Part I

Introduction: agonism and the constituent power

Situating contemporary agonistic democracy

In the 1980s Anglo-American normative political theory was defined to a large extent by debates between liberals and communitarians about the essential features of moral personhood and the relative priority of the right or the good. Subsequently, this dispute has given way to the emergence of a proliferation of normative positions and to a renewed interest in democracy. Liberal conceptions of justice have retained a predominance, but are now challenged by multiculturalist arguments for the recognition of group rights, as well as a number of new and distinctive models of democracy including deliberative democracy, agonistic democracy, cosmopolitan democracy, and radical democracy.[1] Each of these approaches has marked out a standpoint in contemporary debates, and often in explicit rivalry with one another. Moreover, deliberative democracy, cosmopolitan democracy, and the various arguments for the recognition of group rights have a greater acceptance within the mainstream of the discipline than the agonistic model. This is not because the agonistic perspective is less coherent or well developed, despite what its critics might say. Instead, this is because agonism is less conventional, in terms of both the modes of argumentation typically invoked by agonistic democrats and the prescriptions they offer for the renewal of democracy. Indeed, one characteristic feature of agonistic democracy – which sets it apart from the other traditions – is its engagement with the strands of continental thought associated with post-structuralism and post-modernism. For this reason, agonism is frequently misunderstood by those working in the mainstream of the Anglo-American academy, and is sometimes dismissed as at best incoherent, or worse, as dangerous and nihilistic.[2] This book is written in part to put these misconceptions right: to bring the agonistic model into sharp focus, evaluate its basic concepts,

[1] For the idea that democratic theory can be organised into distinct models, see: Macpherson, 1979 and Held, 2006.
[2] See, for example: Young, 2000, 51; Blake, 2005, 231, 241; Stears, 2007.

and make the case that the leading theorists of agonism have developed some of the most important reflections on democracy in contemporary political thought.[3] It is also my objective, however, to further develop the agonistic perspective and in particular to move agonistic democracy in the direction of a more stringent critique of liberal democracy.

Part II of the book evaluates the contribution of four theorists who exemplify the agonistic perspective: William Connolly, Bonnie Honig, Chantal Mouffe, and James Tully. Over the past two decades each of these authors has developed their own distinctive theories of agonism, but they focus on related themes and concepts and have acknowledged their proximity to one another. At various points along the way I also engage the ideas of other notable contemporary agonists, and especially Patchen Markell, Aletta Norval, David Owen, and Linda Zerilli. One objective here is to present the work of this collection of authors as a distinct tradition within contemporary political theory. The four main thinkers are brought into a series of debates with one another, and with the post-structuralist and continental theorists who influence them, including: Friedrich Nietzsche, Carl Schmitt, Ludwig Wittgenstein, Hannah Arendt, Michel Foucault, Gilles Deleuze, and Jacques Derrida. The work of each of these thinkers is also engaged in some detail, and in my overall orchestration of these discussions I develop a position that draws extensively on Arendt. We will see that there are some not insignificant differences between these respective post-structuralist and continental thinkers. Indeed, the agonists and their corresponding influences differ among themselves – sometimes significantly and other times less so – and agonistic democracy takes a variety of forms as the following chapters show. Nevertheless, in the context of wider debates within contemporary political theory, the similarities between the agonistic theorists are also very significant, and set them apart especially from liberalism and deliberative democracy. In Chapter 1 we see that the term agonism comes from the Greek *agon*, meaning conflict or strife, and I make the case that, despite their differences, the theorists examined in this book coalesce around an acknowledgement of pluralism, tragedy, and the value of conflict.[4]

[3] The secondary literature on agonistic democracy is relatively sparse, certainly compared to the extensive commentary that has now grown up around the idea of deliberative democracy. However, there is a small – and growing – body of work that seeks to evaluate the impact of the agonistic approach, and to examine points of similarity and difference between the various theories of agonism, see: Deveaux, 1999; Wenman, 2003b; Fossen, 2008; Schaap, 2007, 2009; Wingenbach, 2011.

[4] In the emerging interpretive literature, there seems to be something of a penchant for developing typological classifications of different forms of agonism, with Andrew Schaap identifying three distinct kinds and Ed Wingenbach presenting a five-part categorisation,

It is also important to appreciate that in many respects, as Tully has said, agonistic democracy represents a contemporary adaptation of republican theory (Tully, 2003, 503). Indeed, with their stress on the exercise of democratic freedom as means to counter oppression, normalisation, and exploitation, as Gulshan Khan has argued, the agonistic theorists are best seen as part of a more general republican revival in contemporary political theory (Khan, 2013). The agonistic approach shares with thinkers such as Quentin Skinner, Philip Pettit, and Maurizio Viroli, the view that negative forms of liberty – as non-interference and the legal protection of individual rights – are insufficient to maintain political freedom (Khan, 2013). The more important objective is to struggle against domination, dependence, and arbitrary forms of power.[5]

Agonistic democracy also needs to be compared and contrasted to the contemporary tradition of radical democracy, associated with authors such as Alain Badiou, Ernesto Laclau, Jacques Rancière, and Slavoj Žižek. These theorists also draw extensively on continental and postmodern thought, and (I would argue) they similarly share a basic republican view of politics as a struggle against domination. However, we will see that the radical democrats differ from the agonistic democrats in some decisive respects, and most importantly in the way they envisage the emergence of the constituent power, which is the central theme of this book. Indeed, the tension between the constituent and the constituted powers, between power *qua* capacity (*potentia*) and power *qua* right (*potestas*), and the idea that the constituent power manifests in distinct modes, i.e. as augmentation and revolution, provide the key evaluative concepts underpinning this study. These concepts are explored in detail

see: Schaap, 2009, and Wingenbach, 2011, Chapter 3. These taxonomies have some validity. However, my sense is that there isn't a sufficient mass of agonistic theory to really warrant this approach. Whilst this method might make sense when analysing a large body of thought – liberalism, say, or western Marxism – the trouble here is that, on both Schaap's and Wingenbach's accounts, each distinctive type of agonism is actually only represented by one (or perhaps two at most) author(s). My analytical strategy is different. In Chapter 1 I identify something like the core of the agonistic matrix, by pulling together themes that underpin each of the contributions, past and present, and in the remainder of the book I scrutinise the detail of each of the major contemporary contributing authors.

[5] For the neo-republican revival in contemporary political theory, see: Pocock, 1975; Skinner, 1990, 1998, 2000, 2008; Pettit, 1997, 1999, 2002; Viroli, 2002, 2008; Laborde and Maynor, 2008. The connection between agonism and republican thought has been stressed by various commentators, see: Deveaux, 1999; Honig, 1993; Wenman, 2003b; Tully, 2008a. However, I am particularly grateful to Khan (2013) for pointing out the core connection between agonism and republicanism in the common emphasis on liberty as the absence of domination. This pivotal insight has been very helpful in enabling me to situate the agonistic theorists in relation to other traditions within contemporary political theory, and I return to this observation at various points in the book.

in Chapter 2, but we also need to give a little more account of these ideas from the outset.

Agonism and the relative priority of the constituent power

Unlike most normative political theory in the western canon, the theorists of agonistic democracy do not seek to ground their respective visions of politics in substantive accounts of human nature, in teleological assumptions about the good life or concerning the movement of history, or in consequentialist theories of morality; nor do they share the currently predominant liberal view that we can establish agreement on constitutional essentials via recourse to deontological procedures, or a 'public use of reason', that somehow brackets off fundamental disagreements between contending 'comprehensive doctrines' or conceptions of the good. Indeed, each of the thinkers examined in this study broadly shares Nietzsche's observation that 'since Copernicus', Man (with his concomitant notions of reason and rationality) has 'been . . . rolling faster and faster away from the centre' (Nietzsche, 1994b, 115; 1968, 8). As a consequence, the agonists are typically described as 'anti-essentialist' or 'anti-foundationalist' thinkers. However, these characterisations are too pronounced because they suggest that the agonists claim to operate without recourse to any underlying categories whatsoever, whereas, in fact, like all political theories, they offer a mixture of descriptive and prescriptive statements, forged through a complex amalgam of ontology, sociology, psychology, historical studies, and ethics. Instead, the agonistic theories are better understood as 'post-foundational' viewpoints, that do 'not attempt to erase completely' claims about essences and foundations, but to 'weaken their ontological status' (Marchart, 2007a, 2).[6] Indeed, these theories typically combine philosophical enquiry with a stress on the ultimate groundlessness of all claims to political legitimacy.

Moreover, this constitutive groundlessness is tied in an inherent way to the idea that human nature is incomplete and without foundation, i.e. to a conception of human *Dasein* as a mortal being who finds herself thrown into time and historicity, and this in turn gives rise to a certain precedence of human freedom. There are numerous ways to articulate this basic

[6] For a comparable reading, see Stephen White's discussion of 'weak ontology' (White, 2000). Wingenbach (2011, Chapters 1 and 2) also stresses the post-foundational status of contemporary agonistic theory, as well as the distinctions between agonistic and radical democracy.

assumption, i.e. that existence precedes essence, and one of those ways is to insist on the priority of the constituent power. The 'constituent power' nominates the human capacity for creation, to institute new forms of life, to bring new ways of being into the world, or perhaps even to create new worlds. As Arendt says, the constituent power manifests as an 'interruption' of an established state of affairs, and, as such, it is associated with the human capacity for initiative (Arendt, 1958, 9; 1977b, 166). She also likens the emergence of the constituent power to something like a miracle, because every new emergence 'seen from the perspective . . . of the process . . . it interrupts, is . . . something which could not be expected' (Arendt, 1958, 9, 178; 1977b, 166, 168). So, by Arendt's account, it is not God but 'men who perform . . . [miracles] . . . men who because they have received the twofold gift of freedom and action can establish a reality of their own' (Arendt, 1977b, 169).

In political theory this capacity for freedom is intrinsically related to democracy. Indeed, the idea of the primacy of the constituent power underpins Sheldon Wolin's claim that we should 'reject the classical and modern conception that ascribes to democracy "a" proper or settled form', because to do so is to tame the creative power of the *demos* by reducing democracy to a system or process of government (Wolin, 2004, 601). Democracy is better understood as an authorising or founding *moment*, rather than a *form*, i.e. as a moment of innovation that makes 'itself' felt by 'protesting actualities and revealing possibilities' (Wolin, 2004, 603). None of the four main thinkers examined in this book would be willing to go quite so far as Wolin in asserting the outright priority of the constituent power, for reasons I discuss in a moment. However, they all broadly share the idea of the irreducible quality of a pre-juridical moment of political freedom that initiates and composes concrete social and political forms. This does not mean that democratic subjects can remake the world at 'will', and, as we will see at various points in the book, the association of the constituent power with 'the will' is ill conceived and ignorant of the ways in which the emergence of the constituent power is always conditioned by human plurality. It does mean, however, that all extant political forms of state and civil society, all existing political identities and relations and forms of constituted authority, are ultimately products of the constituent power, and so they remain forever vulnerable to the (re-)emergence of the constituent power, as various corrupt bodies in the Arab world have recently found out.[7]

[7] For recent scholarly discussions of the constituent power, and of the tensions between the constituent power and constituted authority, see: Negri, 1999; Kalyvas 2005, 2008; Loughlin and Walker, 2007.

However, it is notoriously difficult to articulate this capacity for invention that is at the heart of democratic politics, and it is not possible to figure this element of creativity without first making some decisions about conceptual priorities. For example, the constituent power has been variously presented as 'freedom' and 'action' (Arendt), as revolutionary 'now time' (Walter Benjamin), as 'sovereign decision' (Schmitt), and as 'absolute process' (Antonio Negri). Each of these candidates contains conceptual and probably also ethical connotations, and I examine these alternatives at various points in this study. However, the most satisfactory, and consistently republican nominations of the constituent power are those offered by Arendt, and it is Arendt's presentation that shapes the general direction of this book. She says, 'men *are* free – as distinguished from their possessing the gift for freedom – as long as they act, neither before nor after; for to *be* free and to act are the same' (Arendt, 1977b, 151, emphasis in the original). Moreover, to the extent that this groundless capacity of/for action (mixed also, as we will see in the final chapter, with the faculty of judgement), is able to establish new social and political forms, this is the only source of (provisional) grounding in the context of modernity where all traditional forms of authority are increasingly undermined; so that, as Claude Lefort says, the story of modern democracy with its recurrent reconfigurations of power becomes an unprecedented adventure (Lefort, 1988, 19).

Wolin's formulations suggest an absolute priority of the constituent power vis-à-vis forms of constitutional government. Indeed, the contingency of constituted authorities becomes most apparent in times of crises; in revolutions, war, and insurrection, and, although the idea of the constituent power has always been implicit in the republican conception of freedom, it is not a coincidence that the first explicit formulation of the primacy of the constituent power was put forward by Emmanuel Joseph Sieyès in the context of the French Revolution. He said, it is not any 'ordinary legislature' that can give itself a constitution, but the Estates-General, as the embodiment of the *pouvoir constituant*, must not be bound by any 'extraneous authority', and the 'only rules to which is will be obliged to give credence will be those it has made for itself' (Sieyès, 2003b, 34). As we will see in Chapter 2, this stress on the absolute priority of the constituent power was reiterated by Schmitt in the context of the crisis of the Weimar Republic. However, the contemporary agonistic democrats do not share these formulations, Mouffe notwithstanding, and they stress instead a *relative* priority of the constituent power and the on-going imbrications of the constituent power and constituted authority. As Honig says, agonistic democracy is best understood as a form of constitutionalism, but one that is forever inhabited by 'the radically

risky tumult of *a*constitutionalism' (Honig, 2001a, 799–800).[8] In order then to grasp the specificity of the contemporary agonistic viewpoint, and to see how the agonistic democrats position themselves, and especially with respect to the liberals and deliberative theorists on one side and the radical democrats on the other, we need to look more closely at this nuanced conception of the relationship between *potentia* and *potestas*. At this point, we also need to introduce a second set of categories, again taken from Arendt, which is the distinction she draws between distinct modalities of the constituent power, between augmentation and revolution. These ideas are explained in detail in Chapter 2, but again we need a preliminary discussion here because these concepts frame all else that is to follow.

The constituent power as augmentation and revolution

In order to understand the full significance of Arendt's presentation of the different modalities of the constituent power we need to look in detail at her account of the exercise of freedom as augmentation in ancient Rome, and how this differed from the distinctly modern experience of revolution. These ideas are laid out in full in Chapter 2. However, at this point we can say, in brief, that for Arendt the modern revolutionary mode of the constituent power is characterised by an absolute beginning – and consequently a moment of radical rupture – that brings a new principle or set of norms and values into the world, as it were *ex nihilo*. This reiterates Benjamin's conception of radical origin, or *Ur-sprung*, understood as an originary break or rupture, as a miraculous leap into being that shatters the historical continuum, one that gives birth to new processes but does not determine their subsequent generation (Benjamin, 1988, 45).[9] By way of contrast, the constituent power in the form of augmentation is a (re)foundation that simultaneously expands and preserves an existing system of authority. These formulations, of the absolute and relative priorities of the constituent power, are crucially important in this study and for several reasons. They are analytically important because they help us to better understand the contemporary tradition of agonistic democracy. Indeed, we will see that contemporary agonistic democracy is characterised by an exclusive emphasis on the constituent power in the modality of augmentation. This contrasts to the contemporary radical democrats, where there is a similarly exclusive emphasis on revolution. I explore the consequences of this difference in a moment, but Arendt's

[8] For a similar formulation see: Tully 2008b, 200–1.
[9] For a discussion see: Asman, 1992 and Pizer, 1995.

categories are more important still. As I argue in Chapter 2, this is because in her formulation of the revolutionary event Arendt shows, in explicit contrast to Sieyès and Schmitt, how the notion of absolute initiative is compatible with the agonistic circumstances of pluralism, tragedy, and the value of conflict. Indeed, it is a central claim of this book that there is nothing intrinsic in the agonistic perspective, which determines that we have to disavow the lost treasure of the revolutionary event.[10] In fact, a consistent theory of agonistic democracy requires that we (i) maintain the qualitative difference between revolution and augmentation, understood as distinct modalities of the constituent power, and (ii) recognise that they both represent authentic moments of republican freedom. In my own formulation of agonistic democracy in Chapter 7, I seek to combine these two moments in a theory of agonism and militant cosmopolitanism.[11]

One of the key diagnostic assertions of this study is that the moments of the constituent power characteristic of contemporary agonistic democracy are consonant with the Arendtean notion of augmentation. Indeed, in Part II we see that Connolly, Tully, Mouffe, and Honig all conceptualise the constituent power in terms of a non-dialectical augmentation of existing rules, practices, and institutions. This basic point is captured in different ways in Connolly's account of the politics of *enactment*, in Tully's Wittgensteinian conception of *autonomy* in terms of the indeterminacy inherent in the application of rules, in Mouffe's notion of the *articulation* of the principles of liberty and equality into more areas of social life, and Honig's account of the daily (re)foundation of democratic freedom in Derridean terms of *iterability* and *performativity*. These conceptions of the constituent power are explained in detail in the chapters that follow. As we have said, these formulations differentiate today's agonistic theorists from contemporary radical democrats. The term radical comes from

[10] Here, Benjamin is also an important figure. He was similarly a theorist and a scholar of the ancient *agon* (see: Benjamin, 1988; Asman, 1992; Adorno and Scholem, 1994, 231–5) and, like Arendt but unlike the contemporary agonistic democrats, Benjamin presented a model of the *agon* 'not only as a place of agony, struggle, debate, competition and sacrifice, but also as a place of revolution, rupture and escape where the judgement of the gods over humans is reversed' (Asman, 1992, 607). I return to Benjamin at a several points in this book, and it is precisely this association of the democratic *agon* with the revolutionary *Ursprung* that I seek to rework in my account of agonsim and militant cosmopolitanism.

[11] In his introduction to what is currently the best collection of essays on agonistic democracy, Schaap asks 'should we understand the *agon* as already internal to . . . political unity or should it be defined precisely as that which threatens it? Or is it possible to think the *agon* as both external and internal to the political unity, and, if so, in what sense?' (Schaap, 2009, 2). This is a good question, to which Arendt's qualitative distinction between revolution and augmentation provides the best answer. Many of the essays included in Schaap's collection return to this question in one form or another, and I engage with some of them in the course of this study.