need to establish some kind of synthesis between the two thinkers. Three points need to be addressed. First, I will go into the role of the visibility of politics (Lefort) and the police (Rancière) and the invisibility of the political (Lefort) and politics (Rancière). Second, I will concentrate on the way the social is being formed by reflection on Lefort's politics and Rancière's police. Third, I will say something about the relationship between the ontological and the ontic dimension of the political difference in the writings of both authors.

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<sup>461</sup> Stefan Rummens emphasizes, besides the differences, some of the structural similarities between Lefort's and Habermas' account of democracy, especially the change in structure of authority from sovereign or monarchical power to democratic power on the basis of debate. Rummens, 'Deliberation Interrupted: Confronting Jürgen Habermas with Claude Lefort,' p. 393ff.

<sup>462</sup> Rancière, 'A Few Remarks on the Method of Jacques Rancière,' p. 120.

## THE POLITICAL DIFFERENCE

What is striking in both accounts of the political difference is that one side of the difference remains occluded in commonsensical accounts of politics. In Lefort, it is politics that occludes the police, and with Rancière vice versa. To start with Rancière, the police is the current hegemonic order that wants to maintain its current form and hierarchy, for example on the basis of merit and wealth. What is being occluded by the hegemonic discourses that are present in this order is the idea that this – and any – social order is an incomplete unity, historically constituted, a partially contingent whole that is inherently flawed by a fundamental miscount. Some people are structurally indefinable and undefined by these discourses, i.e. invisible, and even not sensible. These people are ‘the-part-that-has-no-part’, immanently present in any society but not sensible.

In the writings of Lefort it is politics, i.e. the theoretical discourse of the (political) sciences that occludes the institution of society in which these scientific discourses can emerge. As such, politics is visible and the political is invisible. Lefort argues it takes a philosophical perspective to lay bare this constitution of the social and the contemporary conditions for modern politics. These ontological aspects are invisible to political scientists, as they cannot escape their role as a subject versus the social object, without running the risk of losing their proclaimed objectivity. We should ask, of course, what it is that makes the perspective of philosophy so special that it has the tools to ‘prove’ the one-sidedness of political science, just as we asked in the sections on Marx and Horkheimer in chapter 3 in relation to ideology and the ‘real’ perspective on society. There is a crucial difference with the critique of ideology though: with Marx (and Horkheimer) the critique of ideology shows that the common conception of society is wrong, in both a descriptive and a normative sense. Lefort however points out a blind spot in the rationalistic approach of the social sciences: they can only present, and often contribute to, the genesis of a discourse on politics, but they cannot think their own genesis. They cannot think the conditions of their own conceptions. Ultimately, this is the task of philosophy.

This dimension of reflecting on their own conditions of thought remains absent in Rancière. His dismissal of political philosophy *tout court* is unwarranted, as a post-foundational approach to philosophy can both maintain the ontological, and the emphasis on the ontic. From this perspective Rancière’s political philosophy is really a post-foundational philosophy, an attempt to understand our time by showing how a fundamental gap between the police and politics is constitutive for our conception of democracy. I understand this as an attempt to think of the historic a priori conditions for political thought in a post-foundational manner. And it is also critical: it is a conceptual framework that tries to understand our time, by using a contemporary non-essentialistic philosophical approach to social and political

reality, and with a commitment towards the emancipation of equals<sup>463</sup>, the-part-that-has-no-part.

The second important correspondence between the works of Lefort and Rancière is the role of the social in relation to the political difference. Social ordering necessarily runs up against an incompleteness at its base, and this insight lies at the heart of both Lefort's and Rancière's conception of society and democracy. Society has an ontologically weak or absent ground. And this absent ground needs to be veiled - or simply is invisible - from the perspective of the policing order, which is the sensible order. Most of the time this veiling is achieved by making politics itself invisible. In short, what the police considers to be the *demos* is just a specific distribution of sensible bodies. For Rancière the *demos* is identified with the emergence of a group of individuals that stage a claim on equality. The *demos* is the-part-that-has-no-part and as such is only present as an indistinguishable part of the police.

In Lefort's theory, society is in the same way a product of thought and the imagination. It is constituted in the active reflection upon social facts, and this is most apparent in the discursive endeavours of the social sciences. For Lefort, the problem of delineating a social whole is characteristic of the modern age, as the *demos* became a contestable entity with the death of the king as absolute occupant of the place of sovereign power. Democracy-as-regime is even defined by this characteristic, as the delineation of the scope of the *demos* is a necessary condition for a decision with respect to allocating the temporary occupation of the place of power.

The main trait of both philosophical accounts is the way politics, or better, a political ontology, is constitutive of, and as such has primacy over, an understanding and the existence of the social. This has to do with the centrality of power (in the form of sovereignty and hegemony) in this tradition of French political philosophy. Seen from the perspective of power, the police in Rancière as well as politics in Lefort are composed of the hegemonic discourses that determine hierarchy within order, an order these powers call into being. This analysis by Lefort and Rancière is an explicit critique of all kinds of sociology and political science that presuppose a social unity or social order, such as conceptions of functionalism, organicism, political theories that are based on a social contract or on natural law and, in particular and explicitly, versions of Marxist philosophy - in other words, a critique of all theories that presuppose an individual, a people or a society as existing independently from, or prior to, some historic event, power struggle or conflict.

Grounding the social becomes impossible in post-foundational thinking, as 'society' should be conceived as a social construct itself: it is a performative category. In short: without the ontological difference and its derivative, the

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<sup>463</sup> For this concept, see: ———, *The Ignorant Schoolmaster: Five Lessons in Intellectual Emancipation*.

political difference, we cannot make sense of social facts. This makes political ontology and an explication of the political difference a necessary exercise for any thinking about social relations, intersubjectivity, consensus, rights, science, democracy, distribution of social goods, the role of the theorist and his methodology and commitments – in short: for any critical political thinking.

One question has remained unanswered, and this is the third and final point I need to address. We have seen in what sense it was problematic to understand Rancière's political philosophy in terms of the ontological difference. What then is the ontological dimension in his work? I think we now can say that, in relation to the ontological difference, the existence of both the police and politics is the deconstructed ontic side of the difference, and that the historical miscount of the social, inherent to any political order in relation to a social whole, i.e. the perspective from the political difference, is its ontological side. But now we have ended up with (at least) two different notions of the political difference: one between the ontological and the ontic, and one within the political difference as explicated by Rancière. I will clear up this problem in the final section of this chapter.

### **§9 The political differences**

In the previous section I have showed how the ontological difference has made possible the formulation of another distinction: the political difference. My analysis of Ricoeur, Lefort and Rancière makes clear that this difference is crucial, first, for understanding the nature of politics, and second, for retaining an autonomous sphere for politics and thinking about politics, and for critical philosophy. The reasons for this are very different for each thinker, as we have seen. For Ricoeur the necessity of maintaining this autonomous political sphere lies in the fact that Marxism and Leninism were occluding the political paradox, a reduction made possible by an overshadowing emphasis on economics in relation to politics. For Lefort political philosophy's autonomy had to be re-established, as the political sciences cannot help but approach politics from a non-critical standpoint, describing political praxis without thinking about the position they themselves come from. Their proclaimed objective stance is nothing other than a historical and cultural (contingent) context. It is up to the philosopher to grasp the preconditions and possibility of this stance of the scientist.

With Rancière the situation is more complex. With the ontological difference I want to emphasize the importance and extraordinary nature of the relation between reality and thinking about reality, and the way they influence each other without cancelling their difference. Although Rancière would deny that his writings are about ontology, I think as a political philosopher he cannot escape this conclusion. Even when he writes in 'A few remarks on the method of Jacques Rancière' about himself (mind you, in the third person):

## CHAPTER 5

Most of those who conceptualize politics today do it on the basis of a general theory of the subject, if not on the basis of a general ontology. But Rancière argues that he cannot make any deduction from a theory of being [...]. The reason, he says, is that he knows nothing about what being as being may be.<sup>464</sup>

I think Rancière does not want to write a metaphysics as in 'the project to create an all explaining system', but in my view he does touch upon ontology with respect to the political difference and political analysis, although in a post-foundational sense.<sup>465</sup> Of course, the ontological difference as grounding distinction suggests a metaphysical move again, but it is not a theory of the subject or a theory that leads to a general ontology for knowing being *an sich*. Instead the political difference points us toward dialectics without a telos; it points to the immanent possibility for change of any political system because of its necessary and fundamental miscount. This is a deconstructive move that is founded on the quasi-transcendental or historical a priori idea that any identity, totality or whole, is constituted by an outside that is at the same time a danger to it. I have explicated this post-foundational idea in chapter 4.

In this closing section of the chapter I will present two versions of the political difference that can and should be seen as the synthesis of aspects of Ricoeur's, Lefort's and Rancière's accounts of the difference. They can help us to understand our current predicament with regard to governing, which I will address in the next chapter, and to a progressive, post-foundational and critical account of democracy, which is the subject of the final chapter.

In the previous section I showed that Rancière's account of the political difference can be understood as a description without an explicit ontological dimension: the difference between the police and politics is a way of conceiving our political context in a deconstructive manner. I consider his analysis to be the ontic side of the political difference: the police and politics are both necessary features of political reality that can explain the philosophical nature of democracy, as we will see in the last chapter. This difference between police and politics is what I will call *the politico-ontic difference*.

This interpretation of Rancière's political philosophy makes it, in my view, possible or even necessary to connect Rancière to Lefort. It changes the content of the political difference in both Lefort and Rancière somewhat, but the political difference itself is maintained as a 'spiritual successor' of the ontological difference.

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<sup>464</sup> ———, 'A Few Remarks on the Method of Jacques Rancière.'

<sup>465</sup> See also: Nancy, Jean-Luc, 'Jacques Rancière and metaphysics' in: Gabriel Rockhill and Philip Watts, eds., *Jacques Rancière: History, Politics, Aesthetics* (Durham and London: Duke University Press, 2009).

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First of all, I maintain that we should visualize the politico-ontic difference as consisting of the two poles Rancière describes, including the necessary gap that exists between them. On the one hand we find the 'police' - the hegemonic authority or sovereignty that is legitimized by a combination of coercion and consent of the people, by different governmental and non-governmental institutional practices, and by scientific discourses. On the other hand we have uncovered 'politics' - the struggle we find in and outside society, the struggle against any given order by ways of contesting and subverting the sensible. This is the distinction we find in Rancière, a distinction that is easily occluded in any thinking on politics, as Rancière convincingly shows.

But this cannot be the whole story, as Lefort valiantly shows. The whole exercise of presenting the ontic dimension of politics - or better, the specific, internal, political difference, or politico-ontic difference in Rancière - is necessarily accompanied by a historical or genealogical, strictly philosophical enterprise of (re)constructing the structure of the political; that is: the way we are used, as philosophers, to *thinking* about politics in general, and the way history presents us with specific political structures, events and discourses. We cannot do without this dimension without losing the perspective of critical political philosophy that I have presented in the previous chapter. The distinction between the ontic and the ontological side of this political difference is what I will call: *the politico-ontological difference*.

To conclude, within this conceptual framework we end up with a politico-ontic and a politico-ontological version of the political difference; I will employ both, in order to develop a critical understanding of democracy. Again, the politico-ontological difference refers to the difference between the philosophical approach to politics and the way the political domain is approached by political science and non-critical political philosophy. The politico-ontic difference, on the other side, is the difference that only can be established by critical political philosophy, as the perspective on the political domain mediated by deconstruction, with, on one side, the police order and, on the other, the contestation of this order, either immanently present or spectral.

The conceptual distinctions that are made in this chapter will help us to understand the alternative conception of democracy that I will present later on. But first we need to elaborate more on some concepts that cannot be avoided when we deal with politics: contemporary governing of the people and its outsides. We need to answer the question about the 'who' and the 'how': policing; policy and its targets; and the specific materiality that politics and Western democracy is concerned with. In the next chapter we will be dealing with society, the social and the *demos*.



# Chapter 6. The social difference and the democratic horizon

## §1 Introduction

In contemporary Neo-Marxist political philosophy society plays a secondary role. Laclau and Mouffe, two of the prominent defenders of this tradition, put it like this:

'Society' is not a valid object of discourse.<sup>466</sup>

And in an essay called 'The Impossibility of Society' Laclau observes that:

[...] 'society' as a unitary and intelligible object which grounds its own partial processes is an impossibility.<sup>467</sup>

Instead, the political difference has taken centre-stage in these accounts:

[...] the political has a primary structuring role because social relations are ultimately contingent, and any prevailing articulation results from an antagonistic confrontation whose outcome is not decided beforehand.<sup>468</sup>

One of the consequences of this primacy of the political is that social philosophy has moved to the background. More precisely, within these traditions social relations and society can only be understood as an effect of the logics of the political, of politics, or of both. However, the link between politics - or better: the political difference - and society remains important, as for instance Oliver Marchart argues, having Claude Lefort in the back of his mind:

On the one hand, the political, as the instituting moment of society, functions as a supplementary ground to the groundless stature of society, yet on the other hand this

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<sup>466</sup> Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 111.

<sup>467</sup> Laclau, Ernesto, 'The impossibility of society', in: Laclau, ed. *New Reflections on the Revolution of Our Time*, p. 90.

<sup>468</sup> ———, 'Why Constructing a People Is the Main Task of Radical Politics,' *Critical inquiry* 32, no. Summer (2006): p. 664.

supplementary ground withdraws in the very 'moment' in which it institutes the social.<sup>469</sup>

Through the lens of post-foundational philosophy, society appears as an effect of, or within, the conception of the political difference. Society proves to be not a 'fact' that can be observed as such; it is deconstructed and should be perceived as coming into existence through the logic between the political and politics. However, because a critical understanding of democracy requires a distinction between society and the social, we should ask how, from a deconstructionist point of view, the social itself should be perceived in contradistinction to society. 'Society' refers to a specific *ordering* of social relations, of social hierarchies, of specific hegemonic practices and of 'self-evident' values and norms. 'The social', in turn, remains nebulous as it escapes the determinations that characterize society. I will elaborate on this concept and its relation to society in this chapter.

How should we understand this 'coming to be' of society, and social philosophy in general? What does it tell us that 'society is no object of discourse' and that it is an 'effect of' the political and politics? Does it mean, from the perspective of the politico-ontic difference, that the police order, described by Rancière as the hegemonic hierarchical principles and practices that structure social relations, determines what we perceive as society? Or is it, in the vein of Lefort's theory and from the perspective of the politico-ontological difference, that the constitution of society itself remains opaque to our non-philosophical conscience, for example in the theoretical closures forced upon thought by non-critical political sciences? I believe we should respond to both questions with a 'Yes!'. I also believe that departing from the political differences is insufficient to completely understand contemporary democracy and the ontological status of the *demos*. That is why I argue that we should also introduce the social difference: the difference between the social, society and the outside of society.

Several thinkers who emphasize the primacy of the political over the social have tried to construct a theory or conception of democracy. In my view these accounts fall short with regard to both their descriptive/normative and their ethical dimensions. The *demos* rightly plays a crucial role in any critical theory of democracy, but in a post-foundational political philosophy it is especially the concept of the *demos as a social fact* (or as constitutive element, as ground) within the democratic state or society that becomes problematic. How to conceive of 'government by and for the people', to quote just a common and abstract conception of democracy, when the ontological status of this 'people' should not be seen as based on identity such as citizenship, on principles of unification, or a foundation such as a confined space, a culture, an ethnicity, a

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<sup>469</sup> Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*, p. 8.

religion, a community, or a shared language? Or, to pose a derivative critical question, how can a policy be justified as democratic when the *demos* that should legitimize this policy can only be conceptualized as an effect of a specific structuring of social relations by hegemonic discourses? And, crucially, as something that always falls outside the social institutions?

My critical approach, by introducing the social difference between the social and society, can be seen both as an attempt to deconstruct the non-critical political and social scientific discourses that neglect the preconditions of conceiving the political and social domain, and as a project that deconstructs the phenomenon 'society' that is staged as the *locus* of social and political interaction.

Derivative questions concern the relationship between post-foundational philosophy and democracy. How are we to understand the relationship between the democratic state and its subjects? Or, even more fundamentally, what is a *demos*? And what does it mean 'to democratically govern a *demos*'? In this and the following chapter I try to give an analysis of the components of contemporary democracy by answering these questions.

In the course of this dissertation we have already encountered several conceptions of *demos*, for example as with Habermas (those people that are included in rational deliberation) and with Rancière (the 'part-that-has-no-part' as subject of democracy, those subjects that are inside and outside society at the same time but are not recognized as rational social actors, institutionally or as a matter of the 'division of the sensible'). These conceptions of Habermas and Rancière are so far apart that some light has to be shed on the conditions for thinking about society and the *demos*.

In this sixth chapter I first try, in similar fashion as with chapter five on the political difference, to establish in what sense we can speak of one or several conceptions of 'the social difference' that could help us to understand the above questions on the social, society and the *demos*. In §3 I present a matrix for illustrating both the political and the social differences in such a way that it can help us to conceptualize a post-foundational idea of democracy and the *demos*. Following this section, in §4 I apply this social difference in order to get a better understanding of the relation between deliberative democracy and radical conceptions of democracy. Finally, in §5 I argue that we need to presuppose the existence of a *democratic horizon* that can help us in answering the question of how this conception of the *demos* is critically relevant for our understanding of democracy.

## §2 The social and society

With the deconstruction of society two ontological questions come to the surface: first, what falls outside society? And second, what ontological stance makes possible the thinking of both society and its outside? To answer these questions I will introduce the concept of *the social difference*. We need this difference *alongside* the political difference to make sense of the ambiguous nature of democracy. To clarify the need for the social difference, I first present a short reflection on the emergence of sociology and the difference between the social and society.

### §2.1 The status of the social difference in relation to the political difference

One of the most fundamental questions of sociology has always been the status of 'the social'. Consensus has never been reached about this object of sociology. A first instructive perspective could be the genealogy of how the social is conceived. As Hans Joas and Wolfgang Knöbl make clear, the concept 'social theory' has been used without further justification and consistent qualification from at least the late nineteenth century. It referred to general statements about social realities or the regularities in social life. In other words, it referred to the *ontic* dimension of the social, or how the social presents itself to us, as society. Second, the concept of 'social thought' was used to criticize and transcend 'individualism'.<sup>470</sup> Sociology was concerned with processes that have an objective status as something more than a collection of individual identities; a whole that is more than the sum of its parts. Third, 'social theory' was used to distinguish a theoretical domain from economic, political and psychological thought. Social theory gradually became known as an independent perspective on cultural and social processes.

This demarcation of sociology in relation to the other disciplines has proven to entail an ongoing theoretical struggle that has not been resolved till now, and may probably never be. This is because of the fuzziness (or 'contestedness') of the concept of 'the social' itself. The social encompasses such a range of different phenomena that it is impossible and unjustifiable to define it beforehand - even if we would limit ourselves to using the concept only in relation to human beings, intersubjectivity, actions, institutions or society. This is not a feature that is exclusively found in sociology, of course, as any identity (in this case an autonomous scientific field) only exists in relation to its outside, and the border between the inside and outside of an identity is permeable and never fixed. We can, though, say that sociology is characterized by a specific praxis that consists of at least two constitutive parts: first, delineating what objects we should regard as being part of society; and second, discerning which phenomena that concern human beings cannot be explained

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<sup>470</sup> Joas, Knöbl, and Skinner, *Social Theory: Twenty Introductory Lectures*, p. IX-X.

by strictly focusing on particulars, by biological and psychological phenomena and laws, or by physics.

In the previous chapter I have defined 'the political' as the specific perspective of the philosopher towards antagonism, division and dissensus.<sup>471</sup> Analogous to 'the political', we can try to discern what the conditions of *social* thought are, before speaking of such an object as 'society'. In short, we could try to deconstruct society itself, and this is what I aim to do in this chapter. When discussing 'society', in wide-ranging discourses from social studies, political discussions, to everyday talk, a specific order and unity of human beings (or non-humans in zoology for example) seem to be presupposed, or implied. Especially from the nineteenth century onwards, the term 'society' is mainly used in an organicistic and unifying sense.<sup>472</sup> We see this already in Hegel's use of *Sittlichkeit* and his discussion of civil society in the *Philosophy of Right*, in which he describes society as the 'system of irritability'. In this domain individual separation and strife is the unifying principle. The family, on the other hand, is presented by Hegel as the system of sensibility [*Empfindung*], and the state as the overarching and incorporating nervous system that makes that family, society and the state form a rational, even organic, unity and order.<sup>473</sup>

Hegel points us to another important aspect of society when he argues that civil society should be understood as a specifically modern phenomenon<sup>474</sup>: one that has become realized in a time when states start to allow for the freedom of the individual and the expression of particular interests.<sup>475</sup> It is only with the emergence of the modern state that the rationality has been realized for sustaining the chaotic, one-sided and particularistic, maybe even irrational, domain we call society:

Since particularity is tied to the condition of universality, *the whole of civil society* is the ground of mediation in which all individual characteristics, all aptitudes, and all accidents of birth and fortune are liberated, and where the waves of

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<sup>471</sup> To recall: the friend/enemy distinction with Schmitt and Mouffe, the tension between thought about the role of the state and its actual practices in Ricoeur, and the fundamental miscount and dissensus that lies at the basis of the difference between the police and politics in Rancière.

<sup>472</sup> See for an analysis of the organicistic tendencies in sociology and its consequences in current states: Schinkel, *Denken in Een Tijd Van Sociale Hypochondrie: Aanzet Tot Een Theorie Voorbij De Maatschappij*.

<sup>473</sup> Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, §263. The concept of civil society already presupposes the idea of a unity of people but only in relation to an already existing state: "Civil society is the stage of difference which intervenes between the family and the state, even if its full development occurs later than that of the state; for as difference, it presupposes the state, which must have before it as a self-sufficient entity in order to subsist itself. [...] If the state is represented as a unity of different persons, as a unity which is merely a community, this applies only to the determination of civil society." *ibid.*, §182.

<sup>474</sup> *Ibid.*

<sup>475</sup> Gary K. Browning, 'Lyotard and Hegel: What Is Wrong with Modernity and What Is Right with the Philosophy of Right,' *History of European ideas* 29 (2003): p. 231.

all passions surge forth, governed only by the reason that shines through them.<sup>476</sup>

On the one hand society is a modern phenomenon clearly distinguishable by its contingent, particularistic relationships focused on self-interest and economic prosperity; on the other hand, this society can only exist given a rational and functional state that is directed on and by the universal, in the more or less 'concrete' form of the common good and welfare. It is this dependence of society on the concept of state (what later became known as the nation-state), described by Hegel, that should concern us.<sup>477</sup> To say that an analysis of the social, or social theory, should be concerned exclusively with society is therefore to underdetermine the conceptual scope of the social. This should be conceived as a crucial part of deconstructing 'society', by analysing its genealogy and its inherent political constitution, i.e. as the result of particular antagonistic struggles, as society consists of social relations and institutions that have become hegemonic.

At the point at which we contend we should take political differences seriously we have actually barely made a start with deconstructing society. I want to draw attention to another crucial dimension of this exercise by concentrating on the conceptual make-up of what I will call 'the social'. The leading question here is: what, if anything, lies 'outside of' these hegemonic practices we call society? We should not only focus on the emergence or genesis of society and the functioning of its practices, but also on the discourses and practices that are discounted or not seen as meaningful. To come to such a distinction, we need not only concentrate on the existence of society, and its outside(s), but also on the conditions that make it possible to reflect on the distinction between society and its outside, i.e. the conditions for the social, *but outside the politico-historical genesis of these conditions*. Ergo: we should concern ourselves with what I will call 'the social differences': a socio-ontological and a socio-ontic difference. Only in this way can we critically assess hegemonic practices as social phenomena.

It might seem that here I simply want to substitute 'the social' for 'the political' and 'society' for 'politics' (in Lefort's sense), or 'the police' (in Rancière's sense). In other words, that I have transposed the dimensions of the political differences arbitrarily to some haphazard notion of the social. But this is not the case. I believe that the political differences and the social differences do not completely overlap. More strongly, I believe that by differentiating between these two differences - (note: here the social difference between the social and society on the one hand, and the politico-ontological difference between politics/police and the political on the other) - we end up with a conceptual

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<sup>476</sup> Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, §182. My emphasis.

<sup>477</sup> For an excellent analysis of the revival of the concept of (civil) society after the fall of the Berlin Wall, see: Krishan Kumar, 'Civil Society: An Inquiry into the Usefulness of an Historical Term,' *The British journal of sociology* 44, no. 3 (1993).

## THE SOCIAL DIFFERENCE AND THE DEMOCRATIC HORIZON

framework and a matrix that can shed light on many different conceptions of democracy and the *demos*. In the end it will be this conceptual matrix, and the relationships it reveals, that will form the conceptual field of my conception of democracy.

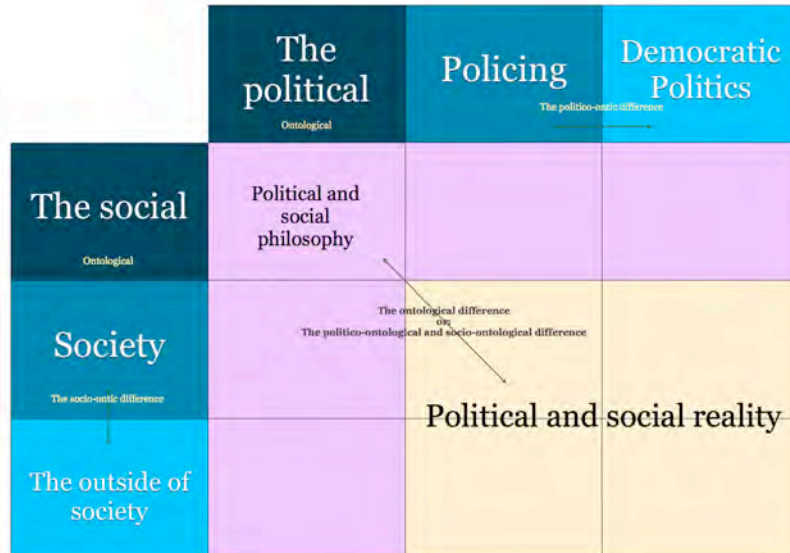


Figure 1: the matrix showing the relations between the political differences and the social differences. Although the social differences cannot be understood independently from the political difference, we have to maintain its existence to account for a contemporary conception of democracy and the *demos*.

Of course there are conceptual reasons why I think the social dimension should be distinguished from the political. I agree with Judith Butler that we have to temporally ‘congeal’ the social<sup>478</sup> to be critical of social practices, and to show how this synchronic approach is important for contributing to our understanding of, especially, democracy and the *demos*. This can only be a temporary exposition as this analysis is never completely independent from the manner in which the difference between the political and politics - thinking about politics and the way politics is organized in the contemporary world - influences (or determines) our concept of the social difference. Nevertheless, to say that the political difference has (conceptual, critical) primacy over the social difference should not withhold us from trying to grasp some of the logics of social phenomena. This is possible because of the difference between the

<sup>478</sup> Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 269.

contents of the social and the political: while the political in my conception is Marxist/Laclauian, that is, it is framed around struggle, dissensus, hegemony and antagonism, the ontological dimension of the social will be framed in terms of heterogeneity, individuality, difference, hierarchy/stratification<sup>479</sup> and pluralism. This latter conception of the social cannot be understood outside of the politico-historical dimension. Let me elaborate further on this relationship.

## §2.2 The relation between the social and the political

The reason why the political has conceptual primacy over the social is that in a post-foundational ontology social relations cannot be derived from any foundational principle (transcendent, transcendental, anthropological/natural, economic). Existing social relations are seen as the result of hegemonic struggles, i.e. from the perspective of the political. The outcomes of these struggles are ultimately contingent. Social relations are established in social practices: sets of discursive and non-discursive elements - knowledge that becomes norms, specific procedures, rules and ideas that direct architectural structuring - that have become prevalent and accepted in a specific timeframe.

The results of struggle can, and often will, be substantialized and materialized into all kinds of social practices, and eventually into institutions that are generally discursively 'naturalized', 'absolutized' and 'de-historicized': as if they have always been part of our human existence. However, social relations that have become hegemonic do not necessarily remain unchanged or uncontested. Although practices tend to occlude the 'original' struggle from which they emerged, they always retain traces of it; social practices maintain themselves because of their ability to generate certain forms of coercion and consent. A social practice can thus also become subject to subversions, deviations and resistance; especially when the conditions for justification change, any social practice becomes vulnerable to antagonistic struggles.

This is where the ontology of the social comes in: the social is the conceptual background of the reflection upon social practices, the viewpoint on both hegemonic and non-hegemonic social relations, practices and institutions that tries to make sense of the way they work and are linked. The ontological dimension of the social indicates that we, as modern subjects, generally perceive social relations and practices as consisting of interaction between, for example, individuals; or of communities that are characterized by either some form of a shared background - religion, culture, language - or typified on the basis of heterogeneity and pluralism; or of other relations between social groups on the basis of social stratification - wealth, level of education, sexual preferences - together with all implicit or explicit explanations and

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<sup>479</sup> I see as the main difference between hierarchy and stratification that the former also contains an implicit or explicit valuation of the different layers of social difference while the latter does not.

justifications for these differences. The latter features are just some examples of conditions that structure our social understanding of the contemporary Western world, and these conditions are all part of what I call 'the social': the concepts we use and the 'plethora' of links and relations we are tempted to point out at the moment we describe our social reality.

To elaborate further on the relation between the social differences and the political differences: the concepts we use to describe our social reality primarily stem from the dynamics between the political and politics, as the conditions of the social and our conception of society are both determined by and arise from the interplay between the political – i.e. the perspective of a fundamental dissensus at the base of the social unity, and antagonistic principles at the base of social identification - and events that triggered a reconfiguration of the relation between the political and politics, and thus, indirectly, of our view on society and its outsides. As we have seen in the previous chapter, society has a particular genesis on a politico-historical basis. We could follow Lefort here and say that a reconfiguration of power has taken place after the French Revolution. This also made the struggle for hegemony more pertinent: without the fixed stratifications of the Ancien Régime different and new political subjects and public demands could emerge that would otherwise not appear under an absolute ruler. Only at the moment when these struggles resulted in new social practices and institutions, after the political turmoil so to say, can we 'congeal' the social and speak of society and its outsides.

To recapitulate, the emergence of a social practice and the struggle around it should be distinguished from its actual functioning and reproduction. Although the emergence and crystallization of social practices are explained by the political difference, their factual existence and their rationality are not, and neither are the dynamics between these practices. It is therefore both possible and useful to analyse social practices and their dynamics (quasi-)independently from the perspective of the fundamental struggle that lies at the base of the history and genesis of these dynamics and relationships.

In our conception of Modernity we tend to understand the social as a collection of individuals and their specific relationships with each other. We could say this is the hegemonic ontological stance. These individuals are sociologically distinguished from each other because they have different preferences, lifestyles, beliefs, goals, values and norms. We thus describe the social in terms of heterogeneity of individuals. We could say this perspective on the social is epistemically fairly 'objective': it is commonly accepted in social science that the individual is a valid unit of analysis. In other words, in the hegemonic discourse on society the individual is one of the constituent entities of the social.

However, this perspective is not a neutral one, as it cannot be understood independently from a particular genealogy of how institutions, practices, and the norms and values they reflect, are constituted through power struggles. The emergence of the individual, as a recognizable and recognized political subject, but also as a social fact in scientific discourse, is partially the result of a dissensus and antagonistic struggles that are played out in history. And we could convincingly link its emergence and its recognition to specific events, such as the French Revolution and its institutional consequences, the events that have led to the implementation of universal suffrage, or the adoption of a universal declaration of human rights, etc. I contend that the *emergence* of the concept of the individual should be ascribed analytically to the logic of the political differences, while the individual seen as a concrete part of social reality and as a unit of analysis lies at the core of the social difference, together with heterogeneity and pluralism. As such it is part of the ontological make-up of society – i.e. the social. This does not mean that we should accept the individual as the building block of society, just that it is generally seen as such. There are other discourses on society of course, that show that the individual itself is an effect of a configuration of social phenomena, or that it can only appear within a specific conception of right, or in a culture in which a particular conception of subjective self-determination has become hegemonic.

In short, ‘the political’ in my account refers to the principles behind the genesis that pre-configures the world as we approach it as social theorists. That means: the political is the struggle, dissensus, hegemony and antagonism that lies at the base of our understanding of the social – and this fact is often occluded. The social, on the other hand, is the perspective that has resulted from this genesis: we have ended up with a social reality that we tend to call pluralistic, heterogeneous, stratified, and that consists of individuals, besides families, communities, corporations, institutions, flows of information and transportation etc. These are not political phenomena *per se* but are the results of particular processes that have been constituted by, or confronted with, the struggle for hegemony. As such, hegemony lies at the basis of the emergence of what we call the social and society, and its outsides.

Again, although social philosophy is thus subordinate to political philosophy, this does not imply that social philosophy is useless, naïve or wrong. The same goes for the difference between politico-philosophical critique and social critique: in my conception political philosophy as critique has primacy over social critique as understood by, for example, the Frankfurt School. Again this does not mean social critique is futile or a waste of time, just that it is not the most fundamental approach to critique from the perspective of post-foundational thought.

By approaching the social difference quasi-independently from the political difference we do not immediately run the risk of non-critical thought or of justifying the status quo, as long as we combine the analysis of the social and

society with an explanation of how these concepts have a history of hegemonic struggles, of specific interventions, events and discursive and non-discursive forms of subjectivation and coercion. Thinking about the social and society in a post-foundationalist fashion is about grasping the relationship between the structure and rationality of the social unity and order we call society, and its outside. As any order or identity cannot exist without its outside (otherwise we could not perceive it in the first place), we cannot escape thinking the outside of society. There is a contemporary need for such a 'deconstruction of society' that could be seen as the definition of 'the social'. Some of the most important topics for political philosophy of the last decades have been: to think through processes of globalization as the seeming transcendence or destruction of classic civil society; the 'withering away of the nation state' and its consequences for our understanding of democracy; problems concerning the status of migrants and refugees – those people that are conceived as outside the legal framework of the state and society - generally connected to problems of international law in relation to national sovereignty; and the possibility of a global society which urges us to think on the question of whether we can transfigure the concept of civil society into a cosmopolitan version of it.

It is my contention that these topics are fuelled by (psychological and ideological) controversies in contemporary thought caused by the fundamental indeterminacy of the concept of democracy, which is too often bound up with institutions and a specific territory and nation, and based on a misunderstanding of the concept of *demos* in general. I think we can start to make sense of the particular problems of contemporary political and social philosophy as sketched in the previous paragraph by posing two wide-ranging questions. First: what hegemonic principles structure current Western societies and decide who counts, or does not count, as part of 'the people'? And second, once we can identify those principles, how should we conceive of the *demos* from a post-foundationalist perspective?

To summarize this section, I conceive of the *social* as the overarching ontological stance that stands for any form of intersubjective behaviour, that is: any form of interaction between humans *that is possible and thinkable in Modernity*. Society as an organized whole is only part of this dimension. It is important to notice that this concept of the social is not utopian or part of a moral or ethical high ground, although it can function as an indicator of other principles that could structure society besides the ones that are currently hegemonic, such as wealth and intellectual achievement.

### §2.3 Within and outside of society

With the understanding of 'society' as part of the dimension of the social we arrive at a crucial and critical point in my argument. From the perspective of the politico-ontic difference we ended up with a conception of society that is

presented as the effect of hegemonic rationality and practices, i.e. of all state and non-state institutions that create subjects and steer individuals. We can maintain this definition for now, as long as we realize that this constitutes only a partial understanding of social relations. The two social differences that can be found in my matrix (figure 1) instruct us to approach society critically. Foucault and Rancière are right in their analyses of the logics of policing and in their, often implicit, suggestions that there are practices that are at 'the outside of society' - these latter understood as the practices that fall outside the hegemonic principles that structure society, conceptualized as counter-discourse. This suggests at least some viewpoints that indicate how society can be conceptually contextualized, or deconstructed, and ultimately, criticized.

First, we have defined 'the social' as any form of interaction between humans that is possible and thinkable in Modernity. It is not hard to envision practices or social relations that are not determined or completely infected by, for example, the neoliberal discourse. Such practices and relations are present within the social, even if not always seen or understood by us (and surely not recognized in a legal or economic sense), as we may perceive them as meaningless, or classify them as abnormal. This extra-hegemonic complex of social relations - (think of relationships that are built around care, love, and solidarity for example, but also around violence, suppression, or slavery) - is not alien to us. And there are certainly aspects of these practices that form better alternatives for structuring our social interaction than the ones that are configured around the notions of efficiency and competition, which are dominant in neo-liberal times. As such these practices can function critically as counterparts to the practices neoliberal governance has tried to implement, for example.

What we are dealing with here is the interesting category of 'the outside of society'. Just as in the case of the politico-ontic difference, i.e. the difference between the police and democratic politics, we can conceptualize a socio-ontic difference: the difference between society and its outside. In dealing with an ontic difference we mean it is a difference between practices and relations that are being recognized as useful, or rational, contributing to the well-fare of society, and those that are not. A major difference between democratic politics and the outside of society, though, is that democratic politics exists as contestation of the policing order, while the outside of society can coexist with society but is not recognized as being part of it.

'Being outside society', in my account, refers to the social practices in which participants cannot or will not claim a position or take part - physically, legally, economically, socially - in the given social order, i.e. society, and are (thus) not recognized as rational. This can be intentional or unintentional. An illegal immigrant, for example, won't be able to work legally because of his social status, thereby falling outside social and legal networks that protect workers and citizens. A second example could be the many groups of (nomadic) gypsies

or indigenous people that refuse to conform to institutional norms and procedures of particular nation-states, in order to preserve their autonomy and way of life. A final example could be a wealthy individual that tries to escape taxes and other financial or juridical obligations by seeking refuge in countries that do not 'harass' him, while at the same time maintaining residence in the country in which he earns his living.

These examples illustrate that being outside society is often experienced as a contingent, involuntary predicament - the institutional make-up of a society is partially contingent, and so is the being at the outside of society. However, it can also be the consequence of a conscious and voluntary choice of an individual. This should make us wary of the claim made by many progressive thinkers that social inclusion is the most important condition preceding any form of political deliberation or political action<sup>480</sup>; sometimes people intentionally opt out of society, as the latter two examples show. This is not to say that we should take a relativistic approach towards cultural or individual differences. Cultural relativism can also be naïvely fixed on inclusion by referring to tolerance or the necessity or unavoidable fact of multicultural society.

My main contention here is that from the perspective of the difference between society and the outside of society there are social phenomena and relations that are not politicized, that do not fall under the category of either the police or democratic politics; they neither have to do with maintaining social order, nor with actively contesting this order. An individual that has opted out, by not conforming or identifying with the rules and norms that are hegemonic in a given society, is not necessarily involved in a democratic political act - it may well be that this individual is simply attempting not to be seen or to be contesting this society. But at the same time this individual is not part of society, as it is not necessarily subject to its logic. In short: an individual or group both within and outside of society is not necessarily part of a political community, or *demos*. In the next section I will concentrate on this concept further.

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<sup>480</sup> Balibar is right to state that inclusion, or 'integration', can be just as subjugating as inclusion: "integration is just as violent as exclusion, denying difference is as violent as using difference to classify or hierarchize human beings, and that, on the other hand, at the heart of the dialectic of bourgeois universalism's inner contradictions lies the permanent application or implementation of a contradictory injunction: there can be no differences, or differences cannot be ignored, yet at the same time one cannot say where their boundaries lie, i.e., what constitutes them". See: Étienne Balibar et al., 'Citizen Balibar. An Interview with Étienne Balibar,' *booksandideas.net* (2012). This interview can be found on the web: <http://www.booksandideas.net/Citizen-Balibar.html?lang=fr>. Visited on December 3<sup>rd</sup> 2012.

### §3 The *demos*

The matrix that I have drawn up (figure 1) is intended to be helpful for understanding current debates on many political and social issues. Of course, I am especially interested in contemporary democracy and the possibility of formulating a critical account on the basis of post-foundational philosophy. Therefore, some preliminary remarks on the ontology of the *demos* are in order, before implementing this in a post-foundational conception of democracy, which will be the main topic of the final chapter.

From the perspective of the social difference that I have expounded in this chapter, in conjunction with the political difference from chapter 5, and the deconstructive approach I have argued for in previous chapters, it can be derived that the *demos* should not be conceptualized as a fixed entity. Indeed, I believe the *demos* only comes into existence at the moment specific relations or phenomena are the subject of a dissensus, and contribute to a 'miscount' and/or urge people to articulate themselves by forming an antagonistic relationship – that is, by processes of identification and disidentification. It is the force and possible collectivity that emerges in these situations that I will call the *demos* as political community.

However, I do not believe it is insightful to place this *demos* exclusively in society, or in the process of contestation of the police – in the domain of what Todd May has called 'democratic politics'<sup>481</sup>. Instead I will take seriously Miguel Abensour's idea that from the perspective of the police, the *demos* is always both lacking and excessive<sup>482</sup>. The status of the *demos* proves to be at least ambiguous: when it is taken as part of society it is less of a social whole than the police had hoped for, and when it is concerned with its own well-being it seems to be more of a unity than the police had bargained for. How should we understand this claim from the perspective of my matrix?

First, the *demos* only appears at the moment some form of dissensus emerges, i.e. at the moment antagonisms are formed. To recall: at the moment an individual or a group of people feels it is not being recognized, or feels it is being miscounted as part of society, it can attempt to present itself either by

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<sup>481</sup> May, *The Political Thought of Jacques Rancière: Creating Equality*.

<sup>482</sup> "[...]either the people are *above themselves* – the people in the heroic state that constitute themselves in the very invention of freedom – or they are *below themselves*, when the experience of freedom threatens to revert into its opposite, namely servitude. In short, never coinciding with themselves, never equal to themselves, the people are simultaneously where they are manifest, and where they come to existence, faced with the ordeal of an insurmountable discrepancy of them-selves to themselves. To this may be added that democracy opens – or opens itself to – an unexplored reserve of indetermination by the relation it maintains with what Lefort calls, without further description, the human element, taking advantage of the enigma that surrounds it to discredit and condemn the historical projects, such as totalitarianism, which claim to create the human element or which attempt to organize it as if it were a material that could be shaped by the will." In: Miguel Abensour, "Savage Democracy' and 'Principle of Anarchy'," *Philosophy social criticism* 28 (2002): p. 719.

showing up and presenting its demands within deliberative practices, or through contestation or being subversive, by protesting, occupying, by going on a strike, by violently disturbing the social order in any way, or destroying the means of production etc. In other words, this contestation can be both from within the available institutional means in society, in an organized form, or from the outside of society.

I believe the approaches of deliberative democracy and of Rancière both lack the conceptual means for transcending their political and social perspectives to attain a more developed concept of the *demos*. In the case of deliberative democracy the most important consideration is 'inclusion': the *demos* consists of all those who can take part in the process of deliberation on matters that affect them. And the rules of deliberation themselves can be reasonably discussed and contested. The problem with this approach is that it tends to conflate 'society' with 'the police', thereby neglecting the fundamental role of non-institutionalized contestation for democracy. Rancière's theory, in turn, is unsatisfactory because he conceptualizes democratic action exclusively as a form of protest against a fundamental miscount by the police; with the result that democratic contestation for Rancière is always anti-institutional. With this approach we arrive at a theory that does not recognize any non-violent form of democratic deliberation as political action, as we should acknowledge that public deliberation can only take place within a space preconfigured by the police. For Rancière, democracy can never take the form of a political regime within the confines of democratic institutions and practices.

The way to overcome the shortcomings of these approaches is to take into account the political and social differences and their corresponding relationships (in the form of my matrix). In Figure 2, which is a more developed version of figure 1, I show how these approaches visually relate to each other.

	<b>The political</b> <small>(dissensus, antagonism, struggle)</small>	<b>Policing</b> <small>(governing, the principles and practices that determine who and what is included/excluded, who is of high/low social status)</small>	<b>Democratic Politics</b> <small>(contestation of the principles and practices of inclusion/exclusion)</small>
<b>The social</b> <small>(individualism, pluralism, hierarchy/stratification)</small>			
<b>Society</b> <small>(social other, the included)</small>		<b>A1</b>  <small>Deliberation, suffrage, public space. Deliberative democracy's <i>demos</i>.</small>	<b>B1</b>  <small>(subversion, criminal, violence, terrorism, chaos, <i>ochlos</i>, rabble, anarchy)</small>
<b>The outside of society</b> <small>(love-conformity towards social norms and practices/excluded, meaningless practices)</small>		<b>A2</b>  <small>(governmentality, subjectivation, control, biopolitics, misuse of power, identity; but also protection, safety and security, recognition)</small>	<b>B2</b>  <small>Activism, striking, sit in, occupy, disobedience, struggling for inclusion and recognition etc. Rancièrian <i>demos</i>.</small>

Figure 2: this figure should be seen as an expansion of figure 1. In the ontic dimension of the ontological difference both the deliberative and the radical democratic approach are brought together. The *demos* can be found in two different cells. This shows how the deliberative and the Rancièrian approach differ fundamentally with respect to their conceptualization of the *demos* and hence of their view on democracy. These two different perspectives can come together in a post-foundational political theory that takes seriously the existence of the political and social differences.

In figure 2 I have filled in the ontic dimension of the ontological difference. This shows us how the *demos* is perceived in fundamentally different ways in the two different progressive accounts of democracy. In deliberative accounts the *demos* is part of a society (cell A1), in the Rancièrian account it falls outside society (cell B2). As society is an effect of the police, the latter will always deny the political potential of the *demos*, while the deliberative democrat contestation outside the spaces for deliberation is never democratically justifiable.<sup>483,484</sup> Cells A2 and B1 are interesting because these show the almost reverse evaluation of both the institutional and extra-institutional political action from the perspective of liberal, or more conservative, forms of deliberative democracy, and from the perspective of theories on radical democracy. For example: from the perspective of society/the police and in

<sup>483</sup> This is a too blunt conclusion, as I will show in the next chapter.

<sup>484</sup> With cells A2 and B1 I have indicated how political acts and society are perceived from the perspective of society and from the perspective of the outside of society respectively. In §4.1 I will show why these positions can and cannot be identified with the position of the deliberative democrat and that of the activist.

conservative (deliberative) accounts of democracy extra-institutional political action is often dismissed as a form of (chaotic) anarchism, or even as criminal or terrorist because it disturbs the daily practices and social order in society. This is visualized in B1. A2 on the other hand is the general evaluation of the police order/society by the discontented *demos*: society is seen as repressive, corrupt, unjustified in its hierarchical make-up. However, it is also a socio-political domain that is able to protect its members (often citizens, workers etcetera) by providing the means and institutions to let oneself be heard. This crude and simplistic division between, and analysis of, the perspective from the inside of society and from the outside will be addressed and contextualized further in section 4.

To preserve the critical sense of the notion of 'the people' or *demos*, it is necessary to understand the concept in both the Habermasian and the Rancièrian ways. This leaves us with an ambiguous and far-reaching concept that touches upon my post-foundational critical conception of democracy. First, it can never be decided who or what is part of the *demos*, as it always overflows society; second, the concept should not be reserved for the people that fall outside society, as they should not always be understood as political subjects; finally, everyone and everything can become part of the *demos* by contesting the order that decides who is part of society and who is not.

This last aspect respects what I will call 'the democratic horizon', to be discussed in section 5, because the *demos*, as political community, should be understood as those people that are taking part in a performance (deliberative or otherwise) on the basis of their capacity to speak meaningfully. And this performance is not initiated with the possibility of a rational consensus in mind (although such a consensus could in fact ensue), but from the realization that there will always be dissensus between wills, and the acceptance that one struggles on the basis of deliberation as long as possible without resorting to means that negate the will of the other.

To conclude and summarize, the *demos* is not society or the collection of people in society, but neither is it an a-historical or transcendental notion. Instead I see it as an *historical a-priori* that could help us to understand our time. The *demos* has neither a specific time or place, that is to say, there is no way to predict where a *demos* can appear or when; we do not know beforehand who will initiate counter-conduct, create counter-discourses or overthrow hegemonic logics. But then again, the *demos* is also not to be (exclusively) identified with the part-that-has-no-part. People who are part of a deliberative process as expounded and applauded by deliberative democrats are also part of the *demos* at the moment they are in deliberation, even should they come to a consensus. It is the fact that they are willing to discuss, to disagree, to politicize, to reflect on and identify themselves within their situation and position as distinct from that of others that makes people political actors.

What my concept of *demos* does not allow is any form of total convergence between the people as *demos* and those who are conceived as part of society. We should take from Claude Lefort and Foucault the suggestion that the order we call society is created by social practices and the implementation of and conformity to these discourses. In this sense, as Lefort writes, the procedure of general elections should not be seen as evidence of, or a contribution to, a social whole, but as the ultimate expression of fundamental *disagreement*. That is why at general elections all individual voters are part of the *demos*. In short, the *demos* can be located within society, but it cannot be reduced to it.

To understand why it is necessary to come to such a concept of *demos* for a post-foundational conception of democracy I will now first concentrate on applying the social difference to the framework of deliberative democracy. Following this analysis I will elaborate on the necessary ethical 'foundation' of any critical concept of democracy, as a conclusion to this chapter and as preparation for the post-foundational conception of democracy that I will present in chapter 7.

#### **§4 Deepening the critical approach to political thinking**

In the previous chapter my deconstructivist approach with regard to the political ended up with an opposition between the police and politics. I concluded that from the perspective of democratic politics, the *demos* can only have political potential in society by contesting its implicit or explicit order, which is maintained by the police. The reverse is true within the model of deliberative democracy, where contestation by the *demos* outside the institutions is rarely justified. Thus the gap between the *demos* as the subject of contestation and the *demos* as the subject of deliberation seems insurmountable.

One of the aims in this section is to explain how we should perceive this subject of contestation, or *demos* as 'the-part-that-has-no-part'. One suggestion will be that we should not exclusively perceive this subject as an activist or as an outsider. Furthermore, I show how my analysis in terms of the political and the social difference contributes to a perspective that differs fundamentally from the distinction or opposition between deliberative democrat and activist. To understand how the perspectives of deliberative democrat and activist relate, I first discuss an argument raised by Iris Young as to how these, at first sight antagonistic, positions can in the end be seen as *complementing* each other. Next, I argue that a deconstructive approach reaches beyond such a complementary relationship and enables an even more inclusive account, which can acknowledge both that any identity presupposes a constitutive outside, and that there can be no social order without exclusion. This accords well with my argument made in the current and previous chapters concerning the political and social difference.

## §4.1 Democracy between inside and outside

Although most of the theorists of deliberative democracy would agree with the activist that there are structural inequalities that effectively limit access to deliberative practices, his/her conviction nonetheless remains that the contestation of these limits should be done in a rational, i.e. deliberative, fashion. The first order of business when one does not agree on the terms of deliberation is to confront those who control or determine the conditions for deliberation and *persuade* them to change these conditions, for example, by arguing for more inclusive rules, or by providing the resources necessary for the articulation of all potential interests and perspectives.

Iris Young has convincingly shown in what respects a theory of deliberative democracy falls short as a radical conception of democracy as a result of how it limits the possibilities for non-deliberative political action.<sup>485</sup> First, the existing social and economic structures and practices set unacceptable constraints on the terms of deliberation and its agenda<sup>486</sup>, that is, to the issues that are allowed to come under scrutiny. These structures themselves should be subject to criticism and potential resistance; citizens should always have the choice to refuse deliberation. Second, even when the deliberative democrat responds to the challenge posed by the activist by 'including' practices of deliberation outside an institutional forum and outside the relevant socio-economic and power-laden constraints - outside a Habermasian life-world or a 'real' public sphere - the activist would still maintain that every reflective deliberative setting is in the grip of 'a common discourse that itself is a complex product of structural inequality'<sup>487</sup>. Young understands 'discourse' here in the Foucaultian sense of the rules for thought and speech that determine the conceptual and normative framework in society.

Young thus might be said to connect the deliberative democratic and radical democratic framework in a *dialectical fashion*: she shows how the practices of deliberation are confronted by practices that fall outside its scope, aspiring to integrate both on a more developed level. By doing so she shows how especially the deliberative democratic discourse falls short in how it deals with dissensus and discontent. My own post-foundational approach to political philosophy aims to grasp the conditions that could make this tension between deliberation and non-deliberative action conceptually 'manageable' for political theory. This does not mean that this tension can be *resolved*. To the contrary, I present this tension as a *necessary part* of our thinking of contemporary politics as part of the political difference. I am thus answering Iris Young's call when she writes:

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<sup>485</sup> Iris Marion Young, 'Activist Challenges to Deliberative Democracy,' *Political theory* 29, no. 5 (2001).

<sup>486</sup> *Ibid.*, p. 682.

<sup>487</sup> *Ibid.*, p. 685.

The two kinds of activities [engaging in discussion and deliberation, and to protest and engage in direct action] cannot usually occur together, however, and for this reason one of them is liable to eclipse the other. *The best democratic theory and practice will affirm them both while recognizing the tension between them.*<sup>488</sup>

However, let me point out some important differences between my deconstructive approach and the affirmation of the dialectical opposition as Young envisages it. First, Young's opposition between the deliberative democrat and the activist is, as I said earlier, 'merely' a dialectical opposition: it is an opposition between those that accept the social order and its rules (for deliberation in this case) and those that do not, *within the same social space*. That is to say, the activist stands in a classically negative or oppositional relation towards the deliberative democrat. Additionally, for Young this opposition can be contained within the framework of deliberative democracy. This is partly due to the fact that Young adopts an ideal type description in her article, which ignores or undervalues many other forms of democratic initiatives or institutions that contribute to our idea of democracy outside of activism, such as Non-Governmental Organizations, grass roots movements, New Social Movements and other groups with political interests.

According to my reconstruction of Young's contribution, both the activist and the deliberative democrat are part of (Western) society, which means they are being recognized by both parties as being part of the social order, as an either positively or negatively valued element. My deconstructive approach, on the other hand, is able to also conceptualize an outside that is *constitutive* for a conception of democracy. The main characteristic of 'the-part-that-has-no-part' is that it is neither seen as part of society, nor is it principally excluded. From the perspective of the police, its existence is not 'sensible', not recognized as meaningful at all. This calls for a deconstructive reconceptualization of the notions of inclusion and exclusion

I am taking a cue from Slavoj Žižek, where he makes a distinction between emancipatory politics and democracy:

All truly emancipatory politics is generated by the short-circuit between the universality of the 'public use of reason' and the universality of 'the part of no part' [...] From Ancient Greece, we have a name for the intrusion of the Excluded into the socio-political space: democracy.<sup>489</sup>

By distinguishing between emancipatory politics as a short-circuit and democracy as an intrusion by the part of no part, Žižek opens up conceptual

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<sup>488</sup> Ibid., p. 689. My emphasis.

<sup>489</sup> Slavoj Žižek, *First as Tragedy, Then as Farce* (London: Verso, 2009), p. 99.

space that I need for employing my notion of political and social difference. This space emerges by keeping emancipation and democracy conceptually apart. The terms 'short-circuiting' versus 'intrusion' illustrate this. While the first indicates an illegitimate short-cut between two nodes, the latter is concerned with 'breaking and entering' by the part of no part without the explicit permission of the police. This could be read as an implicit critique of Rancière who seems to identify democracy exclusively as the *confrontation* of the police with its contingent other.

We are dealing with several ontologically different domains: the police, the hegemonic ordering discourses within the social that implicitly and explicitly make distinctions between what is part of society (usually formalized in terms of 'being a citizen'), versus what can only be understood as its outside. This outside of society consists of e.g. migrants, criminals, *sans-papiers*, refugees, indigenous people that refuse to conform to the institutional framework of a nation state; but also more 'regular' people who refuse to accept the deliberative framework, or people that have no access to it, or who think they don't, or shouldn't, have it. One could think of reasons that concern a self-imposed lack of self-esteem and lack of self-confidence with regard to one's capacity to speak or argue; but one could also think of all kinds of practical limitations that withhold people from deliberating: no access to sources of information, or no time to deliberate due to work and family obligations for example.

From the perspective of the political difference, deliberative democracy as model of, and ideal for, democratic practices is the most progressive discourse on democracy of the last decades, *if* we consider democracy exclusively as part of the police. In the theory of deliberative democracy the concept of the police explicitly attributes the capacity for public discourse to all persons, which presupposes that any individual is able to decide for himself what should be considered as a general and public good. It is not blind to all kinds of power struggles going on in the social, but it nonetheless holds on to the ideal of free deliberation, especially to the imperative to *include everyone* in these deliberative practices. But in reaching for this ideal, it also holds on to the rules for deliberation as the conditions for inclusion: everybody is included as long as one confirms or subscribes to the discourse principle. This means that the outside of deliberation consists of any practice that cannot and will not adhere to the principle of rational consensus and the imperative of collective reasoning – such as the practice and discourse of activism, as analysed by Young. In short, from the perspective of the police – or, an 'internal' perspective which corresponds to 'society' when seen alongside the axis of the social difference - we end up with a limit between internal *inclusion* and internal *exclusion*.<sup>490</sup> As a participant in a deliberative practice, one is *included*

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<sup>490</sup> I will be working here with a distinction made by Iris Marion Young, but I will also argue for a necessary extension of this distinction to make it suitable for a deconstructive approach of democracy.

*internally* by the deliberative democratic police, while as an activist, not agreeing to the terms of deliberation but still being part of the representational space of Western societies, one is *internally excluded*.

The deconstructive approach however entails an additional distinction: that between external *inclusion* and external *exclusion*. 'External' here refers to an outside constitutive for a critical conception of democracy. This corresponds to Rancière's fundamental distinction between the police and politics. Politics can be understood as 'democratic politics' as it is for Rancière the concept that refers to the action directed at the police in order to penetrate and contest it. 'Democratic politics' in Rancière<sup>491</sup> is exactly this action from the outside of the police, and the-part-that-has-no-part is for him the *demos*, the political subject or collective. The 'part-that-has-no-part' can be both externally *excluded* and externally *included*, I would argue. For example, an illegal migrant (e.g. a *sans-papiers*) is institutionally excluded from many facilities of society because the discourses on citizenship that are hegemonic within society do not include him. As such he is external to society and excluded from its benefits. He is still part of the-part-that-has-no-part though, because he can politicize his situation on the premise of the idea(l) of democracy and its underlying conception of equality - however un(der)determined this concept might be. Another example: a worker who has accepted labour terms (abroad or otherwise) that fall within the grey areas of the law of the state in which he is a citizen, can be said to be externally included. This individual then has two conflicting legal identities, thereby receiving a *status aparte* - for example in the case of immigrant workers with only a green card or residence permit. In this case the worker is external to a society (as a Polish immigrant who works in the Netherlands for example), but internal to the (European, Dutch, Polish?) labour process and its juridical benefits (up to a certain point).

#### §4.2 The ontology of the-part-that-has-no-part

Let me elaborate on these relations of inclusion and exclusion, and externality and internality, in connection with the crucial role of the *demos* of democratic politics, or 'the-part-that-has-no-part'. This part-that-has-no-part can arise from the social, from society or its outsides, in the form of specific demands that cannot be met, or cannot even be sensed and understood as meaningful by either the police or the people within society. But, as we have seen, this *demos* can also emerge from what is perceived as the outside of a social whole, for example in the case of refugees, *sans-papiers*, or foreign workers. To formulate this in line with Rancière's discourse: the-part-that-has-no-part does not count and/or is not being counted; they only produce sound (*phonos*) and have no

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For the distinction between external and internal inclusion, see: Iris Marion Young, *Inclusion and Democracy*, Oxford Political Theory (Oxford; New York: Oxford University Press, 2000), Chapter 2.1.

<sup>491</sup> See for example: 'Ten theses on politics' in Rancière, *Dissensus: On Politics and Aesthetics*. See for the concept of 'democratic politics' also: May, *The Political Thought of Jacques Rancière: Creating Equality*.

voice (*logos*) even within the practices of political deliberation. Yet it exists, and we as philosophers have to account for it.

In my account, the-part-that-has-no-part is 'spectral':<sup>492</sup> it 'haunts' society, in the sense that it can arrive and pressure society to respond to it; it is necessarily part of the social, but not seen as such in society. It falls outside the self-description of society and cannot be sensed or understood in either a positive or a negative sense; yet it is a crucial part of democracy. Appearing only from the perspective of externality, the-part-that-has-no-part has only remotely to do with the distinction between inclusion and exclusion, because once we are able to decide whether we should or shouldn't include 'them'<sup>493</sup>, the-part-that-has-no-part has lost its spectrality. In other words, it has become part of what is perceived as the inside or outside of society; it is sensed as direct environment that still remains inside its space of representation. It has become 'emancipated' because it has become part of the things that we disagree upon, even if not institutionally accepted.

To return to our previous discussion: when we only emphasize the difference between the activist and the deliberative democrat, as Iris Young does, we take the perspective of society, as the activist is actually being seen and identified, literally. The activist is then in no sense spectral, and neither are his demands, even and especially when these are being denied. In other words, in as far as he is seen at all, the activist is seen from the perspective of society. However, s/he at the same time is 'reaching' outside of society. In their criticisms, protests, resistances and subversions against a hegemonic order, activists (try to) reach beyond the conceptual and moral limits of society (beyond the hegemonic discourses so to say) thereby alluding to something we could call a counter-discourse<sup>494</sup>. Crucially, this is often accompanied by a *pathos*: an ethical limit that alludes to justice as total inclusion, or the revolutionary ideal of overthrowing hegemonic power structures. Important to emphasize here again is that from the perspective of the political difference the activist is not the-part-that-has-no-part, although s/he probably is perceived as being a destructive force in society, or as a dissident by the deliberative democrat or the less progressive people within society. And while the relation between the

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<sup>492</sup> See for this concept: Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, trans. Peggy Kamuf (New York: Routledge, 1994). I will return to the role of the specter in §5 of this chapter.

<sup>493</sup> This 'them' does not necessarily refer to humans alone. One could also think of animals and objects. In recent decades the inclusion of extra-human entities has gained ground in anthropological theories of science, and even in moral and political philosophy.

<sup>494</sup> Something like a conception of counter- or reverse-discourse can be found in Foucault's *History of Sexuality I*. He explicitly argues that this counter-discourse does not stand in a dialectical relationship to a hegemonic discourse. Foucault writes in his section on the tactical polyvalence of discourses: "There is not, on the one side, a discourse of power, and opposite it, another discourse that runs counter to it. Discourses are tactical elements or blocks operating in the field of force relations; there can exist different and even contradictory discourses within the same strategy." Foucault, *The History of Sexuality*, p. 101-102. The concept of floating signifier, expounded by Laclau could be seen as a signifier that can be appropriated in a tactical manner by several non-commensurable discourses.

deliberative democrat and the activist could be seen as being antagonistic<sup>495</sup>, the relation between the deliberative democrat and the-part-that-has-no-part generally is not. The same goes for the relation between the activist and the-part-that-has-no-part. Their ontological status is different: present and sensible in the case of the deliberative democrat and the activist, versus spectral and invisible in the case of the-part-that-has-no-part.

Part of the emphasis in this deconstructive approach is on the constitutive nature of the outside for the inside: the illegal immigrant for the idea of society; the existence of foreign countries for the identity of a nation-state; the existence of homosexuality that makes heterosexuality meaningful; but also the existence of sexual relationships that lie outside the distinction between homosexuality and heterosexuality that make this distinction possible. The fact that there is always a relation to an outside, by its mere existence alone, makes another identity possible. *Social heterogeneity* is such a relation between an inside and outside. This relation is not just a difference; a difference that can be perceived as such already presupposes a common representational space. Heterogeneity implies that the existence of one of the elements of such a relation does not function within the structure in a meaningful way.<sup>496</sup>

I have already provided above some concrete examples of these heterogeneous relations that come to light when using a deconstructive approach. Others include: those between the men of the polis and the slaves and women in ancient Greece with regard to political participation; between factory owners and industrial workers with regard to labour circumstances at the beginning of the nineteenth century; between whites and blacks with regard to civil rights until the 1960s; between heterosexuals and gays or transsexuals in non-western cultures with regard to sexual practices or mores in general up until recent times. I will now turn to one example of an analysis that deals with the tension between inside and outside that probably should be seen as paradigmatic for Modernity: the rabble in Hegel's political philosophy.

#### §4.3 Hegel's rabble: somewhere between inside and outside

There is one particular example that is paradigmatic for Modernity, and that perfectly illustrates my point about the ontological and problematical status of the outside: the notion of the 'rabble' [Pöbel] in Hegel's *Philosophy of Right*. The empirical and theoretical existence of the rabble is not only a very interesting case of a social phenomenon - on the brink between inside and

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<sup>495</sup> To recall, the difference between a dialectical relation and an antagonistic relation is that in dialectics there is either a temporal or a logical sequence between a positive and a negative identity, while in an antagonistic relationship there are first differences that become fixated/articulated in an opposition through a process of identification. In antagonism an identity is first conceived as a negative one before it becomes a positive identity which itself can trigger antagonistic responses.

<sup>496</sup> For the difference between homogeneous and heterogeneous relations, see: Laclau, *On Populist Reason*.

outside - for social and political philosophy in general, it is probably also the first in Modernity that leads to grave theoretical problems, as we will see.

The rabble figures in only one paragraph of the *Philosophy of Right*, in the course of a discussion on the function of 'the police' in civil society, and the simultaneous accumulation of wealth with one group in society, while other groups suffer from increasing dependency and want. The brevity of this passage, however, belies its importance for Hegel's social theory, from a deconstructionist point of view.

Hegel is unusually ambiguous in situating the rabble as a social group in modern society, it is defined as 'the lowest level of subsistence' and it is created on the basis of a 'disposition associated by poverty, by inward rebellion against the rich, against society, the government'. The rabble lacks honour, its feeling of integrity [Rechtlichkeit] has diminished, and it became lazy and frivolous.<sup>497</sup>

One has to be careful not to identify the rabble with the poor; these two are clearly distinguished categories for Hegel. While the poor are just the unlucky ones that have fallen outside of the routine operations of civil society and its economy, the rabble has additionally lost its disposition to reintegrate in society and the state. In Hegel's view the rabble is characterized by a glorification of contingency and particularity, which makes it an evil of Modernity.<sup>498</sup> The problem of the emergence of the rabble in modern societies concerns Hegel because its existence undermines his whole structure of ethical life as centred around work, and as being based upon the reciprocal relation between producers and consumers needed for a viable economy, and thus for a viable civil society.

It is one thing to say that the coherency of a system of thought is jeopardized by a specific phenomenon, and quite another to say that this phenomenon is both external to, and constitutive for, this system - the rabble as 'constitutive outside'. Yet it seems that the rabble is a *necessary condition* for the existence of state in Hegel's *Rechtsphilosophie*. Why is this the case? What all the solutions to the problem of poverty (and the rabble that represents it in a specific manner) in Hegel's writings have in common is that they cannot counter the principles of the market and the capitalist mode of production that are implicitly accepted by him as the main logic of civil society. Poverty, the necessary condition for the emergence of both the poor and a rabble, and a result of the industrial capitalism that emerged in the mid-eighteenth century, is the nothingness that cannot be thought as part of the particular rationality of

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<sup>497</sup> Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, §244.

<sup>498</sup> Or, in any case, one articulation of it: "Where all previously valid determinations have vanished and the will is in a state of pure inwardness, the self-consciousness is capable of making into its principle either the universal in and for itself, or the arbitrariness of its own particularity, giving the latter precedence over the universal and realizing it through its actions - i.e. it is capable of being evil." *ibid.*, §139.

civil society Hegel envisages. Poverty has a counter-intuitive, unnatural quality when contrasted with the conceptual development of the will (and the necessity of objectification and externalization in work) Hegel has deduced. At the same time the existence of poverty is an empirical fact of modern societies. We could conclude then that civil society is confronted by its 'unnatural' outside, poverty and the rabble, which would call for the introduction of a state that has the means to counter poverty. In short, poverty and the existence of the rabble is the outside of civil society that proves to be necessary for the conception of the state. The state, in turn, is the pinnacle of Hegel's political philosophy and makes it a whole - conceptually at least.

Surprisingly, the solution to this seemingly exclusive problem of modern civil society is not the interference by the state to counter poverty, though, as the most important institutional means of the state for interfering in civil society, the police and the corporation are insufficiently qualified to counter poverty; the police is too much bound up with the logics of the economy that creates the rabble in the first place (its role is to protect the civil order, to protect the principles of abstract right in civil society and to safeguard compliance to them, and to regulate the market and the dynamics between production and consumption), and the corporation is only responsible for people with specific abilities (skills, specific forms of craftsmanship) that function within this economy. Characteristically, the rabble falls outside the scope of these institutions and haunts Hegel's system ever more: the police cannot deal with it because the rabble is not necessarily criminally active and it isn't contributing to the economy at all; while the corporation is not responsible for the rabble as the latter is incapable, lazy or disgruntled to use its (potential) artisanship.

The existence of a rabble, then, is far-reaching and cannot be sublated in this reading of the *Philosophy of Right*; not even the state can accommodate or eradicate it, even when the underlying problem of poverty would disappear. This is not because the state should not interfere in the economy - it tries to do so through the institutions of the corporation and the police - but because the (im)moral and psychological disposition of the rabble is juxtaposed to the whole of Hegel's anthropological framework. In his descriptions of the characteristics of the rabble this becomes clear enough: it has a specific 'shamelessness'<sup>499</sup>, it is morally degenerated, and claims specific rights without attending to the 'duties' that accompany it - i.e. of contributing to the economy, being patriotic and concerned with the common good etc. In short, it contrasts with the anthropology of modern man in every way.

The rabble is such an interesting case because it is both on the inside and outside of Hegel's attempt to understand Modernity: it is inside because he discusses it, thereby pulling it inside the representational space of political

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<sup>499</sup> *Vorlesungen über Rechtsphilosophie*, p. 195.

philosophy. The rabble is outside, or more precisely, is externally excluded, on the other hand, because it cannot or should not be understood as being part of this rational core of the Hegelian framework. It is really a part-that-has-no-part.

In some sense this example is misleading because by including the rabble in his discussion we are invited by Hegel to connect it to the rest of his analysis. In this way, by pulling it into this representational space we have called society, it becomes possible to see it as part of a homogeneous relation between those that are included and those that are excluded, although the poor are the real antagonists of civil society and the rabble is the deviant form of it. The relation between civil society and the rabble has become paradoxically homogeneous at the moment we start reflecting upon it, in the same way as the deliberative democrat stands in this strange antagonistic but homogeneous relationship – somewhere between internal and external inclusion - to the activist at the moment we try to construct a democratic discourse that conceptualizes both.

The question remains when we can speak of a ‘true’ heterogeneous relationship: when is something outside a space of representation? I believe this relation exists especially between different discourses that appear incommensurable. In Hegel’s account the rabble has no positive value and falls, strictly speaking, outside his discourse on the state. In short, he shouldn’t have mentioned it, both for speculative reasons, and reasons that concern coherency. As long as it wasn’t mentioned, it would remain a true part of a heterogeneous relation: it would have been a constitutive outside and truly spectral. But Hegel already deconstructs his own account, anachronistically put, by including this strange figure in his account, and from the moment he feels thus pressed to include it he is in trouble. He cannot accommodate the irrefutable existence of this phenomenon and is compelled to dismiss it as an aberration of modern society. Maybe this is truly an example of a dialectics without a *telos*.

The most important contribution of the deconstructive approach for political theory is in its cultivation of a sensibility for the kind of problems Hegel runs into with his discussion of the rabble.<sup>500</sup> But still more is needed for taking seriously the idea of a democratic *pathos*: the approach should leave ‘ontological space’ for such (conceptual, empirico-ontological) occurrences as the rabble and should listen to its demands as part of a democratic action by the *demos*.

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<sup>500</sup> Jacques Rancière has shown the force of deconstruction with regard to the exclusion of particular social groups - and the conceptual logics that justify them - by analysing several classical political philosophical texts such as those of Plato, Marx and Sartre in Jacques Rancière and Andrew Parker, *The Philosopher and His Poor* (Durham, NC: Duke University Press, 2004).

However, any political or social structure is incomplete as totality because it necessarily excludes elements that cannot be accommodated by it. These are not primarily the things that are already *explicitly* excluded by this structure (i.e. seen as its outside or environment) but the things that are only implicitly excluded *and* the elements that are still to come, to irrupt, to emerge, to distort. I claim that the notion of 'democratic politics' and the-part-that-has-no-part have exactly this function: they point to an ontological space for subjects and phenomena that cannot be anticipated or accommodated by any 'coherent', closed or total conceptualization of democracy. As such, they are important parts of a deconstructive conception of democracy.

What remains to be seen though, is why we should respect this indeterminate ontological space and its phenomena as a crucial part of our understanding of a post-foundational critical account of democracy. In other words, what kind of *pathos* is concerned with this analysis of the political and social difference and the conception of the *demos* that is derived from it? For this I turn to what I call 'the democratic horizon'.

## §5 The democratic horizon

In recent decades quite a few political theorists have formulated post-foundational or post-structuralist analyses of our current social predicament. That is, analyses of the rationalities that currently lie at the core of many of the operations of 'the police' - the principles that constitute and structure society, and consequently its outsides. One influential approach has been concerned with the notions of 'governmentality' and 'biopower', inspired by the lectures and essays of Michel Foucault from the second half of the 1970s.<sup>501</sup> With

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<sup>501</sup> The concepts of bio-power, governmentality and neo-liberal governance as used by Foucault can be found in: Michel Foucault and Michel Senellart, *The Birth of Biopolitics: Lectures at the Collège De France, 1978-79* (Basingstoke England; New York: Palgrave Macmillan, 2008), Foucault, Senellart, and Davidson, *Security, Territory, Population: Lectures at the Collège De France, 1977-1978*. For some recent adaptations, see for example: Wendy Brown, *Edgework: Critical Essays on Knowledge and Politics* (Princeton, N.J.: Princeton University Press, 2005), Burchell, Gordon, and Miller, eds., *The Foucault Effect: Studies in Governmentality*, Jodi Dean, 'Enjoying Neoliberalism,' *Cultural politics* 4, no. 1 (2008), ———, *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics* (Durham: Duke University Press, 2009), Gilles Deleuze, 'Postscript on the Societies of Control,' *October* 59, no. Winter (1992), Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass.: Harvard University Press, 2000), David Harvey, *A Brief History of Neoliberalism* (Oxford; New York: Oxford University Press, 2005), Maurizio Lazzarato, 'Neoliberalism in Action. Inequality, Insecurity and the Reconstitution of the Social,' *Theory, society & culture* 26, no. 6 (2009), Thomas Lemke, "'The Birth of Biopolitics' - Michel Foucault's Lecture at the Collège De France in Neo-Liberal Governmentality,' *Economy and society* 30, no. 2 (2001), ———, *Biopolitics: An Advanced Introduction*, Biopolitics, Medicine, Technoscience, and Health in the 21st Century (New York: New York University Press, 2011), Johanna Oksala, 'Violence and the Biopolitics of Modernity,' *Foucault studies* 10, no. November (2010), ———, *Foucault, Politics, and Violence* (Evanston, Ill.: Northwestern University Press, 2012), Dimitris Papadopoulos, Niamh Stephenson, and Vassilis Tsianos, *Escape Routes: Control and Subversion in the Twenty-First Century* (London; Ann Arbor, MI: Pluto Press, 2008), Paul A. Passavant and Jodi Dean, *Empire's New Clothes: Reading Hardt and Negri* (New York: Routledge, 2004), Nikolas Rose, 'Government and Control,' *British Journal of Criminology* 40, no. Special Issue on Criminology and Social Theory edited by David Garland

governmentality Foucault points to the manner in which social institutions, both state and non-state, try to direct the conduct of subjects and the population in general.<sup>502</sup> In addition, bio-power refers to the modern mechanisms that try to subjugate the biological features of human beings in order to make them the object of political strategy.<sup>503</sup> Combined with an analysis of neoliberalism, a discourse that emerged around World War II and which was institutionally implemented during the 1970s, this Foucaultian perspective comes to a critical evaluation of many social practices that are increasingly concerned with creating the social conditions for competition between individuals, for economic efficiency and economic and individual growth.<sup>504</sup>

One of the problems with this, otherwise quite convincing, approach has been the apparent lack of any normative foundations. What basis is there to call neoliberal governmentality wrong or right? With the discussions on neoliberal

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and Colin Sparks (2000), Nikolas Rose, Pat O'Malley, and Mariana Valverde, 'Governmentality,' *Annual Review of Law and Social Science* 2 (2006).

<sup>502</sup> Governmentality refers to three different phenomena or processes. First, it refers to the collection of institutions, procedures, reflections and tactics that make possible a specific form of power, which has as its target the population, which has political economy as its form of power, and which has apparatuses of security as its technical means. Second, the historical process in which a whole series of governmental apparatuses and rationalities is formed. And third, the historical development through which the state of justice in the Middle Ages has transformed into the administrative state in the fifteenth and sixteenth centuries, and gradually into the governmentalized state that came to the fore during the eighteenth century and is still with us at the beginning of the twenty-first, in an evolved highly technocratic form. Foucault, Michel, 'Governmentality', lecture given at the Collège de France in February 1978, published in: Burchell, Gordon, and Miller, eds., *The Foucault Effect: Studies in Governmentality*.

<sup>503</sup> Foucault, Senellart, and Davidson, *Security, Territory, Population: Lectures at the Collège De France, 1977-1978*, Lecture of 11 January 1978. An attempt to explain the link between bio-power and biopolitics is made by Maurizio Lazzarato. He writes: "biopolitics is the strategic coordination of these power relations in order to extract a surplus of power from living beings. Biopolitics is a strategic relation; it is not the pure and simple capacity to legislate or legitimize sovereignty. According to Foucault the biopolitical functions of "coordination and determination" concede that biopower, from the moment it begins to operate in this particular manner, is not the true source of power. Biopower coordinates and targets a power that does not properly belong to it, that comes from the "outside". *Biopower is always born of something other than itself.*" Maurizio Lazzarato, 'From Biopower to Biopolitics,' *Pli* 13 (2002): p. 103.

<sup>504</sup> See for example the analyses of: Benjamin Ardit, *Politics on the Edges of Liberalism: Difference, Populism, Revolution, Agitation* (Edinburgh: Edinburgh University Press, 2008), Brown, *Edgework: Critical Essays on Knowledge and Politics*, Dean, 'Enjoying Neoliberalism.', ———, *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics*, ———, *The Communist Horizon* (London ; New York: Verso, 2012), Deleuze, 'Postscript on the Societies of Control.', Hardt and Negri, *Empire*, Harvey, *A Brief History of Neoliberalism*, Lazzarato, 'Neoliberalism in Action. Inequality, Insecurity and the Reconstitution of the Social.', Sumi Madhok and Shirin M. Rai, 'Agency, Injury and Transgressive Politics in Neoliberal Times,' *Signs* 37, no. 3 (2012), Stephen Morton and Stephen Bygrave, *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society* (Basingstoke England; New York: Palgrave Macmillan, 2008), Oksala, 'Violence and the Biopolitics of Modernity.', ———, *Foucault, Politics, and Violence*, Papadopoulos, Stephenson, and Tsianos, *Escape Routes: Control and Subversion in the Twenty-First Century*, Rose, 'Government and Control.', Rose, O'Malley, and Valverde, 'Governmentality.', Saskia Sassen, *Globalization and Its Discontents* (New York: New Press; London, 1998), Richard Sennett, *The Culture of the New Capitalism*, The Castle Lectures in Ethics, Politics, and Economics (New Haven: Yale University Press, 2006), Žižek, *First as Tragedy, Then as Farce*.

governmentality, but also with other analyses that are built on post-foundational or post-structuralist premises regarding social circumstances or the analysis of contemporary democracy, we run up against a limitation between the descriptive and the normative, or to put it better: between the descripto-normative and the ethical. When analysing the discourses that are concerned with creating specific neo-liberal subjects, it does not become clear if we should oppose such discourses or not, or if this is even possible. The work of Foucault for example, shows a particular reticence towards dismissing these practices and governmentality in general. And this is understandable: any radical refutation could lead to a situation that is even more subjecting or dominating. What matters for Foucault is the possibility of constructing counter-discourses and finding counter-practices. Without rejecting this strategy wholesale, we should ask what kind of stance or reflections, in the normative sense, should direct us here. Or posed as a quasi-critical question: on the basis of which principles can we be normative? I believe Foucault's own solution is insufficient here. As we have seen in previous chapters, Foucault's writings 'work' from the directive of 'not being governed so much, not by them, not in this way'. This remains very indeterminate and in the end, I believe, unsatisfactory. I also believe, however, that there are ways to work around this normative deficit, or ethical restraint, that seems to characterize any post-foundational philosophy. What is needed is a democratic *pathos*, which I will call 'the democratic horizon'. This will be the ethical dimension to my post-foundational critical account of political philosophy, and of democracy.

### §5.1 Renouncing ethical reticence

With the concept of 'democratic horizon'<sup>505</sup> I refer to a vantage point that shows us a direction in which to proceed, and to argue and to struggle for; and a purpose for trying to evaluate our existence and establishing how we would like to live in a democracy. The horizon itself is an interesting metaphor because horizons always shift as we move on, which neatly fits within a post-foundational approach to philosophy. It is impossible to reach the horizon, to pinpoint it, as it moves backwards with the same speed as we are approaching it. Nevertheless, it always stays within (unobstructed) view. We can neither escape it, nor cross it.<sup>506</sup>

The concept of horizon, re-introduced in modern philosophy by Husserl and defined by him as the point of reference with which to better understand reality<sup>507</sup>, is used here as the ultimate ethical reference-point for our

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<sup>505</sup> My concept of the democratic horizon is similar in many respects to Derrida's 'democracy to come'. I will return to this latter concept, in comparison with my own, in chapter 7.

<sup>506</sup> Dean, *The Communist Horizon*, p. 1.

<sup>507</sup> "[...] the perception has horizons made up of other possibilities of perception, as perceptions that we could have, if we actively directed the course of perception otherwise." Husserl defines horizon as 'predelineated' potentialities' [*vorgezeichnete Potentialitäten*]. See: Edmund Husserl, *Cartesian Meditations*, trans. Dorion Cairns (The Hague: M. Nijhoff, (1982) 1960), p. 44-45.

understanding of, and commitment towards, a democratic political reality. As such the democratic horizon contains the necessary preconditions for something that could be called a truly progressive democracy. But just as with any other horizon this democratic end-stage cannot be reached. This does not mean we cannot perceive or feel the force of this horizon; in fact, I believe we all feel it. We can be discouraged to commit to it though, for example when the analyses of theorists, the beliefs expressed by politicians or particular discourses, impress upon us that radical democratic ideals are dangerous, impractical or simply impossible to attain.

With the conception of the democratic horizon I intend to escape this predicament. It is part of my argument for a *pathos* that helps us to become motivated to struggle for the emancipation of the people, and for a rule of the people: the *demos* as the subject and object of democracy, with all its radical implications. This means we have to ascribe particular capacities to subjects, or at least not to conceptually dispossess them of the means and powers with which to change things for their own good.

Earlier attempts have been made to conceptualize such a *pathos*, for example by Jacques Derrida and his famous 'democracy to come'. My account of the democratic horizon is similar with regard to the form, but differs with regard to its content. While I see the democratic horizon mainly as composed of the suspension of 'intellectual capacity' for truly emancipating and recognizing the *demos* as the political force it is, Derrida's 'democracy to come' is composed of the idea that we should be hospitable to any stranger, human or non-human, that comes into our purview, as I will show in the next chapter. In the previous and current chapters, though, we have already come across several anthropological and ethical valuations, which I have called the critical *pathos*, which can help us to envision the contents that lie at this democratic horizon, elements that can inspire us to act.

The first element we have come across in Part I of this dissertation was the attribution of the capacity to think for oneself by Kant, with the additional call for courage and the ascription of *Mündigkeit* to the enlightened subject. Before acting on one's own accord, Kant contended, one should be trained in thinking for oneself. Although Kant seems to especially address (and glorify) his own sovereign, the attribution can be expanded to all citizens that are the latter's subjects, because of the implementation of the ruler's enlightened principles in a constitution. With Hegel this role of the monarch is completely marginalized. Instead he attributes the principle of free will as practical self-determination to modern subjectivity in general. Any individual should be regarded as reasonable and free as long as s/he lives within the construct of the modern state – the state as the unifying rational principle of *Sittlichkeit*.

Both Kant's and Hegel's accounts are based on the notion of subjectivity, and on a subject characterized by the capacity to act in accordance with its own

will, independently of extra-subjective forces. This approach needs to be abandoned at the moment we make a transition to the intersubjective frame of reference, as we have seen. This does not resolve the whole problem of essentialism and universalization though: in Habermas a similar search for a universal principle is found by deducing the essential conditions for restraint-free communication. The discourse principle functions in a universalizing way, as a counter-factual situation in which any individual is respected in his capacity to deliberate. In short, the discourse principle functions as an ethical horizon, a state of communication undistorted by any rationalities other than the communicative – no instrumental or strategic considerations should be part of this communication. Although this is practically impossible, undistorted communication will nevertheless always be in the back of our minds, or, at the dividing line between land and sky, i.e. the horizon we gaze upon:

The counterfactual presuppositions assumed by participants in argumentation indeed open up a perspective allowing them to go beyond local practices of justification and to transcend the provinciality of their spatiotemporal contexts that are inescapable in action and experience. This perspective thus enables them to do justice to the meaning of context-transcending validity claims. But with context-transcending validity claims, they are not themselves transported into the beyond of an ideal realm of noumenal beings.<sup>508</sup>

What Habermas indicates here is that it is legitimate for individuals to use a projection, or a 'methodological fiction', that helps us to envision an ethical ideal, in Habermas' case a model of pure communicative sociation in a life-world. This ideal cannot be grounded on a transcendental notion of subjectivity though.<sup>509</sup>

Habermas' concept of deliberative democracy has been very influential in the twentieth century and at the beginning of the twenty-first because of his virtually unparalleled ability to explicate the material and institutional preconditions of his approach, and to think through the conditions for achieving restraint-free deliberation and rational discourse – and all in a coherent social critical theory. As such he aimed to complete the aspirations that can also be found in Kant and Hegel: conceptualizing the situation in which freedom and self-determination can exist in social reality. This is an achievement no post-foundational or post-structural thinker has matched until now.

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<sup>508</sup> Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 323.

<sup>509</sup> *Ibid.*

However, there are good methodological and ethical reasons for not following Habermas' approach completely, as I have shown in chapter 4. At the core of the critique of the thinkers that adhere to post-foundational premises lies the contention that the specific notion of communication, reason and/or rationality, (inter)subjectivity and history that is expressed in the writings of modern thinkers (especially Hegel and Habermas) has contributed to all kinds of social exclusions, intolerance and inequality, even by and in democratic institutions. By abandoning a subject-centred, essentialist and universalizing approach, though, one also runs the risk of losing the capacity to be normative, or of losing one's ethical commitment.

Kant's, Hegel's and Habermas' attempts to formulate their normative commitments could point us in the right direction, nevertheless. What these critical philosophies have in common is the conviction that people are able to speak meaningfully and can reflect on their existence. Although grounded on a universalizing account of (inter)subjectivity, this idea needs to be maintained as part of a critical *pathos*, as part of a horizon. However, the democratic horizon presupposes more: it is not just that people are able to speak meaningfully, but also that they have the will and should have the opportunity to speak, and to contribute, to a shared world in which they are recognized as having something to say on their well-being, even when rational consensus is unattainable or unwanted – for example when we start from the premise of the agonistic nature of politics. This in turn presupposes that we must presume that every individual can think *for itself* about what is good for itself, and the individuals around it; that is: without the superior power and knowledge of a sovereign, a master, an expert, a scientist or a philosopher.

#### §5.2 Rancière's *pathos* as part of the democratic horizon

As Rancière has argued forcefully, we then need to abandon at least one widespread idea: the ordering principle of 'intelligence' or 'intellectual capacity'. Instead we need to *presuppose* that intellectual capacity is not a decisive feature with regard to our capacity to think for ourselves. What we should do, instead of assuming that one person is more intelligent than another<sup>510</sup>, is *presuppose* that all are equally intelligent, as long as there is no evidence of the contrary.<sup>511</sup> In Rancière's view<sup>512</sup> it is the will to express

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<sup>510</sup> Rancière writes: "By saying "He is more intelligent," you have simply summed up the ideas that tell the story of the fact. You have given it a *name*. But the name of a fact is not its cause, only, at best, its metaphor." In: Rancière, *The Ignorant Schoolmaster: Five Lessons in Intellectual Emancipation*, p. 49.

<sup>511</sup> "[But] our problem isn't proving that all intelligence is equal. It's seeing what can be done under the supposition. And for this, it's enough for us that the opinion be possible – that is, that no opposing truth is proved." In: *ibid.*, p. 46.

<sup>512</sup> This view should be understood as characteristically anti-Althusserian. Rancière writes in the appendix to *Althusser's Lesson*: "The problem wasn't just that the theoretical presuppositions of Althusserianism had kept us from understanding the political meaning of the student uprising; it was, more importantly, that in the course of the year following the uprising, we saw the hacks of revisionism relying on Althusserianism for the theoretical justification of their offensive and their defense of academic knowledge." ———, *Althusser's Lesson* (London: Continuum, 2011 (1974)), p. 129. Rancière's

oneself and listen to the other that is more important than the difference in knowledge between individuals. What we need to presuppose, to come to a democratic horizon, I believe, is what Rancière calls ‘a pure relationship of will to will’ that is based on the presupposition of an ‘egalitarian intellectual link’.<sup>513</sup> In short, we need to at least remove intelligence from the equation to make possible an egalitarian politics.

Extending this idea to a democratic context, we should say that the will to listen and to express is more important than to tell other people what to do on the basis of the better argument, better judgment or on the basis of the right scientific evidence; emancipating the people means that we presuppose that the people thinks and wills for itself and is fundamentally able to do so for its own benefit and that of others. This is what all (democratic) emancipation in the end must entail: ‘that every common person might conceive his human dignity, take the measure of his intellectual capacity, and decide how to use it.’<sup>514</sup> It is this belief in the capacities of men that can ground our conviction that we could live together as equals. Although we never can know that we *are* equal, we can say that we *could* be equal. And it is this belief of ‘can-be’, Rancière writes, which makes possible a community of people.<sup>515</sup> This then is the crucial axiom that makes up the democratic horizon: a principle that respects and recognizes the capacities and practical knowledge of the people.

The crucial thing to understand is that these ethical presuppositions cannot be grounded on a transcendental deduction or some analysis of institutions or communicative practices; they are sometimes immanently at work in these practices, but they also transcend these contexts. The only thing we can say is that they are part of our ethical horizon, which consists of ideas, intuitions, values, norms, beliefs and principles that transcend our organization of particular institutions - either in abstraction or in normative force - but which nonetheless have been materialized in them in some cases. Similar to Derrida’s distinction between justice and law (chapter 4) we could state that we are dealing here with ‘the democratic’ versus ‘democracy’: on the one hand we find the non-institutional ideal that always transcends the institutional application of this ideal, and on the other hand we have the practice or institution that strives towards the implementation of this ideal. This is not completely the same as the regulative ideal, as this Kantian construct is *epistemically* necessary *as part of an explanation* of why the subject is able to make sense of

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point here is that by maintaining the Marxist opposition between scientific knowledge and ideology or bourgeois understanding the revolutions of 1968 could not be justified in Althusser’s view. This makes Althusser a dogmatist and a conservative Marxist. See also: ‘Marx, Sartre, Althusser and Bourdieu: each, with increasingly sophisticated cynicism, underestimates the power of understanding and imagination of those on whose behalf they speak.’ In: Oliver Davis, *Jacques Rancière* (Cambridge: Polity Press, 2010), p. 25.

<sup>513</sup> Rancière, *The Ignorant Schoolmaster: Five Lessons in Intellectual Emancipation*, p. 13.

<sup>514</sup> *Ibid.*, p. 17.

<sup>515</sup> *Ibid.*, p. 73.

his world and himself. The democratic horizon in comparison is 'only' necessary for envisioning a post-foundational conception of democracy.

In short, the ethical elements we find at the democratic horizon must be *historical a priori*<sup>516</sup>, i.e. both historical and transcendental, as they are not an essential feature or characteristic of a subject or a praxis that can be found deductively. But they are here somehow, around us, in our minds, as measuring-sticks and as something that we use to understand democracy and to evaluate its current form.<sup>517</sup> They are part of our political discourse, both socially shared and politically relevant, but always transcending the contexts in which they are implemented. The elements of this democratic horizon are unattainable as concrete goals but they move us by their abstract appeal and aporetic nature.<sup>518</sup>

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<sup>516</sup> To recall, the concept of 'historical a priori' is used by Foucault for the first time in the *Archeology of Knowledge* where he defines it as 'the positivity of discourse'. For Foucault this positivity consists of a group of rules that regulate discursive practices from the inside, i.e. they are not superimposed by someone or something from the outside. The positivity of discourse 'defines a field in which formal identities, thematic continuities, translations of concepts, and polemical interchanges may be deployed'. Foucault, *The Archaeology of Knowledge*, Chapter 5. I would argue that the discussions between Butler, Laclau and Žižek in *Contingency, Hegemony, Universality* are all in some way connected to discerning the status of the historical *a priori*, and its role in their work as I have argued in chapter 4. See: Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*.

<sup>517</sup> Kant already states that a transgression of the idea of cosmopolitan right in one place is felt in all places. In: Immanuel Kant, *Zum ewigen Frieden*, 8:360. I believe that we should strive for a situation in which the same can be said at the moment an infringement of the principles of the democratic horizon takes place. A situation in which a transgression of the sketched democratic principles leads to a feeling of misrecognition of the *demos* as a universal whole, and towards democratic action on the basis of solidarity. Bear in mind that the 'zum' in Kant's *Zum ewigen Frieden* refers to a 'towards', without being attainable in the end. Or as Kant writes: "Das, was diese *Gewähr* (Garantie) leistet, ist nichts Geringeres, als die große Künstlerin *Natur* (natura daedala rerum), aus deren mechanischem Laufe sichtbarlich Zweckmäßigkeit hervorleuchtet, durch die Zwietracht der Menschen Eintracht selbst wider ihren Willen emporkommen zu lassen, und darum, gleich als Nötigung einer ihren Wirkungsgesetzen nach uns unbekanntem Ursache, *Schicksal*, bei Erwägung aber ihrer Zweckmäßigkeit im Laufe der Welt, als tiefliegende Weisheit einer höheren, auf den objektiven Endzweck des menschlichen Geschlechts gerichteten, und diesen Weltlauf prädestinierenden Ursache *Vorsehung* genannt wird, die wir zwar eigentlich nicht an diesen Kunstanstalten der *Natur erkennen*, oder auch nur daraus auf sie *schließen*, sondern (wie in aller Beziehung der Form der Dinge auf Zwecke überhaupt) nur *hinzudenken* können und müssen, um uns von ihrer Möglichkeit, nach der Analogie menschlicher Kunsthandlungen, einen Begriff zu machen, deren Verhältnis und Zusammenstimmung aber zu dem Zwecke, den uns die Vernunft unmittelbar vorschreibt (dem moralischen), sich vorzustellen eine Idee ist, die zwar in *theoretischer* Absicht überschwenglich, in praktischer aber (z.B. in Ansehung des Pflichtbegriffs vom *ewigen Frieden*, um jenen Mechanism der *Natur* dazu zu benutzen) dogmatisch und ihrer Realität nach wohl gegründet ist. – Der Gebrauch des Worts *Natur* ist auch, wenn es, wie hier, bloß um Theorie (nicht um Religion) zu tun ist, schicklicher für die Schranken der menschlichen Vernunft (als die sich in Ansehung des Verhältnisses der Wirkungen zu ihren Ursachen, innerhalb den Grenzen möglicher Erfahrung halten muß), und *bescheidener*, als der Ausdruck einer für uns erkennbaren *Vorsehung*, mit dem man sich vermessenenerweise ikarische Flügel ansetzt, um dem Geheimnis ihrer unergründlichen Absicht näher zu kommen." Immanuel Kant, *Zum Ewigen Frieden: Ein Philosophischer Entwurf* (Stuttgart: P. Reclam, 1984), p. 24-26. In its form, then, the ideal of perpetual peace is very similar to the democratic horizon and Derrida's ethical injunction.

<sup>518</sup> I will return to this interesting and aporetic nature of the ethical horizon, and the discussions of the ethical injunction that lies at the basis of Derrida's concept of deconstruction, in chapter 7.



# Chapter 7. Insurgent deliberative democracy

## §1 Introduction

In this final chapter I will gradually reveal my post-foundational and critical conception of democracy. I concentrate on aspects and relationships that any democratic theory should deal with: the relationship between the descripto-normative and the ethical. This involves the deconstruction of the political and the social and its relation to the democratic horizon. For this we need to establish some ideas on the democratic ideal or *pathos*, on social ontology, on institutions, and on different forms of democratic action – both institutional and extra-institutional.

But first I point to some convergences and differences between the deliberative democratic approach and the post-foundational or deconstructive approach to democracy, as a short recap of the previous chapters, in §2. In §3 then, I reflect on Derrida's *pathos* of the 'democracy to come', which is closely related to the democratic horizon I presented in chapter 6. After this I start my consideration on how the make-up of the social is related to both the core values of the Enlightenment and to democratic or political action. The theory of radical democracy as expressed by Ernesto Laclau and Chantal Mouffe, which I discuss in §4, can help us here. In addition, in §5, I focus on Pierre Rosanvallon's concept of counter-democracy to show how, besides the principles and procedures of deliberative practices, processes of institutional contestation and control have emerged, and should be valued as important institutional means to honour the democratic horizon. In §6 I discuss Miguel Abensour's account of democracy, which will function as the theoretical background for my own concept of 'insurgent deliberative democracy' that I present in §7, the final, concluding section of this dissertation.

## §2 Similarities and differences

First, it is important to see that both the post-foundationalist authors and the theorists of deliberative democracy that I have discussed do not conceive of democracy as a form of rule, or, more precisely, they do not exclusively do so. Consequently, they do not need to qualify democracy as 'parliamentary', 'representative', 'constitutional', or 'liberal'. Neither do they equate democratic rule with a democratic society, or democracy with the rule of law. Rather, democracy is for them something that happens at the level of the social - in the fairly indeterminate form as I have used it in the previous chapter - as a form

of action by a *demos*, a process, or a procedure in relation to the institutions and the state.

Of course, there are also important differences between post-foundational political thought and theories of deliberative democracy. Deliberative democracy provides a crucial, but only partial, understanding of, and ideal for, modern democracy. Processes of deliberation can be interpreted as socio-political activities, but only at the level of the police and its 'product': society. What theories of deliberative democracy generally fail to grasp is that the rules of democratic deliberation are necessarily contestable, and that their continued existence necessarily implies processes of inclusion and exclusion. Truly radical conceptions of democracy acknowledge the difference between the police and democratic politics, and between society and its outside, as well as a conception of the *demos* as an overflowing of society.

But the divergences between theories of deliberative democracy and a post-foundational account of democracy run deeper still: these theories contain different perspectives on the nature of social relations, institutions and ethics. Although some of the theorists of deliberative democracy try to account for the contingent nature of social relations and identities, its complexity, stratification, diversity and pluralism, they still conceive of society in terms of unity and order within which political praxis can be situated. This is where deliberation, as a 'procedure of elaboration', is supposed to take place.<sup>519</sup> In a post-foundational conception of democracy, this emphasis on a delineated space or domain for politics is abandoned. Democratic politics can take place anywhere, by anyone, at any time as long there is reference to the democratic horizon. And, very importantly, the political difference has primacy over society. Struggle has ontological primacy over social order, the individual, social differences, pluralism and hierarchy.

These are some important structural and conceptual features of 'genuine' forms of democracy and political action that break with the deliberative framework, or, more tellingly, that show its limits. I will further examine these features by critically analysing several post-foundational accounts of democracy.

### **§3 Behind the democratic horizon: Derrida on democracy**

With the concept of the democratic horizon that I discussed in chapter 6 I have indicated how our *pathos* as critical political subjects concerns a notion of equality and recognition with regard to the will of subjects. This particular conception aims to subvert the ordering principle of intelligence or intellectual

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<sup>519</sup> See Stefan Rummens' outstanding article on the necessity of criticizing Habermasian political thought by way of the insights of, for example, Claude Lefort and Chantal Mouffe. Rummens, 'Deliberation Interrupted: Confronting Jürgen Habermas with Claude Lefort.'

capacity and merit that is often used to dismiss the democratic potential of the *demos* in society - implicitly in traditional and contemporary critiques of ideology, and implicitly and explicitly in contemporary justifications of the technocratic governance or institutionalized 'democratic' practices that can be found around us.

In my view this particular democratic *pathos* is fundamentally bound up, both on the level of theory and on the level of performance or praxis, with other deconstructive approaches to ethics. The conception of democracy that we find in the later writings of Jacques Derrida most especially points in this direction.

As discussed in chapter 4, Derrida has chosen a radically different approach to political philosophy, distancing himself from the methods of both classical critical theory and its successors, and the post-structuralist genealogical approach of Foucault. Instead of evaluating social practices and institutions as to their implicit and explicit normative principles and their operation - the main focus of Habermas, Honneth and other thinkers from the tradition of the Frankfurt School - or the analysis of discourses to 'confront' their genesis, their production of norms and specific subjects - Foucaultian discourse analysis and genealogy - Derrida's proposed method is deconstruction. With the shift of focus to political issues in the 1980s<sup>520</sup> it became clear that Derrida's deconstructive approach was meant to contribute to an understanding of democracy. This approach goes beyond deliberative democracy by addressing the indeterminate, the quasi-utopian and performative ('changing the thing it interprets'<sup>521</sup>) dimensions of these issues. Institutions barely play any role in this conception of democracy.

As we have seen in chapter 4, Derrida opposes ontological analysis of philosophical categories *tout court*. That is, ontology in the metaphysical sense. This does not entail relativism, or an insensitivity to daily struggles or adverse realities. On the contrary, it is a radical critical but non-relativist view in which anything can be deconstructed. The deconstructive premises express what I have called Derrida's critical *ethos*. The notion of *différance* is also part of this *ethos*, in as far as it expresses the emancipatory promise of deconstruction. As Derrida argues in *Specters of Marx*<sup>522</sup> (1994), this promise is inherent in the spirit of Marxism:

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<sup>520</sup> Derrida explicitly denies that there has been something like a political turn in his philosophy as such. In his view deconstruction has always been concerned with the political: "The thinking of the political has always been a thinking of *différance* and the thinking of *différance* always a thinking of the political, of the contour and limits of the political, especially around the enigma or the autoimmune double bind of the democratic." See: Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas, Meridian (Stanford, Calif.: Stanford University Press, 2005), p. 39ff.

<sup>521</sup> ———, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, p. 63.

<sup>522</sup> And apparently not a lot more than that: "That is why such a deconstruction has never been Marxist, no more than it has ever been non-Marxist, although it has remained faithful to a certain spirit of

Deconstruction has never had any sense or interest, in my view at least, except as a radicalization, which is to say also in the tradition of a certain Marxism, in a certain *spirit of Marxism*.<sup>523</sup>

And:

Now, if there is a spirit of Marxism which I will never be ready to renounce, it is not only the critical idea or the questioning stance (a consistent deconstruction must insist on them even as it also learns that this is not the last or first word). It is even more a certain emancipatory and messianistic affirmation, a certain experience of the promise that one can try to liberate from any dogmatics and even from any metaphysico-religious determination, from any messianism.<sup>524</sup>

Derrida's reference here to a non-religious and non-metaphysical messianism and promise deserves some elaboration. As we saw earlier with Derrida's analysis of the concept of justice, some concepts allude to phenomena that cannot 'be' (in the ontic sense) but can only be strived for. Some concepts thus have an ethical and political meaning, but not an ontological one.<sup>525</sup> Such as democracy: for Derrida, democracy is 'a promise that can only arise in such a *diastema* (failure, inadequation, disjunction, disadjustment, being 'out of joint')'.<sup>526</sup> The ontological status of democracy is therefore indeterminate. It can only be understood as a democracy to come [*à venir*], that is, as something that only exists as an ethical injunction. It will never be achieved in reality, either as an idea or an ideal; in as far as it is something, it is a promise, immanent to the here and now.

I will now focus on the characteristics of this promise and the ethical injunction before returning to the relationship between a democracy to come and to actual existing democracies.

### §3.1 Ethical injunction as the horizon of the *à-venir*

Just as for his teacher Emanuel Levinas, for Derrida the ethical should not be 'grounded' on the practical reason of the moral subject or the individual and his moral consciousness that we find in most readings of Kantian practical philosophy. Instead Derridian ethics alludes to the existence of the radical other, and the manner in which its singularity and alterity should be

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Marxism, to at least one of its spirits for, and this can never be repeated too often, there is more than one of them and they are heterogeneous." *ibid.*, p. 95.

<sup>523</sup> *Ibid.*, p. 115.

<sup>524</sup> *Ibid.*, p. 111.

<sup>525</sup> *Ibid.*, p. 22, 36.

<sup>526</sup> *Ibid.*, p. 81.

respected.<sup>527</sup> Hence the importance of the promise for Derrida, as it is related to the ethical stance that aims to think ‘the unforeseeability of an event’<sup>528</sup> and ‘the singular coming of the radical other’<sup>529</sup>. In other words, the ethical stance consists of the attitude to respect the principle of unconditional hospitality.<sup>530</sup> Democracy then, (and one could replace democracy here with justice or deconstruction), is this unconditional promise to ‘respect’<sup>531</sup> the ‘thing’, human or other, to ‘take it as it comes’, that arrives within our horizon, our territory, and our society:

[The democratic promise stands for] awaiting without horizon of the wait, awaiting what one does not expect yet or any longer, hospitality without reserve, welcoming salutation accorded in advance to the absolute surprise of the *arrivant* from whom or from which one will not ask anything in return and who or which will not be asked to commit to domestic contracts of any welcoming power [...], *just* opening which renounces any right to property, any right in general, messianic opening to what is coming, that is, to the event that cannot be awaited *as such*, or recognized in advance therefore, to the event as the foreigner itself, to her or to him for whom one must leave an empty place, always, in memory of the hope – and this is the very place of spectrality.<sup>532</sup>

The latter formulations can help us understand why this promise should be understood as an *ethical* injunction: as an ‘unconditional’ it reminds us of the law-like nature of Kant’s categorical imperative. But it is also an ethical *injunction* as it is hard not to feel - to be affected by - its force and scope, as there is no escaping the arrival of the other.<sup>533</sup> Any attempt to foreclose this (non-utopian and immediate) expectation of, and open-mindedness to, the other would make us unethical. The gap between ethical stance and concrete

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<sup>527</sup> Ibid.

<sup>528</sup> ———, *Rogues: Two Essays on Reason*, p. xiv.

<sup>529</sup> Ibid. The *différance* is also seen by Derrida as the confrontation with otherness: “For what is also and at the same time at stake – marked by this same word of *différance* – is *différance* as reference or referral to the other, that is, as the undeniable, and I underscore undeniable, experience of the alterity of the other, of heterogeneity, of the singular, the not-same, the different, the dissymmetric, the heteronomous.” In: *ibid.*, p. 38.

<sup>530</sup> Jürgen Habermas, Jacques Derrida, and Giovanna Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida* (Chicago: University of Chicago Press, 2003), p. 128ff. For a recent overview of the deconstruction of hospitality in Derrida’s writings, see: Mark W. Westmoreland, ‘Interruptions: Derrida and Hospitality,’ *Kritike* 2, no. 1 (2008).

<sup>531</sup> Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, p. 81.

<sup>532</sup> Ibid., p. 81-82.

<sup>533</sup> There is a clear connection to be found here between the ethical injunction and the fact of reason of Kant. See for a discussion of this aspect of Kant’s practical philosophy: Simon Critchley, *Infinitely Demanding: Ethics of Commitment, Politics of Resistance* (London; New York: Verso, 2007), p. 26ff.

reality - hospitality towards the other, such as migrants, refugees, Muslims - thus seems even wider than with Kant.

How then does Derrida's ethical injunction - and the same could be asked of my democratic horizon - relate to the analysis of political and social reality and to critique? From a Hegelian perspective, this is problematical. As we have seen in chapter 2, Hegel's philosophy is concerned with the dialectics between, on the one hand, the way we understand specific phenomena and relations, and on the other hand the manner in which this understanding is reflected in reality; in social institutions - law, religion, the family, society, the state, etc. - in particular. From this viewpoint, it is not clear how Derrida's messianic promise - which is 'without messianism'<sup>534</sup>: there is no instance or event that could deliver us from our ordeal, just as we cannot cross the democratic horizon - should or could direct us to any idea of the good society. At best, this promise would imply a radically inclusive and equal society in which any difference is respected as such. But Derrida certainly seems to want to go further, as is testified by his very concrete list of ten 'plagues of the 'new world order'' that we find in *Specters of Marx*<sup>535</sup>. Yet it seems these cannot be derived or deduced directly from the ethical injunction. Some authors consider this under-theorized connection between ethics and practical consequences to be fatal for Derrida's critical analysis of concrete practices and institutions.<sup>536</sup> Alternatively, Moishe Postone argues that Derrida's ethico-political turn should be understood primarily as a philosophical critique of presentism in which the 'presentism' stands for the idea that there is such a thing as an existing order that is immutable.<sup>537</sup> By introducing the notion of spectrality - 'that what is not identical with the present'<sup>538</sup> - and hauntology - the haunting of any ontology of the present by the events of the past and the possible

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<sup>534</sup> Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, p. 33, 92.

<sup>535</sup> Derrida mentions: unemployment, exclusion of the homeless, economic wars, mastering the contradictions within the concept of the free market, aggravation of foreign debt, the intertwinement of arms industry and trade and science, economy and labour, the spread of nuclear weapons, inter-ethnic wars, the growing power of capitalist states, the limits of international law and its institutions. *Ibid.*, p. 100-105. His selection of contemporary plagues raises the question of why it would be especially these problems that should concern us now. It would be easy to expand the list, as Vincent Leitch shows, but the question remains: "how does one characterize this vision [of Derrida] this eccentric political projection, a peculiar assemblage of libertarian, liberal, communist, cosmopolitan, and utopian ideas?" In: Vincent B. Leitch, 'Late Derrida: The Politics of Sovereignty,' *Critical inquiry* 33, no. 2 (2007): p. 243.

<sup>536</sup> Probably the most forceful critique of *Specters of Marx* comes from Gayatri Chakravorty Spivak who poses the following, I believe rhetorical, question: "is it at all possible to be so crude to say that *Specters* (of Marx) [...] is a transformation of militancy into religion?" Additionally she argues that Derrida's conception of a New International point to the danger of creating a new theoretical arena without contributing to actual political struggles. For Spivak *Spectres of Marx* is not to be applauded because Derrida finally shows some commitment towards (some form of) Marxism; it is useful only to understand the principle of spectrality/hauntology in other writings. In: Gayatri Chakravorty Spivak, 'Ghostwriting,' *Diacritics* 25, no. 2 (summer) (1995).

<sup>537</sup> Moishe Postone, 'Deconstruction as Social Critique: Derrida on Marx and the New World Order,' *History and theory* 37, no. 3 (1998): p. 372.

<sup>538</sup> *Ibid.*, p. 371.

comings of the future - Derrida confronts philosophical reflections that rely primarily on presence, thereby neglecting that which has and will come.

In many respects my 'democratic horizon', which I have introduced in chapter 6, is similar to this idea of the 'democracy to come'. Both ethical accounts are introduced to complement the critical analysis of the existing order because the latter necessarily lacks the decisive normative criteria or conditions in any post-foundational political or social theory. And both 'horizons' are marked by the fact that they are not identical with the present, and never will be.

What is lacking in Derrida's account, though, and something that I have countered with my analysis of the political and social difference, is that it has no means to function as a political or a social critique. The promise of the democracy to come is insufficient in itself for grounding such a project. Partly this is because the spectrality of the promise is, and remains, socially and historically indeterminate and cannot serve as the base for an adequate critique of the contemporary world: there is no explication or explanation of the categories that underlie Derrida's critical descriptions of, for example, neo-liberalism, or whether these are intrinsic to his philosophy.<sup>539</sup> In short, Derrida's critical description of political reality is not intrinsically related to his messianistic affirmation of an emancipatory possibility – i.e. the ethical injunction to respect the immanence of the arrival of the other.

As I have shown, this unbridgeable divide in Derrida's political or ethical philosophy between the ethical injunction and the concrete critique of social reality should be understood as a gap between the ethical and the normative.<sup>540</sup> We can illuminate this distinction through a brief comparison with the practical philosophy of Immanuel Kant. For Kant, the fundamental divide between *Verstand* and *Vernunft*, between the phenomenological realm and the noumenal realm, also marks the difference between the descriptive and the normative or moral. Although Kant tries to overcome this gap in his *Critique of Judgment*, he concludes that the idea of freedom as autonomy remains indemonstrable and can only be represented indirectly, through symbolic representation, as a possible overcoming of the forces of nature.<sup>541</sup> Although Derrida would also claim that the democracy to come is indemonstrable, he would argue further for the indemonstrability of democracy *tout court* - that not even a form of representation or mediation, as

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<sup>539</sup> Ibid., p. 378.

<sup>540</sup> To recall, I follow Laclau's understanding of this distinction. First, the ethical promise has to be understood as 'a decision which is not predetermined by an existing normative framework', which Laclau calls 'the ethical'. The critique of social reality, in turn, has to be understood as 'a normative order as the sedimented form of an initial ethical event', which should be understood as 'the descriptive/normative'. Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 81. I believe Laclau is right to see the understanding of this difference between the ethical and the normative as being constitutive for contemporary ethics, and in my view it is also constitutive for contemporary political thought.

<sup>541</sup> Donald Loose, ed. *The Sublime and Its Teleology: Kant, German Idealism, Phenomenology*, Critical Studies in German Idealism, (Leiden; Boston: Brill, 2011).

was the case in Kant, is possible; the promise of the democracy to come has no ontological status, only an ethical one. Hence it persists to haunt any analysis of social and political reality: the ethical can never be realized in reality.

One is tempted to translate Derrida's ethical injunction to the realm of political thought, as being in line with a specific, all-inclusive idea of cosmopolitanism for example, but even this comparison would fall short, as cosmopolitanism is still confined to some form of world citizenship that excludes too many people for Derrida. The inclusive character of the ethical injunction should be seen as even more radically incomprehensible, indeterminate and unconditional, as something 'beyond the "political"', the latter understood as the existence and functioning of the state and the *demos*. Democracy to come is understood primarily as living together as singular beings, in *contradistinction* to current ideas of cosmopolitanism.<sup>542</sup> In short, the gap between the normative/descriptive and the ethical remains unbridgeable for Derrida.

However, these two domains are still too far apart to function as a critical political theory, even if we concur with the impossibility of closing the gap between the descriptive/normative and the ethical. This is because it is far from clear how we should understand the relation between Derrida's analysis of our current predicament and his ethical injunction.

### §3.2 The hauntology of a democracy to come

As we have seen, when analysing Derrida's concept of *democracy* we are confronted with the fissure between the descriptive/normative and the ethical. Throughout the text of *Rogues*, for example, a radical distinction is being made between actual democracy and democracy to come, a distinction that functions analogously to (or is even synonymous to) the connection between law and justice, which I discussed in chapter 4. Although the essay's main goal seems to be to deal with the recent use of the term 'rogue', in the political context of 'rogue states', much of it confronts the ambiguous nature of this figure of a 'democracy to come'. I will elaborate on this figure by focusing on three aspects in particular: its ontological status, its political relevance, and its use and function within a philosophical critique.

Derrida points towards two aporetic aspects of the notion of democracy. The first is based on its etymology: 'kratein', or sovereign rule, implies a decision by which the *demos*, in its multifariousness, is being overruled and partially silenced. The second concerns the circular reference to 'self': democracy implies both self-determination and self-representation of the *demos*. This self-referential posing of the self suggests both a being present of the self and the belief that this self is able to give itself its own law. With the concept of 'ipseity' Derrida refers to these two necessary conditions for any idea of democracy:

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<sup>542</sup> Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*, p. 130.

Before any sovereignty of the state, of the nation-state, of the monarch, or, in democracy, of the people, ipseity names a principle of legitimate sovereignty, the accredited or recognized supremacy of a power or a force, a *kratos* or a *cracy*.<sup>543</sup>

Democracy presupposes *ipseity*, the power to give oneself the law and the ability to organize oneself in an assembly that decides on the nature of 'living together'. Additionally, the quotation seems to indicate that this *ipseity* also has to be seen as being independent of the actual institutionalization of democracy. My suggestion in chapter 6 of presupposing the suspension of intellectual merit and capacity, or the Rancièrian thesis of intellectual equality that amounts to the same - which is the crucial part of the democratic horizon in my account - moves in the same direction.

The implication is that what we call a 'democracy', as a form of political organization, always falls short of honouring this idea of *ipseity*<sup>544</sup>. It is here that we need to resort to the concept of 'democracy to come': an idea of democracy that can adhere to, and pays tribute to, the principles of self-determination and self-representation implied by the interplay of *demos* and *kratein*:

We must move toward the horizon that limits the meaning of [democracy], in order to come to know better what 'democracy' will have been *able* to signify, what it *ought*, in truth, to have meant. [...] Did we not have some *idea* of democracy, we would never worry about its indetermination.<sup>545</sup>

This type of analysis places democracy squarely in the realm of the ethical. Instead of analysing concrete democratic institutions, Derrida deals with a democracy to come as the Greek *eidos*, an idea that is radically distinct from the idea in a Hegelian sense: the idea here is not concerned with the concept and its realization in reality<sup>546</sup> but with 'the limit surrounding a visible form'<sup>547</sup>. The latter means that we are trying to grasp something that is, in the end, ungraspable. Derrida's implicit rejection of a dialectics between

<sup>543</sup> Derrida, *Rogues: Two Essays on Reason*, p. 12.

<sup>544</sup> In his analysis of the *Menexenus* by Plato Derrida points to the suspended usage of democracy in this work by Plato: "The hesitation, even the indifference as to the name of 'democracy' will have been noted earlier on. One person calls it 'democracy', someone else will give it another name 'according to his own fancy' (an *khaire*). It is not the name but the thing or the concept that counts 'in truth': aristocracy the power of the best (the most virtuous and the most wise) with the 'approbation' of the multitude (plethos), the right opinion (eudoxia) of the crowd, as it is sometimes translated, of the masses, the people, one could also say of the majority." ———, *Politics of Friendship*, trans. George Collins (London; New York: Verso, 1997), p. 101.

<sup>545</sup> ———, *Rogues: Two Essays on Reason*, p. 18.

<sup>546</sup> Hegel, Wood, and Nisbet, *Elements of the Philosophy of Right*, §1.

<sup>547</sup> Derrida, *Rogues: Two Essays on Reason*, p. 18.

democracy and a democracy to come should not be seen as a return to a Kantian framework, though; his democracy to come is neither a utopia, nor identical to a regulative idea. It is not utopian, as in an imagined *place* or concrete ideal *state* (political or psychological) to strive for. Neither is it a regulative idea, as it is not connected to something we need to presuppose epistemologically to make possible our understanding of the world. Rather, we should understand it as ‘something that belongs to the here and now and not to the future’.<sup>548</sup>

The ungraspable nature of the democracy to come<sup>549</sup> has to be located in its underlying yet unrealizable principle of *ipseity* of the *demos*. Democracy always entails this “I can” of the people. ‘Democracy to come’ covers this idea, and functions as an immanent horizon. In my account this is the democratic horizon. It raises the question as to the nature of this horizon: is it transcendent, transcendental or historical? Derrida does claim that his thoughts concerning democracy are part of an attempt to ‘remain loyal to the ideal of Enlightenment’, while at the same time acknowledging the limits of this project and ideal.<sup>550</sup> We could thus say that Derrida’s ethical injunction comes to us *via* a specific philosophical tradition, or, in Gadamer’s terms, a *Wirkungsgeschichte*. However, as we have seen, the injunction itself is both transcendental and transcendent in the Kantian sense. The adherence to *ipseity* - also described as ‘autonomy’ as the foundation of any pure ethics<sup>551</sup> - is directly related to Kant’s practical philosophy and the analysis of reason and is, as such, transcendental. And it is transcendent in so far as the coming of the other is a secular version of the theological figure of the coming of the prophet in Judaism.

These limits of the Enlightenment become clearer in *Specters of Marx* and *Rogues*. They have to do with philosophical critique, the radical critique of the self, or self-critique in particular. For Derrida, philosophical critique is more than a style. In my own terms: next to being part of a specific *pathos*, it has to do with a critical *ethos* and *logos*. Derrida wants to maintain the Marxist spirit while incorporating the (respect for the) coming of the event: the thing that cannot be anticipated; a radical alterity; ‘the coming of that what happens’; the unforeseeable; that which arrives without prospect; the end of the calculable;

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<sup>548</sup> “Its status [of the idea of democracy] is not even that of a regulative idea in the Kantian sense, but rather something that remains to be thought and *to come*: not something that is certain to happen tomorrow, not the democracy (national or international, state or trans-state) of the *future*, but a democracy that must have the structure of a promise – and thus the memory of that which carries the *future*, the *to-come*, here and now.” ———, *The Other Heading: Reflections on Today’s Europe*, trans. Pascale-Anne Brault and Michael Naas, *Studies in Continental Thought* (Bloomington: Indiana University Press, 1992), p. 78, original emphasis.

<sup>549</sup> Derrida refers also to the feature of *renvoi* - referral and deferral. ———, *Rogues: Two Essays on Reason*, p. 35.

<sup>550</sup> ———, *The Other Heading: Reflections on Today’s Europe*, p. 79.

<sup>551</sup> See for example: Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*, p. 131.

even, unreason.<sup>552</sup> As against the Marxist ontology that is rooted in economics, Derrida contends that our time asks for a spirit of Enlightenment that breaks with the exclusive emphasis on ontology and its scientific attitude of expectancy and calculability. Instead we have to focus on Enlightenment by examining its specific conception of reason.

According to Derrida the reason of Enlightenment is a particular double figure, consisting of, on the one hand, the conditional, the calculable, and on the other hand the unconditional. In other words, it consists of both the rational and the ethical (the good, justice) of which the latter cannot be calculated or understood by the intellect. It is that which 'tends to exceed the calculable it finds'. It is especially in the West that this two-faced figure has come to the fore in practical philosophy and political thought in the figure of democracy (understood as sovereignty of the people): both the right to decide and the right to suspend the principles on which this decision is taken belong to the sovereign.<sup>553</sup> In the figure of a democracy to come this suspension of right and law is indefinite as they are the results of decisions that necessarily break with unconditionality and justice. Therefore, in practice, this figure of a democracy to come is subversive and critical, as government can only function by terminating the endless waiting for the other.

Even if we would try to realize the *ipseity* of democracy, bringing together the idea of the capacity/capability of the people and its immanent self-presentation, we necessarily end up with an *aporia*<sup>554</sup>: democracy is both here and not; as a form of state the idea of democracy is untenable, unachievable. With the concept of 'autoimmunity' Derrida tries to address this impossibility of democracy. He writes on the autoimmune process:

[...] the autoimmune topology always dictates that democracy be sent off elsewhere, that it be excluded or rejected, expelled under the pretext of protecting it on the inside by expelling, rejecting, or sending off to the outside the domestic enemies of democracy.<sup>555</sup>

The example of Western liberal democracy is illuminating for understanding this feature of autoimmunity in this respect, but it also presents us with some questions concerning the critico-philosophical and political dimensions of this conception of democracy. According to Derrida, the contemporary liberal, parliamentary democracies, confined to nation-states, do not have any

<sup>552</sup> Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, p. 110ff. See also p. 135.

<sup>553</sup> ———, *Rogues: Two Essays on Reason*, p. 141.

<sup>554</sup> "Although *aporia*, double bind, and autoimmune process are not exactly synonyms, what they have in common, what they are all, precisely, charged with, is, more than an internal contradiction, an indecidability, that is, internal-external, nondialectizable antinomy that risks paralyzing and thus calls for the event of the interruptive decision." *ibid.*, p. 35.

<sup>555</sup> *Ibid.*, p. 35-36.

inherent principle or criterion with which to value something as being more or less democratic. The fact that immigrants are being denied the right to vote (Derrida's example) does not tell us, from the perspective of the state, that this state is less democratic than a state that permits their vote. The same could be said of states that implement practices of direct or indirect democracy (understood as choosing one's representatives). This lack of inherent criteria for democratic processes leads Derrida to conclude that any electoral law is at the same time more and less democratic than another: "democracy protects itself and maintains itself precisely by limiting and threatening itself."<sup>556</sup> What is being called 'democratic' depends completely on the hegemonic discourse ('the governing syntax or grammar'<sup>557</sup>), on the *demos*, on society and its outside: who belongs to us? Who is it that decides who lives together and how we live together? It is the democracy to come that seeks the outer limit of inclusion in this respect.

The inclusion considered here remains to a large extent indeterminate, and intentionally so. Democracy to come transcends the confines of the nation-state and citizenship. Even international right should not be seen as a limit, although international recognition of human beings is a clear goal to be achieved for Derrida.<sup>558</sup> This enclosure (or disclosure) of the *demos* then fully depends on Derrida's definition of the *demos*,

The *demos* is *at once* the calculable singularity of anyone, before any 'subject', the possible undoing of the social bond by a secret to be respected, beyond all citizenship, beyond every 'State', indeed every 'people', indeed even beyond the current state of the definition of a living 'human' being, and the universality of rational calculation, of the equality of citizens before the law, the social bond of being together, with or without contract, and so on.<sup>559</sup>

This formulation testifies to the hyperbolic or even excessive nature and force of Derrida's democracy to come. If we take this as our ethical injunction, should we then recognize all human beings as autonomous citizens?<sup>560</sup> And

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<sup>556</sup> Ibid., p. 36.

<sup>557</sup> Ibid.

<sup>558</sup> See: Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*.

<sup>559</sup> Ibid., p. 120. Original emphasis.

<sup>560</sup> One runs into a logical contradiction here, one that cannot be avoided. Should the people who want to destroy democracy be part of a democratic praxis? Derrida recognizes the problem and writes: "The freedom at play in the concept of democracy: must a democracy leave free and in a position to exercise power those who risk mounting an assault on democratic freedoms and putting an end to democratic freedom in the name of democracy and of the majority that they might actually be able to rally round to their cause? Who, then, can take it upon him- or herself, and with what means, to speak from one side or another of this front, of democracy *itself*, of *authentic* democracy *properly speaking*, when it is precisely the concept of democracy *itself*, in its univocal and proper meaning, that is presently and forever lacking?" Derrida, *Rogues: Two Essays on Reason*, p. 34. Again, there cannot be a resolution

further, what of the emancipation of animals?<sup>561</sup> Of objects? Of the dead? Is there a limit? Can there be one? It seems not.

### §3.3 Critical political philosophy and the à-venir

So how does Derrida's account of democracy figure in a critical political philosophy? As we have seen, Derrida envisions deconstruction to be directly related to a post-ontological (or hauntological) form of self-critique: critique of one's own time and place, without resorting to a metaphysical essence that could be found in the past or projected into a future. Yet, as I argued, a genuine philosophical critique should contain both a negative and positive aspect, criticism as well as a foundational conceptual analysis. Can both aspects be found in Derrida's work? On the affirmative side, Derrida does purport to 'ground' our ethical commitment by analysing 'our' idea of democracy (resorting to its use in antiquity and supported by the ideals of the Enlightenment) and the manner in which it always falls short. It is this gap between the concrete reality of democracy and its ideal that is a constitutive part of the conception and critical relevance of, or within, democracy itself.<sup>562</sup> Furthermore, Derrida uses the promise of a democracy to come to criticize existing democratic practices that cannot adhere to the inclusion that is part of its imperative. In short, it is a normative evaluation of political practices for showing how these all necessarily (!) fall short of achieving total inclusion.

There are, however, some serious shortcomings in the Derridian conception of critique and of the democracy to come. I will focus especially on three issues: first, the one-sided, abstract, and hypercritical nature of his analysis; second, the lack of conceptual and analytical content that could help us understand the logics of contemporary politics and democracy; and third, the manner in which Derrida neglects to relate his ethical injunction to an analysis of the political and the social.

The first thing we notice is the hyperbolic conception of the ethical, what we could rightly call an abstract messianism, a radical 'refusal to come to terms with the given'.<sup>563</sup> Throughout the course of history several philosophers - especially sentimentalists like Hutcheson, Rousseau and Hume - have argued that a motivational force should always accompany an ethical demand; something that makes us active when faced by an ethical injunction. This is to

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within the figure of the democracy to come, as the event should be allowed unconditionally, even if this would mean that the event consists of a universal refusal of adhering to democracy.

<sup>561</sup> At the end of *Rogues*, Derrida hints towards the expansion of ethics by incorporating the animal kingdom. In: *ibid.*, p. 151.

<sup>562</sup> Oliver Flügel, 'Démocratie à venir: Jacques Derrida', in: Oliver Flügel, Reinhard Heil, and Andreas Hetzel, eds., *Die Rückkehr Des Politischen* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2004). In this sense we should say that there is an ontological difference that functions underneath the concept of democracy: there is a necessary gap between its ontic (what we call a democratic regime) and its ontological (democracy to come) dimension.

<sup>563</sup> Postone, 'Deconstruction as Social Critique: Derrida on Marx and the New World Order,' p. 373.

counter the danger of retreating into passivity because of its force or apparent impossibility. Simon Critchley argues convincingly that both the ethical demand and the approval of this demand must be present in order to be motivated to act in accordance with this demand.<sup>564</sup> With regard to Derrida's presentation of the ethical we should then ask how we can be motivated by a demand that seems to be endless, unconditional and without a limit. Derrida seems to claim that being conscious of the existence and imminent coming of the Other should be enough to motivate us to committing ourselves to a political cause. Nevertheless, he is looking for a hyperethical or hyperpolitical stance that goes beyond what he calls 'the economic circle of duty'.<sup>565</sup> This stance is presented as a 'hypercritical faith' but it remains unclear how this should motivate us, as it provides neither relief nor hope. The ethical injunction is completely transcendent. Even Kant's categorical imperative is less demanding than Derrida's injunction: although we could say that Kant's categorical imperative has a similar unconditional nature (it is 'categorical' mind you!), even Kant understood that without interest or motivation the demand is without force and thus without any effect.

What *should* motivate us to act are the structural problems and blockades caused by a specific (lack of) organization and dysfunctional elements of the democratic state, of specific institutions (religion, mafia, other enduring dominating, discriminating social practices) and, maybe above all, the logics of the global economy and the destructive dominance of the financial sector that show a complete lack of respect for the ambiguous nature of the *demos* and the democratic horizon by placing their practices outside the reach of democratic institutions, and leaving the decisions about their regulation to economic and financial experts that can seldom be held accountable for their deeds. This leads me to my second objection to Derrida's approach: it lacks the means, the conceptual framework, to confront problems that go beyond the inclusion of people in a rule of law. Instead of criticizing the Marxist framework for its presentism, Derrida should have used deconstruction to analyse what we have called the descripto-normative dimension. Fortunately, political thinkers like Ernesto Laclau aim to incorporate the deconstructive approach to fill the lacunae that Derrida left.

But the failure is even more pertinent. Aside from the 'ten plagues' of the Western world, that seem to be rather *ad hoc* and independent from the ethical injunction Derrida describes, (which makes these no less important and pressing, to be sure), Derrida has little to offer but the recurrent theme of the decline of the public sphere and the destructive and distortive role of the media<sup>566</sup>, and the manner in which no idea of cosmopolitanism, or unification of

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<sup>564</sup> See: Critchley, *Infinitely Demanding: Ethics of Commitment, Politics of Resistance*.

<sup>565</sup> Derrida, *Rogues: Two Essays on Reason*, p. 152.

<sup>566</sup> In: ———, *The Other Heading: Reflections on Today's Europe*.

Europe<sup>567</sup>, can ever attain the status of being just and democratic. He does not address the factual issue of limiting and fixating the *demos* to a social whole, or the functioning of contemporary *kratein* and power. This makes his deconstructive project both one-sided and abstract, as Hegel would say; it seems to be exclusively focused on the negative side of critique and in this manner the effort only leads to destruction of political thought. It completely neglects construction.

Using my threefold division of the aspects of critical political philosophy as a yardstick, we can conclude that Derrida fails to classify as a critical political philosopher. He did convince however in one respect: he has shown in what way our *pathos* as a philosopher should be understood when it comes to critically engaging with political and social reality. He shows how the contents of this *pathos* are historical, transcendental and transcendent all at once and how it relates theoretically to our social reality. In this way he contributes to several aspects of the understanding of the contemporary critical *ethos* and *pathos* of the critical philosopher. But because his democratic vision remains an abstract messianism and consists mostly of a pure ethics, Derrida leaves us almost empty-handed when analysing contemporary social and political phenomena and problems. He does not show why the promise of a democracy to come should motivate us, and even seems to tell us that it can't do this altogether, thereby failing to help us as to how we, as critical philosophers, could contribute to changing the world. Furthermore, by restricting himself to addressing the principles of exclusion of the state and invoking a belief in radical inclusion, his political perspective lacks scope and power.

Then there is the third and last point. We need to reconfigure the Derridian ethical injunction, democracy to come, itself: it is not enough to only envision the coming of the radical other. We also need to show why this is, in our current predicament, the case by analysing the manners in which globalization and unequal distribution of wealth are contributing to all kinds of migration. I have done this, theoretically at least, by arguing for the political and social differences, and the ambiguous nature, of the *demos*. As the *demos* can only be understood as being spectral, as part of the inside and outside of society and at the same time as being invisible, its political features can come only to the fore at the moment we understand what it means to be a political subject – i.e. at the moment a dissensus is staged.

Additionally we need to show why we should accept the *ipseity*, autonomy, or intellectual equality-thesis *tout court*, and how this can contribute to our understanding of democratic action. Without such a horizon we run the risk of reintroducing the dismissal of the *demos* on the basis of an unjustified division between those who know what is good for it and those who do not, of

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<sup>567</sup> In: Habermas, Derrida, and Borradori, *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*.

undermining the democratic horizon as *pathos*, the post-foundational *logos*, and critical *ethos* of the theorist. And the presupposition of intellectual equality has some footing in reality: we can envision educational, emancipatory, and democratic practices that respect the democratic horizon. Deliberation is one such materialization of the ideals that lie at the horizon. The extra-institutional staging of dissensus by reference to shared floating signifiers is another.

To conclude, the spirit of Marx in Derrida's writings proves to be no more than a faint whiff. Derrida should not, and need not, have stopped after his deconstruction of our idea of democracy, the form of justice or the demand of the promise (which are all part of the ethical). The post-foundational figure of deconstruction, and the method of a genealogy of reason and unreason, could and should also have been used as critical political philosophy. By analysing concrete reality through the deconstruction of important but out-dated and dysfunctional ontologies of the social and the political, and thereby contextualizing and adapting them to our time and place, we could come to a better and more critical understanding of democracy and the *demos*.

#### §4 Radical and plural democracy

What we have seen in the analysis of Derrida's political writings is that he was not able to apply his deconstructive 'method' for coming to a coherent understanding of the political and the social in conjunction with his ethical horizon. The next step, then, is to establish how we can link the ethical aspects he has addressed with actual democratic theories such as the theory of deliberative democracy. What the latter manages to show is which institutional conditions are required for arriving at a notion of democratic action that alludes to an ethical horizon – which is in Habermas' case the counterfactual presupposition of restraint-free, or rational, communication. Nonetheless, the theory of deliberative democracy should not be perceived as a post-foundational critical theory of democracy, as it runs against the post-foundational premises of deconstruction, which are necessary for coming to an understanding of the *demos* and democratic and political action, especially outside the institutional order that we have called society. As shown in chapter 4, I believe it is necessary to adopt Laclau and Mouffe's approach to political and social reality to make possible a more complete perspective on democratic action, both as understood in its institutional deliberative forms, and as composed of extra-institutional practices.

Contrary to Derrida's political 'theory', the writings of Laclau and Mouffe *do* provide a social ontology on the basis of a deconstructive approach, combined with a specific concept of democracy. With their jointly written work, developed further in Laclau's later writings, we are not confined exclusively to a specific *pathos* - and part of a deconstructive *ethos* - but are able to approach political theory, i.e. *logos*, from a deconstructive perspective. One of the first

major attempts in this respect can be found in a book from 1984, *Hegemony and Socialist Strategy*, which offers one of the first post-foundational concepts of democracy that also contains a social ontology. In this section I will elaborate on both these elements, some of which I already alluded to in chapter 4.

#### §4.1 Freedom and equality

Right from the outset of the book, Laclau and Mouffe claim that it is only within a democratic discourse, i.e. a discourse that facilitates the articulation of different forms of resistance to subordination, that specific struggles against different types of inequality become possible.<sup>568</sup> Notice that this already presupposes that we are concerned here with actions that potentially – and, in reality, in all probability will indeed - fall outside the institutional framework of the police and society, as subordination can take all kinds of shapes: from the suppression of women in the family, to the misrecognition of complete populations.

What does this democratic discourse entail, what are the conditions for social change in a democratic sense? For Laclau and Mouffe, this first of all concerns the crucial interplay of liberty and equality that needs to be part of the horizon directing practices of struggle, that is, within the political sphere as such. Both equality and freedom have become part of an ethical horizon that functions as a type of leverage against forms of domination and subordination. This does not imply that these concepts of liberty and equality entail an unproblematic relationship. But this in turn should not be seen as an argument that both concepts are ineffective, even (or especially) when they are used in conjunction. For Étienne Balibar, for example, equality and freedom:

have acquired enough force that they cannot be openly denied, or that they can serve as a point of departure for democratic demands and protests [...] the constituent relation between equality and liberty is to be found in the element of contract and exchange or, better yet, in the element of reciprocity and reciprocal unity.<sup>569</sup>

In Balibar's view these two concepts are so intimately intertwined that he has coined the term *égaliberté*, or equaliberty, to express this bond:

This proposition [of equal liberty] poses, in the characteristic form of a double or simultaneous negation, that equality is impossible without liberty and liberty impossible without equality, and *therefore* that liberty and

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<sup>568</sup> Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 154.

<sup>569</sup> Étienne Balibar, *We, the People of Europe? Reflections on Transnational Citizenship*, trans. James Swenson, Translation/Transnation (Princeton, NJ; Oxford: Princeton University Press, 2004), p. 197.

equality stand in a relation of mutual implication. It thus equates in principle generic humanity and citizenship, implying a juridical adequation of the 'rights of man' and the 'rights of the citizen'. It is thus, if you will, the principle of democratic institution of the constitution in its typically modern universalist conception.<sup>570</sup>

What the concept of equaliberty indicates is that our conception of liberty, in the form of human rights on the one hand, and political equality on the other, has been established in the Western world in such a way that if one of the two were denied, so, at the same time, would there be denial of the other.<sup>571</sup>

With this concept firmly in place within the political discourse - or within a constitution<sup>572</sup> - we make a decisive break with any kind of political structure that is based on a theological, absolutist or naturalist logic that justifies inequality and domination within a social order. And the influence of this bond between equality and freedom can be found on other levels and in other domains as it contaminates and spreads to other discourses, such as the economic, the sexual, the feminist, or to those discourses that are built around notions such as race and ethnicity.

Although equaliberty constitutes a necessary condition for any radical account of democracy, we need additional conditions to take pluralism into account, according to Laclau and Mouffe. In *Hegemony and Socialist Strategy* these conditions are expressed with reference to the concept of 'subject position', specific knots in the social texture that can be occupied by social actors; severe criticism by Slavoj Žižek however has led them to abandon this position.<sup>573</sup> It is nevertheless a radically pluralistic account of democracy. It is *pluralistic*, if one accepts that the articulated identity of social relations 'cannot be led back to a positive and unitary founding principle'<sup>574</sup> of these relations. This means that every identity within a social sphere (the fact that you articulate yourself as a father, a farmer, a teacher, citizen of a state, a heterosexual, a fascist, etc.) has a validity of its own, that is, without reference to a transcendent or

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<sup>570</sup> In: ———, 'Is a Philosophy of Human Civic Rights Possible? New Reflections on Equaliberty,' *South Atlantic quarterly* 103, no. 2 (2004): p. 313.

<sup>571</sup> "The idea that I have put forward, and which I obviously do not consider to be the final word on the matter, is that once this foundational correspondence between the universality of human rights on the one hand and political equality (or an equal amount of liberty for each citizen) on the other is established, there is essentially no other way to justify excluding people from citizenship than to exclude them from humanity itself, or in any case to disqualify particular individuals and groups on the grounds of their humanity." Balibar et al., 'Citizen Balibar. An Interview with Étienne Balibar.' See: Balibar, 'Is a Philosophy of Human Civic Rights Possible? New Reflections on Equaliberty.' This interview can be found at: <http://www.booksandideas.net/Citizen-Balibar.html?lang=fr>. Visited on December 3<sup>rd</sup>, 2012.

<sup>572</sup> For Balibar the notion of égaliberté is used especially to contribute to the understanding of the democratic foundation of the rights of the citizen.

<sup>573</sup> See for Žižek's criticism and Laclau's agreement on this point: Laclau, ed. *New Reflections on the Revolution of Our Time*.

<sup>574</sup> Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 167.

transcendental principle that justifies its existence. This pluralism is *democratic* as long as this process of identification 'is the result of displacements of the egalitarian imaginary'<sup>575</sup>. I understand the latter to mean that the principle of equality is taken to be universal and almost empty; that is why it can be displaced. Equality can be alluded to in social struggle, in order to expand the scope of equality to include other social differences than were accepted as unequal (or unacceptable) before. It functions as an emancipatory precedent: one can be strengthened, inspired and motivated by the success of other struggles which were fought in the name of 'equality' and 'liberty'.

One more or less implicit consequence of this conception of radical democracy is that any attempt of identification through antagonism should be accepted as being democratic, as democracy is partially defined as the expansion of the principle of equaliberty. There is no principle that determines on an *a priori* basis what struggles for equality are allowed, and which are not. This has led several authors to conclude that this theory of radical democracy lacks normative criteria. In their view, not just any articulation should be accepted and recognized as being democratic. Besides the obvious example of the people or demands that reject the democratic principles themselves, there are groups we generally do not accept as having legitimate claims or demands - (to name just a few: racists, paedophiles, misogynists etc.). Without principles to dismiss these claims we run the danger of overextension of the pluralistic democratic principle. In short, it seems this account of democracy suffers from a normative deficit.<sup>576</sup>

One way out of this problem is to ask why this conception of radical democracy could still be called social-democratic and leftist, as Laclau and Mouffe claim. They write:

A left alternative can *only* consist of the construction of a different system of equivalents, which establishes social division on a new basis. In the face of the project for the reconstruction of a hierarchic society, the alternative of the Left should consist of locating itself fully in the field of the democratic revolution and expanding the chains of equivalents between the different struggles against oppression. *The task of the Left therefore cannot be to renounce liberal-democratic ideology, but on the contrary, to deepen and expand it in the direction of a radical and plural democracy.*<sup>577</sup>

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<sup>575</sup> Ibid.

<sup>576</sup> Just as the theory of hegemony of Laclau seems to do. See for the force of this argument: chapter 4 of this dissertation.

<sup>577</sup> Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 176.

The problem of the normative deficit emerges exactly at the moment we try to fill in the details: we are not to denounce but to deepen the liberal-democratic ideology, but on the basis of what? What signifiers are to be chained together? Is this up to the philosopher/theorist to decide? Here the danger of posing as 'the great ideologue' looms in the background, but I believe we have to bite the bullet here. Although it is not the task of the philosopher to prescribe the indefinite principles that should be the basis of political struggle, we can make the empirical claim that many emancipatory struggles - of blacks, women, gays etc. - were won in the name of either equality or freedom, or both, which should give us at least some confidence in the practical importance of these concepts. It is the reframing of particular demands into terms of equaliberty that probably has the highest chance of success in a world that has committed itself to the Enlightenment, to the ideals of the French revolution and to the democratic horizon.

What then about the demands of the racist, the misogynist, the paedophiles? Often these particular demands are paradoxical in nature, or better, are contradictory in their performance: they demand inclusion of beliefs on the basis of the ideals of the Enlightenment, while at the same time demanding recognition of their preferences that would exclude other people (from participation, or from protection by law), or of condoning behaviour that would (physically) harm other people. There seems to be a performative contradiction between form and content here: on the one hand the principles of equality and freedom are alluded to here by appropriating the right to speak and participate in democratic practices, but at the same time the physical existence, integrity and worth of the other is denied. But it seems unavoidable that if we appeal to the ideals of the Enlightenment, the democratic horizon, or Derrida's ethical injunction, we also need to accept the consequences of their practical implementation. Note that this is not the same thing as saying that there is a *necessary* tension between the *Rechtsstaat* and democracy, as if democracy, in conjunction with the ideal of all-inclusiveness, would entail anyone being heard and demanding institutional recognition. This can only be accepted within the confines of the democratic horizon itself, and by respecting the reciprocity that the ideals of the Enlightenment entail.

And, as we have seen, the democratic horizon suggests more than this all-inclusiveness, i.e. the presupposition of the equality of intellectual capacity. However, although any *Rechtsstaat* or constitution should adhere to the principle of inclusion of the *demos* and its intellectual equality, it can nevertheless only be a partial reflection of the ideals that are incorporated in the democratic horizon, because of the indeterminate nature of the *demos*. I will return to the relation between constitution and democracy in §8.

## §4.2 Being a democrat first

An important aspect of the radical democratic vision propounded by Laclau and Mouffe is that the 'democratic' aspect has primacy over a 'socialist' part: the socialist perspective, emphasizing the disappearance of private ownership of the means of production, is in their view just one articulation within a democratic discourse.<sup>578</sup> This is significant as it probably is the most pertinent claim that distinguishes this theory from more communist or economics oriented approaches to (Marxist) political theory. This is not to say that radical democracy is incompatible with a Marxist view of the economy. The communist horizon can be part of the political and social ontology of radical democracy, as the communist demands have the same 'right to articulation' as other demands that appeal to equal liberty. Such communist demands could be summarized in the dictum 'from each according to his ability, to each according to his need'<sup>579</sup>. The question is then for the communist to decide what we should understand by 'ability' and 'need'. Is this to be decided by experts? By party leaders? Or by the people? I agree with Laclau and Mouffe that popular sovereignty, however much ambiguity and paradox it may contain, should be preferred over the quasi-objective visions of an expert or political leader (or a philosopher of course!). My conception of the democratic horizon attests to this.

At the same time, from the perspective of the communist, the framework Laclau and Mouffe provide is not compelling enough and is almost shallow, and would probably even be regarded by most radical leftists as a *bourgeois* justification of capitalism. I would sympathize with this criticism at the point at which Laclau and Mouffe would actually tell us that the economy is not an important domain for critique. But they explicitly do not do this. Laclau especially has consistently emphasized the economy as one of the main fields that needs to be critically evaluated, even if it cannot explain every phenomenon in social reality.<sup>580</sup> For Laclau, the economy is just one battlefield among others, albeit an important one. What makes his theory convincing however, is that he is able to show how other struggles can be understood from the logics of social antagonism, and how they are legitimized from the perspective of radical democracy.

To conclude this section on the normative background of radical democracy, what becomes clear in *Hegemony and Socialist Strategy*, is that radical democracy is first of all the opening up of the processes of identification: any

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<sup>578</sup> Ibid., p. 178.

<sup>579</sup> This dictum can be found in Karl Marx's *Critique of the Gotha Program*. In: Tucker, ed. *The Marx-Engels Reader*, p. 531.

<sup>580</sup> "Every project for radical democracy necessarily includes, as we have said, the socialist dimension – that is to say, the abolition of capitalist relations of production; but it rejects the idea that from this abolition there necessarily follows the elimination of the other inequalities." Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 192. See also: Laclau, 'Why Constructing a People Is the Main Task of Radical Politics,' p. 658ff.

antagonistic articulation can, *and should be able to*, claim presence and acceptance on the basis of equaliberty. A direct consequence of this conception is that any attempt to distort or block this articulation, by an individual, a group, an institution or a political structure, should be rejected unconditionally. This is a direct consequence of the stance that gives primacy to the political over the social: the antagonistic constitution of social relations has, and should have, primacy over the existence of social relations. The logics of institutions and the state cannot respect this ethical claim indefinitely however, as they are generally concerned with stability and durability and hold on to their procedures and hierarchical structures on the basis of principles of efficiency, or a conception of justice and law, that is being regarded as either founded in a naturalist, historical or pragmatic way (or a combination of these). In the words of Laclau and Mouffe:

In the face of the radical indeterminacy which democracy opens up, this involves an attempt [by the state] to reimpose an absolute centre, and to re-establish the closure that will thus restore unity.<sup>581</sup>

The reverse is also true, however, as the absence of any reference to a social unity (by the state or in the form of a social imaginary constructed in society itself) would mean that the social framework, the self-description of the social qua society, loses its coherency and its self-explanatory features. A radical democracy then has to try to manoeuvre between these two limits: somewhere between complete identity of the state and society on the one hand, and pure difference between them, losing any coherence, on the other. This presupposes a constant renegotiation and re-creation of both society and the political procedures, as the latter have been formalized in the institutions of the state.<sup>582</sup> In short, the basic condition of the conception of radical democracy is that any attempt to dominate (intellectually or politically) the ultimate foundation of the social (by the state, by institutions, by the economy) should be refused. This conclusion, then, can be pared nicely with, for example, Lefort's conception of democracy as an inherently contested political regime.

#### §4.3 Radical democracy and institutions

This leads us to a more pressing problem with radical democracy, and it concerns exactly these institutions, especially those of a state that subscribes to a radical and plural concept of democracy. The framework of radical democracy doesn't seem to be well-equipped for dealing with the analysis of institutions. It is hard, if not impossible, to establish how, within this conception, one could determine what institutions could be called democratic. Is it possible to conceive of a concept of law, for example, which can address

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<sup>581</sup> Laclau and Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. 188.

<sup>582</sup> *Ibid.*

both the principle of equaliberty, and facilitate and protect the principle of antagonistic articulation? And how can we tell to what degree this is already achieved in western democratic societies? In *Hegemony and Socialist Strategy* no attempt is being made to answer these kinds of questions.<sup>583</sup>

In some of her subsequent work Chantal Mouffe has attempted to confront the problem of radical democratic institutions. In *On the Political* (2005) we read:

But one can establish a rough distinction between a set of demands whose satisfaction can be granted without jeopardizing the basic liberal democratic framework and those which would lead to its destruction.<sup>584</sup>

Alluding here to the limits of pluralism and multiculturalism Mouffe argues that a legal pluralism cannot become the norm without endangering the democratic political association she has typified earlier as ‘a vibrant “agonistic” public sphere of contestation’<sup>585</sup>. Her premise here is that even a radical democratic society requires, at the least, a shared ethico-political horizon, principles that should be embodied in a legal framework. Democratic citizenship is not furthered, in her view, by merely providing arguments showing that the institutions of a liberal-democratic state are rational, as deliberative democrats are wont to do. Engaged democratic citizens can only exist and be stimulated by ‘multiplying the institutions, the discourses, the forms of life that foster identification with democratic values’<sup>586</sup>. The consequence of this is that there can be no juridical exception to this constitution, for example in the form of a legal pluralism that explicitly makes exceptions for specific ethnic groups or religious beliefs, without endangering the exercise of democratic citizenship that posits the equality of all citizens as its ethical and legal ground.<sup>587</sup>

With regard to international institutions, and in particular a political European union (and not just a juridical or economic Europe), Mouffe argues convincingly for a conception of European political entity that is part (and explicitly not a leading part with respect to cosmopolitan law or morals) of a global patchwork of political entities. In this situation there is still a need for a specific set of institutions to regulate the relations in this multipolar and agonistic world, but the aim of these institutions should not be to universalize the current Western liberal democratic model; or the one she expounds

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<sup>583</sup> This is the reason why Aletta Norval comments on the concept of radical and pluralistic democracy in the following way: “[T]he hegemonic account of politics stands in need of deepening its theorization of the nature of decision and argumentation in a democratic context.” Aletta Norval, ‘Democratic decision and the question of universality: rethinking recent approaches’, in: Critchley and Marchart, eds., *Laclau: A Critical Reader*, p. 158.

<sup>584</sup> Mouffe, *On the Political*, p. 122.

<sup>585</sup> *Ibid.*, p. 3.

<sup>586</sup> ———, *The Democratic Paradox*, p. 96.

<sup>587</sup> ———, *On the Political*, p. 123.

herself, for that matter, as it is popular sovereignty that should decide what the outcomes of politics should be.<sup>588</sup>

In conclusion: Mouffe rightly confronts the deliberative democrat's emphasis on consensus with an agonistic account which stays true to the conflictual and pluralistic nature of both the police and democratic politics. Rational consensus is not only impossible, it is undesirable in many cases as well, as it could lead to moral authoritarianism and possibly even liberal totalitarianism, and in this manner to all kinds of exclusionary procedures. Mouffe's approach, however, falls short with respect to the democratic horizon and the possible emergence of a part-that-has-no-part, i.e. the other that cannot be anticipated but still haunts society, as radical democracy as conceived by Mouffe does not account for the forms of political struggle itself; it is absolutely unclear as to what kind of struggle can be seen as justified and on what account.

## §5 Counter-democracy

With the thoughts of Derrida on the features of a democratic horizon, together with the neo-Marxist framework of Laclau and Mouffe with regard to political and social ontology, we have come to a decisive point that I will formulate in the form of a question: what roles do democratic institutions have in my post-foundational conception of democracy? The theory of deliberative democracy contains some valuable clues in this respect, especially concerning deliberation upon different levels in society as we have seen in chapter 1. However, with this society, as an order of social relations and institutions, in place we still need both institutional and extra-institutional democratic practices to keep open the possibility of confronting and contesting it - and the logics of the police - should the *demos* disagree. Organizing a forum of deliberation is not always the right action to undertake in these cases, as the rules of deliberation are contingent themselves. But there are also more pragmatic reasons - it takes time, it is costly, it is infrastructurally not always easy to achieve, and it potentially burdens citizens. In the case of extra-institutional democratic practice it is clear that the constraints of deliberative practices are too tight to be genuinely called democratic. In this section I will especially focus on the first issue: the need for institutional instruments that are concerned with democratic governance outside the confines of public deliberation.

Pierre Rosanvallon presents an analysis of democracy that answers the call to deal with the existence of a political difference between the police and democratic politics. As an historian Rosanvallon is above all concerned with the apparent decline of representative and elective democracy and the manner in which the people have expressed, and have tried to institutionalize, their distrust. Rosanvallon is especially analysing the ways these manifestations of

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<sup>588</sup> Ibid., p. 129-130.

distrust have become part of the political system, through processes such as supervision, prevention and judgment by the people. These phenomena together form the 'counter-democratic universe'<sup>589</sup> that is composed of the various manifestations of the citizens' distrust of the authorities.

What Rosanvallon describes in *Counter-democracy* are the limiting and correcting devices, both constitutional and extra-constitutional, that the people have used to try and impose control over processes conducted by state and government in their name, in the name of democracy. To see if these counter-democratic mechanisms and actions can be understood as being a necessary part of democratic politics, that is, as one part of the political difference constitutive for a critical conception of democracy, we have to establish at least three things: first, what conception of the *demos* do we find in Rosanvallon? Second, to what extent do these counter-democratic measures function as contesting instruments of the people in the name of a part-that-has-no-part? In other words, is it possible for these counter-democratic practices to remain at a distance from the logics of the police? And, third, does it become clear from his account in what sense the counter-democratic processes contribute to a better political environment, in which the people can live in a situation of non-domination and autonomy, and for which it pays to struggle to get its demands realized?

#### §5.1 The people and representation

To start with the first matter, the conception of the *demos*, Rosanvallon is rarely explicit on his understanding of this notion. In the conclusion of *Counter-democracy*, though, he poses the following questions:

How can the gap between the abstract unity of a sovereign defined by terms such as 'people' and 'nation' and the actual diversity of social conditions be bridged? How can the 'people-as-principle' be made to coincide with the 'people-as-society'? How can this abstract sovereign be given form and countenance when represented in an assembly?<sup>590</sup>

The answers to these questions, which all have to do with democratic representation, can be found, according to Rosanvallon, by focusing on the difference between the democratic principle of the general will and sociological reality. Historically this division became evident for political philosophy at the moment that the primacy of politics came to lie with the collective subject - Rousseau's *volonté générale* - and not with the social order founded on the basis of a natural order and the existence of God, or its

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<sup>589</sup> Javier Fernández Sebastián, 'Intellectual History and Democracy: An Interview with Pierre Rosanvallon,' *Journal of the history of ideas* 68, no. 4 (2007).

<sup>590</sup> Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, John Robert Seeley Lectures 7 (Cambridge, UK; New York: Cambridge University Press, 2008), p. 291-292.

substitute in the earthly realm, the monarch. In this respect representative democracy was seen after the French and American Revolutions, according to Rosanvallon, as an inevitable substitute for direct democracy, as the latter was simply unachievable in large countries with large populations. However, this was not the only interpretation of the emergence of, and need for, representative democracy: the latter was also understood as an alternative to democracy *tout court*. From the perspective of this tradition, the representative was seen as a necessary mediator for protecting the state from the dangers of the ignorant masses, and as such it stood in opposition to more direct forms of democracy.<sup>591</sup>

As we can read in *Counter-democracy*, after the great revolutions of the eighteenth century the collective subject had become the classic agent of 'the political', and it is the citizen who represented the general interest of society; the general will of society was a distillation of all needs and wills of mankind. According to Rosanvallon, in our current (Western) societies this rather rudimentary conception of individuality and citizenship has become problematic:

Traditional regimes of generality were conceived in a unitary and aggregative sense, compatible with Rousseau's thought, while present-day generality more often has to be understood as rooted in the partial parallelism of singularities.<sup>592</sup>

The main consequence of this individualization and pluralization of the social, in comparison with pre-Modern and pre-revolutionary times, is that the people as a sociological category cannot be represented 'in its universality' but can only be understood as the result of the 'aggregation and the overlapping of particularities'.<sup>593</sup> In turn this leads to an emphasis on, and interest in, the abstract citizen by the state, as separated from the concrete man of needs. In short, a new relationship between particularity and generality has led to a new perspective on the people and the possibility for representing it. This in turn has led to new perspectives on the separation between civil and political society.<sup>594</sup>

That the nature of the social changed radically after the revolutions of the eighteenth century and that the people is 'a functioning of its different

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<sup>591</sup> Ibid., p. 292.

<sup>592</sup> 'The transformation of democracy and the future of Europe', in: ———, *Democracy Past and Future*, trans. Samuel Moyn, Columbia Studies in Political Thought/Political History (New York: Columbia University Press, 2006), p. 222.

<sup>593</sup> Ibid.

<sup>594</sup> Michel Foucault has shown in his lectures at the Collège de France in 1977-1978 how the 'population' became the focus of power during the course of the eighteenth century. See especially the lecture of January 25<sup>th</sup>, 1978. In: Foucault, Senellart, and Davidson, *Security, Territory, Population: Lectures at the Collège De France, 1977-1978*.

figurations over time' are important insights for assessing our current situation. An, arguably, even more important insight is that civil society itself has become 'one of the possible faces' of political society.<sup>595</sup> By this Rosanvallon indicates in my view that any social difference should be seen as a consequence, or, as a function, of the principles that order a social whole. This does not mean that civil society is completely determined by the political order.<sup>596</sup> This urges us to examine how exactly Rosanvallon understands the political order (and the political difference in general).

In many respects the work of Rosanvallon should be seen in line with that of Claude Lefort. Like Lefort, Rosanvallon sees 'the political' as the set of procedures that institute the social, which immediately blurs the distinction between the political and the social. Moreover, Rosanvallon claims that the social sciences approach politics by describing it as a specific political domain with particular properties of power for shaping the social fabric, which is analogous to Lefort's insight that 'the political' in Modernity should be understood as the institution of the social.<sup>597</sup>

Two premises ground Rosanvallon's definition of the political. First, the insight that drawing up the rules for a society to live in peace is always problematic, though theoretically manageable as long one is able to ground a social unity – for example on the basis of an intrinsic quality of community, or on the basis of a shared rationality for example. Second, the political has always been conflictual, and this is something that cannot be overcome in modern society. This is firstly because the individual has become the subject and object of politics, which made representation important and problematic at the same time: how to represent a vast collection of individuals with their own perspectives on the good life? How to translate *volonté de tous* to a *volonté générale*? The second reason is that with the advent of Modernity there are no longer any fixed limits - imposed by history, nature, or deity - that 'decide' to what extent the reference to a social unity, including a specific account of equality and freedom, is to be accepted.<sup>598</sup>

In my discussion of the writings of Lefort in chapter 5 I have argued that we need to disentangle the two premises of the political that also lie at the base of Rosanvallon's conception of the political. On the one side we find the politico-ontological premise of conflict and dissensus at the base of the political; on the other there is the idea of the institution of the social itself by political, i.e. contingent but hegemonic, institutions. By calling these aspects 'the political' and 'the police' respectively I believe I have additional conceptual tools with which to get a grasp on the nature of both the political differences, and the

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<sup>595</sup> Rosanvallon, *Democracy Past and Future*, p. 223.

<sup>596</sup> "Large consequences follow, in fact, for the demands of this civil society on the political order, as well as at the level of a certain number of European institutions." *ibid.*, p. 224.

<sup>597</sup> "Toward a philosophical history of the political", in: *ibid.*, p. 60.

<sup>598</sup> *Ibid.*, p. 61-62.

phenomenon of democracy. With the tripartite distinction between the political, police and politics it is possible to make a distinction between a general political philosophical perspective, and the consequences for the analysis of the conceptual and practical framework provided by this perspective. Part of this philosophical angle is the neo-Marxist insight of the fundamental dissensus within the social that is being reduced to a social unity in many strands of political thought in Modernity.

By following the basic ontological premise of disagreement Rosanvallon must acknowledge the simultaneous existence of three phenomena that are paradoxically related, as I have claimed: first, the social as a perspective on social life that remains indeterminate, yet is characterized by an emphasis on (individual) differences, hierarchy and pluralism; second, a social unity that is the result of modern self-understanding and is being maintained by institutions (governmental or not) that we call society, and its outside; and a *demos* that overflows this society, both explicitly (those that cannot and do not 'participate') and implicitly (the part-that-has-no part). Now the question becomes whether Rosanvallon is able to conceptually grasp all these dimensions and the relations between them within his conception of counter-democracy.<sup>599</sup> I believe an analysis of the nature of the 'counter' in the concept of counter-democracy can help us here.

### §5.2 The 'counter' in counter-democracy

Rosanvallon frames the 'counter' in counter-democracy by relating it to the problematic of representation in modern politics, as described above. For contemporary political thinking the introduction of the term 'participatory democracy' during the 1980s is important. It makes clear to what extent increasing citizen involvement has altered the discourse around democracy, on both the national and international political level. The theory of deliberative democracy in the 1990s could be seen as a necessary successor to, and extension of, the participatory form. It both criticizes and reformulates the call for more participation by focusing on the *quality* of participation, rather than just the quantity - i.e. inclusion. Some of the problems this adjustment to participatory democracy has created have already become clear in the course of this dissertation<sup>600</sup>, to which Rosanvallon adds that discussion often becomes polarized, that consensus-based democracy introduces biases, and that the inequality in the distribution of the conditions for participation is being underestimated<sup>601</sup>. These make him conclude that counter-democratic powers should be implemented in an organized fashion to renew

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<sup>599</sup> In this respect the lack of an answer to the following question is illustrative for his account: "But how can [the people] retain a recognizable form, and how to hear its disappointing voice when the event is over and done?" In: 'Revolutionary democracy', *ibid.*, p. 97.

<sup>600</sup> See chapter 1.

<sup>601</sup> Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, p. 298.

representational democracy. What he calls the 'modern mixed regime', then, should guarantee a viable conception of democracy.

The counter-democratic instances in modern western societies as described by Rosanvallon however cannot be understood as instantiations of what I have called 'democratic politics', because they cannot facilitate the emergence and emancipation of a part-that-has-no-part. This is because of the way counter-democratic power is institutionalized, and the negative manner in which Rosanvallon describes this process. As counter-democratic institutions 'suffer from structural instability', and the value of their existence tends to lead 'to a certain slippage', Rosanvallon urges us to ask how these institutions can get a constitutional form.<sup>602</sup>

The main problem with the institutionalization of counter-democracy for Rosanvallon is that no single countering institution can embody the will of the people, or speak in its name. This was exactly Lefort's point: democracy is the best form of modern politics because it can deal with the indeterminacy and conflicting nature of the people. There is no instance that stands for the people because 'the people' is never one. Rosanvallon also argues from this premise<sup>603</sup> and states that in the same manner no one can claim to express the people's discontent and criticism. This in turn leads to the suggestion that the counter-democratic function must be pluralistic and must find its embodiment in a multiplicity of institutions, on different levels of organization and 'corresponding to different approximations to social generality'.<sup>604</sup>

By emphasizing the institutionalization of various types of supervision (the people as watchdogs) sanction and preventions (the people as veto-wielders) and the institution of popular judgment (the people as judge), Rosanvallon shows how the shortcomings of parliamentary democracy can be confronted by institutions that speak in the name of popular sovereignty. Without dismissing this solution altogether, we should ask in what sense these counter-democratic powers can contribute to the conception of democracy as keeping alive the tension within the political difference between the police and democratic politics. There are at least two problems in this respect: first, Rosanvallon is concerned exclusively with the general will of the people versus

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<sup>602</sup> Ibid., p. 299.

<sup>603</sup> For example with regard to the ambiguous nature of universal suffrage: "There is indeed a double dimension to universal suffrage. The first is a consecration of equality: every voice, every argument counts, both the wise and the trivial, the person who has long reflected and the one who votes on an impulse; they all count, because nobody can become the judge who establishes what are the good arguments for the choice. It is a dimension of universal suffrage which establishes a very radical equality. At the same time, universal suffrage exists as a result, that is, as a counting of votes. The dimension of equality constructs a social form—stressing radical equivalency establishes democratic equality—but in the counting of the votes, every single time that a result is formulated, the cacophony of the people appears, and with it the division, the problematic character of the people." In: Pierre Rosanvallon and David Ames Curtis (translation), 'The Test of the Political: A Conversation with Claude Lefort,' *Constellations* 19, no. 1 (2012): p. 10-11.

<sup>604</sup> Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, p. 300.

the political games 'played' in parliament and the media; second, institutionalization tends to depoliticize political demands, popular discontent and disagreement.

To start with the first problem: Rosanvallon's exclusive focus is on the problems of representation and the relation between representatives and its constituents. When the people cannot identify with the political issues as discussed in parliament, politics stands in danger of losing its democratic legitimacy. For Rosanvallon, the emergence of counter-democratic power has functioned as a stopgap for this problem, together with the increase of participation and deliberation from the 1970s on. This does not square with my own approach to the political difference, as I reject Rosanvallon's implication that parliamentary political praxis and the dispersed will of the people can be clearly separated. In my view both state and non-state institutions are responsible for a specific distribution of people by processes of subjectification and identification. There is a radical gap not so much between society and politics, as between the social order as 'created' by the police and those that cannot be seen within it, or are seen as not participating in this social order. A reference to counter-democracy as contributing to the realization of the general will expressed in parliament makes no sense from this perspective. The reason is simple: Rosanvallon has a too restricted view of governing. For him governing consists in making the world intelligible, 'providing the citizens with analytic and interpretive tools to help them make decisions and act effectively'.<sup>605</sup> I believe this is a non-critical account of government: it leaves aside, most importantly, how modern Western parliamentary and representative democracies have fallen under the spell of capitalist economic thought and neoliberal hegemonic discourse on personal responsibility, unlimited self-realization, and freedom. And also how policy-making is heavily influenced by wealthy lobbyists and think-tanks paid by multinationals. Not even counter-democratic powers can do anything about this, and this is related to the second problem.

As we have seen a few moments ago, for Rosanvallon it is important that counter-democratic powers become durable institutions. This is to stop discontent from degenerating into a destructive and reductive form of populism. I think this analysis is wrong because it is based on a one-sided understanding of institutionalization, and because it misconceives populism. First, the institutionalization of counter-democratic powers is a mixed blessing from the perspective of the politico-ontic difference: on the one hand it creates a forum for discontents in a formal structure, thereby making possible the necessary checks on the dealings of policy-makers and politicians, and in this way respecting one aspect of popular sovereignty. On the other hand it is a consequence of institutionalization that counter-democratic powers become part of the police, dependent on the logics of governmentality, governance and

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<sup>605</sup> Ibid., p. 307.

hegemonic ideas on social order. This means, at least in part, that the powers lose their emancipatory and democratic function, at the moment of course when democratic action is defined as confronting the hegemonic social order and hierarchy on the basis of a fundamental miscount.

Historically, as Rosanvallon describes, the emergence of counter-democratic practices has been ad hoc and haphazard, and they proved to be hard to incorporate in either institutions or the constitution. This should not surprise us: institutions are not neutral or purely functional phenomena, but hegemonic practices that are the results of antagonistic struggles themselves. In other words, they are the expressions of specific demands of a hegemonic social group. Other demands are necessarily excluded from this and these excluded demands become spectral: they linger at the background and can be rearticulated at any time. Up until this point of the argument Rosanvallon would still agree.<sup>606</sup> However, our positions diverge at the moment we raise the question as to what extent a democratic theory should be focused on the institutionalization of the contestation and subversion of a *demos*, or at least 'the part of it that has no part' side of it.

At one point, Rosanvallon makes an interesting and convincing comparison between the development of institutionalized democratic practices and the evolution of counter-democracy:

Now, it is by multiplying different forms of representation and sovereignty that democratic institutions are perfected. Hence, by the same token, it seems unlikely that counter-democratic powers can be perfected without creating new institutional forms through which they can express themselves.<sup>607</sup>

I agree with the call for constant renewal of institutional forms, but Rosanvallon deems the risk of letting these counter-democratic practices run their course too great. And here we find the non-radical core of Rosanvallon's account. According to him counter-democratic practices could lead to 'perverse and partisan ground' and the ad hoc institution of counter-democracy as such should itself be countered: the goal of the institutions should remain to facilitate 'different approximations to social generality'<sup>608</sup>. For Rosanvallon, contesting the hegemonic framework is justified as long as it deals with the common good that is expressed in the electoral-representative practices of modern society and in the deliberative fora. By this Rosanvallon positions himself somewhere between what I have called the police and democratic politics. He bypasses what we could call in Hegelian fashion 'concrete negativity', i.e. the antagonistic confrontation of the accepted

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<sup>606</sup> Ibid., p. 299.

<sup>607</sup> Ibid., p. 300.

<sup>608</sup> Ibid.

framework; and he even defends a position that argues for a complete co-optation of forms of contestation, thereby denying, or at the least institutionally pacifying, radical opposition.

Rosanvallon's use of the concept of 'the unpolitical' is an interesting one in this respect. And here emerges a second problem with Rosanvallon's account, especially with his understanding of populism. The unpolitical refers to the failure to develop an understanding of problems that have to do with the organization of a shared world.<sup>609</sup> It functions as an alternative to the concept of 'depoliticization', understood as the loss of interest in political issues by the people.<sup>610</sup> For Rosanvallon it is not the case that people are not interested in political issues anymore, but that the nation-states have succumbed to counter-democratic forces, thereby weakening the abilities of the states to institute the social. For Rosanvallon this yielding to counter-democratic powers has produced the conditions under which populism could emerge. He identifies populism as 'the pure politics of the unpolitical' or 'absolute counter-democracy'<sup>611</sup>: what populism does is widen the gap between the people and government by claiming to speak for the people and presenting government as corrupt. Populism should be seen as a political strategy without ideas: it is unable to formulate active criticism, and has enlarged the idea of the people as judge to such extent that political power can only be seen as criminal and as a form of ridicule.<sup>612</sup>

Although these features of populism are certainly present in contemporary populist movements on the right in Western-European parliamentary democracy, I believe it is a long stretch to describe populism in terms of absolute counter-democracy. This suggests that populism only emerges at the moment that nations yield to counter-democratic powers that are already present, thereby losing its 'political' function. But in my view, populism should be understood as a logical consequence of parliamentary democracies in which political parties and representatives lack the ideological imaginary that bind and inspire people.<sup>613</sup> In this sense populism, both on the right and the left,

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<sup>609</sup> Ibid., p. 22.

<sup>610</sup> In my view, a more useful and critical definition of 'depoliticization', however, especially for our understanding of modern late twentieth and twenty-first century societies, would be to see it as the attempt by a hegemonic discourse to absolutize, naturalize or decontextualize specific political choices, for example when economic arguments are being utilized to justify specific policy by referring to them as being necessary or obligatory, or to refer to a juridical discourse to bypass democratic will-formation.

<sup>611</sup> Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, p. 268.

<sup>612</sup> Ibid., p. 271-272.

<sup>613</sup> An interesting analysis of populism can be found in the writings of Margaret Canovan, who distinguishes between two types of politics: 'redemptive politics' in which democracy is identified with the will of the people and is formed around the desire for its re-emergence in political practice; and 'pragmatic politics' that emphasizes the need for institutional practices and its focus on agreement, compromise and policy. In Canovan's view populism flourishes most at the moment redemptive politics overshadows pragmatic politics. See: Margaret Canovan, 'Trust the People! Populism and the Two Faces of Democracy,' *Political studies* 47, no. 1 (1999): p. 8ff. See also the excellent overview article by Rudi Laermans on the literature on populism, and for his own (and Canovan's) Weberian interpretation of

should not be understood as unpolitical, but as a factor that repoliticizes parliamentary democracy, in the sense that it functions as a limit that evokes antagonistic struggles that break with the idea that society is, or should be seen as, a unity. It is a necessary and even desirable phenomenon in times of a more fundamental depoliticization<sup>614</sup> than the one perceived by Rosanvallon.<sup>615</sup>

To conclude, although Rosanvallon convincingly shows how counter-democratic practices and institutions can function to counter the shortcomings of representative-electoral democracies and its more advanced participatory and deliberative forms, thereby presenting a mediated form of influence of the people to check and alter political decisions, his account cannot do justice to the overflowing of the *demos* over society. As a Lefortian, Rosanvallon contends that the function of the political is to institute the social - as a self-description and a distribution of subjects: a distribution and cutting up of the visible elements of the social. However, by emphasizing the need for durable and formal counter-democratic institutions it is hard to conceive how these institutions can do justice to the emergence of a part-that-has-no-part - the demands and the people that overflow society. It is the emphasis on this institutionalization of oversight and control that threatens to bureaucratize and fragmentize the counter-hegemonic will of the people, thereby functioning as a principle of 'divide and conquer'. Instead, institutionalization of democratic politics - if such thing is conceivable at all, a matter I will discuss in the concluding section of this chapter - should be concerned on the one hand with respecting its chaotic and subversive nature, but on the other hand also with the universal element in any modern social structure: difference and hierarchy.

In short, (counter-)democratic institutions should be recognized by the people as necessary for democratic action. A crucial indication for this is that the people affectively invest in this institution. If this is not the case, this institution should become denaturalized and re-politicized, i.e. be part of public deliberation and subjected to dissensus. And in the most extreme case this could mean it has to be abolished.

### §6 Insurgent democracy

With the principle and practices of counter-democracy as a necessary addition to deliberative democratic forms of democratic action, we have enriched the

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the phenomenon: Rudi Laermans, 'Populisme Als Buitengewone Politiek: Naar Een Weberiaanse Interpretatie,' *Sociologie* 8, no. 1 (2012).

<sup>614</sup> Understood in accordance with the concept of depoliticization as expounded in note 92.

<sup>615</sup> See for different understandings of populism than the negative one of Rosanvallon for example Francisco Panizza's edited book: Francisco Panizza, ed. *Populism and the Mirror of Democracy* (London; New York, NY: Verso, 2005).

possibilities within society, and from the perspective of the police, for the *demos* to articulate and actualize its political potential. What remains to be seen though is if extra-institutional democratic action can be recognized and respected institutionally, and what this could entail. This is not to say that the gap between the police and democratic politics can be overcome, but it is an attempt to further explore the dynamics between the two. If we conceive of the *demos* as having an indeterminate nature, both the forms and contents of democratic politics and the police are subject to continuous change. As Rancière has argued, the dynamics between the police and politics should never be denied, as this leads to a dismissal of the fundamental miscount that makes democratic action, and democracy as an idea, possible. One part of respecting this politico-ontic difference, as I have called it, is to loosen up and contextualize some of the institutions that we consider to be crucial for our understanding of democracy, in particular the constitution. In this section I will turn to a political analysis that argues that the indeterminate nature of the *demos* is not irreconcilable with a democratic constitution, although this calls for a historical as well as a spatial contextualization of this constitution.

The political analysis in question is the conception of insurgent democracy as formulated by Miquel Abensour. My discussion will eventually focus on the possibility of respecting the *demos* institutionally, something the other radical democrats discussed earlier were not able to conceptualize. What 'respecting' could entail in this context remains to be seen, for the moment.

There are some striking similarities between Abensour's and Rancière's concepts of democracy.<sup>616</sup> First of all, both understand democracy not as a political regime, but as an action. Second, the subject of this action is 'the people' in all its ambiguousness, and its actions are directed at the establishment. While for Rancière this establishment principally should be seen as 'the police', the hegemonic discourse and practice of a multiplicity of institutions, both state and non-state, for Abensour the action of the *demos* is directed against any institution that is perceived by the people as dominating over the social.<sup>617</sup> This conception tentatively opens up the possibility to conceive of the relation between the *demos* and the institutionalization of its will.

In this section I will first present a short overview of Abensour's evaluation or (re)appropriation of the political philosophy of Marx, especially with regard to democracy. Following this overview I focus on Abensour's conception of insurgent democracy from the perspective of the political and social differences, in order to assess to what extent it can count as an adequate and critical account of democracy in post-foundational political philosophy.

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<sup>616</sup> See chapter 5 of this dissertation for a discussion on Rancière's political theory in relation to Claude Lefort.

<sup>617</sup> See for a short comparison of Abensour and Rancière: David Ingram, 'Non- (Often Anti),' *Radical Philosophy* 174, no. July/aug 2012 (2012).

## §6.1 Re-interpreting Marx

With his *Democracy Against the State*<sup>618</sup> Abensour aims to reactivate the political dimension of Marx's work, especially in his interpretations of the political realm and political action. He contrasts this with Hegel's *Philosophy of Right*, but also, for example, with how this dimension appears in Marx's later work. This project should be understood in relation to a post-Althusserian trend within the French Marxist tradition of the last four decades or so in which the political moment in Marx's thought is being reconsidered. Althusser had argued that one can and should distinguish between two different approaches, styles, and methodologies in Marx's oeuvre: on the one hand we find a young, humanist Marx, for example in the *Economic and Political Manuscripts of 1844* and the *Communist Manifesto*. This first period is characterized by humanism, anthropology, alienation and activism, something that had already been noted by thinkers during the 1950s.<sup>619</sup> On the other hand we have the structuralist approach and the focus on the economy of the late or mature Marx, which we find especially in *Grundrisse* and *Das Kapital*.<sup>620</sup>

Abensour tries to go beyond this crude division made by Althusser by arguing for a recurring theme in Marx's writings, or at least a hidden and latent dimension, that is concerned with 'true democracy' and with conceptualizing the political moment that is characteristic for Modernity. He traces back this 'philosophical institution of the political realm' in Marx and finds it especially in Marx's reflections on the overcoming of the theological-political elements that can still be found in Hegel's political philosophy. In Hegel's conception the state cannot be seen apart from the development of reason. It is especially the speculative conception of the state that concerns Marx, as it is in this conception that an integration between individual reason and the reason of state institutions (as an organic unity) is made most explicit.<sup>621</sup> I think we can understand the differences between Hegel and Marx here in the following way: while for Hegel the State is the ultimate moral entity, for Marx this qualification is reserved for democracy.<sup>622</sup> Abensour refers to a similar relation when he writes: "while with Hegel the path to make an absolute of the political realm is barred because the political is made relative to absolute knowledge, in Marx's 1843 *Critique* the political realm drops a level and is consequently made relative, but this time in relation to the absolute activity of the subject as

<sup>618</sup> Miguel Abensour, *Democracy against the State: Marx and the Machiavellian Moment* (Cambridge: Polity, 2011). First published in French as *La démocratie contre l'État*, Presses Universitaires de France, 1997. It first appeared as an essay in 1989.

<sup>619</sup> See for example Daniel Bell's analysis of the early writings of Marx in: Daniel Bell, 'The 'Rediscovery' of Alienation: Some Notes Along the Quest for the Historical Marx,' *The journal of philosophy* 56, no. 24 (1959).

<sup>620</sup> See: Louis Althusser, *For Marx* (London: Verso, 2010). For an analysis of the radical break with Althusserian political theory see: Rancière, *Althusser's Lesson*.

<sup>621</sup> Abensour, *Democracy against the State: Marx and the Machiavellian Moment*, p. 22.

<sup>622</sup> Marx writes in the *Contribution to the Critique of Hegel's Philosophy of Right*: "In democracy the formal principle is at the same time the material principle. Only democracy, therefore, is the true unity of the general and the particular." Tucker, ed. *The Marx-Engels Reader*, p. 21.

demos.”<sup>623</sup> And when we turn to Marx’s writings this reading seems to be accurate:

In democracy the constitution, the law, the state itself, insofar as it is a political institution, is only the self-determination of the people, and a particular content of the people.<sup>624</sup>

It is after the events of 1843 – King Friedrich Wilhelm IV of Prussia had prohibited the oppositional press, which forced Marx to resign from his post at the *Rheinische Zeitung* – that Marx explores the idea of radical revolution, as substitute for a political outline of revolution, i.e. a revolution within the state, that he had espoused earlier. The experience of this ‘crisis’ triggered the change of his position and his perspective on the state. The new outlook was directed at the institute of the state itself, as an expression of the bourgeois class. In this manner, ‘political criticism becomes criticism of politics’<sup>625</sup>: from a criticism on the particular daily practice of the state to the critique of the limits and legitimacy of the modern state altogether. The investigation that resulted from this change of perspective pinpoints the defects of this Prussian state: first, it still retained traces of *Ancien Régime* tendencies that make the state function beyond its capacities; second, the state is not equipped to deal with the social divisions that emerged after the industrial revolution; and a third, philosophical, problem is that the state has become disconnected from its producers, i.e. mankind. The conclusion that Marx draws is that the state does not serve man anymore. Instead man has come to serve the state.

Abensour claims that the underlying theme of Marx’s writings against Hegel’s political philosophy and on true democracy from 1843-1844 also surfaces three decades later, in the text on *The Civil War in France* (1871) and in several drafts of a speech. At this time Marx was especially interested in and reflecting upon the Paris Commune – a ten week occupation of Paris by discontented workers and people of the lower-middle class after the war between France and Prussia. The commune was eventually brutally ended by the French army on May 28<sup>th</sup> 1871. Abensour does not see Marx’s reflections on the Commune, in which he is very critical on the state and its power, as a call for the state’s destruction. Although the state is portrayed as an evil animal that suffocates and dominates civil society, Marx argues for another conception of the state and its constitution, in particular a ‘Communal Constitution’. On the one hand, Marx here recognizes that the successful emancipation of the workers requires the mediation of a political form. On the other hand, this particular form ‘promises to escape from the autonomization of form’ and becomes a state in the service of the people:

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<sup>623</sup> Abensour, *Democracy against the State: Marx and the Machiavellian Moment*, p. 72.

<sup>624</sup> *Contribution to the Critique of Hegel’s Philosophy of Right*, in: Tucker, ed. *The Marx-Engels Reader*, p. 21.

<sup>625</sup> Abensour, *Democracy against the State: Marx and the Machiavellian Moment*, p. 32.

It is by positioning itself *against* the State that this constitution attains existence, manifests itself and perseveres its being. Self-instituted in a principled hostility to the State and in a resistance to its spell, the Communal Constitution must not surrender this ongoing abolition lest it turn toward a resumption of State power.<sup>626</sup>

This transition from the 1843 texts to 1871 is not completely smooth of course. While the early texts deal with true democracy as an action directed at the disappearance of the State in a specific form, the text on the Paris Commune is more like a political intervention: emancipation of the dominated classes within a constitutional form. Abensour characterizes Marx's intervention in his writings on the Paris Commune and his planned address to the International Workingmen's Association 1871 in the following way:

This change in levels is all the more considerable given that the central element of this new situation is the position *against* and that which this *against* implies: the construction of this position with the determination of the field of open defiance, the choice of the adversary, the conjecture of the battle or the battles to be waged – *in short, the putting to play on a political stage of an agonistic relation that aims to forestall the State's return, to institute a new political form against this formalism, thus mobilizing a critical knowledge and a thumos where desire for liberty and hate of servitude are mixed indistinctly.*<sup>627</sup>

One can barely come any closer to my conception of *ethos* and *pathos* than this. This is the role of the critical philosopher I aim to defend, and in Abensour's view Marx is taking this role in his engagement with the Paris Commune.

#### §6.2 Four characteristics of 'True democracy'

'True democracy' becomes the concept for Marx to incorporate the political moment. Abensour analyses this moment by specifying four characteristics that are important in relation to my post-foundational conception of democracy.

First, true democracy and the political realm that it presupposes can only be thought from the perspective of the sovereignty of the people. Again, Hegel is the target here. As shown in chapter 2, in his critique of the *Philosophy of Right* Marx consistently inverts Hegel's propositions. This is also the case with regard to the main political principle for both Hegel and Marx: the constitution of a social unity, of a people. While both Hegel and Marx agree that the *telos* of

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<sup>626</sup> Ibid., p. 87.

<sup>627</sup> Ibid., p. 88. The emphasis in the second part of the quote is mine.

the modern political form is democracy, in Hegel this political principle is being mystified in the principle of the monarch; for Marx the monarchy can only be understood from the premise of the democratic, the forming of a social whole, and not the other way around. And we have seen in chapter 2 why this is important for Marx: every philosophical reflection should be grounded on basic needs and their material conditions ('a dialectics of needs or to a derivative of the division of labor'<sup>628</sup>), not on speculative deductions. Democratic sovereignty should be based on the concrete will and needs of the people.

The second characteristic of true democracy and the political moment is the relationship between the activity of the *demos* and its objectification in the constitution. From the perspective of 'true democracy' the constitution can be nothing more than a reduction of the existence of man. As such it has both a liberating and a dominating effect: on the one hand a 'democratic' constitution frees the subjects of all dogmas around its nature as it is the subject that decides what he needs or wants; on the other hand, the constitution is always and only an expression of its initiators, the instituting subjects, which makes the constitution something from past times and a past *demos*.

In the constitution, and thus in the state, the *demos* becomes objectified and this is both a good and a bad thing. It is good as man can determine himself as a species being, which purifies him from any theological or other dogmatic conceptions. As such the true democracy, as the political realm, is the *telos* of human beings as it is through the means of constituting oneself as social being that the *animal socialis* is actualized. The objectification of the *demos* is a bad thing, however, as the constitution obscures the possibility of the *demos* to redefine itself in light of its ever changing needs. Only a continuous revision of this constitution of the socialized man could mean a realization of this concept of true democracy. In short, the second characteristic is a fundamental gap between the contents of a democratic constitution and the *demos* as political community. This is analogous to what I have called the political difference between the police and democratic politics.

This second characteristic presents democracy as a form of action: it is the continuous process of unification, the unending formation of a social unity by a political community, the *demos*. For Marx, but as we have seen in chapter 5 also for Lefort, Rancière and Laclau, this incessant contestation of who/what should be seen as taking part in the whole, is the main characteristic of democracy and the point at which it decisively distinguishes itself from other political regimes such as monarchy, communism, arche-/para-/meta-politics etc. In Abensour's words:

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<sup>628</sup> Ibid., p. 51.

Thus the job of democracy is to bring the partial work of other forms of regime to its full conclusion, to make of it its own work, and it does so because it recognizes that the subject of every political society is the activity, the energetic power of the people.<sup>629</sup>

This statement could be read teleologically: democracy is the necessary end-state of history, as the development of freedom as autonomy that necessarily leads to the sovereignty of the people. Another, contemporary, reading could entail that all other political regimes outside 'true democracy' are to be conceived as nothing less than regimes that take over in the time between democratic actions, in between the process of determining oneself as *demos*. I believe both readings of Marx are justified, but in this dissertation I have argued that democracy in our time should be understood in the latter way.

The third characteristic of Marx's concept of true democracy is the continuous self-institution of society as part of an ongoing process of self-determination. Decisive here again is the anthropology behind this self-determination. For Marx, the human species is first of all concerned with concrete and actual existing: its concrete conditions with regard to living and working together as a functional whole. From this is deduced mankind's inalienable and unconditional right to give itself a constitution. To realize this the *demos* must be transparent to itself, i.e. it must objectify itself as social unity, be conscious of its own conditions, and be able to translate this in a constitution that represents all in some way. I believe this is an outdated conception. Our time is characterized by such a radical pluralization and individualization that the *demos* never can come to a consensus regarding its nature. And this is a good thing, as Lefort has argued, because this could contribute to a situation in which dissensus and political struggle are an immanent part of democracy, actively respecting differences of opinion and divergent political demands and at the same time being relatively open towards the claims that come from the outside of society.

The final characteristic has to do with the overflowing of society by the *demos*. Or in other terms: the rebuttal of the mystifying confusion or overlap between the political State and the people. In Abensour's account the *demos* should never be confused with the object of the state as the *demos* is always more and less than is perceived from the perspective of the state - and we could add, from the perspective of the police or society.

The conception of democracy in Abensour's work seems to be the only one we have come across in this dissertation that can leave open 'the instituting activity of the subject that is its own end'.<sup>630</sup> For him, in short, the gap between society and the-part-that-has-no-part always remains open, but by accepting

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<sup>629</sup> Ibid., p. 58.

<sup>630</sup> Ibid., p. 63.

the necessary reduction of the social by the police, and by keeping open the possibility that subjects will attempt to re-describe their common ground, democratic action remains an immanent subversive possibility for any social order.

### §6.3 Democracy: institutions and contestation?

With this revaluation of Marx, Abensour has shown how the dominant reception of Marx's writing can be revised. But Abensour's contribution to debates about democracy and Marxism stretches further. He is one of the few thinkers who have managed to give a critical account of democracy and to give a critical but affirmative account of a role of the state and democratic institutions. This is not to say the state is by definition a good thing, but rather that it is indispensable for any conception of modern democracy.

Honouring his teacher Lefort, Abensour directs our attention to the peculiar nature of a democratic state: how it is continuously being contested, a contestation based on the premise of a constantly transforming (self-)image of society. From this perspective the state, its constitution and its institutions, are destined to fall short. At the moment a constitution is formed it is already too late: it implies a necessary but impossible reduction of the social to 'the society'. This is a structural feature of the forming of a constitution. Additionally, the state attempts to acquire and maintain some autonomy in relation to the social necessary for its own functioning, thereby obliterating its principle of democratic justification, i.e. serving the people by continuously implementing their changing, fragmented general will and pluralistic demands. And Abensour claims this is exactly Marx's argument: 'there is a structural conflict between the logic of the State on the one hand, and the logic of democracy on the other'.<sup>631</sup>

And it is this structural conflict between state and democracy that has been misinterpreted in a long tradition of Marxism: instead of claiming that the state should 'wither away', one should maintain this structural tension and to try to adjust to it by, first, forming institutions that deal with a constant reconfiguration of the social and, second, by accepting the fact that the state is always late, thereby making peace with the idea that the state's outside (the changing nature of the social) is a necessary component in any thinking about the state and democracy.<sup>632</sup>

This all results in what Abensour calls *insurgent democracy*.<sup>633</sup> This notion marks two important aspects of a non-statist conception of democracy - or more precisely, a democracy that cannot be exclusively identified with the

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<sup>631</sup> Ibid., p. 93.

<sup>632</sup> I will discuss the limits of this outside in the last section of this dissertation.

<sup>633</sup> See for his conception of this notion the prefaces to the Italian and France editions of *Democracy Against the State*.

state. First, democracy is conceived primarily as a form of action, rather than as a regime. It is a political modality characterized by the 'irruption' of the *demos* onto the political stage: a political community that directs its action against the existing order by penetrating it, making itself seen and heard, thereby forcing the existing order to respond to it. The second feature of insurgent democracy is that the political action is not confined to a particular moment but continues through time; the openness of democracy, the idea that a regime in a democracy should be contestable at all times, means that the regime is constantly pressured by political action.

What makes Abensour's account of insurgent democracy fruitful within a post-foundational conception of democracy is that it is able to approach institutions in a more affirmative manner than merely as Ideological State Apparatuses, or instruments of domination. I believe this account should be compared with, for example, Jacques Rancière's theory, which contains a much more implicit normative stance towards institutions.<sup>634</sup> Rancière focuses almost exclusively on the revolutionary praxis of politics and the dominating logics of the police to argue for what one could call a right of insurrection on the basis of the ability to speak. Abensour, in turn, tries to move beyond the institution of such a right – the latter understood as justice, as ethical horizon, and not as law. From the perspective of insurgent democracy the institutions are being approached in a critical and selective manner. There is no exclusive oppositional relationship between institutions and democratic action as such.<sup>635</sup>

Although the two logics of the police and politics are radically different, incompatible and fundamentally irreconcilable, they are not fundamentally opposed, at least in modern Western democracies. As we have seen, the logic of politics is disruptive and temporal, in the sense of breaking the normalized tempo of the social and political practices. Dissensus and struggle achieve this. The police, on the other hand, is concerned with getting a grip on the social, instituting a social imaginary and hierarchy, concerned with being efficient, and at the least to uphold the idea of being lawful and democratically justified - although it always is liable to become arbitrary. To maintain its efficacy and validity the police needs to disrupt and forestall the process of insurgency to a certain extent. Additionally it needs to establish some form of autonomy: in order to function, it needs to employ its logic, its procedures, and its bureaucracy (to account for policy, results etc.), independently of the changing form of the *demos*. However, insurgent democracy also demands responsive and anticipatory institutions - responsive to the demands of the *demos* and anticipating the *demos* that is to come, although this institution installs itself paradoxically in a place that defies any installation. 'An institution true to the logic of insurgent democracy', Abensour remarks:

<sup>634</sup> Sometimes Rancière's political thought is used even to frame a communitarian anarchist conception of democracy. See for example: May, *The Political Thought of Jacques Rancière: Creating Equality*.

<sup>635</sup> Abensour, *Democracy against the State: Marx and the Machiavellian Moment*, p. xxvi.

constantly manoeuvres between two pitfalls: on the one hand, the relapse into inherited tradition, on the other, the hold of a form to come, that is in the making.<sup>636</sup>

We then finally seem to have found a conception of democracy that deals with the political difference in a satisfying way, not trying to close the gap between the police and democratic politics, including an ethical horizon, and even fitted with the conceptual means to think about institutions. But how does deliberation fit in all this?

## §7 Insurgent deliberative democracy

In this final and concluding section of my dissertation I will distil some of the crucial elements of a post-foundational conception of democracy. My goal with regard to democracy was to come to a conception that could both do justice to the best theories of deliberative democracy, and account for a more action-oriented and status quo transcending concept of politics. I have shown why it is crucial for such an understanding of democracy to conceptualize the *demos*, politics and society in a particular critical-deconstructive way. By referring to the manner in which the political and social differences should be conceived I believe I have created the conceptual and analytical tools needed for a conception of democracy that both can adhere to deliberation and contestation as part of democracy.

Among the crucial presuppositions with regard to such a conception of democracy are the primacy of the antagonism and identification over identity, of hegemony over ideology, and of democratic action over democratic regime or society. I consider these to be the historical a-prioris for understanding our time. Once we acknowledge that a multitude of discourses create subjects, then the concept of identity is too formalistic and static to make sense of the (self-)understanding of modern individuals. Instead, subjects are exposed to hegemonic and counter-hegemonic structures that contribute to an individuality that can be reformulated and redefined in confrontation with other individuals, in the light of all kinds of confrontations, disagreements, resentments or physical clashes. Part of my argument is that it is this confrontation with dissensus that leads to political relationships and political praxis.

I maintain that democracy is not the name for a regime, a procedure or a collection of institutions. Instead democracy is a form of action by the *demos*: coming to terms with dissensus; acting within a situation that consists of politicized social differences; contesting specific hierarchies, norms and values. Such action could occur both within an organization suitably equipped for

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<sup>636</sup> Ibid., p. xxxv.

processes of deliberation, social accounting and democratic control - although consensus should neither be the starting point nor the ultimate goal - and within a social space by struggling, occupying, by subversion, shouting and contesting existing norms, practices and rules, but in the end without doing harm to other living beings. Institutions are crucial within this conception, although they are not part of democracy in this view. Democracy-as-action cannot do without them however, as subjects cannot exist without institutions. Crucially here, society is not conceived as the total of all citizens or even individuals, but as the institutions that are governed by the police. This is what actuates the overflowing of society by the *demos*: there is an outside to society that can and will take part in contestation.

The authors I discussed in this chapter have all addressed some aspects that fall within my conception of democracy, that I will call *insurgent deliberative democracy*. However, their accounts all fall short in some way: they lack a social ontology (Derrida), the conceptional role of institutions remains underdeveloped (Laclau and Mouffe), and the understanding of the *demos* and *kratein* appears flawed from a critico-deconstructive perspective (Rosanvallon). Abensour comes closest to my own view. However, he does not have a conception of public deliberation in his theory of insurgent democracy. Although the institutions have a positive status in Abensour - he has an 'anticipatory conception of institutions'<sup>637</sup> which means they are enabling the *demos* to participate in democratic and emancipatory practices - it does not become clear how the *demos* can come to collective will-formation and decision-making. Habermas' layered conception of deliberative democracy can help us here.

What radical or agonistic democrats commonly neglect is that the theory of deliberative democracy is itself already a critical and progressive account of democracy: it respects and even assumes to a large extent the ability of the people to come to an understanding of the good life, and as such alludes already to the democratic horizon as the *pathos* necessary to motivate us to act in the name of democracy.

In theories of deliberative democracy the modern individual is conceived as a being that can decide for itself in a fairly autonomous way, relatively unimpeded by dominating social and economic structures. These assumptions are a little naïve and one-sided, given the logic of neoliberalism penetrating almost all social domains. However, I believe this intersubjective anthropology is far superior to any conception of the people as the ignorant or uneducated mass, the angry mob, the *ochlos*, or as the spoiled brats of the world. And this is where Derrida's and Rancière's *ethos* and *pathos* come in: the will to conform to an ethical injunction, or norm of equality, that extends far beyond the principle of being equal before the law. Democracy entails that we take the

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<sup>637</sup> Ibid., p. XXVIII.

people seriously in their wills, in their sentiments and demands. This principle should have primacy over everything, even if this may mean that the current proclaimed call for quick economic measures and interventions is subordinated to slow democratic deliberation and procedures.<sup>638</sup>

The limits of deliberative democracy are clear though. It is not equipped to justify political action outside the procedures of deliberation, thereby making it theoretically impossible to confront logics and structures that are immune or resistant to collective will-formation and decision-making. This has to do with its implicit and under-theorized, and in the end non-critical, conception of both the people and contemporary governance.<sup>639</sup>

What almost all authors discussed in this dissertation agree on, from Lefort and Habermas to Laclau and Abensour, is that democracy is secured through its resistance to realization.<sup>640</sup> This does not mean, however, that we are confined to a 'democracy to come' or a radical democracy that merely aims to keep things open, no matter what. What I suggest is that we try to deal with the practices that are known to us to work, such as occupation, contestation, striking, with the values of equaliberty, intellectual equality and solidarity at the core of our ethical horizon. If we do not make explicit this horizon, however indeterminate it may be, we end up with a theoretical situation that can go either way. In short, it becomes completely contingent what we do, thereby being at the mercy of the unknown and chance.

By taking a more nuanced stance towards institutions as part of the continuous and unending realization of democracy, we also incur the responsibility for deciding how far institutions function in accordance with the abstract and fundamentally contestable entities we call values. In short, we have to bridge the gap between the moral and the ethical, something Derrida could not do. Sometimes it is enough to say that, on balance, these institutions constitute the lesser evil, i.e. contribute to greater well-being for more people, or to less domination, more equality and more freedom (in any form). Ultimately though, these values are subject to ongoing struggles for hegemony. The rights (and the laws to go with them) that can emerge from these struggles are essentially political in nature, and not historical or natural in any way. This does not make rights completely contingent, as they can be the result of

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<sup>638</sup> I agree completely with Ilja Leonard Pfeijffer that if we have to choose between the survival of the financial markets and the survival of democracy we always should choose for the latter. Ilja Leonard Pfeijffer, 'Onze ochlocratie. Het gemene volk aan de macht'. ('Our ochlocracy. Power to the mean people.') In: *Vrij Nederland*, no. 23, June 9<sup>th</sup> 2012.

<sup>639</sup> In similar fashion Etienne Balibar refers to the current prevailing non-critical accounts of citizenship, and for the same reasons (society of control, de-democratization). The concept of insurgent citizenship is according to Balibar a fruitful attempt to re-imagine new modalities for the constructions of citizenship and for the 'combination and spontaneity and institution and active participation and representation' in a creative way. See: Étienne Balibar, 'The 'Impossible' Community of the Citizens: Past and Present Problems,' *Environment and planning D: Society and space* 30 (2011): p. 446ff.

<sup>640</sup> Butler, Laclau, and Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, p. 269.

collective will-formation, although it would be too optimistic to assume that hegemonic conceptions of freedom or equality 'just are the most reasonable'. They are hegemonic, which means they are the result of consent and coercion. These forms of coercion are understood in this dissertation as pressuring society to create continuous economic growth in the interest of individual well-being, it is claimed, but in fact most of all for capitalism itself.

To return to the issue of law and rights: the political differences can help us here to say something about their status, and this will lead to my final, yet preliminary thoughts on the topic as far as this dissertation is concerned. On the one hand, from the perspective of the police, the law and rights (and the constitution) are an expression of a presupposed totality. That is, they are justified in a democratic state by procedures guiding the communicative power of society. On the other hand, from the perspective of democratic politics, it is the police that has to interpret the laws in order to exercise administrative power. This can run up against all kind of resistances, with regard to its interpretation, implementation, and execution. Democratic politics is partly the action against these discursive and non-discursive rationalities. And we see again that Rosanvallon's counter-democracy falls short as the important counter-hegemonic force. Sooner or later any counter-democratic institution will be transformed into a form of policing, by conforming to specific hegemonic discourses on managing an organization, by logics that prescribe the ways one can communicate with the powers that be, etc. This does not dismiss Rosanvallon's analysis of the many important and controlling institutions that check and balance the dealings of state institutions. However, the police is far more than these social phenomena. And, more importantly, in any critical account of democracy there should be conceptual space for those forms of contestation that cannot or should not be institutionalized.

It is crucial to understand that the two dimensions of the ontic political difference, i.e. of the police and democratic politics, function according to different logics. And I believe Abensour is at least partially right with regard to the central question that insurgent democracy poses:

If democracy seeks to institute a political community that holds domination at bay, to institute the social under the banner of non-domination, which device is best suited to preserve this principle if not the right to insurrection, which is the appropriate recourse every time the grandees' desire to dominate threatens to prevail over the people's desire for liberty?<sup>641</sup>

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<sup>641</sup> Abensour, *Democracy against the State: Marx and the Machiavellian Moment*, p. XXVI.

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However, there are two sides to this question, two different positions with which one can identify. These are characterized by different logics and demands: one arguing from inside the police and with the interests of the police in mind, and one from outside society - or from within but with an emphasis on the necessity to take this outside seriously. In the end these perspectives should be paramount when confronting contemporary democracy and politics in a critical way. And these sides pose different questions, which we could call 'the political questions of democracy'. On the one hand, from the perspective of the police the question is:

To what extent is violence against society/the police acceptable for society/the police? Which principles of democratic resistance are allowed?

And from the perspective of democratic politics:

To what extent is society free and equal and does the police contribute to a free and equal way of living for the *demos*? Which principles of domination are allowed within a democracy?

These questions are not neutral of course; and the sheer amount of different answers will probably fragment the population in radical ways. The answers do not show any necessary congruence; there will be no agreement, no consensus on these matters. But such is democracy. This is what we have to embrace.

# Samenvatting

*Kritische filosofie en de democratische horizon. Een post-funderende benadering van filosofische kritiek en democratie.*

In mijn proefschrift stel ik mij tot doel om tot een post-funderend begrip van filosofische kritiek te komen. Op basis van deze benadering geef ik tevens een analyse van de begrippen politiek en het politieke, van de samenleving en het sociale, om uiteindelijk tot een post-funderend begrip van de *demos*, ofwel: politieke gemeenschap, en democratie te komen.

De aanleiding voor dit project ligt in bepaalde tekortkomingen van de theorie van deliberatieve democratie zoals uitgewerkt in de geschriften van Jürgen Habermas en anderen. Hoewel de theorie van deliberatieve democratie waarschijnlijk gezien moet worden als de meest vooruitstrevende democratietheorie van na de tweede wereldoorlog - op basis van haar emancipatoire vooronderstellingen met betrekking tot het toeschrijven van deliberatieve capaciteiten aan burgers en de nadruk op het belang van democratische procedures in een moderne Westerse samenleving - is de theorie niet in staat om tot een begrip te komen van wat wij onder de *demos* moeten verstaan, lijken de deliberatieve praktijken te beperkt en te begrensd te zijn, en is de theorie gefundeerd door quasi-transcendentale of 'counter-factual' vooronderstellingen over deliberatie en politiek handelen die niet gerechtvaardigd kunnen worden binnen een post-funderende theoretische context, terwijl onze tijd wel om deze theoretische context lijkt te vragen.

## Deel I: kritische filosofie

Om tot een andere normatieve democratieopvatting te komen is het noodzakelijk om ons te richten op de oorspronkelijke intenties van de kritische filosofie zoals verwoord door Immanuel Kant. Ik heb ervoor gekozen om Kants kritische geschriften via een omweg te benaderen, dat wil zeggen: vanuit een specifiek conceptueel schema dat drie cruciale aspecten bevat waar iedere kritische theorie in onze tijd aan moet voldoen. Ten eerste moet de kritische filosoof zich realiseren dat hij een historische actor is. Dit betekent dat hij een kind van zijn tijd is en dat hij zich bewust is van het feit dat hij als filosoof beperkt is in het formuleren van claims over de sociale en politieke werkelijkheid. Dit aspect is wat ik, met Foucault, het kritische *ethos* zal noemen. Deze historische inperking mag de kritische filosoof er echter niet van weerhouden om zijn engagement en toewijding aan de waarden van de Verlichting te tonen, dan wel om zich in te zetten voor een sociale werkelijkheid waarin zo min mogelijk sprake is van vormen van dominantie en onderdrukking. Dit engagement moet expliciet doorklinken in zijn geschriften; het is de uitdrukking van zijn kritische *pathos*. Ten derde zal de kritische

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filosoof zich moeten bedienen van een passende methode en van specifieke begripsmatige onderscheidingen om tot een geëngageerd en actueel betoog te komen dat individuen of groepen kan motiveren om te handelen. Dit laatste kenmerk van kritische filosofie is wat ik de kritische *logos* noem.

Aan de hand van deze begrippen – *ethos*, *pathos* en *logos* – analyseer ik ruim 200 jaar kritische filosofie, zowel de kritiek die van doen heeft met het bepalen van de grenzen van de kennis van de werkelijkheid als de maatschappijkritiek die op een parallel spoor loopt. Dat dit laatste het geval is, is niet direct evident. Pas als we inzien dat Kants kritiek, zoals deze tot uitdrukking komt in zijn kritieken van de rede, begeleid wordt door een expliciet moreel appèl op autonomie en op de moed om voor jezelf te denken, zien we de praktische consequenties van het verlichtingsproject waarvan Kant het hoogtepunt is.

Een historische component of een ontwikkelingsaspect blijft grotendeels afwezig in het denken van Kant. Met de geschriften van Hegel worden de *ethos* en *logos* van het kritische denken in deze richting herijkt. De nadruk op de historische dimensies van het denken en de subjectiviteit maken de *ethos* en *logos* tegelijk beperkter en complexer. Bij Hegel staat de ontwikkeling van het bewustzijn centraal en in het bijzonder de wisselwerking tussen bewustzijn en de werkelijkheid. De dynamiek tussen bewustzijn en wereld moeten we volgens Hegel principieel begrijpen als een verwerking van het begrip van vrijheid zoals Kant dit heeft beschreven, in termen van autonomie of zelfbepaling. Hegel opent hiermee een dimensie waarbij we kritisch kunnen analyseren in hoeverre de sociale instituties redelijk genoemd kunnen worden, dat wil zeggen in hoeverre ze bijdragen aan de idee van vrijheid. Hier zien we een dubbele 'kritische' beweging die we bij Kant ook zien in zijn *Kritiek van de zuivere rede*: enerzijds kritiek als 'kritiek op' andere visies op de mens en zijn wereld, anderzijds het analyseren van de voorwaarden en grenzen van het menselijke denken, handelen en oordelen. Kritiek fungeert dus als een limietfunctie of grensbepaling en als een polemisch project, hoewel dit laatste aspect bij Hegel en Kant grotendeels als secundair element moet worden begrepen.

De werkwijze van Hegel bestaat uit het geven van een analyse van zijn tijd op speculatieve en dialectische wijze. Vanuit een abstracte analyse van de wil, via het abstracte recht en de moraliteit komt Hegel in zijn *Rechtsfilosofie* tot het concrete domein waarin de vrijheid zich presenteert. Dit domein, de zedelijkheid, mondt uit in de idee van de staat dat zowel de vrijheid van het individu als van de gemeenschap voor ogen heeft. Deze speculatieve opbouw van zijn betoog heeft als consequentie dat Hegel zijn engagement op de achtergrond houdt of kan houden. Het logisch-speculatieve betoog heeft deels al als doel om te laten zien dat redelijkheid aanwezig is in de wereld, conform de subjectieve geest. Er is echter geen noodzakelijke overlap tussen het redelijke en het werkelijke en we moeten onszelf dan ook afvragen waar en op welke manier de *Rechtsfilosofie* bijdraagt aan een maatschappijkritiek. Terwijl

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Hegels eerdere werk nog enkele duidelijke maatschappijkritische elementen bevat, zoals zijn kritiek aan de hand van het begrip van erkenning en arbeid, lijkt de *Rechtsfilosofie* aan kritisch *pathos* te hebben ingeboet, zoals auteurs als Axel Honneth en Seyla Benhabib hebben laten zien.

Met het werk van Marx bereiken we wederom een cruciaal stadium binnen de traditie van de filosofische kritiek. Hoewel het kritische *pathos* van Marx constant aanwezig is - Marx blijft door zijn carrière heen betrokken op de sociale werkelijkheid en datgene wat de menselijke ontwikkeling beperkt en verstoort - veranderen de houding ten opzichte van de filosofie, de rol van de wetenschapper en de gebruikte methode wel. De eerste aanzetten hiervoor vinden we al in de kritiek van Marx op Hegels filosofie. Marx wijst op de noodzaak van een immanente kritiek die als alternatief voor de speculatieve kritiek van Hegel moet dienen: het is de concrete ervaring en de concrete praktijk en niet de geest of de staat die aan de basis moet liggen van een dialectische analyse van de werkelijkheid. De immanentie waar een beroep op wordt gedaan ligt dan in de normstelling. Dit is niet het aantonen van de redelijkheid van de staat of de geest, maar het tonen van de tegenstrijdigheden tussen (ideële) zelfbeschrijvingen binnen het sociale en de daadwerkelijke sociale praktijk. Dit verraadt al enigszins dat immanente kritiek en ideologiekritiek innig verbonden zijn binnen het denken van Marx: het is theoretisch een relatief kleine stap om van een immanente kritiek van een sociale praktijk in relatie tot een bepaalde zelfbeschrijving, bijvoorbeeld met betrekking op de economie, tot een kritiek te komen waarin wordt betoogd dat de rechtvaardiging van deze sociale praktijk op basis van klassenoverheersing geschiedt. Ideologiekritiek is dan ook te begrijpen als de analyse van het proces waarin klassenbelangen tot universele belangen worden verheven. Dit levert een heel eigen kritiek van de sociale en politieke werkelijkheid op die veel invloed zal hebben in de loop van de negentiende en twintigste eeuw, en ook nog regelmatig zal doorklinken in de eenentwintigste eeuw.

Een bijkomende aanpassing die we in het werk van Marx zien is de toenemende nadruk en rol van de empirie. De sociale kritiek kan al bij de late Marx als onderdeel van een kritische sociologie gezien worden, in plaats van als een kritische filosofie zoals we deze zien in het werk van Kant en Hegel. Empirische toetsing en het toepassen van onderzoeksmethoden die ook in de natuurwetenschappen worden gebruikt moeten objectieve geldigheid verschaffen, al is men zich in de Kritische Theorie van de Frankfurter Schule vanaf het begin bewust van de eenzijdigheid van empirie en de natuurkundige methoden, zoals ik laat zien aan de hand van een tekst van Max Horkheimer. De kritische onderzoeker moet zich juist realiseren dat de sociale werkelijkheid zich niet leent voor dit soort onderzoek. We kunnen dan ook zien hoe men vanaf het ontstaan van de zogenaamde Kritische Theorie pleit voor een kritische, multidisciplinaire analyse van de sociale werkelijkheid die niet gegrond is op de positivistische leest, maar op een onderscheid tussen

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materiële voorwaarden en de perceptie ervan bij subjecten. Met andere woorden: tussen de economische verhoudingen en de ideologie.

In de loop van de twintigste eeuw zien we enkele belangrijke verschuivingen in de filosofie die ook hun weerslag hebben op kritische filosofie. Allereerst verschuift de aandacht bij het subject naar de intersubjectiviteit, en in het bijzonder de taalpraktijken die tussen subjecten spelen en deze ook vormgeven. Dit heeft ook gevolgen voor de manier waarop een kritische filosoof zijn rol ziet. Ten tweede wordt het contingente karakter van menselijke ontwikkeling steeds meer benadrukt. Essentialisme en teleologisch denken komen steeds meer onder vuur te liggen. Een derde verandering is de veranderende rol van ideologiekritiek. Dit hangt samen met het eerste en het tweede punt: aangezien de filosoof of sociale theoreticus niet meer gezien kan worden als iemand met een bevoorrechte positie met betrekking tot kennis is het nog maar de vraag waar hij zijn overtuigingskracht vandaan kan halen met betrekking tot zijn kritische claims en analyses. Ideologie suggereert een onderscheid tussen een ware wereld en een afspiegeling ervan die in dienst staat van een dominante klasse. Dit onderscheid kan na de intersubjectieve wending niet meer zonder problemen gemaakt worden.

Aan de hand van een analyse van het vertoogsbegrip en het belang van intersubjectiviteit boven subjectiviteit bij Habermas en Foucault laat ik zien hoe de Marxistische kritische filosofie en de ideologiekritiek transformeren en onder vuur komen te liggen vanuit het perspectief van *ethos* en *logos*. Voor beide denkers is het ideologiebegrip nog te veel gebonden aan de kantiaanse visie op het bewustzijn en het subject. In plaats daarvan moet de focus komen te liggen op talige praktijken tussen subjecten. Duidelijke verschillen tussen Habermas en Foucault springen daarbij wel direct in het oog: volgens Habermas blijft het noodzakelijk voor een kritische theorie om onderscheid te maken tussen goede vormen van communicatie en afwijkende of puur instrumentele vormen, terwijl Foucault meer radicale consequenties trekt en niet meer spreekt in termen van goed en slecht, of redelijkheid, maar wijst op het ontstaan van taalpraktijken die het spreken van subjecten reguleren en de subjectiviteit zelf vormen. Het cruciale punt voor dit proefschrift is dat het begrip ideologie wordt losgelaten en kritiek op een andere manier vorm dient te krijgen, door de nadruk te leggen op verschillende rationaliteiten van het spreken (Habermas) of op de mogelijkheid van het formuleren van 'counter-discourses' die breken met een dominant discours (Foucault).

Vanuit het perspectief van het vertoog en het primaat van de intersubjectiviteit zien we dus dat zowel de *ethos* als de *logos* van de hegel-marxistische kritische filosofie worden losgelaten. Maar ook het kritische *pathos* is aan verandering onderhevig. Dit zien we krachtig geanalyseerd in een vroeg werk van Peter Sloterdijk. Hoewel ik betoog dat we niet mee moeten gaan in Sloterdijks appèl op een joviale filosofie als vervanging voor kritische filosofie, legt hij wel goed bloot hoe vooral de eerste generatie van de Frankfurter

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Schule, in het bijzonder Adorno en Horkheimer, over is gegaan tot een strategisch pessimisme of zelfs cynisme: deze denkers geloven zelf niet meer in de analyse die ze geven – het blootleggen van irrationaliteit in een met irrationaliteit doortrokken wereld - maar blijven deze toch leveren als een doel op zich en met middelen die zelf discursief gewelddadig genoemd kunnen worden. En het belangrijkste voor Sloterdijk is dat hiermee het kritische engagement zuur is geworden.

Met een analyse van het proefschrift van Robin Celikates over kritiek als sociale praktijk sluit ik dit hoofdstuk over twintigste-eeuwse filosofische kritiek af. Hoewel het boek van Celikates waarschijnlijk beter als een pleidooi voor sociale en sociologische kritiek begrepen kan worden, legt Celikates wel mooi bloot welke dogma's besloten liggen in de Kritische Theorie en hoe deze dogma's aan het einde van de twintigste eeuw nopen tot aanpassingen. Alleen dan kan er een kritische praktijk ontstaan die de zelf-reflexieve capaciteiten van individuen kan respecteren en waarin plek blijft voor de kritische socioloog, of kritische theoreticus in het algemeen. Celikates pleit hierbij voor de rol van de criticus die vanuit een tweede orde beschrijving een sociale actor kan laten reflecteren op zijn sociale praktijk. De criticus mag hier echter niet zijn engagement laten doorklinken. Het is de sociale actor zelf die tot de conclusie moet komen dat (of waarom) zijn sociale praktijk tot onvrede, ongeluk of zelfs sociale pathologie leidt. Het betoog van Celikates is tot zover overtuigend en van toepassing dat het stelt dat het niet de rol van de criticus is om te vertellen wat de sociale actor zou moeten doen. Mijns inziens is het echter wel zijn taak om een kritisch *pathos* te laten doorklinken. Bijvoorbeeld dat een sociale praktijk haaks staat op de waarden van de Verlichting, of dat deze schadelijk is voor andere sociale actoren omdat we in die praktijk principes hanteren die in strijd zijn met waarden die we zelf onderschrijven, zoals vrijheid, gelijkheid en non-dominantie.

Om voor deze waarden te kunnen pleiten zonder te vervallen in een definitiestrijd, in combinatie met de nadruk op de aanwezigheid van machtsrelaties die tot uitdrukking komen in vertogen en de afwezigheid van een bevoorrechte positie voor de criticus (alsof deze zich buiten deze vertogen kan begeven), is het noodzakelijk om ons te richten op deconstructie als de filosofische stroming die op het gebied van *ethos*, *pathos* en *logos* een andere insteek heeft. Ik betoog dat deconstructie, zoals deze tot uitdrukking komt in het politieke(re) werk van Derrida, maar vooral in dat van Ernesto Laclau, datgene kan respecteren waar de kritische filosofie voor staat sinds Kant omdat deconstructie een *ethos* kent dat de historische gesitueerdheid van de filosoof respecteert, een *logos* hanteert dat essentialisme en dogmatisme kan vermijden of op zijn minst problematiseert, en een *pathos* behelst dat recht doet aan de emancipatoire dimensies van het Verlichtingsdenken.

Dat dit alles het geval is in de deconstructivistische praktijk is niet evident. Toch laat ik zien dat ook Derrida's werk met name op het gebied van *pathos*

geenszins tekort schiet. Deconstructie is zeker niet het ontkennen van betekenis of van waarden; het is geen nihilisme. Integendeel, het eist een haast oneindige inspanning van de filosoof om de taal en de sociale werkelijkheid recht te doen. Om het echter toe te kunnen passen binnen een kritische politieke filosofie moeten we het werk van Derrida grotendeels achter ons laten en ons richten op de geschriften van Chantal Mouffe en in het bijzonder die van Laclau. Laclau en Mouffe behoren tot de eersten binnen het Marxistische denken die in hun sociale en politieke theorie een synthese weten te bewerkstelligen tussen Foucault en Derrida. In het vierde hoofdstuk laat ik zien hoe hun herneming van de Marxistische traditie, gecombineerd met de post-structuralistische en deconstructivistische benadering, leidt tot verschillende bruikbare begrippen die bijdragen aan een post-funderende kritische politieke filosofie. Met name van belang daarbij zijn de introductie van de begrippen hegemonie (als alternatief voor ideologie), antagonisme, dislocatie en articulatie. Deze begrippen dragen bij aan een hernieuwd begrip van politieke subjectiviteit en identiteit en zetten de toon in het nog steeds belanghebbende debat over de relatie tussen transcendentale en historiciteit. Uiteindelijk zal het deze post-structuralistische en deconstructivistische benadering moeten zijn die de huidige kritische filosofie haar bestaansrecht verschaft en die tot een post-funderende normatieve theorie van democratie kan leiden.

## **Deel II: een aanzet tot een post-funderende democratieopvatting**

Het tweede deel van mijn proefschrift bestaat uit het uitwerken van een politieke en sociale ontologie die in de basis post-funderend is. Dit betekent dat er een blijvende spanning zal blijven bestaan tussen elementen die in andere theorieën als eenzijdig constitutief of funderend gelden, en daarmee het andere element (of andere elementen) uitsluiten of negeren. Het post-funderende denken, een recente stroming waaronder het post-structuralistische denken en deconstructie geschaard kunnen worden, ziet primair de relatie tussen verschillende elementen, de differentie, als betekenis gevend.

In hoofdstuk 5 kom ik eerst te spreken over de ontologische differentie, het heideggeriaanse onderscheid tussen het ontische en het ontologische - de werkelijkheid en het reflecteren hierop - en ik verbind dit aan het denken over politiek dat in de loop van de twintigste tot uitdrukking komt in het werk van Carl Schmitt, Paul Ricoeur, Claude Lefort en Jacques Rancière. De meest aandacht gaat naar de politieke differentie bij Lefort en Rancière en de relatie tussen deze opvattingen.

De politieke differentie verwijst primair naar het onderscheid tussen het politieke en de politiek. We zien dit onderscheid bij verscheidene denkers terugkeren. Zo introduceert Schmitt 'het politieke' om een specifieke logica aan

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te geven van zowel de politieke praktijk op staatsniveau als van andere sociale domeinen, zoals de economie, de cultuur en de religie. 'Het politieke' is vooral relevant in de moderniteit door de interpenetratie van de samenleving en de politiek onder de condities van de democratie. Politiek reduceren tot het niveau van de staat is dan ook onzinnig geworden. In plaats daarvan kunnen we volgens Schmitt een logica onderscheiden die we 'het politieke' kunnen noemen, waarin het onderscheid tussen vriend en vijand geïnstitutionaliseerd wordt zonder tot geweld of oorlog te vervallen. Een politiek denker die deels deze conceptie van Schmitt heeft overgenomen is Chantal Mouffe. Met haar agonistische democratieopvatting pleit ze voor een democratische praktijk die als uitgangspunt onenigheid heeft in plaats van consensus. Hoewel goed in aanzet kunnen we Mouffes analyse niet zien als onderdeel van een traditie die beide kanten van de politieke differentie respecteert.

Paul Ricoeur maakt in een tekst uit de jaren '50 van de twintigste eeuw het onderscheid tussen politiek en het politieke om de praktijk van de bestuur en soevereiniteit te onderscheiden van het denken over wat het goed besturen van een staat of samenleving behelst. Volgens Ricoeur is het noodzakelijk om dit verschil tussen *le politique* en *la politique* niet op te willen heffen. De bestuurspraktijk dient noodzakelijkerwijs om te gaan met contingenties en is gericht op het hier en nu, terwijl de reflectie op de politiek gekenmerkt wordt door een gerichtheid op de toekomst en de ideale staat. Deze discrepantie is onoverbrugbaar, al wordt in het socialisme van de 20e eeuw wel geprobeerd dit verschil te overbruggen. En dit leidt volgens Ricoeur tot een vorm van tirannie. Kenmerkend voor een liberale democratie moet dan ook zijn dat deze 'politieke paradox' in stand wordt gehouden.

In het werk van Claude Lefort komt een ander cruciaal onderscheid naar voren: dat tussen filosofische reflectie op politiek en de samenleving en de benadering van deze domeinen in de politieke en sociale wetenschap. Lefort betoogt dat de politieke en sociale wetenschappen zelf niet in staat zijn om te reflecteren op hun fundamentele voorwaarden. Ze kunnen dan wel bepaalde objecten bestuderen, maar de meer fundamentele vraag naar de genese van deze constellatie als onderzoeksobject wordt niet doordacht. Hoe en waarom bijvoorbeeld democratie ontstaat kan niet onderzocht worden zonder te reflecteren op hoe de maatschappelijke condities tijdens en na de Franse revolutie zijn veranderd. Filosofie heeft dus een specifieke rol, zelfs een noodzakelijke, om begrip te kunnen krijgen van onze tijd. Bij Lefort zien we dan ook een belangrijk onderscheid dat ik de politico-ontologische differentie noem: een onderscheid tussen het beschrijven van de politieke werkelijkheid – het onderzoek naar de aard en werkzaamheid van de instituties, de praktijk, individuen en processen – en het denken over de voorwaarden van die praktijk – de historische dimensies van het ontstaan van de praktijk, de veranderende machtsverhoudingen etc.

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Echter, binnen het ontische aspect van deze politieke werkelijkheid dienen we zelf ook een onderscheid te maken. Deze 'politico-ontische differentie' zien we het duidelijkst in het werk van Jacques Rancière naar voren komen, in zijn onderscheid tussen de 'politie' – de ordenende en hiërarchie scheppende en consoliderende praktijken binnen het sociale – en het politieke – de immanente aanvechtingsmechanismen van deze orde binnen het sociale.

Het zijn deze twee differenties, de politico-ontologische en politico-ontische, die samen aan de basis liggen van iedere kritische politieke filosofie en het denken over democratie, omdat ze recht kunnen doen aan zowel de filosofische reflectie die we moeten onderscheiden van politieke en sociale wetenschap als aan de sociale orde en datgeen wat er noodzakelijk buiten valt - en haar in potentie kan ondermijnen.

Met het pleidooi voor deze differenties – die dus noodzakelijk door een spanning worden gekenmerkt die niet opgeheven kan worden – moeten we ons afvragen wat de rol van de samenleving en het sociale is vanuit het licht van het primaat van de politieke differenties. Wat is de relatie tussen de sociale werkelijkheid en het politieke proces dat haar mogelijk heeft gemaakt? Hoewel we moeten concluderen dat de politieke differentie het conceptuele primaat heeft in post-funderende filosofie, boven het denken over het sociale en de samenleving, betekent dit niet dat er geen belangrijke rol is weggelegd voor dit denken en bestuderen van de sociale werkelijkheid. Vooral met betrekking tot ons begrip van de *demos* en democratie laat ik zien dat een sociale differentie ons kan helpen om de ambigue notie van *demos* (ofwel: een politieke gemeenschap) binnen een post-structuralistische benadering te vatten.

De sociale differenties die ik conceptualiseer maken onderscheid tussen het sociale en het binnen en het buiten van de samenleving. Het sociale functioneert in deze conceptie als de categorie die staat voor alle denkbare sociale relaties binnen een bepaald tijdsgewricht, in ons geval de Moderniteit – zonder dat ik claim dat al deze relaties uitputtend beschreven kunnen worden. De samenleving is hierbinnen de sociale orde die in stand wordt gehouden door de politie en hiermee impliciet of expliciet een binnen en buiten ten opzichte van de samenleving creëert. Enerzijds zijn er de relaties binnen de samenleving die we moeten begrijpen als machtsverhoudingen op basis van hegemoniale ordenende principes kenmerkend voor de Moderniteit, zoals verdienste, onderwijsniveau, genderverschil, welvaartsverschil; en de identificaties met deze principes door de individuen en groepen die leven in deze orde. Anderzijds zijn er sociale praktijken die niet bijdragen aan deze sociale orde die we samenleving noemen. Deze praktijken kunnen gericht zijn op het aanvechten van de politie, maar dit is niet noodzakelijk. Met name deze eigenschap – de individuele of collectieve wil om de orde aan te vechten – maakt een handeling politiek, in lijn met het politieke zoals beschreven door Rancière. Deze praktijken zijn immanent aan de samenleving maar hoeven dus niet politiek te zijn. Zolang ze niet tot doel hebben de bestaande orde te

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ondervragen, te kritiseren of te veranderen kunnen ze niet als het politieke begrepen worden.

De twee analyses in hoofdstuk 5 en 6, van de politieke en de sociale differenties, liggen aan de basis van het post-structuralistische begrip van de *demos* dat ik toepas, en de democratieopvatting die ik presenteer in het laatste hoofdstuk. De conclusie met betrekking tot de *demos* is dat we dit niet kunnen begrijpen als een groep individuen behorende tot een samenleving. De analyse leidt tot een andere opvatting: een normatieve, progressieve en post-funderende opvatting van politieke gemeenschap moet meer behelzen. Zowel de participanten in deliberatieve processen, als degenen die zich niet wensen te confirmeren aan deze deliberatieve praktijk maar wel voor het politieke staan, of degenen die structureel niet gezien kunnen worden als behorende tot de samenleving maar hier wel toe willen behoren, vallen onder de *demos*. De *demos* is conceptueel dus meer dan de samenleving; het overstroomt deze aan alle kanten.

Dit kritische begrip van de *demos* noopt ons ook om na te denken over de vraag of, hoe en op welke manier we kunnen of moeten pleiten voor de emancipatie van de *demos* en wat aan de basis moet liggen van dit commitment: wat noodzaakt ons om te pleiten voor een wereld waarin deze opvatting van de politieke gemeenschap serieus wordt genomen en op welke ethische gronden zou dat moeten geschieden?

Ik beantwoord deze vraag door te wijzen op een ideaal dat volgens mij ten grondslag ligt (en moet liggen) aan alle progressieve democratieopvattingen, in het bijzonder die van de deliberatieve democratie, maar dus ook de meer radicale democratieopvatting die ik presenteer. Wat aan de basis van een normatieve, progressieve democratieopvatting moet liggen is het geloof in de wil van de *demos*, in het bijzonder het geloof in de intellectuele gelijkwaardig op het gebied van het visualiseren van het goede leven, voor onszelf en anderen. Dit ideaal is niet iets dat ooit verwerkelijk kan worden of empirische aantoonbaar is. Het is transcendentiaal met betrekking tot het politieke, democratische subject en immanent aan de democratische praktijk, maar overstijgt deze laatste ook in zijn aspiraties: het is een ethische horizon. Het is de democratische horizon.

Aan de hand van deze filosofische reflecties op de *demos* en de democratische horizon analyseer ik in het laatste hoofdstuk verschillende democratieopvattingen, te beginnen met de visies van Derrida en Laclau. Deze deconstructivistische reflecties op democratie gaan respectievelijk in op het begrip van de ethische horizon van deconstructie en democratie, en op de politieke en sociale ontologie vanuit het perspectief van post-funderend- of deconstructiedenken. Ze hebben echter ook hun beperkingen: Derrida laat achterwege om de ethische horizon te verbinden aan een meer concrete analyse van de sociale en politieke werkelijkheid en formuleert hier ook de

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voorwaarden niet voor. Laclau voorziet wel in het laatste, maar geeft een onbevredigende analyse van reeds bestaande democratische instituties en hun belang.

In het werk van Pierre Rosanvallon vinden we een historische reconstructie van verschillende democratische instituties die in de loop van de moderniteit zijn ontstaan. In het bijzonder richt hij zich op de instanties die de politieke praktijk tegen het licht houden – instanties die vallen onder het begrip tegen-democratie - met als doel de samenleving in staat te stellen om bestuur te controleren, het bestuur te beoordelen en om politieke beslissingen eventueel tegen te houden en terug te draaien. Het grootste bezwaar tegen Rosanvallons beschouwing is zijn overtuiging dat counter-democratische processen geïnstitutionaliseerd moeten worden en moeten blijven, onafhankelijk van hun tijdelijke democratische nut. Institutionaliseren van democratische praktijken kan echter niet los gezien worden van het schikken naar de logica van de politiek (in Rancière's conceptie), waarmee de politieke handelingen van de *demos* gereduceerd dreigen te worden tot processen binnen een samenleving. Als we de *demos* en de democratische horizon willen respecteren in hun post-funderende ambiguïteit dan zullen we ook de tijdelijke en niet-geïnstitutionaliseerde politieke handelingen als onderdeel van het democratische proces moeten erkennen, ongeacht of deze geïnstitutionaliseerd worden.

Een aanzet tot een dergelijke democratieopvatting vinden we in het werk van Miquel Abensour. Kenmerkend voor zijn benadering, en de rol van democratie in het werk van Karl Marx die hij beschrijft, zijn de volgende vier cruciale elementen: het constitueren van de *demos* en de tijdelijke en contingente condities waaronder dit gebeurt; het institutionaliseren van de wil van de *demos*; de voortgaande constituering van de samenleving als een onderdeel van continue zelfbepaling; en het overstromen van de politieke staat door de politieke gemeenschap. Deze vier elementen dragen bij aan een perspectief op democratie dat zowel beantwoordt aan de postfunderende opvatting van kritische filosofie als aan de politieke en sociale differenties die ik heb beschreven.

Echter, Abensour gaat niet in op de manieren waarop de *demos* tot een wilsformatie komt. Het is dan ook noodzakelijk om zijn theorie van 'opstandige democratie' aan te vullen met die van deliberatieve democratie. De laatste laat op zijn minst zien hoe we tot een progressief begrip van democratische wilsformatie moeten komen, hoe beperkt haar *demos*-begrip en hoe uitsluitend de discursieve principes ook moeten worden begrepen - vanuit onze analyse van de politieke en sociale differenties en ons post-funderende begrip van de *demos*. Ik pleit dan ook voor een democratieopvatting die we zowel deliberatief als opstandig moeten noemen: 'deliberative insurgent democracy'.

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# Curriculum Vitae

## Personal information

Surname: van der Veeke  
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## Education

2007-nov 2012	PhD-student at the Faculty of Philosophy at Erasmus University Rotterdam. Title of the dissertation: <i>Critical Philosophy and the Democratic Horizon. A post-foundational approach to philosophical critique and democracy</i> . Promotion date: May 16 <sup>th</sup> 2013.	Rotterdam
2006-2007	Master of Arts. Finished the masters program Philosophy at Erasmus University Rotterdam. Thesis: 'Heimwee van de filosofie' ('Homesickness of philosophy'). Subject: evaluation of alienation as a philosophical, normative tool. Thesis received a 9/10.	Rotterdam
2003-2006	Bachelor of Arts. Finished the bachelor program Philosophy at Erasmus University Rotterdam. Subject of thesis: the role of critique, methodology, rationality and power in the writings of Jürgen Habermas and Michel Foucault. Thesis received a 9/10.	Rotterdam
2001-2003	Completed three years of secondary teachers	Rotterdam

## CURRICULUM VITAE

training in mathematics and history at the School of higher education in Rotterdam. Including a 1-year internship at a high-school in Gouda.

### **Teaching experience**

2012-2013	Teaching the MA-course: 'Contributions of philosophy to the humanities'.
2012-2013	Teaching the BA2-course on Hegel's <i>Philosophy of right</i> , called 'Hegel on freedom'.
2009-2011	Teaching the BA2-course on Hegel's <i>Philosophy of right</i> , called 'On Hegel and subjectivity' (with Dr. G van Oenen).
2010-2011	Teaching Assistant in the philosophical minor 'Modern society: disaster or blessing?'. Provided the courses on the history and methodology of the humanities.
2002-2003	Teacher in mathematics at St. Antoniuscollege in Gouda. Taught mathematics to first, second and third graders at high school-level.

### **Publications**

2013 (forthcoming)	<i>Critical Philosophy and the Democratic Horizon. A post-foundational approach to philosophical critique and democracy.</i> Dissertation, Erasmus University Rotterdam.
2009	'Einde van de vervreemding' ('The end of alienation'), in: <i>HUMAN</i> , spring 2009. Article based on my reward winning master thesis on alienation. In Dutch.
2009	"I speak like a ten-year old with strange jargon attached to it". An interview with Jodi Dean', with Gijs van Oenen, <i>Krisis</i> , 2009, Issue 2. A printed interview with the American Lacanian Marxist Prof. Jodi Dean. In English.
2008	'Op weg naar postreligieuze sociologie: hoe het integratiedebat de ziel van 'de samenleving' onder de arm heeft genomen' ('Towards post-religious sociology: how the debate on social integration has taken the soul of 'society' under its wings'). In <i>Krisis</i> , Issue 1, 2008.

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*Extensive review of Willem Schinkel's book on theoretical sociology, social integration and society: 'Thinking in times of social hypochondria'. In Dutch.*

### **International presentations**

March 20<sup>th</sup> 2009 'Laclau and Emancipation', at The Future(s) of Critical Theory Graduate Conference, Frankfurt Am Main.

### **Awards**

Jan 2009 Recipient of the Dutch (nationwide) Leo Polak price for the best masters thesis in the Humanities.

### **Other activities**

2006-current Basketball trainer and -coach of youth and adult teams (proficiency level: BT3)  
2005-2012 Member of the board of basketball club 'De Waterdragers': director of the technical staff, head of public relations, and organizer of promotional activities and basketball tournaments.  
2005-2007 Student-member of the Faculty's board of the Faculty of philosophy of the Erasmus University Rotterdam.

### **Computer skills**

MS Word	Extensive
MS Excel	Moderate
Endnote	Extensive
Keynote	Extensive

### **Languages**

Dutch	Native
English – reading/writing	Extensive (C1+)
English – speaking	Good
German – reading	Good

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### **Areas of expertise**

20<sup>th</sup> and 21<sup>st</sup> century German and French political philosophy.  
Deliberative and post-foundational conceptions of democracy.  
Neo- and Post-Marxism.  
Poststructuralism.  
The writings of/on Hegel, Foucault, Habermas, Laclau, Rancière.

