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UNIVERSITY OF SOUTHAMPTON
FACULTY OF LAW, ARTS AND SOCIAL SCIENCES
School of Social Sciences

**Democracy, Subjectivity and Voice:
Emersonian perfectionism and radical democratic theory**

By

Clare M. Woodford

Thesis for the degree of Doctor of Philosophy

May 2010

UNIVERSITY OF SOUTHAMPTON

ABSTRACT

FACULTY OF LAW, ARTS AND SOCIAL SCIENCES

SCHOOL OF SOCIAL SCIENCES

Doctor of Philosophy

**DEMOCRACY, SUBJECTIVITY AND VOICE: EMERSONIAN
PERFECTIONISM AND RADICAL DEMOCRATIC THEORY**

By Clare M. Woodford

Motivated by concern about growing social marginalisation and injustice in Western democracies, this thesis examines these issues from the perspectives of post-structuralist and perfectionist traditions of democratic political thought. Both traditions fear that dominant contemporary political theory, here represented by Rawlsian liberalism, is insufficiently attentive to voice. I seek to explore the critique put forward by each tradition, and demonstrate how in contrast to Rawls, the post-structuralists seek an open, revisable democracy, achieved via a culture of dissent or a democratic ethos. However, since post-structuralism lacks attention to the formation of democratic subjectivity I suggest that it may be productive to look to Cavell's work on this topic, to help improve the post-structuralist ability to be attentive to the emergence of voice. Yet, given Cavell's neglect of constructive social power, it becomes necessary to first bridge the gap between Cavell and the post-structuralists by examining the move from voicelessness to voice in more detail. I therefore propose using Rancière's work on the development of subjectivity, complemented by reference to James Tully and Christoph Menke, to show how Cavellian aversive thinking can help develop democratic subjects. This also leads me to challenge the strict nature of the divide that Rancière envisions between *la politique* and *la police*, making it possible for me to read Rancière as a call for political action, re-casting the ordinary as extraordinary. Hence I suggest that radical democratic political thinkers need to attend to the background police order to consider if it is possible to institutionalise conditions to encourage eruptions of politics, by supporting the cultivation and emergence of individual voice.

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Declaration of Authorship

I, Clare Woodford

declare that the thesis entitled

‘Democracy, Subjectivity and Voice: Emersonian Perfectionism and radical democratic theory’

and the work presented in the thesis are both my own, and have been generated by me as the result of my own original research.

I confirm that:

- this work was done wholly or mainly while in candidature for a research degree at this University;
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- where I have consulted the published work of others, this is always clearly attributed;
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- where the thesis based on work done by myself jointly with others, I have made clear exactly what was done by others and what I have contributed myself;
- none of this work has been published before submission

Signed.....

Date.....

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Southampton
May 2010

Abbreviations used (see bibliography for book details)

Texts by John Rawls

<i>Title</i>	<i>Abbreviation</i>
<i>A Theory of Justice</i>	TJ
<i>Political Liberalism</i>	PL
<i>The Idea of Public Reason Revisited</i>	IPRR

Also

<i>Hegemony and Socialist Strategy</i> , by Ernesto Laclau and Chantal Mouffe	HSS
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Introduction: On democratic subjectivity and the emergence of voice

- ‘*Aufklärung ist der Ausgang des Menschen aus seiner selbst verschuldeten Unmündigkeit*’

[Enlightenment is mankind’s exit from its self-incurred immaturity]

-Immanuel Kant¹

In his essay *Answering the Question: What is Enlightenment?* Immanuel Kant’s definition of enlightenment is given as ‘mankind’s exit from its self-incurred immaturity’.² The German term he uses for immaturity, *Unmündigkeit*, indicates that the immature (the *Unmündige*) are deemed ‘incapable of relying on their own understanding and, consequently, rely on a guardian (*Vormund*) to judge on their behalf’.³ Indeed, etymologically speaking, since the common root of both *Unmündig* and *Vormund* is *Mund* meaning mouth, the term *Unmündig* implies being unable to speak for oneself, thus making it necessary to have a *Vormund*, who is a ‘legally sanctioned mouthpiece’ to stand in front of, or prior to you (*vor* meaning before) as a sort of ‘official spokesman’.⁴ This not only demonstrates that ‘[s]elf-knowledge and self-government are inextricably interwoven with finding and exercising one’s own moral voice’,⁵ but also enables us to see that the question of voice is one of the central political questions of modernity. Indeed, in this tract we are able to trace this topic right back to Kant, in whose treatment of it we find the assertion that even if we do manage to throw off the yoke of oppression and try to think for ourselves, immature that we are, we will not be able to, for we have never exercised our minds. Instead, he asserts that we need to be helped to acquire reason by those free-thinking individuals who already exist.⁶

Kant has, both where acknowledged or unacknowledged, set the bar for contemporary liberal thought concerning the relationship between the exercise of moral voice and the seemingly prior acquisition of reason. Indeed, self-avowedly following in the

¹ German text from Kant, 1784, p.481, and English translation (Schmidt) from Kant, 1996, p.58

² Ibid.

³ Owen, 1999, p.583

⁴ Ibid. citing Green, 1996, p.292

⁵ Owen, 1999, p.583

⁶ Cf Kant, 1996, p.59

Kantian tradition, John Rawls' seminal works of liberal political thought accepts the injunction to see reason as central to public life, using the Kantian starting point that 'moral principles are the object of rational choice' as a foundation for his principle of equal liberty in *A Theory of Justice*,⁷ and invoking Kant's distinction between the reasonable and the rational in *Political Liberalism*.⁸

Due to Rawls' influential status as having turned the tide of political thought in the United States, I wish to use his work as the lynchpin of this thesis. His book, *A Theory of Justice* triggered a shift whereby liberal political thought regained prominence within Anglo-American political philosophy. I recognise his work as the best example of a detailed and meticulously developed liberal political theory, thus despite the fact that liberal political philosophy encompasses many distinguished names, his work remains the most highly detailed liberal democratic theory to have been developed, and thus it is taken, for the purposes of this thesis, as an account of liberal democratic theory *par excellence*. Hence when I examine the post-structuralist and perfectionist critiques of Rawls I do so, not to pillory his work, nor because I consider it to be especially flawed, but on the contrary, to show that I take it as representative of liberal theory, in recognition of the fact that the Rawlsian opus is of a seminal nature, of exceptional detail and partly to attentive revisions in response to critics. Many admirable liberal democratic thinkers have challenged and developed Rawls' work however they are still, by their own admission, working within the Rawlsian paradigm.⁹ Thus, due to its clarity and depth concerning the liberal democratic commitment to consensus, I believe that Rawls' work, serves to make the respective liberal democratic and radical democratic positions concerning the centrality of consensus or disagreement to politics, as clear as possible. As such I acknowledge that Rawls has, in many ways, set the tone of much contemporary Anglo-American political thought today.

In this thesis, I will however focus on the post-structuralist and perfectionist traditions of political thought, whose concern is that Rawls' work, and liberalism more generally, are insufficiently attentive to voice, and that worries of economic injustice

⁷ Rawls, 1971, pp.251-2

⁸ Rawls, 1993, p.25n

⁹ Most notably Antony Laden (2001)

and equal democratic representation require prior attention to questions of voice. I will show that post-structuralist thinkers, and Stanley Cavell, through his development of Emersonian perfectionism, are trying to take voice seriously, in a way Rawls does not.

Both the post-structuralist and perfectionist critiques are of supreme relevance in helping us respond to the way in which the marginalised and oppressed are becoming increasingly so, through the drive for professionalisation of service provision in both the US and Europe.¹⁰ This contributed to the marked decline, at least in the UK, in social mobility,¹¹ and in the likelihood of disadvantaged social groups to speak for themselves, (becoming for example, MPs or union members) rather than leaving it to the middle classes to speak for them. Such professionalisation has been linked to more passive forms of citizenship, where citizens, referred to as consumers, receive welfare delivered by a professionalised workforce of paid staff and highly trained volunteers' rather than participating in organisational structures which develop and empower the individual along the way.¹² Indeed, it is interesting to place the former model alongside Kant's description of the modern world, whereby individuals use professionals as substitutes for thinking for themselves:

‘If I have a book that has understanding for me, a pastor who has a conscience for me, a doctor who judges my diet for me, and so forth, surely I do not need to trouble myself. I have no need to think, if only I can pay: others will take over the tedious business for me.’¹³

However, what for Kant was seen as free choice, for today's citizens is often the only option open to them. Thus, increasing professionalisation of services shunts citizens into a situation of passivity, without alternative opportunities for self-reflection and development. Such a situation is of course unforeseen by Kant, who, in his pre-welfare state analysis blames the willingness to avoid thinking on laziness and lack of courage on the part of those individuals. However, when the immaturity is caused by ‘lack of understanding’ it seems that he is suspicious of the *Vormünder* or guardians ‘who have graciously taken up the oversight of mankind’ ensuring that the ordinary

¹⁰See for example DiFazio, 1998; and Fyfe, 2005

¹¹ Blanden et al, 2005

¹² Fyfe, 2005, p.157

¹³ Kant, 1996, p.58

people ‘regard the step to maturity as not only difficult but also very dangerous.’¹⁴ However, Kant writes to those who are lazy and cowardly, demanding from them ‘Have the courage to use your *own* understanding!’¹⁵ His tract fails to give more than a cursory glance in the form of an allegorical story of domestic livestock, to those who by lack of understanding are prevented ‘from taking one step out of the leading strings of the cart to which they are tethered’ and ‘proceed on their own’.¹⁶

In dispelling the idea that lack of voice is due in every case to mere laziness and cowardice, I wish to draw attention to those contemporary citizens who are denied the opportunity to speak for themselves by structural constraints and increased willingness of professionals to speak for them. My concern is driven by the intuition that individual voice matters for democratic life, with regard to Rawls’ desire for stability, but most importantly in principle, due to the equality central to democracy since at least the French Revolutionaries’ slogans of ‘égalité, liberté, fraternité’, if not before. It is through the expression of voice that those who are excluded and suffering injustice can express this to others and seek a response in a way that can build a stronger democratic community for the future, whereas if such expression is suppressed, the exclusion and suffering can continue to grow to intolerable levels, and may only erupt then, in more high profile forms of violent expression. This concern about voice is however not only about having an equal right to voice a complaint, but also having an equal right to be heard. Consequently, in this thesis I argue that radical democrats need to attend to how individuals develop into being able to speak for themselves so as to be heard by others: their development from voicelessness to voice. In Kant’s words I want to know how individuals may come to cast off the rules and formulas that he laments seem ‘almost natural’ and of which mankind has ‘become fond’; I am curious as to how we may feel confident in taking that first ‘leap over the smallest ditch’ and become ‘accustomed to free movement’.¹⁷

I attempt this task by taking as my starting point, Rawls’ conception of political liberalism as representative of the liberal tradition, I assert that this tradition is, like Kant, insufficiently attentive to voice, hence although Rawls’ starting point in *A*

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid. pp.58-9

¹⁷ Ibid. p.59

Theory of Justice was that utilitarianism ‘does not take seriously the distinction between persons’,¹⁸ my contention is that his own work, despite making significant advances on taking this distinction seriously, does not go far enough. I argue that his concerns about stability and equality which manifest themselves in Rawls’ worries of economic injustice and democracy require prior attention to the topic of voice.

I will therefore set out in contrast, two traditions of political thought which are also motivated by this concern: post-structuralism and Emersonian perfectionism, as elucidated by Stanley Cavell. I show that in both these traditions, concerns arise regarding the potential scope of Rawls’ approach (Chapters 1 and 3). Thus, despite his intentions to take the ‘distinction between persons seriously’ Rawls fails to consider that this may require considering how we may listen to those people, and how these people acquire a voice in the first place. Perhaps, this failure is based on the Kantian belief that those we do not hear are simply lazy and cowardly, or perhaps he sees the problem of societal guardians as something that could be overcome through political liberalism. Either way, my contention here, was that the Kantian failure to attend to those who are denied, in any sense of the word, the opportunity to speak for themselves has leaked into Rawlsian liberalism, and, due to his influence, into much contemporary liberal Anglo-American political philosophy. Each of these chapters is paired with another (chapters 2 and 4 respectively) that investigates the conceptions of democracy that the post-structuralists and Cavell espouse.

Before engaging with the post-structuralist and Cavellian critiques of Rawlsian liberalism it is necessary to briefly present my own reading of Rawls’ works. To begin with, his major work *A Theory of Justice*,¹⁹ aimed to present a theory of justice that would provide a stable foundation for democracy, which Rawls understood as referring to the way in which the major social institutions, such as the political constitution and principle economic and social arrangements ‘distribute fundamental rights and duties and determine the division of advantages from social cooperation’²⁰ without conflict. He asserted that such a theory must not only assume that ‘justice is the first virtue of social institutions’ but, in order to take the distinction between

¹⁸ Rawls, 1971, p.27

¹⁹ Hereafter TJ

²⁰ Ibid. p.7

persons seriously, must also assume that ‘each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override’.²¹ This concept of justice, he identified ‘as meaning a proper balance between competing claims from a conception of justice as a set of related principles for identifying the relevant considerations which determine this balance’.²²

Furthermore, Rawls assumed that society is a ‘more or less self-sufficient’ and cooperative ‘association of persons who in their relations to one another recognise certain rules of conduct as binding and who for the most part act in accordance with them’.²³ Yet he also supposed that these rules would entail such a system of cooperation as designed to promote the mutual advantage of all of its members. Seeing here the possibility for conflict as well as ‘identity of interests’,²⁴ and recognising the need to attend equally to all persons, he asserted that it was necessary, for the sake of stability, to devise a set of principles by which society can choose from all possible options the best basis for the proper distribution of shares, and thereby assign ‘rights and duties in the basic institutions of society and...define the appropriate distribution of the benefits and burdens of social cooperation’, in order to avoid conflict and promote harmony in terms of the civic friendship he wishes to prevail.²⁵

In a further attempt to avoid conflict despite the diversity of different individuals in society, Rawls moved his theory to a higher level of abstraction than the traditional contract theory of Locke, Rousseau and Kant. He designed an hypothetical ‘original position of equality’ which he wished to correspond to the state of nature ‘in the traditional theory of the social contract’.²⁶ In this original position, Rawls imagined that those who live together in society came together in one instance, to choose the set of principles of justice. Hence he imagined what people would choose if they were

²¹ Ibid.

²² Ibid. p.10

²³ Ibid. p.4

²⁴ For he adds: for ‘[t]here is an identity of interests since social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts’, but there is ‘a conflict of interests since persons are not indifferent as to how the greater benefits produced by collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share’ (Rawls, 1971, p.4).

²⁵ Ibid. pp.4-5

²⁶ Ibid. pp.11-2

able to ‘decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society.’²⁷

Importantly, in his desire to neutralise the effects of each person’s different situation in life, Rawls assumed that the parties of the original position were ‘situated behind a veil of ignorance’ which meant that no one in the original position would be aware of status or ‘fortune in the distribution of natural assets and abilities...intelligence, strength and the like’, or even ‘their conceptions of the good or their special psychological propensities’.²⁸ Thus, they were ‘obliged to evaluate principles solely on the basis of general considerations’, to ensure that no one was unfairly ‘advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances’, although it was taken for granted that the participants knew enough general facts about human society as to enable them to choose the principles of justice.²⁹ The attention to the fair treatment of every person led to Rawls terming this ‘justice as fairness’.³⁰

Once behind the veil of ignorance, the parties embark upon the procedure of justice as fairness, beginning by choosing ‘the first principles of a conception of justice’ by which ‘all subsequent criticism and reform of institutions’ would be regulated.³¹ Hence they must consider various conceptions of justice in order to adopt one that can be ‘strictly complied with’,³² and then, in accordance with this, they decide upon ‘a constitution and a legislature to enact laws, and so on’.³³ From this situation, Rawls imagined that the following two principles would be chosen:³⁴

- i) each person is to have an equal right to the most extensive basic liberty that is compatible with a similar liberty for others.
- ii) Social and economic liberties are to be arranged to be both a) reasonably expected to be to everyone’s advantage and b) attached to positions and offices open to all

²⁷ Ibid. p.11

²⁸ Ibid. p.12

²⁹ Ibid. pp.136-7. Such as ‘the political affairs and the principles of economic theory; ...the basis of social organisation and the laws of human psychology’ (Rawls, 1971 p.137).

³⁰ Ibid.

³¹ Ibid. p.12

³² Ibid. p.145

³³ Ibid. p.12

³⁴ Ibid. p.60

As regards society after the veil of ignorance is lifted, Rawls attended to how an individual should be guided in day-to-day choices about the pursuit of various life plans, being careful ‘always to act so that he need never blame himself no matter how his plans finally work out’.³⁵ Rawls conceded that such a principle would not necessarily prevent unforeseen problems since of course, ‘[n]othing can protect us from ambiguities and limitations of our knowledge, or guarantee that we find the best alternative open to us’, however he reassures us that by ‘acting with deliberative rationality’ we should be able to ensure ‘that our conduct is above reproach, and that we are responsible to ourselves as one person over time’.³⁶

The aims of Rawls’ second most influential work developed in response to critics of *A Theory of Justice* are quite different. In *Political Liberalism*³⁷ the distinctions between ‘comprehensive philosophical and moral doctrines and conceptions limited to the domain of the political’ are fundamental, although they go un-noted in *TJ*.³⁸ He acknowledges that the idea of the ‘well-ordered society’ that is ‘associated with justice as fairness’ as presented in *TJ*, holds that ‘all citizens endorse this conception on the basis’ of that which Rawls now prefers to refer to as ‘a comprehensive philosophical doctrine’.³⁹ This is demonstrated by the fact that ‘[t]hey accept, as rooted in this doctrine, its two principles of justice’ just as, in contrast, in a utilitarian well-ordered society citizens will alternatively be understood to endorse utilitarianism ‘as a comprehensive philosophical doctrine’ and to ‘accept the principle of utility on that basis’.⁴⁰ So, although he recognises that the differences between a political conception of justice and a comprehensive philosophical doctrine are not discussed in *TJ* he now admits that this work approached justice as fairness as if it were a comprehensive doctrine.⁴¹

Since writing *TJ* however, Rawls came to recognise that modern democratic society contains multiple comprehensive religious, philosophical, and moral doctrines which, although reasonable, can also at times, be incompatible, with no single comprehensive

³⁵ Ibid. p.422

³⁶ Ibid. pp.422-3

³⁷ 1993, hereafter PL

³⁸ Rawls, 1993, p.xv

³⁹ Ibid. p.xvi

⁴⁰ Ibid.

⁴¹ Ibid.

doctrine trumping the others as being generally affirmed by all citizens.⁴² Hence the development of *PL* is to respect this plurality as ‘the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime’.⁴³ This Rawls refers to as ‘the fact of reasonable pluralism’, and it is that which reveals the ‘well-ordered society of justice as fairness’ found in *TJ*, to be ‘unrealistic’ because it is ‘inconsistent with realising its own principles under the best of foreseeable conditions’.⁴⁴ Hence from now on, Rawls presents justice as fairness as merely one of many possible political conceptions of justice.

This means that stability becomes increasingly relevant for Rawls’ thought, for the central problem of political liberalism is thus to consider how it can be possible ‘that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines’.⁴⁵ Thus any coming together of such plurality of reasonable comprehensive doctrines, which is necessary for the stability Rawls seeks, would need to happen in a consensus where these views are able to overlap, hence Rawls’ term ‘overlapping consensus’ where a politically liberal democracy simply seeks one of many possible political conceptions of justice in the hope of finding one ‘that can gain the support of an overlapping consensus of reasonable, religious, philosophical and moral doctrines in a society regulated by it’.⁴⁶ When this happens, the hope is that the reasonable doctrines would ‘endorse the political conception, each from its own point of view’, enabling stability, by providing a basis for social unity on the political conception, which can then be ‘affirmed by society’s politically active citizens’.⁴⁷

Although Rawls is moving away from the desire to found society on one conception of justice, he still asserts that there is a need for stability within society that instead can be provided by the idea of public reason. Hence the need for the underlying political conception of justice is to find one which can best guide the public reason of the citizens, where this refers to ‘citizens’ reasoning in the public forum about

⁴² Ibid. p.xvi

⁴³ Ibid. p.xvi

⁴⁴ Ibid. p.xvii

⁴⁵ Ibid. p.xviii

⁴⁶ Ibid. p.10

⁴⁷ Ibid. p.134

constitutional essentials and basic questions of justice'.⁴⁸ The intention of political liberalism is 'to uncover the conditions of the possibility of a reasonable public basis of justification on fundamental political questions',⁴⁹ and thus we can understand that he now merely seeks one of various possible political conceptions of justice to provide the stable basis upon which citizens can come together to organise their society.

So, within *PL* Rawls takes an idea of a political conception of justice to mean a moral conception that has been 'worked out for a specific kind of subject' namely for the "basic structure" of society by which he is still referring to 'a society's main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next'.⁵⁰ In *PL* however these political conceptions of justice must be presented as 'a freestanding view' that is 'neither presented as, nor derived from' any specific comprehensive doctrines so as not to appear to favour or give special status to one over the other.⁵¹

Consequently, to make the content of a political conception of justice purely political rather than dependent on any comprehensive doctrine, it must be 'expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society' where the public culture 'comprises the political institutions of a constitutional regime and the public traditions of their interpretation...as well as historic texts and documents that are common knowledge'.⁵² In contrast, comprehensive doctrines belong to what Rawls refers to as 'the background culture'.⁵³

Overall, in *PL* Rawls still seeks to lay out justice as fairness, which is organised by the idea of society understood as 'a fair system of cooperation over time, from one generation to the next', where cooperation is 'guided by publicly recognised rules and procedures that those cooperating accept and regard as properly regulating their

⁴⁸ Ibid. p.10

⁴⁹ Ibid. p.xix

⁵⁰ Ibid. p.11

⁵¹ Ibid. p.12

⁵² Ibid. p.14

⁵³ Ibid.

conduct'.⁵⁴ This must be based on fair terms of cooperation, which are terms that may be reasonably accepted by all participants, and also on an idea of reciprocity, by which Rawls means that all those engaged in cooperation 'are to benefit in an appropriate way as assessed by a suitable benchmark of comparison'.⁵⁵ Rawls relies on the conception of political justice to characterise which are the fair terms of cooperation. Finally, this cooperation 'requires an idea of each participants' rational advantage or good' which will specify what each is trying to achieve.⁵⁶

Furthermore, Rawls explains that justice as fairness is developed in conjunction with 'two companion fundamental ideas': the 'idea of citizens as free and equal persons'; and 'the idea of a well-ordered society as a society effectively regulated by a public political conception of justice'.⁵⁷ Rawls builds on the conception of the person developed in *TJ* 'as a human life lived according to a plan',⁵⁸ as long as that plan is a rational plan, such that it is consistent with the principles of rational choice when these are applied to all the relevant features of his situation' and 'it is that plan among those meeting this condition which would be chosen by him with full deliberative rationality'.⁵⁹ In *PL* Rawls takes the ancient world as an example that indicates that 'a person is someone who can be a citizen, that is, a normal and fully cooperating member of society over a complete life'.⁶⁰ Such a person must also be thought of as free, courtesy of two moral powers: 'a capacity for a sense of justice and for a conception of the good'; as well as powers of reason; and equal courtesy of the capability to be a 'fully cooperating' member of society.⁶¹ In addition, such persons 'also have at any given time a determinate conception of the good that they try to achieve' as in a conception of 'what is valuable in human life' with a 'more or less determinate scheme of final ends' which 'we want to realise for their own sake, as well as attachments to other persons and loyalties to various groups and associations'.⁶²

⁵⁴ Ibid. pp.15-6

⁵⁵ Ibid. p.16

⁵⁶ Ibid.

⁵⁷ Ibid. p.14

⁵⁸ Rawls, 1971, p.408 *citing* Royce, 1908, lecture IV section IV

⁵⁹ Rawls, 1971, p.408

⁶⁰ Ibid. p.18

⁶¹ Ibid. p.19

⁶² Ibid.

This means that if we consider the way in which citizens are represented in the original position ‘as free persons’ where ‘[t]he representation of their freedom seems to be one source of the idea that a metaphysical doctrine is presupposed’, Rawls says that citizens ‘are conceived as thinking of themselves as free in three respects’: Firstly, ‘they conceive of themselves and of one another as having the moral power to have a conception of the good’; secondly ‘they regard themselves as self-authenticating sources of valid claims’; and thirdly ‘they are viewed as capable of taking responsibility for their ends and this affects how their various claims are assessed’.⁶³

As regards the second fundamental idea, Rawls’ conception of the well-ordered society is based on three general facts:⁶⁴ Firstly ‘it is a society in which everyone accepts, and knows that everyone else accepts, the very same principles of justice’; secondly ‘its basic structure – that is, its main political and social institutions and how they fit together in one system of cooperation – is publicly known, or with good reason believed, to satisfy these principles’; finally ‘its citizens have a normally effective sense of justice and so they generally comply with society’s basic institutions, which they regard as just’; and thus Rawls’ hope is that in this type of society the publicly recognised conception of justice would provide ‘a shared point of view from which citizens’ claims on society [could] be adjudicated’.⁶⁵

Although in *PL* Rawls no longer attempts to assert the outcome of the original position,⁶⁶ he still believes that this position is best able to abstract from and avoid being affected by ‘the contingencies of the social world’ in such a way as to provide ‘the conditions for a fair agreement on the principles of political justice between free and equal persons’ whilst eliminating ‘the bargaining advantages that inevitably arise within the background institutions of any society’.⁶⁷ Yet he clarifies that the original position is used merely as a ‘device of representation’ to ‘model both freedom and

⁶³ Ibid. pp.29-33.

⁶⁴ Rawls, 1993, p.35

⁶⁵ Ibid.

⁶⁶ See Rawls, 1971, §§3-4 and ch. 3

⁶⁷ Rawls, 1993, p.23

equality and restrictions of...reasons' so as to make it 'perfectly evident which agreement would be made by the parties as citizens' representatives'.⁶⁸

These elements come together to form Rawls' final position on matters of justice. However, he did feel it was necessary to further clarify this position a little, due to criticism regarding the potentially restrictive nature of his idea of public reason. The idea originally developed through his two main works, from being presented in *TJ* as a comprehensive liberal doctrine, to being presented in *PL* as simply

‘a way of reasoning about political values shared by free and equal citizens that does not trespass on citizens’ comprehensive doctrines so long as those doctrines are consistent with a democratic polity’.⁶⁹

Thus, in its later enunciation, Rawls sees that the form and content of the idea of public reason is intertwined with democracy because reasonable pluralism, itself ‘a basic feature of democracy’ given the ‘plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral, is the normal result of its culture of free institutions’.⁷⁰

As a result, because citizens cannot understand each other ‘on the basis of their irreconcilable comprehensive doctrines’ Rawls decides that they ‘need to consider what kinds of reasons they may reasonably give one another when fundamental political questions are at stake’.⁷¹ Therefore, he proposes that in public political situations, any ‘comprehensive doctrines of truth or right be replaced by an idea of the politically reasonable addressed to citizens as citizens’.⁷² Hence he is trying to develop a way of governing the sort of speech and debate we have in public when acting as political figures,⁷³ and thereby wishes to use this notion of public reason to simply specify ‘at the deepest level the basic moral and political values that are to determine a constitutional democratic government’s relation to its citizens and their relations to one another’.⁷⁴

⁶⁸ Ibid. pp.25-6

⁶⁹ Rawls, 2002, p.179-80

⁷⁰ Ibid. p.131

⁷¹ Ibid. p.132

⁷² Ibid. p.132

⁷³ Indeed, he explains that by the term ‘public political forum’ he is referring to a tripartite forum of judges, government officials, and candidates for public office. (Rawls, 2002, p.133).

⁷⁴ Ibid. p.132

To help further explain this, Rawls lays out the structure of public reason which he emphasises apply only to the public political forum and not the background culture or the media.⁷⁵ Hence it is important that each element of public reason must be taken into account to ensure that we do not get confused and believe that he is asking all citizens to conform with the idea of public reason all of the time. The five aspects of the idea of public reason are:⁷⁶

1. The fundamental political questions to which it applies;
2. The persons to whom it applies (government officials and candidates for public office)
3. Its content as given by a family of reasonable political conceptions of justice
4. The application of these conceptions in discussions of coercive norms to be enacted in the form of a legitimate law for a democratic people
5. Citizens' checking that the principles derived from their conceptions of justice satisfy the criterion of reciprocity

Hence it should be clear that a 'citizen engages in public reason...when he or she deliberates within a framework of what he or she sincerely regards as the most reasonable political conception of justice' which must be 'a conception that expresses political values that others, as free and equal citizens might also reasonably be expected to endorse'.⁷⁷ However, Rawls does add that the ideal conditions of political liberalism would see the *ideal* of public reason rather than simply the *idea* of public reason embodied in society. This ideal of public reason is satisfied when public figures such as 'judges, legislators, chief executives, and other government officials, as well as candidates for public office act from and follow the idea of public reason' meaning that they would 'explain to other citizens their reasons for supporting fundamental political positions in terms of the political conception of justice they regard as the most reasonable'.⁷⁸ Furthermore, Rawls hopes that this ideal can be deepened by also being realised by ordinary citizens, who, thinking of themselves as if they were public officials, should ask themselves 'what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to

⁷⁵ Ibid. p.134

⁷⁶ Ibid. p.133

⁷⁷ Ibid. p.140

⁷⁸ Ibid. p.135

enact'.⁷⁹ In doing this, Rawls describes that all individuals will be fulfilling their duty of civility towards one another. Thus, he makes it clear that is not necessary for non-government officials to realise the idea of public reason for the idea of public reason to simply exist, however this further specification is necessary for democracy to remain strong,⁸⁰ hence citizens have a duty to adhere to the ideal of public reason, but Rawls emphasises that this is a moral, not a legal duty.

We must also note that with respect to this requirement of judging what would be most reasonable, Rawls is assuming reasonable persons to be characterised in two ways: firstly as being ‘ready to offer fair terms of social cooperation between equals, and...abide by these terms if others do also, even should it be to their advantage not to’; and secondly, ‘reasonable persons recognise and accept the consequences of the burdens of judgement, which leads to the idea of reasonable toleration in a democratic society’.⁸¹

So, as will be relevant especially when we come to the discussion of Cavell, with regard to deciding the legitimacy of a judgement, Rawls states that the legal enactment expressing the majority opinion on a constitutional matter is legitimate when ‘all appropriate government officials act from and follow public reason, and when all reasonable citizens think of themselves ideally as if they were legislators following public reason’.⁸² This is not to say that the judgement has to be ‘thought the most reasonable, or the most appropriate, by each’ but simply that such criteria mean that it is to be taken as ‘politically (morally) binding on him or her as a citizen’.⁸³

A further requirement is that Rawls assumes each political conception of public reason must be ‘complete’ by which he means that each ‘should express principles, standards and ideals, along with guidelines of inquiry’ to enable it to be used to ‘give a reasonable answer to all, or to nearly all, questions involving constitutional essentials and matters of basic justice’.⁸⁴

⁷⁹ Ibid.

⁸⁰ Ibid. p.136

⁸¹ Ibid. p.177

⁸² Ibid. p.137

⁸³ Ibid.

⁸⁴ Ibid. pp,144-5

To answer those who were concerned that political liberalism may discriminate against those who live their life in accordance with comprehensive doctrines, Rawls notes that ‘reasonable comprehensive doctrines...may be introduced [into] public political discussion at any time’ as long as sufficient proper political reasons are presented, and not those that are supported solely by comprehensive doctrines.⁸⁵ This is important to maintain that the level of public justification necessary for public reasoning. Thus, public justification goes beyond ‘valid reasoning’ and comprises ‘argument addressed to others’, and this it must proceed ‘correctly from premises we accept and think others could reasonably accept’ and only in this way can it meet ‘the duty of civility’ by satisfying the proviso of giving proper political reasons.⁸⁶

Finally it is worth re-iterating with Rawls, that when he speaks, in *PL*, of ‘a reasonable overlapping consensus of comprehensive doctrines’ he is referring to the fact that any comprehensive doctrine, whether religious or nonreligious, is judged reasonable enough to be included in a political liberal democracy as long as it supports ‘a political conception of justice underwriting a constitutional democratic society whose principles, ideals, and standards satisfy the criterion of reciprocity’, and can ‘affirm such a society with its corresponding political institutions: equal basic rights and liberties for all citizens, including liberty of conscience and freedom of religion’.⁸⁷ However, we must also remember Rawls’ emphatic declaration that ‘[o]n the other hand, comprehensive doctrines that cannot support such a democratic society are not reasonable’,⁸⁸ and as a consequence can play no part in public reasoning.

Having summarised Rawls’ work, it is now possible to turn to consider my contention that despite making significant advances on taking the distinction between persons seriously, he does not take this distinction far enough. This is especially due to the fact that despite his concerns about ensuring stability through attending to the distribution of benefits and burdens in society, he fails to attend to a prior question of whose voices are heard making claims to such benefits and burdens, in both contemporary democracies, as well as in his own theory. Thus I will argue that he

⁸⁵ Ibid. p.152

⁸⁶ Ibid. p.155

⁸⁷ Ibid. p.172

⁸⁸ Ibid. pp.172-3

fails to acknowledge how attention to power relations and the development of democratic subjectivity may better help to alleviate the concerns he holds regarding economic inequality and democracy.

Indeed, the post-structuralist concern that I address in Chapter 1 is that Rawls' overlapping consensus is neither possible, nor desirable, since it can never free itself from the hegemonic power relations which will continue to suppress voice, and, seeing the way this is masked by a façade of justice, could contribute to a build-up of suffering and resentment. Thus, in spite of his careful attention this could still lead to violence and instability. Instead, I show in chapter 2 that post-structuralist thinkers seek to think about democracy in revisable terms, such that the promise of democracy is that it is always looking forward to the democracy which is to come, thereby avoiding entrenchment of values and oligarchic leadership, and providing means to respond to injustices and a means through which to respond to the suffering at its root. Their work also comprises a call for this openness to be rooted at the societal, rather than the institutional level, either via dissent or activism or through a democratic ethos of critical reflection and respect for the other. However, although the post-structuralists offer a clear analysis of power relationships their work lacks attention to the ways in which such democratic subjects are formed, to be able to express the injustices that they may suffer; how they come to espouse such dissent or hold the democratic ethos.

In chapter 3 I show that Cavell's concerns are also motivated by worries about voice, for he argues that the Rawlsian formula provides a mechanism whereby the conversation can be cut short, again reducing the commitment to be receptive to the voice of others and increasing potential for injustice to grow. Having noted the post-structuralist failure to attend to the development of democratic subjectivity, I turn to examine Cavell's work on this. Through his elucidation of Emersonian perfectionism, Cavell argues that the democratic subject emerges through a life of self-reflective thought, challenging convention in order to move continually towards unattained, yet attainable self that is to come, which, we can presume, takes the stance of Derrida's democracy *à venir*. I therefore suggest that it would be productive to try to supplement the post-structuralist analysis of power relationships with an understanding of the development of democratic subjectivity developed by Cavell, in

order to help us to answer the question of how to make contemporary democracy more attentive to the development of political subjectivity, or the question of voice.

However, given that Cavell neglects the topic of constructive social power, thereby raising the problem of who is included in his perfectionist conversation in the first place, who is able to understand a cry of resentment, it is necessary to first bridge the gap between him and the post-structuralists with regards to how the move from voiceless to voice is enacted (the post-structuralists, bar Rancière, move from voiceless to voice without attention to this enactment, and Cavell begins from a point where voice is assumed). In Chapter 5 I propose using Rancière to bridge this gap, since Rancière's work focuses precisely on the development of subjectivity, how individuals come to be able to express their suffering in a way that others could understand, which I identify as a move from voicelessness to voice. Such an expression is termed a moment of politics by Rancière, for it upsets the usual order of things (the police order) by asserting a new, heretofore unacknowledged voice. However, I acknowledge that Rancière's conclusions can lead to disillusionment concerning the radical democratic project, due to the sharp distinction he paints between the every day *police* structure that forms the status quo or in his term, the 'partition of the sensible', and the moment of politics that disrupts and subverts this. According to Rancière a moment of politics cannot be willed, occurs rarely, and any attempt at its institutionalisation will always be subverted, as it entails entrenchment into the existing or new police order. However, if Rancière is read in conjunction with the work of James Tully and Christoph Menke, it appears that the divide between politics and the police is less well defined. This realisation makes it possible for me to read Rancière as a call for political action whereby we realise that politics may not actually be everywhere despite the proliferation of power relationships, but instead, there is everywhere the potential to empower the ordinary, 'to maximise this power'⁸⁹ by enacting the power of the people against the police.

Furthermore, it will be shown that in this respect, Menke can help us see how critical thinking can help develop the subject to be better capable of this. Subsequently, I propose that Cavell's 'aversive thinking' and Menke's 'critical reflection' deepen our

⁸⁹ Rancière, 1999, p.88

understanding of how this would develop a democratic subject that is party to a culture of dissent and radical democratic ethos

Finally, reflecting on the Rancièrean assertion that politics is best conceptualised as a moment, then this also means that radical democratic political thinkers need to attend to the background police culture, or what exists in between the moments of politics, to consider if it is possible to institutionalise conditions to encourage these moments by supporting the cultivation and emergence of individual voice. I discuss how this can be done, firstly through borrowing Benjamin Ardit's phrase 'revolutionising'⁹⁰ to denote everyday activity of political emancipation in both thought and action though subverting the ordinary to reveal its potential for exploiting the weaknesses in the police order. This thereby seeks a response to the expression of injustice to quell suffering and with reference to Rawls' concern, to do this before resentments build to levels where they could lead to instability. Then I turn to discuss contemporary moves in other areas of political thought which focus on institutional reform in order to encourage a political culture conducive to such revolutionising. I suggest that through both pedagogical practices and institutions looking to redistribute wealth and knowledge more equally throughout society it would be possible to cultivate a political culture of dissent and revolutionising to seek a democracy that is more responsive to injustice.

It is necessary to justify why I prefer to view the featured theories of radical democracy as 'a project', rather than just separate works which all draw on post-structuralist, and neo-Marxist theory. This project began with the publication in 1985 of *Hegemony and Socialist Strategy*⁹¹ by Ernesto Laclau and Chantal Mouffe, who sought, in this work, to lay out a new direction for radical democratic politics, indebted to, but distanced from, Marxist thought, and with a considerable reliance on post-structuralist philosophy. This book not only set out the radical democratic terrain, but also triggered further development and expansion of this newly articulated radical democratic position within political philosophy.

⁹⁰ Ardit, 2008, p.104

⁹¹ Hereafter referred to as HSS.

Beyond the inclusion of these two thinkers, my decision is based on three reasons: Firstly, the observation that the post-structuralist thinkers featured here, namely Ernesto Laclau, Jacques Rancière, Jacques Derrida, Chantal Mouffe, and William Connolly are all driven by complimentary concerns centring on the conviction that the politics of contemporary western democracies is in crisis. They cite concern about apathy, extremism, terrorism, environmental disasters, pollution, international crime, growing inequalities of resources, wealth and income, failure to overcome injustices inflicted in the name of difference of gender, sexuality, race and class. Thus these common concerns are taken as the first step in seeing these theorists as comprising a group engaged in a distinct project. I seek to bring their work together, overlooking for now, their differences, in order to move beyond a static critique, and see in their work the potential for future conceptions of democracy.

Secondly, I do recognise that these thinkers are not the only political theorists driven by such concerns since almost all political theorists would cite such worries as playing some part in their motivation. Hence, my second reason comprises the fact that the featured radical democratic theorists look to neo-Marxist and post-structuralist thought in their work to find solutions to these problems. Furthermore, all mark the fact that it is our conceptualisation of the political, and not just politics, that is in crisis. They all note that this crisis comes in the wake of the end of the Cold War and the apparent discrediting of Marxist thought, and the smug neo-liberal assumption that confirms liberal thought as superior.⁹²

Thirdly, there are clear working links between the thinkers featured here. I have learnt that the theorists featured here have worked in tandem with each other, as engaged in complementary theoretical undertakings. This is exemplified by the research colloquia of Ernesto Laclau, at the Essex-based Centre for Theoretical Studies, which over the years featured Jacques Rancière, Jacques Derrida, Chantal Mouffe, and William Connolly.⁹³ Also, since co-writing *HSS* Chantal Mouffe has become increasingly associated with agonistic political theory, which is also an area dominated by William

⁹² See for example: Derrida, 1994, p.52; Laclau and Mouffe, 2001, 'Preface to second edition' pp.vii-viii; Rancière, 1999, esp. ch.6 and 2007, ch1; Connolly, 1995, esp. Introduction.

⁹³ Thanks are due here to Aletta Norval and David Howarth, both from the Centre for Theoretical Studies at Essex University for an enlightening conversation on this topic in January 2009.

Connolly, whose essay *Twilight of the Idols*⁹⁴ greatly influenced the trajectory of Mouffe's lone work. Ernesto Laclau has in recent years grown closer to the position endorsed by Jacques Rancière, as acknowledged in *On Populist Reason*,⁹⁵ in my opinion, to a greater extent than either would admit. Finally, the work of Jacques Derrida is invoked by all the thinkers above, either explicitly or implicitly, painting a backdrop of open-ended promise that has pervaded the frames of reflections of arguably all contemporary post-structuralist thinkers. Beyond this, despite the notable claims to include other thinkers, I also had to acknowledge the limits of space and time on this work, and hence, sought for these practical reasons, to exclude detailed references to further post-structuralist writers.

Beyond developing a critique of post-structuralism, I intend to overcome the barriers that have until now, made it difficult to comprehend using Cavell's Emersonian perfectionism to complement post-structuralist conceptions of radical democracy. As noted above, these difficulties comprise the fact that although post-structuralists have failed to attend to the development of democratic subjectivity, Cavell's failure to consider the effects of constructive social power has made his desire to use conversation as a figure to evoke the way we should approach our common life together unable to cope with the severe divisions and hierarchies that post-structuralists recognise in contemporary western democracies. Thus in introducing the work of Jacques Rancière, which I critique and develop, I seek to show that through the simultaneous construction of social movements and attention to the development of critical pedagogies and the institutionalisation of political culture, we can salvage Cavell's attention on aversive thinking from such objections. This can enable us to use it to empower citizens to fulfil the radical democratic aspiration, to break out of conformity with hegemonic social forces to forge a new, ever-unfolding democratic politics that seeks to be increasingly responsive to the emergence of voice.

⁹⁴ Connolly, 2008 but first published 1995

⁹⁵ Laclau, 2005, p.244

1. Disputing Consensus: The post-structuralist Critique of Rawls

If, as Laclau asserts, to take a decision ‘can only mean repressing possible alternatives’ so that ‘the “objectivity” arising from a decision is formed, in its most fundamental sense, as a power relationship’,¹ it is little surprise that post-structuralists are sceptical about the underlying premise of Rawlsian political liberalism. Indeed, they are not alone in this scepticism. A number of theorists from different theoretical traditions,² even some from the heart of the liberal tradition itself,³ have expressed concern regarding the Rawlsian faith in establishing an overlapping consensus. In this chapter however, I am concerned with showing how the post-structuralist is articulated before turning in the following chapter to examine the alternative conception of democracy to which this leads, and assess how productive the post-structuralist critique is for how we think about democracy.

I will show that post-structuralists are sceptical of Rawls’ commitment to a shared conception of justice that has been publicly decided upon via an overlapping consensus. To consider their concerns, I will divide their scepticism into three connected responses: Firstly, they are sceptical that the formation of the Rawlsian overlapping consensus is possible, since it would simply represent one hegemonic order, but overlook the founding wrong that subordinates some parties at the expense of others. Secondly, they are consequently unsure that an overlapping consensus would be desirable, as it would generate its own injustices and silence dissent, so that whichever consensus were agreed to, there would always be costs attached that Rawls disregards. Finally, in the next chapter, I will show that post-structuralists remain unconvinced that the overlapping consensus is necessary, as some argue that a stable sense of community can exist without it via a democratic ethos, whilst others are not concerned to establish a stable sense of community, instead focusing on the productive power of de-stabilising the status quo.

¹ Laclau, 1990, p. 30

² For example Stanley Cavell’s critique of Rawls from the perfectionist perspective, which form the subject of chapter 3.

³ Waldron, 1999

An overlapping consensus is impossible

To begin with, I will show that post-structuralist thinkers believe that disagreement, (in Jeremy Waldron's phrase) 'goes all the way down'⁴ with no necessary foundation level upon which we can all agree. Although Rawls' overlapping consensus is designed to provide a foundation for democratic politics, based upon participants' reasonableness, post-structuralists deny that this can possibly be established without a founding violence, which will likely lead to instability rather than stability. They assert that the terms of political discourse are 'contestable' to the extent that they are recognised as 'essentially contested concepts', meaning that for each concept 'the standards and criteria of judgement it expresses are open to contestation'.⁵ This would mean that '[a]ny form of discursive consensus is at best only partial and transitory, since any rules or norms agreed to will always be subject to re-description and change given the dialogical contexts within which they were formed'.⁶ Furthermore, it will be shown how post-structuralists argue that the existence of any 'actual consensus in collective choice, in terms of agreement not just over some public policy but also the reasons for it, is literally impossible'.⁷ This leads post-structuralists to take the position contra Rawls, that 'consensus can never be complete or wholly constitutive of exercises of political power' and that 'residues of misunderstanding, non-consensuality and injustice persist throughout the various mediums of communicative action which have gone into the construction of consensus'.⁸ It is these residues that post-structuralists wish to make us more attentive to, since to overlook them is to silence them, and imply that they are not relevant, which is exactly what they think a Rawlsian overlapping consensus would do. Therefore, the post-structuralist position asserts that any basis for democratic politics will always be disputed, and any failure to recognise this, however well-meaning, will inevitably lead to suppression of counter-claims.

For post-structuralists therefore, the uncontested basis of 'participants' reasonableness' that Rawls believes belongs to democratic politics, and upon which

⁴ Waldron, 1999, p.295

⁵ Connolly, 1993a, p.225

⁶ Ivison, 1992, p.73

⁷ Ibid.

⁸ Ibid.

he relies for providing stability, must actually be recognised as an essentially contested concept. Consequently, it can only be made intelligible by displaying ‘its complex connections with a host of other concepts to which it is related’ and thus its clarification would involve ‘the elaboration of the broader conceptual system within which it is implicated’, and such Connolly explains that to render such an essentially contested concept operational relies on making each of the essentially contested concepts that it relies upon to give it meaning, operational too.⁹ Accordingly it emerges that to assume that there is an underlying core within politics comes to mean that this would exist along with an accompanying network of understandings of the defining cluster concepts (or discourse as we will see in Laclau and Mouffe’s terminology), all of which should actually be recognised as contestable in order to avoid the injustice of discriminating between them. It is on these networks of cluster concepts, and the relations between various possible networks, that post-structuralist thought focuses.

One approach to such relations was developed by Ernesto Laclau and Chantal Mouffe in *Hegemony and Socialist Strategy*.¹⁰ The understanding of hegemony they present enables us to see the power relations at work in setting out and filling in these ‘cluster concepts’ in any particular way. They show that the emergence of any consensus between reasonable comprehensive doctrines is simply contingent and is made possible through relational structures. This is because any democratic political order is based upon a certain configuration of power relations which will struggle with opposing configurations, in order to achieve dominance or hegemony. In succeeding to become the hegemonic power, it will attempt to entirely fill the space for a configuration of a political order by itself. It will attempt to become the only political order that there can be. As such, it is attempting to fill the space of the universal. For Laclau and Mouffe, hegemony is thus an ‘absent totality’, since it lacks a positive identity, and instead emerges to fill a space in the chain of historical necessity. As a totality, it refers to the ‘diverse attempts at recomposition and rearticulation which, in

⁹ Connolly, 1993a, pp.14-5 Here Connolly is drawing on Gallie’s description (1962, pp.121-46) of the essentially contested concept as an *appraisive* concept ‘in that the state of affairs it describes is a valued achievement, when the practice described is *internally complex* in that its characterization involves reference to several dimensions, and when the agreed and contested rules of application are relatively *open*, enabling parties to interpret even those shared rules differently as new and unforeseen situations arise’ (Gallie, 1962, p.123)

¹⁰ Hereafter referred to as HSS.

overcoming this original absence, made it possible for struggles to be given a meaning and for historical forces to be endowed with full positivity'.¹¹ Yet rather than being content to present itself as simply one particular attempt to fill the universal, it aims to prevent opposition by becoming the way in which we are able to conceive of the space and form of political struggle. Subsequently, Laclau has deepened his discussion of hegemony through outlining the progressive radicalization of the model of hegemonic relations whereby the radical contingency identified above does not just concern the empirical matter of what is and is not possible, but is actually inherent in the structure of hegemonic articulation itself. This means that the hegemonic act will not simply be 'the realisation of a rationality preceding it, but an act of radical construction'¹² and thus whenever society takes any form, this act is laden with political meaning.

This argument suggests that the conception of politics presented in Rawls' political liberalism is simply one configuration of terms, presented as politics, which aims to dominate others through hegemony. His search for an overlapping consensus as a just way to bring different doctrines together is at best misguided and at worst false and dangerous, since presented as a neutral conception it denies the oppression it effects. Furthermore, Laclau's clarification questions Rawls' aims, for it removes the possibility of a teleological logic, instead asserting that the dislocated structure of the social is open, meaning that any crisis which would lead to the reconfiguration of chains of equivalence 'can be resolved in the most varied of directions'.¹³

Derrida's essay *Force of Law* argues that tension is internal to the very idea of justice, and is found between justice as universal law which is always going to be particular, and justice as a singular overarching event. He asserts that the presence of the word 'force', within the English word 'enforce', reveals an assumption which underlies our understanding of the nature of law, 'namely, that its enforceability demarcates the

¹¹ Laclau and Mouffe, 2001, p.7 This understanding builds upon the Gramscian as opposed to the Leninist understanding of hegemony, but removes the privileged role of economic classes. Accepted within the Gramscian understanding is the emphasis on 'the contingent articulation of social forces and political tasks' and also that the 'articulation of collective wills takes place at the level of democratic polities' (Torfing, 1999, pp.108-9).

¹² Laclau, 1990, p.29

¹³ Ibid. p.50

authorized use of force'¹⁴ for it shows the area where according to the political regime, force can be used legitimately (in a way that most would consider to be 'just'). This link between the force of 'enforceability' and law enables us to distinguish 'between law as authorized force' and 'violence as unauthorized force'.¹⁵ Accordingly use of force when enforcing the law can be considered as within the bounds of what is just.

Yet Derrida uses the German noun *Gewalt* to emphasise that, despite the casual acceptance that there is a clear distinction between authorised and unauthorised force to the extent they may be considered opposites, there remains a structural instability between them. In German, *Gewalt* is used to mean both violence, in the sense of unauthorised force, but also 'legitimate power, authority, public force',¹⁶ implying that this distinction is not so clear. This term arises in Derrida's deconstruction of Walter Benjamin's *Critique of Violence*, where Derrida assesses the relationship present therein between violence and the sphere of law or right.¹⁷ He draws on Benjamin's observations that in the traditions for thinking about law and right, there is a 'dogmatic' assumption that 'just ends can be attained by just means' which is not critically examined.¹⁸ Furthermore, Derrida observes that European law is inclined to prohibit violence not because of the threat it may pose to a specific law, but because it is a threat to the actual juridical order itself, for it seeks to break the existing order by which the state has a monopoly of force which can only be used for law enforcement. Thus Derrida asserts that law, and the state as represented by the law, have an interest in 'the monopoly of violence',¹⁹ since any other act of violence is 'unauthorised' and as such is a challenge to the existing regime. This suggests that any conception of justice that succeeds to dominance will always be the outcome of a power struggle.

¹⁴ Borradori, 2003, p.164

¹⁵ Ibid.

¹⁶ Derrida, 1992, p.6

¹⁷ It is useful to clarify here what Derrida means by violence. He is not referring to the violence we may recognise in such events as an earthquake or other natural event, which, when referred to as violent, shows a figurative use of the term, without the ability to 'give rise to a judgement, before some instrument of justice'. Instead, Derrida's understanding of violence is as a concept that 'belongs to the symbolic order of law, politics and morals,' since it is 'only to this extent that it can give rise to a critique' such as that embarked upon by Benjamin (Derrida, 1992, p.31).

¹⁸ Derrida, 1992, p.32

¹⁹ Ibid. p.33

Derrida asserts that the ‘law-making force’ referred to by Benjamin, where it means ‘the act of founding a new system of law’ (or *droit*) could not possibly be effected within existing legal boundaries because any foundation of a ‘new system of law would occur in the absence of any legal parameters’ since it would exceed the limits of the already existing law, which would subsequently become obsolete. This means that the act of founding a new system of law must be ‘lawless’ as ‘law retains the monopoly of both authorized and unauthorized force’.²⁰ Consequently, Derrida explains that ‘even the most amicable inauguration of a new legal order happens over and beyond the distinction between authorized and unauthorized use of force’;²¹ thereby demonstrating that he understands justice as ‘inherently aporetic’ since it incorporates contradictory demands that we both attend to the specific details of a particular case, whilst at the same time, treating all cases equally because they are seen to be equal in the eyes of the universal law.²²

It is important to emphasise that Derrida distinguishes between exceeding the contemporaneously existing boundaries of legality, which is what happens in this case of the foundation of a new system of law; and offending the boundaries of legality, which would simply mean a case of breaking the law. It is this distinction that enables him to argue that any new revolutionary movement would be ‘fundamentally uninterpretable and undecipherable’ because the required legitimacy of a legal order could not be obtained except after the event, because the revolutionary movement would need to then establish the new system of law and a system of enforcement. As a consequence, Derrida asserts that ‘the moral justification of law, namely, justice, is always *à venir*, to come.’²³

Furthermore, Derrida suggests that although justice enables the law, the law prevents ‘true’ justice, for it is exercised through a decision, and any decision, by its very nature must divide, for it must come down between the options available. By coming from justice, which is impossible to realise, it seeks to make that which is possible, but in making such a decision it performs a violence which will always exclude. However, Derrida asserts that the undecidable, the moment before the decision is

²⁰ Borradori, 2003, p.165

²¹ Ibid.

²² Patton. 2007, p.770

²³ Borradori, 2003, p.166

made, will remain as a spectre, to haunt every decision, to challenge and deconstruct the justice of the decision's certitude, and reveal that it is a decision for which one must take responsibility, rather than a preordained, natural fact. This haunting means that there is always going to be scope for another revision of justice in justice *à venir*.²⁴

We see therefore that Derrida's thought challenges the Rawlsian schema of founding a democratic society upon a basic structure. Although Rawls does not attend to such a possibility, Derrida's conception of justice *à venir* makes it possible to conceive of our actions beyond the legal/illegal opposition, hence prompting us to ask whether an act which is considered to be illegal, should instead be considered as an attempt to establish a foundation for a new system of law. This leads us to question whether our current opposition between authorised and unauthorised force, and the conception of acts as legitimate and illegitimate, which operates as an assumption in Rawls' work, actually prevents the emergence of a challenge to our contemporary order, even if it may be one that would bring about a situation of greater justice, understood in the ideal sense. If we are to acknowledge that our contemporary position, and indeed, that of Rawls, is therefore restrictive, we need to leave room 'for something located somewhere beyond politics and law, cosmopolitanism and world citizenry'.²⁵ Although, the quality of what this 'something' would be is never clearly specified, but merely used to show 'the condition of possibility for what politics and law articulate',²⁶ Derrida uses it to demonstrate that justice 'stands beyond the boundaries of politics as its inexhaustible demand',²⁷ such that it can never in practice, be completely enshrined in a conception upon which a society is based. Hence, for Derrida, the Rawlsian political order needs to become aware of its founding violence, which can contra Rawls' intentions, lead to suppression of voice and thereby a situation of injustice, rather than justice.

²⁴ It is important to see that Derrida is not denying that a decision must be made, in order to practice the law, for although he invokes Kierkegaard, saying that 'every decision is a madness' (Derrida, 1990, p.967) he admits a need for this madness. He is simply trying to draw our attention to the contingency of that decision, that we may avoid the temptation to become too attached to that decision, by recognising that every decision is *questionable*. This would enable an element of revisability at all levels of the law in order to admit mistakes and make improvements for greater justice in the future,

²⁵ Borradori, 2003, p.163

²⁶ Ibid.

²⁷ Ibid. p.164

For Jacques Rancière, this assertion of a new *droit* is politics.²⁸ Politics is the assertion of a new set of norms of equality against a set of already embedded norms of equality. For Rancière equality is not something that we can presuppose from state institutions. Instead any statement of equality will always be a ‘one-off performance’ because the very moment that equality ‘aspires to a place in the social or state organization’ it will turn into the opposite²⁹: in being institutionalised it becomes particular to one dominant party. Rancière argues that this problem is rarely acknowledged because the concept of politics is itself misunderstood within contemporary societies, where politics is usually understood to refer to:

‘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 legitimising this distribution.’³⁰

In contrast he proposes that these procedures, organisation of power and distributive mechanisms should instead be referred to as ‘police’.³¹

It is important to recognise that Rancière is not using this term in a negative sense, to refer to what we understand police to mean in contemporary societies. Instead he follows Foucault’s understanding of the term, which in the seventeenth and eighteenth centuries ‘covered everything relating to man and his happiness’; thus he explains that ‘the petty police is just a particular form of a more general order that arranges the tangible reality in which bodies are distributed in community.’³² Using this alternative definition, Rancière posits that ‘policing is not so much the “disciplining” of bodies as a rule governing their appearing, a configuration of occupations and the properties of the spaces where these occupations are distributed.’³³ Hence we see that Rancière’s police refers to what Laclau and Mouffe would term the structure of a particular hegemonic configuration.

Hence, for post-structuralists, Rawls’ overlapping consensus is impossible. Instead, they argue that political liberalism can only ever establish a particular, contingent,

²⁸ Often left untranslated as *la politique* to distinguish from the more common conceptions of politics.

²⁹ Rancière, 1999, p.34

³⁰ Ibid. p.28

³¹ Again, this is sometimes left untranslated as *la police* to distinguish between Rancière’s usage and the more common understanding of the institution of police.

³² Rancière, 1999, p.28

³³ Ibid. p.29

hegemonic police order, which, however benign its founding ideals, will necessarily be constructed via a founding violence, thereby excluding alternatives.

An overlapping consensus is undesirable

Subsequently, post-structuralists argue that a Rawlsian overlapping consensus would be undesirable, as it would lead to the continuation of suffering through the way in which it suppresses difference and misconceives politics. To begin with they assert that the plurality of modes of life and beliefs that exist in contemporary democracies result in deep and meaningful disagreement which cannot be reconciled through an overlapping consensus, but merely stifled.

Amongst post-structuralists, agonistic theorists assert that it is the tension between the unifying notion of a singular political scheme and the conflict and division of pluralism that form the underlying paradox of liberal democracy. This tension is what makes pluralism “constitutive at the conceptual level”,³⁴ in that pluralism is what in part constitutes liberal democracy. Despite this however, too much pluralism would threaten it. Indeed, Connolly traces the resurgence of pluralism³⁵ on the political agenda, as due to a series of contingent developments, including the collapse of communism, and the emergence of a post-Marxist left wing project; the increased flows of populations, finance and trade, as well as military, technical, and transport developments, associated with globalisation; ecological changes; increased disease transmission; all ‘accentuating the experience of contingency, porosity, and uncertainty in new territorial boundaries and national identities’; along with eruption of multiple new positive claims to identity based on gender, sexuality, nationality, class, religion.³⁶ He notes how these developments meet angry responses, most notably those from fundamentalisms which seem increasingly virulent in examples of ‘ethnic cleansing, enforced heterosexuality; racialization of crime and punishment; redogmatizations of divinity, nature, and reason; and intensification of state border patrols’.³⁷ Noting that liberal pluralism operates comparably to other fundamentalisms such as those of Christianity, Judaism, and Islam, he locates the workings of fundamentalism as situated within the Western political matrix, with its

³⁴ Fossen, 2008, p.379

³⁵ Where politics is understood by Connolly as ‘a diverse, tolerant form of life’.

³⁶ Connolly, 1995, p.xi

³⁷ Ibid. p.xii

accompanying conceptions of liberalism, pluralism and democracy. This is because, despite its aforementioned commitment to pluralism, the way that liberal democratic pluralism operates is to actually fix political identities within certain boundaries, such as the territorial nation state, the normal individual, and a monotheistic, or a monosecular conception of morality.³⁸ Hence Connolly finds it necessary to distinguish between pluralisation, which is openness to increasing pluralism; and pluralism, as a legitimated fixed plurality. This enables him to argue that liberal democracy is not truly open to pluralisation, for inside the boundaries set up by liberal pluralism, there prevail ‘a set of general presumptions about the terms of national security, the basis of gender difference, the normality of heterosexuality, the source and scope of rights, the monotheistic or monosecularist basis of morality, the shape of the economy, and the generic character of justice, reason, identity and nature’.³⁹ As such, within liberal democracies ‘social pluralism’ is viewed as ‘an achievement to be protected’ whereas ‘the eruption of new drives to pluralization are often represented as perils to this achievement’.⁴⁰

In contrast, the agonistic understanding of the political is the coming together of human relations in a particular ensemble in the social structure in an attempt to construct the world.⁴¹ Hence the ‘fact of pluralism’ that Rawls refers to as the ‘consequence which arises due to the acceptance of the principle of toleration’ could instead be understood to express a ‘symbolic mutation’ where increasingly plural societies have come about through contingent events, which themselves need to be attended to.⁴² Due to the post-structuralists’ awareness of ever-present hegemonic relations in any society, they assert that is necessary to look deeper than Rawls, to the hegemonic forces that are dominant in order to understand the causes of opportunities and restrictions on pluralism in society.

For post-structuralists, the mistaken view of pluralism has led to an inability to confront contemporary political problems as although we are seen to live ‘in a world in which there are indeed many perspectives and values’ so that due to ‘empirical

³⁸ Ibid. p.xiii This argument will be addressed in more detail in the next section.

³⁹ Ibid. p.xiv

⁴⁰ Ibid.

⁴¹ Mouffe, 1993, p.51. *citing* Barthes, 1957, p.230

⁴² Mouffe, 1993, p.51

limitations, we will never be able to adopt them all', liberal thinkers such as Rawls believe that we will be able to take them together to 'constitute an harmonious and non-conflictual ensemble'.⁴³ Thus although Rawls is intent to honour the 'plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral' that, in his view, are 'a basic feature of democracy' since they are a 'normal result of its culture of free institutions',⁴⁴ post-structuralist theorists recognise that pluralism is indeed constitutive of politics in the modern age, yet argue that this makes fundamental disagreement crucial to politics.

Post-structuralists assert that social relations are always a potential source of antagonism, for to create any society demarcated by the term 'we' it is necessary to distinguish a 'them' as referring to those whom this 'we' does not include. Thus, the possibility will always exist that the 'we/ them relation' could turn into a friend/enemy relation. Like Connolly, Mouffe believes that this happens when the 'other', who until then, may have simply been considered as different, begins to be perceived as actually negating our identity, and thus as putting into question our actual existence. From then on, any type of we/ them relation, 'be it religious, ethnic, national, economic or other' becomes the site of a political antagonism'.⁴⁵ She asserts that we must realise that the liberal attempt to restrict the political 'to a certain type of institution' or see it as simply 'constituting a specific sphere or level of society' needs to be replaced with a conception of the political as 'a dimension that is inherent to every human society and that determines our very ontological condition'.⁴⁶ In conceptualising such an agonistic conception of politics, post-structuralist thinkers demonstrate that a society based on a Rawlsian overlapping consensus is not the only stable way to conceive of a political community. They argue that Rawls is mistaken to believe that 'disagreement about the character of the political and of justice threatens the basic fabric of society as a fair scheme of co-operation between citizens'.⁴⁷ Instead they posit the potential of an agonistic community, defined by Owen as a community 'in which our common political identities are tied to a process of argumentation (including the contestation of the criteria of argumentation) about the domain of the political and the character of

⁴³ Mouffe, 2005, p.10

⁴⁴ Rawls, 2002, p.131

⁴⁵ Mouffe, 1993, pp.2-3 and Mouffe, 2005, p.15

⁴⁶ Mouffe, 1993, p.3

⁴⁷ Owen, 1995, p.156

justice (wherein the content and form of argument are bounded, at least partially, by our political history)'.⁴⁸

This view of society as constituted by disagreement is influenced by the post-structuralist conception of identity. Instead of Rawls' shallow conception of the person, which does not attend to the way individuals form views and conceptions of the good in relation to society and the social forces surrounding them,⁴⁹ post-structuralists prefer to conceptualise subjectivity in a more fluid manner as constituted by difference⁵⁰ which not only changes over time but also in response to the formulation and reformulation of other identities. The way difference constitutes identity means identities are understood to be formed firstly, in response to difference 'not merely between different identities but within them as well' whilst simultaneously in a social context, where 'the individual or group is immersed in a context of discourses that structure the development of identities'.⁵¹ Hence post-structuralists assert that 'identities are not fixed and given; they are contingent, malleable constructs in a context of power relations.'⁵²

Connolly argues that there is a false identity/difference duality in contemporary liberal political thought that leads to a problematic notion of the political. This argument is based on the understanding of identity as relational, with reference to a series of socially recognised differences which are essential to the existence of a specific identity, for without them, the identity would not exist as a distinct entity. According to the belief that 'the identity of the subject is only given in relation to the structure' Connolly explains that another 'set of tendencies' work to fix identities into certain forms, which are then believed to reflect the true nature of things, rather than being recognised as contingent and changeable. However, for an identity to be fixed in such a way, the significance of these differences must increase so as to be seen as 'otherness' instead of merely insignificant different tendencies, thereby securing the self-certainty of the identity.

⁴⁸ Ibid. p.157

⁴⁹ This persists despite acknowledgement that such views and conceptions may well change over time (see Rawls' explanation of the political conception of the person, 1993, lec. 1, §5).

⁵⁰ Connolly, 1991, p.64

⁵¹ Connolly, 1991, p.64 or Fossen, 2008, p.382 *citing* Mouffe, 1995, p.33

⁵² Fossen, 2008, p.382 *citing* Mouffe, 1995, p.33

So how does this happen? The ‘set of tendencies’ which gets hegemonically fixed, are ‘overdetermined’ due to the static nature of ‘language, psychic instabilities in the human mode of being, and social pressures’ which focus energy to enable collective action by fixing the ‘truth’ of an identity in something seen to be beyond dispute, such as ‘the commands of a god or the dictates of nature or the requirements of reason or a free consensus’.⁵³ Moreover, Connolly argues that evil has long been associated with difference in the Western, Christian tradition. This has now passed into the secular tradition, so that although the roots of evil cannot be located in God, nor in oneself as a follower of the correct path, they end up being located in those who do not follow such a path, those who are different. Therefore Connolly worries that an identity will seek to show itself as ‘intrinsically good, coherent, complete or rational’ and at the same time will entrench its protection from the other, which were it seen simply as different but not evil, could challenge the truth of the established identity, thereby unravelling the security and power of the identity.⁵⁴ This means that there is an inherent danger with any powerful identity, for it will necessarily try to construe a set of differences not just as ‘the other’ but as ‘intrinsically evil, irrational, abnormal, mad, sick, primitive, monstrous, dangerous, or anarchical’.⁵⁵ The dangerous results of this are not conceptualised in political liberalism, as the Rawlsian understanding of identity as fixed, screens the problem from view.

For Laclau, this ‘fixing’ is seen as the outcome of a power struggle whereby ‘the structure is dislocated by an event which cannot be domesticated by the structure’, such that the structure cannot be understood as a fully constituted whole and also preventing ‘the subject from being determined by the structure.’⁵⁶ Yet this is not to say that the subject ‘is characterized by a complete lack of structural identity’, instead, it simply implies that the subject ‘has a failed structural identity’⁵⁷ which will then attempt to be rebuilt in another way. Consequently, Laclau, like Connolly, recognises that the subject ‘is thus partially self-determined in the sense that it constitutes the locus of a decision that is not determined by the structure, which is always already

⁵³ Connolly, 1991, p.65

⁵⁴ Ibid. pp.65-6

⁵⁵ Ibid. p.65

⁵⁶ Torfing, 1999, p.149

⁵⁷ Ibid.

dislocated',⁵⁸ or in other words is characterised by a constitutive lack which seeks to be filled.

Rawls however, fails to attend to the way in which persons form and change their identities, such that Connolly accuses him of wanting 'to freeze the liberal conception of the person and the secular conception of public space today while everything else in and around the culture undergoes change'.⁵⁹ Connolly says that this comes about because, as was shown in the introduction, Rawls believes that a reasonable attitude could prevail in his ideal society so does not delve deeper in order to discover how or where such an attitude comes from.⁶⁰ Despite clarifying what he meant by reasonableness, such that we now know that 'justice as fairness cannot be derived from the calculations of rational agents' since 'the outcomes of rational calculations depend upon the premises adopted' and 'self-interest, for instance, does not serve as a sufficient basis for justice',⁶¹ it still seems that Rawls has not addressed the motivating concern for this criticism, since Connolly points out that he still fails to specify what else would be needed to bring about a conception of justice. Instead Rawls simply falls back on his belief that 'agents of justice are "reasonable" people',⁶² failing to satisfactorily identify how reasonableness can be attained, and the logic on which it is grounded, simply saying 'that disposition comes from a fortunate cultural tradition that already embodies it'.⁶³ Thus Connolly argues that Rawls needs to clarify to what extent he believes it is possible to rely upon people to be reasonable, and to acknowledge the possible extent to which people may be motivated to slip out of being reasonable enough to remain aware of 'what their conduct in other domains "implicitly" presumes'⁶⁴ which would allow them to behave in ways not foreseen by Rawls. This is unsatisfactory for agonistic theorists, since it reveals that reasonableness 'is nested within cultural practices never entirely reducible to a logic or rationality', for it can only find 'grounds in itself if and when it is already widely

⁵⁸ Ibid.

⁵⁹ Connolly, 1999, p.65

⁶⁰ See introduction, p.15.

⁶¹ This refers to a debate where Rawls' *A Theory of Justice* implied that reasonable individuals were to act rationally, which has been denied and clarified by Rawls in later work (Connolly, 1999, p.64). It is important to note that despite this, Mouffe still sees that 'political actors are only driven by what they see as their rational self-advantage' (Mouffe, 2000, p.30).

⁶² Connolly, 1999, p.64

⁶³ Ibid.

⁶⁴ Ibid. pp.64-5

shared in a cultural tradition'.⁶⁵ This unseen reliance on a background culture has two unforeseen consequences. Firstly, since the dominant culture's form of life is often sedimented or naturalised as the norm, those who deviate from such a norm will find that their rights are protected, but there is no provision to ensure that they are actually respected.⁶⁶ Secondly, when such a tradition is 'deeply conflictual, or weak, or active in some domains and absent in others' there is nothing for Rawlsians to appeal to in order to ground this reasonableness.⁶⁷ Hence we see that the requirement of reasonableness actually works to embed the dominant culture, rather than to increase justice.

Consequently, Rawls' aforementioned unwillingness to examine how identities change and develop leads to Connolly's accusation that he 'seeks a fixed conception of persons appropriate to justice as an internal practice, dependent only on the (supposedly modest) externality of cultural reasonableness'.⁶⁸ Although Connolly acknowledges the Rawlsian claim that 'a thin conception of the person allows concrete persons to develop rich, individual selves' he points out that the formal nature by which Rawls grants this permission 'obscures how dense cultural differentiations and hierarchical rankings of types of self (identities) always precede and shape the practice of justice'.⁶⁹ He thereby manages to deflect ethical concern away from that which may already be within, but which is 'marginal to, and excluded from personhood before justice as fairness appears in the scene' serving to remove the way that identities can develop over time, from the Rawlsian schema.⁷⁰ This results in taking away from justice the possibility for identities to develop and change, because for Rawls 'Persons just are'.⁷¹ Instead Connolly suggests that Rawls should note how these identities may change, thus requiring a continual ability to review the fundamental political set-up.

In addition, Connolly notes the paradox inherent in the identity/difference perspective, which he names 'the paradox of difference'. This refers to the difficulty whereby 'if

⁶⁵ Connolly, 1999, p.64

⁶⁶ Honig, 1993a, p.130

⁶⁷ Connolly, 1999, p.64

⁶⁸ Ibid. p.65

⁶⁹ Ibid.

⁷⁰ Ibid. pp.65-6

⁷¹ Ibid., p.66

there is no true identity, the attempt to establish one as if it were true involves power, while if there is a true identity susceptible to realization, the attempt to pluralize and politicize identities militates against achievement of the highest good,⁷² meaning that if Rawls wants to attend to the pluralism in society, then he needs to acknowledge the power relations that underlie his theory. Connolly's own examination of these power relations whereby liberalism is the dominant mode of thought reveals that Rawlsian liberalism is actually part of the liberal democratic hegemonic order, which in the absence of religious faith, seeks to found itself on a faith in reason, rather than overcome the divisiveness and oppression experienced in religious societies. This simply places the tools of oppression into new hands.

To make this argument, Connolly draws on Nietzsche and Foucault to assert that the life of human beings is characterised by faith, but now that faith in God is no longer recognised as authoritative, they seek other grounds, instead of finding themselves able to overcome a need for faith. This quest however, due to the disavowing of Christian and religious thought in public life, goes unacknowledged in much contemporary Western secular political thought,⁷³ however, its presence helps to create resentment, in liberal political thought, since according to Nietzsche, the modern self contains resentment which arises due to the attitude rooted in Christian belief to find either a purpose for the suffering in the world, and the fact of human finitude; or an agent that can be deemed responsible for this. This attitude continues beyond the appeal of Christian doctrine, since faith is intrinsic to being, indeed Connolly asserts in his later work, *Pluralism*, that simply 'to be human is to be inhabited by existential faith'.⁷⁴ However the object in which that faith is rooted, is changeable. Connolly identifies a Christian belief that it is necessary that 'for every evil there must be a responsible agent who deserves to be punished' and also 'for every quotient of evil in the world there must be a corollary quotient of assignable responsibility', and argues that this is what led to the resentment of the self, due to our having to endure 'the transiency, suffering, and uncertainty of redemption that mark the human condition'; as a consequence of which we desire meaning for this

⁷² ibid. p.66

⁷³ within which Connolly later explains, it is not seen how 'the autonomy of public reason (or whichever surrogate for it is adopted), underplay the layering of faith into bodies and institutions, and discount the extent to which the concepts of free will, punishment, and public morality that they deploy express the history of the Christendom in which they participate' (Connolly, 2005, p.28)

⁷⁴ ibid. p.26

existence, and when the belief in God has lost its credibility, ‘the belief that we are rational, responsible agents comes into its own’.⁷⁵ Thus in contemporary theory and practice, Rawlsian liberalism included, we see again the transferral of faith in God, to faith in reason.

Yet Connolly points out that if the object of faith is now reason, then the logical conclusion is that we ourselves must be to blame for suffering. This conclusion has two effects: the first is that ‘the modern, normal, responsible individual can redirect resentment against the human condition into the self...by treating the rational, self-interested, free, and principled individual as morally responsible for wilful derivations from normal identity’; whilst the second is that ‘by treating that in itself and other selves which falls below the threshold of responsibility as a natural defect in need of conquest or conversion, punishment or love’.⁷⁶ This is the fate of the other, the bearer of difference.

As an example of this fate Connolly argues that liberal texts set up a notion of a ‘normal’ individual, into whose identity they ‘insinuate a dense set of standards, conventions and expectations’ simply by ‘failing to identify or contest a constellation of normal/abnormal dualities already inscribed in the culture they idealise’.⁷⁷ He cites an example of how there was an American debate in the 1950s concerning whether “homosexuality” was ‘a moral fault’ or ‘a personal sickness’, without any consideration of the way that because both sides already considered homosexuality to be a defect, they were protecting the ‘self-certainty’ of the heterosexual identity. He thereby explains how liberal individualism’s model of the ‘normal or rational individual self against which the conduct and interior of each actual self are to be appraised’ provides the basis for the development within liberal political thought of ‘a theory of rights, justice, responsibility, freedom, obligation, and legitimate interests’.⁷⁸ Yet Connolly points out how this contains a tendency to equate the political with the juridical. This leads to a condensing of political issues into juridical categories, such as those of rights, justice, obligation, and responsibility and thereby the political issues lose their own distinctive nature. It also means that remaining

⁷⁵ Connolly, 1991, pp.78-9

⁷⁶ ibid. p.80

⁷⁷ ibid. p.74

⁷⁸ ibid.

issues are seen simply as instrumental, whereby individuals and aggregations compete according to juridical rules to put forward their own interests in a purely rational way. This removes the fuller nature of both the issue, but also of the individual, or group in whose name it is disputed, and thereby indicates that to take such an attitude towards the political squashes and re-configures it in such a way that may destroy the original nature of the issue entirely.⁷⁹

Consequently we see that post-structuralist thinkers assert that Rawlsian liberalism is based on an insufficiently complex conception of the person. This leads to an inability to be attentive to the way that changing identities interact, and the possibility of political transformations over time. This could lead to the exclusion of groups of people without any possibility for their recognition. For example, Connolly cites Rawls' attempt to show that slavery would not be allowed under political liberalism due to the simple fact that it is unjust to treat other people in such a way.⁸⁰ However, Connolly points out that to some exponents of slavery, slaves were not recognised to be people, and as such they could have legitimately defended slavery within a political liberal society. Indeed, since Rawls does not realise how his work is still not open to the politicization of new claims to justice, nor does he acknowledge how in recognising a new claim of identity, this will affect and transform the pre-existing identities, since it will evoke new relationships which will affect this identity too.⁸¹ Such a development presents a challenge to Rawls who has not succeeded in freeing his theory from the Western Christian tradition Connolly identified. As a consequence, Rawls' work is unable to see that the removal of specified doctrines will not remove injustice from such societies, since it will continue to see difference as a problem to be suppressed. Furthermore, it reveals a need for Rawls to recognise that disagreement over identities and beliefs can occur 'all the way down', which would therefore require revisions to the very conception of justice on which the basic structure of Rawlsian liberalism is founded.⁸²

⁷⁹ Connolly, 1991, p.74

⁸⁰ Rawls, 1993, p.122 in Connolly, 1999, pp.66-7

⁸¹ Connolly, 1999, p.68

⁸² In *Why I am not a secularist*, Connolly wants to make it clear however, that he is not rubbishing Rawlsian thought, but simply that he wants Rawlsians to '*cultivate a bivalent ethical sensibility responsive to both the indispensability of justice and the radical insufficiency of justice to itself*' (Connolly, 1999. p.68).

Furthermore, this understanding of identity as constituted by difference and therefore contestable ‘all the way down’⁸³ entails an understanding that politics is better characterised by antagonism or difference, rather than consensus.⁸⁴ Laclau and Mouffe argue that the unfixity of identity entails that meanings about the world and our place in it are ‘inherently unstable’ because ‘meanings in language itself [are] unstable’ due to their relational nature, with no ‘fixed meaning-giving ‘centre’’.⁸⁵ Instead, we construct meanings through various hegemonic configurations. By privileging certain meanings over others, some individuals and institutions are legitimised whilst others are unacknowledged or deemed illegitimate. Hence, all social relations (not just identity) are political relations, ‘and the secret of successful hegemonic operation was to normalise or “naturalise” these contingently constituted relations’.⁸⁶

Another helpful way to describe this type of relation is decontestation, as elucidated by Aletta J. Norval. She explains that this is when ‘in seeking to maximise determinacy’ of a concept the aim is to ‘convert’ the infinite amount of possible options’ into one certain term, through what is a ‘political decision’ due to the fact that it is the result of a hegemonic struggle.⁸⁷ The crucial point being, that ‘this can never be fully accomplished, since competing ideologies are struggles over the socially legitimised meaning of political concepts’.⁸⁸ Thus for Laclau and Mouffe, ‘hegemony involves a successful, though never fully attainable, decontestation’ and ‘the term ‘ideology’ designates these discourses which aim to establish such decontestation or ‘suture’’.⁸⁹ So an ideology is understood by Laclau and Mouffe as the attempt to ‘decontest central political concepts and relations of domination’.⁹⁰ This is in a bid to present a society⁹¹ as natural and a-historical, and therefore to avoid

⁸³ Waldron, 1999, p.295

⁸⁴ Since it is argued here that Laclau and Mouffe’s *HSS* prompted the post-structuralist political turn it is considered necessary to explicate their argument in some detail.

⁸⁵ Tormey and Townshend, 2006, p.91

⁸⁶ *Ibid.*

⁸⁷ Norval, 2000, p.325

⁸⁸ *Ibid.* (italics added)

⁸⁹ *Ibid.*

⁹⁰ *Ibid.* p.326

⁹¹ It is necessary here to note that Laclau and Mouffe’s understanding of society is different from two currently existing common assumptions: The first is ‘the identification of ‘society’ with an ensemble of *physically* existing agents who live within a given territory’; and the second is to attribute a ‘*rational totality*’ the character of an underlying principle of the social conceived as an *empirical totality*’ (Laclau and Mouffe, 2001, p.126).

the realisation that it is actually yet another contingent formulation that has been contingently created, and so could equally be overwritten or destroyed. Laclau and Mouffe recognise however that this, and any other, attempt will fail since the relational nature of meanings results in shifts that subvert the ideology and prevent it from ever being completely totalising.

The concept of hegemony that arises here is based on the idea of articulation which refers to the way in which an identity is modified. Articulation arises within discourse, whereby different ‘elements’ (or ‘floating signifiers’) are turned into ‘moments’ within a discursive totality whose identities thereby become ‘modified’.⁹² This approach requires us to acknowledge that ‘all meanings about the ‘external’ world were discursively constructed, so that physical events, such as earthquakes, have no meaning outside language’.⁹³ This does not of course mean that they do not happen unless expressed in discourse; simply that we only understand them through the meanings that they are given within discourse. For example an earthquake may be described today in terms of points on the Richter scale, as opposed to the anger of the gods.

Laclau and Mouffe specify the movement that is inherent within the concept of articulation and therefore opposes the notion of a static society as follows:

‘the transition from ‘elements’ to ‘moments’ can never be complete. The status of the ‘elements’ is that of floating signifiers, incapable of being wholly articulated to a discursive chain. And this floating character finally penetrates every discursive (ie. social) identity. But if we accept the non-complete character of all discursive fixation and, at the same time, affirm the relational character of every identity, the ambiguous character of the signifier, its non-fixation to any signified, can only exist insofar as there is a proliferation of signifieds. It is not the poverty of signifieds but, on the contrary, polysemy that disarticulates a discursive structure. That is what establishes the overdetermined, symbolic dimension of every social identity. Society never

⁹² Tormey and Townshend, 2006, p.95 citing Laclau and Mouffe, 2001, p.105

⁹³ Tormey and Townshend, 2006, p.95

manages to be identical to itself, as every nodal point is constituted within an intertextuality that overflows it.⁹⁴

They therefore summarise that the articulatory practice involves constructing these nodal points, which can only ever fix meaning partially due to this openness of the social, which arises because discourse always overflows because of the infinite possibilities which abound in the field of discursivity.⁹⁵

It is for this reason that ‘the moment of closure of a discursive totality, which is not given at the “objective” level of that totality, cannot be established at the level of a “meaning-giving subject”, since the subjectivity of the agent is perpetrated by the same precariousness and absence of suture apparent at any other point of the discursive totality of which it is a part.’⁹⁶ As a result this closure can never be totally achieved, yet that does not mean that it fails to be attempted, as is shown by the terms “Objectivism” and “subjectivism”; “holism” and “individualism” which are seen by Laclau and Mouffe as ‘symmetrical expressions of the desire for a fullness that is permanently deferred’.⁹⁷ Because of the impossibility then, of a ‘final suture’, of any of these subject positions ever being constituted as truly separate, there results among them, what Laclau and Mouffe call a ‘game of overdetermination’ which makes apparent the horizon of their being constituted as separate, and as such, this game ‘makes hegemonic articulation possible’⁹⁸ as it enables the interplay between different discourses, all attempting to take control. They explain that there are some ‘experiences’ or discursive forms, in which what is manifested is no longer the continuous deferral of the ‘transcendental signified’, but ‘the very vanity of this deferring, the final impossibility of any stable difference and thus, of any ‘objectivity’’.⁹⁹ This can perhaps be conceived of as the moment when the game breaks down, and a rupture occurs. This manifestation they label antagonism.¹⁰⁰

Thus antagonism is seen to come from within the social but at the same time constitutes its limits, for it reveals that it is not wholly in control. So despite appearing

⁹⁴ Laclau and Mouffe, 2001, p.113

⁹⁵ Ibid.

⁹⁶ Ibid. pp.121

⁹⁷ Ibid.

⁹⁸ Ibid. pp.121-2

⁹⁹ Ibid. p.122

¹⁰⁰ Ibid.

to come from the social, actually subverts and destroys its aim to become a full, total presence.¹⁰¹ Indeed, Laclau and Mouffe argue that ‘far from being an objective relation’ antagonism is actually ‘a relation wherein the limits of every objectivity are shown’¹⁰² since it is in antagonism that the ability to defer to another meaning that constitutes an identity breaks down. Seen through the light of Laclau and Mouffe’s belief that ‘the social only exists as a partial effort for constructing society – that is, an objective and closed system of differences – antagonism, as a witness of the impossibility of a final suture, is the “experience” of the limit of the social’,¹⁰³ since ‘antagonisms are not internal but external to society’,¹⁰⁴ for they show what is missing or inconceivable within that society, even though they originally emerged from within that society.

This has been developed by Laclau following Žižek’s critique of the concept as it was presented in HSS.¹⁰⁵ He now suggests that ‘social antagonism should no longer be held responsible for the impossibility of society, but rather be seen as the discursive response to the dislocation of the social order’ and thus it is defined ‘in terms of the presence of the constitutive outside’ which is able to at once constitute, and yet deny, the identity of the inside.¹⁰⁶ As such it is ‘the limit of all objectivity’.¹⁰⁷ This enables social antagonism to jeopardise the ability of the dominant social order to sustain this order, since it disrupts the ability of myths and social imaginaries to reconcile the social in the face of structural dislocation coming about via challenge from those forces which operate outside the order (the excluded, exploited other). This is done by confronting the discursive structure of such myths and imaginaries with ‘undomesticable events’, by which we refer to events ‘which can neither be symbolized by the discursive formation nor inscribed at the level of the imaginary’.¹⁰⁸

Consequently, Laclau moves from considering social antagonism as ‘dislocation’ to a consideration of it as ‘a discursive response to dislocation, since a ‘severe dislocation

¹⁰¹ Ibid. p.127

¹⁰² Ibid. p.125

¹⁰³ Ibid.

¹⁰⁴ Ibid. p.126

¹⁰⁵ Žižek, 1990

¹⁰⁶ Torfing, 1999, p.129 *citing* Laclau, 1990, p.17

¹⁰⁷ Laclau, 1990, p.17

¹⁰⁸ Torfing, 1999, pp.129-30

will not automatically be responded to by the construction of social antagonism – that is, by detecting a cause of the dislocation that can serve as an enemy'.¹⁰⁹ Yet this emphasis 'on the stabilizing function of social antagonism should not allow us to forget that social antagonism is also a source of dislocation', and as such it has been commented that it is a 'double edged sword' both constituting and sustaining each social identity through presenting a threat to that very identity,¹¹⁰ thus maintaining the permanent momentum of social transition.

Hence post-structuralists abandon any assumption that society exists as a 'sutured and self-defined totality'.¹¹¹ Instead, it is the domain of 'sedimented practices', practices whose contingent roots are hidden, and so are therefore believed to be natural occurrences. This means that even if some social practices may be questioned on an individual basis, all social practices could never be put into question at the same time. This prevents us from seeing that it has no essence and is instead an 'overdetermined and precarious unity', neither totally there, in a complete form, nor totally absent 'not totally possible, nor impossible'.¹¹²

This understanding of society as the result of 'discursive, articulatory practices' and 'traversed by antagonism',¹¹³ means that there is a multiplicity of potential antagonisms which could arise in the social, many of them opposed to each other. Hence 'the chains of equivalence will vary radically according to which antagonism is involved; and that they may affect and penetrate, in a contradictory way, the identity of the subject itself'.¹¹⁴ Consequently, post-structuralists assert that 'every order is political and based on some form of exclusion'.¹¹⁵

These ideas overturn Rawls' assumption that society is a fixed and neutral totality formed of persons with fixed identities, which led him to understand politics in the limited and consequently power-blind way presented in *Political Liberalism*. Once we appreciate the fact that politics is instead marked by antagonism, we can see that

¹⁰⁹ Ibid. p.131

¹¹⁰ Ibid.

¹¹¹ Laclau and Mouffe, 2001, p.129

¹¹² Ibid.

¹¹³ Norval, 2000. p.328

¹¹⁴ Laclau and Mouffe, 2001, p.131

¹¹⁵ Mouffe, 2005, pp.18-19

Rawls' 'original position' aims to stifle disagreement, and therefore does not transcend politics as much as seek to establish a hegemonic order.

This argument is clarified through recourse to Rancière's contention that the misconception of politics found in Rawls' work is common to western political thought. In contrast, he defines an alternative conception of politics as 'an extremely determined activity antagonistic to policing.'¹¹⁶ For Rancière, politics is whatever goes against, or challenges the general order. It is a moment of antagonism, when the 'tangible configuration' is opposed by the emergence of a group whose identity is not recognised by the current political configuration, and whose claim to recognition cannot be accommodated without a change to that configuration.¹¹⁷ 'Political activity' is thus 'whatever shifts a body from the place assigned to it or changes a place's destination', and hence political activity is that which brings about change to the fundamental assumptions of the political system, it changes that way in which we respond to a claim for recognition, since it makes us recognise what a person is saying as salient rather than disregarding their speech as nonsense: 'it makes visible what had no business being seen, and makes heard a discourse where once there was only place for noise.'¹¹⁸ Thus, Rancière's notion of *la politique* is a challenge to the hegemonic configuration, and is in essence democratic since it appeals to the same principle of equality upon which the belief in democracy is based.¹¹⁹

Rancière observes that politics is 'a conflict over the existence of a common stage and over the existence and status of those present on it' so as to mean that parties put forward a claim about having suffered a wrong when they themselves become identifiable as a specific party (the party that suffered that particular wrong), such that they did not exist before the claim emerged.¹²⁰ Furthermore, their claim implies that this wrong is in common with the majority, since they put forward the claim to the majority, by which they imply it is the business of the majority as well as their own business. Thus Rancière explains that politics 'exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a

¹¹⁶ Rancière, 1999, p.29

¹¹⁷ Ibid. p.30

¹¹⁸ Ibid.

¹¹⁹ Deranty, 2003, p. 143

¹²⁰ Rancière, 1999, pp.26-7

community by the fact of placing in common a wrong that is nothing more than this very confrontation'.¹²¹

Building on the explanation of Connolly's work above, I wish to show here that although he constructs his argument differently he conceptualises politics similarly, as a challenge to the contemporary hegemonic order. Connolly's understanding of politics is built upon his prior identification of two problems with liberal pluralism which have contributed to the rise in fundamentalist politics which we face today. He believes that it firstly misrecognises the relation between a constellation of identities and differences; and then secondly misrecognises new possibilities by freezing moral standards of judgement condensed from past political struggles. So we see that the problem with liberalism is that it 'ahistorically hypostatizes already recognised social identities as the only legitimate ones, thereby pre-empting justice, understood through historical transformation of the terms of membership, power and value'.¹²² Instead of the liberal attempt to establish politics as public business of negotiation, Connolly, prefers a notion of politics, as the 'medium' through which the 'ambiguities' of human identity can be explored and challenged, 'engaged and confronted, shifted and stretched',¹²³ since this would allow the paradox of difference to be expressed instead of repressed. This echoes Rancière's understanding of politics as an act that brings about meaningful change against the power configurations of the hegemonic police order.

Consequently, Rawls' attempt to use a transcendent form of reason to construct a boundary around his conception of the political is simply reducing it permanently to a police structure. Throughout his project, Rawls fails to note how public reason could operate, not as the neutral principle that he supposes, but as a neutralising principle which could work against 'those who have not had the leisure to adopt it as the governing ideal of human conduct'.¹²⁴ This ideal of public reason, along with the principles of whichever conception of political justice is found satisfactory, are to be established prior to the operations of day-to-day politics. The boundaries of the worldview are established once and for all, to remove fundamental disagreements

¹²¹ Ibid. p.27

¹²² Blasius, 1997, p.716

¹²³ Connolly, 1991, p.94

¹²⁴ Wolin, 1996, p.102

from what will then be recognised as the political sphere. According to Rancièrean logic however, it seems that Rawls ends up removing the political from politics. This is dangerous and undesirable, since it would remove the potential for challenges to this system to be articulated. It would maintain the position of the socially dominant group, without the means for change. Thus, in Rawls' liberal political thought, the conceptual boundary created by a transcendent and static reason works to exclude alternative ways of thinking, speaking and being, from the liberal political realm. Thus political thought serves to restrict the political.

The founding wrong of politics, excluding some at the behest of others in the name of equality, goes unrecognised in Rawlsian thought. It cannot be remedied through negotiation in an original position, or through a reasonable debate according to reasonable rules, where a relationship between parties is seen to need adjustment. Instead the parties wronged are not even seen to exist prior to the wrong being declared. So we see that Rancière challenges Rawls, since he highlights the fact that any fundamental notion of equality must always exclude and thus requires a further challenge of reconfiguring a new and better equality. This reconfiguring comes about via the disagreement that arises through politics. Any attempt to suppress this disagreement will, as argued above and contrary to Rawls' work, enact an injustice through the establishment of a police order. This is simply a fact to be accepted according to Rancière, but exposes an underlying weakness within Rawlsian political liberalism.

Furthermore, Rawls' political liberalism is undesirable because it is based on a misconception of politics, which is itself a political move. To begin with, Rancière asserts that the contemporary dominant political model of neo-liberalism, found to dominate much US political practice today, is a form of what he refers to as metapolitics. This refers to the belief that 'the very idea of politics, is a gloss for injustices that are happening elsewhere. For metapolitics, the truth of politics lies elsewhere, outside or beyond politics...and...politics is the falsifier of the truth'.¹²⁵ This conceptual blur was firstly exhibited in Marxist analysis, where political relations between people are said to hide the fact that the real relations between them

¹²⁵ May, 2008, p.44

are economic and consist of those who are exploited and those who exploit. So in a simple example the ‘nominally democratic state’ conceals exploitation through ‘the ideology of individualism and human rights’ which makes people believe that they are equal without seeing that these mechanisms are failing to overcome the continuing exploitation and inequality caused by economic relations.¹²⁶ This belief in metapolitics is also found in neoliberalism since its belief in the end of politics is based on the idea that the old ideological (political) battle East/West, Communism/Capitalism, USSR/US, is over, and thus politics can be laid aside since ‘[t]he economic will attend to the needs formerly pressed in the political sphere’.¹²⁷

This misconception, apparent throughout political thought and practice, is interlinked with a second misconception apparent in Rawlsian thought. This is the misconception of the concept of democracy as a static and neutral juridico-political order. Instead post-structuralists argue that this conception is dangerous as it overlooks the inherent tensions within any political system caused by the dichotomy of inclusion/exclusion via borders, or threatened by those it includes, and such liberal democratic theory fails to confront and deal with these problems, that could lead to exclusion, continued suffering, resentment and violence. For example, Derrida argues that the tension between inclusion/exclusion renders impossible the realisation of democracy true to its founding ideals. Instead it continually threatens democracy’s existence with oligarchy or demagoguery, since those with greater access to state institutions will have more power than others, ensuring the existence of an elite group who rule.¹²⁸ However, Rancière observes that people often seek to avoid this reality and may therefore try to simplify the question of democracy to one of representative versus direct democracy. However, this is to miss the point, for despite the added issue that representative democracy has only recently become accepted as a form of democracy,¹²⁹ the problem lies deeper, for the essence of democracy is lost due to any entrenching of the public/private division which ensures oligarchic domination of state and society.¹³⁰ This is echoed by Derrida who recognises that actual democracy will always be flawed and so its future ‘is an impossible idea in part because the

¹²⁶ Ibid. p.45

¹²⁷ Ibid.

¹²⁸ Rancière and Lie, 2006, p.52

¹²⁹ Rancière points out that in the past representation was seen as the direct opposite of democracy (2006, p.53).

¹³⁰ Ibid., p.55

history of democratic thought is already riven by tensions and contradictions'.¹³¹ Hence regardless of the form of what is commonly referred to as democratic government, it will never be a democracy as such. Instead Rancière says that democracy simply means that 'the juridico-political forms of State constitutions and laws never rest upon one and the same logic',¹³² but embody this inherent tension. This appeals to an idea that the notion of democracy really refers to the fact that the logic at the base of constitutions and laws is transient, and not permanently fixed. Rancière continues to explain that what we commonly refer to as 'representative democracy' and 'what is more accurate to call the parliamentary system' should be understood to be 'a mixed form: a form of State functioning initially founded on the privilege of 'natural' elites and redirected little by little from its function by democratic struggle'.¹³³

Post-structuralist thought therefore reveals that democracy is not a 'juridico-political form'¹³⁴ although 'it is not indifferent to such forms' for, understood as 'the power of the people' it is instead always beneath and beyond these forms':¹³⁵ beneath because juridico-political forms would be unable to function without founding their power in 'the people' who do not themselves rule; but beyond because the juridico-political forms that embody this power are 'constantly reabsorbed, through the play itself of the governmental machine' through the 'logic of indistinction between public and private'.¹³⁶ The consequence of this is that the public/private distinction is never permanently fixed, and as such these spheres can be extended or retracted through political action.

This is supported by Mouffe who argues that the aforementioned symbolic mutations that together form the tendency towards increased democracy, mark 'the end of a hierarchical type of society organized around a single substantive conception of the common good, grounded either in Nature or in God' and a move towards recognising that 'Power, Law and Knowledge are exposed to radical indeterminacy' there is no longer a 'final guarantee, a source of legitimization', so 'division must be recognised as

¹³¹ Patton, 2007, p.772

¹³² Rancière, 2006, p.54

¹³³ Ibid. p.54

¹³⁴ As was also demonstrated by Derrida's argument above (p.28)

¹³⁵ Rancière, 2006, p.54

¹³⁶ Ibid. p.55

constitutive'.¹³⁷ Thus we see that democracy as a form of government is seen in post-structural thought to be an 'institution of the social'¹³⁸ rather than a juridico-political form. This contrasts dramatically with Rawls' view that the democratic tradition is a static fact, 'a simple collection of shared meanings, institutions and intuitive ideas',¹³⁹ and consequently, despite Rawls' hopes, 'there could never be, in a modern democracy, a final agreement on a single set of principles of justice'.¹⁴⁰

The relationship between democracy and exclusion is further elucidated by Derrida in *Rogues*, where he turns to a problem foreseen in *Spectres of Marx* when he said that it would be necessary to 're-elaborate the concept of the state, the nation-State and of national sovereignty, and of citizenship'.¹⁴¹ In *Rogues* he works to deconstruct 'democracy as a mode of sovereignty',¹⁴² and despite defending democracy, refuses to shy away from its aporetic character and the dangers contained within this form of government, concluding that 'it is imperative to dissociate democracy from the principle of sovereignty'.¹⁴³ For sovereignty means that 'all states, whether "democratic" or not, act according to the foundational logic of roguishness' whereby they will not behave according to the ideals of equality inherent in democracy but will act to exert their force through violence or the threat of violence, over other states who do not fit in to their way of doing things.¹⁴⁴ Thus Derrida explains that 'Those states that are able to denounce or accuse some "rogue state" of violating the law, of failing to live up to the law, of being guilty of some perversion or deviation, those states that claim to uphold international law and that take the initiative of war, of police or peacekeeping operations because they have the force to do so, these states, namely the US and its allied states, are themselves, as sovereign, the first rogue states'.¹⁴⁵

The problem created by these misunderstandings is that they cause us to overlook the exclusionary violence wreaked by the entity we know of as the democratic state. To

¹³⁷ Mouffe, 1993, p.51, *citing* Lefort, 1986, p.305

¹³⁸ Mouffe, 1993, p.52 this point is returned to in the following chapter.

¹³⁹ Mouffe, 1993, p.52

¹⁴⁰ *Ibid.*

¹⁴¹ Derrida, 1994, p.94

¹⁴² Williams, 2005, p.2

¹⁴³ Patton, 2007, pp.776-7

¹⁴⁴ Williams, 2005, p.5

¹⁴⁵ Derrida, 2005a, p.10

overcome this we need to recognise that democracy can never be perfect, or as Derrida puts it, democracy is impossible, and also, that it is born out of violence, and as such will create more violence. Our aim instead must be to see how we provoke this violence, and then try to lessen it.

Furthermore, Derrida notes that in the democratic tradition, democracy is often modelled on an idea of exemplary friendship. However, there are two problems with this, since friendship can firstly never be perfect, and secondly is exclusive. Taking each problem in turn, we attend first to how, in his reading of Aristotle, Derrida notices a contradiction in the way that friendship is described, since to be a good friend an individual would want the best for their friend, the highest form of friendship would be one where an individual wishes their friend to be a god. Yet if this wish were fulfilled, then the friendship could not continue for three reasons: ‘a God cannot be a friend because of his absolute remoteness’; ‘friendship is predicated on loving the other as he is and therefore depends on his remaining human’; ‘God needs no friend because he is self sufficient’.¹⁴⁶ Thus the concept of perfect friendship is impossible.

This leads Derrida to muse that the texts he examines refer to few, legendary friendships from which it may be possible to ‘define the conditions of friendship’ and also that ‘friendship is by definition exclusive’ because one cannot be friends with anyone.¹⁴⁷ This leads him to reflect on the traditional link between friendship and brotherhood, and democracy and justice, where ‘democracy is distinguished from other forms of political association by analogy with non-hierarchical friendship between brothers’.¹⁴⁸ Here Derrida argues that against the traditional wisdom, brotherhood actually betrays democratic equality rather than confirming it as it requires favouritism and preference of the brother figure over other ‘non-brothers’ rather than treating everyone the same. Also, he notes the gender bias of this traditional model, since the model of fraternal friendship has always excluded women from the ideal friendship.

¹⁴⁶ Thomson, 2005b, p.14

¹⁴⁷ Ibid. p.15

¹⁴⁸ Thomson, 2005a, p.7

Thus throughout *Politics of Friendship*¹⁴⁹, Derrida seeks to demonstrate that ‘our inherited concept of democracy is contaminated and delimited by the same tensions: between individuality and universality between inclusion and exclusion, and between a social or civic relationship and a naturalised, ethnocentric or familial one’.¹⁵⁰ This is not in order for us to reject the whole democratic tradition, but simply to reveal its roots and traditional associations, to give us the possibility to rethink these in a new light. He is therefore asking if ‘it might be possible to envisage a form of democracy finally and completely dissociated from all...historical residues’.¹⁵¹

Consequently, the similarity between friendship and democracy emerges because like friendship, democracy, when it is understood to embody an appeal to equality, ‘can never live up to its name’, since it will always be necessary for a state to prefer its citizens even if it is in the smallest possible way, such as just ‘naming and counting them as citizens’, and hence ‘democracy is being blocked or cancelled’.¹⁵² This analysis does not simply mean that we should distinguish between ‘good and bad instances of democratic theories and politics’ instead it reveals that all democracy will inherently override a looser affiliation of friendship as ‘befriending just anyone’, with brotherhood, the notion of true friendship, as ‘an established relation with particular friends’ bringing favouritism and preferential treatment.¹⁵³ By raising awareness of this risk, Derrida is not condemning democracy, but is giving us the possibility to move away from the injustices buried within its roots.

To summarise, we need to recognise not only that democracy can never be perfect, but also, it is born out of violence. In recognising this we see the contingency of contemporary democracies, and realise our responsibility to be more open to others to help overcome the threat of violence. If we do not become more open, Derrida’s analysis indicates that we will have a problem of continual violence.

This indicates the responsiveness to possibilities of exclusion incumbent within democratic citizenship. Rather than ‘just another political regime of government and

¹⁴⁹ Derrida, 2005b

¹⁵⁰ Patton, 2007, p.769

¹⁵¹ Ibid.

¹⁵² Thomson, 2005a, p.8

¹⁵³ Ibid. pp.7-8

governance' Derrida's democracy 'is the politics of meaning and justice to come' and thus we must never be satisfied, for it is always 'making its claim on us, measuring any and every regime of rule against a measure without measure'.¹⁵⁴ Democratic citizens face an eternal challenge, not to seek justice once, and then lay it aside, but 'to be just again and again by changing the rule according to what is now needed to be just in the very implementation of the rule' and such we see that for Derrida 'democracy is the freedom to be that responsible; and response-able'.¹⁵⁵

Hence by repressing the acknowledgement of these tensions as inherent, and by fruitlessly trying to overcome them, post-structuralists argue that the current liberal hegemony, which includes Rawls' work, creates a situation of increasing resentment, firstly amongst those excluded by the borders of a democracy, and secondly those who are not recognised within its borders.

Conclusion

This chapter has shown that according to post-structuralist theory, Rawlsian liberalism fails to attend to the way in which power-laden social relations bear upon any democratic configuration of government, such that these power structures become closed to the very concept which gives them name. It has shown that post-structuralists deny that the Rawlsian overlapping consensus is possible, or indeed, desirable. It is not possible, since any attempt to construct an overlapping consensus will actually see unequal forces struggling to dominate a hegemonic structure. It is not desirable as it would allow suffering to continue by suppressing expression of injustice, and with respect to Rawls' concerns about stability, could thereby lead to increased, rather than reduced, actual violence and instability. The next chapter will elaborate how the stable basis provided for democratic community by Rawls' overlapping consensus, is deemed unnecessary by post-structuralist thinkers, as it is based on a misconception of democratic politics. In contrast they either seem to believe that democratic community does not require such a basis, or that it can be based upon a democratic ethos, thereby seeking to avoid suppression or exclusion of difference.

¹⁵⁴ Dillon, 2006, p.271

¹⁵⁵ Ibid.

2. Agonism, Dissent and the Democratic Ethos: post-structuralist conceptions of democracy

In this chapter I will draw together the work of post-structuralist thinkers, to show how they remain unconvinced that the Rawlsian overlapping consensus is necessary, as they either argue that you can have a stable sense of community without it via a democratic ethos, or are not concerned to establish a stable sense of community, instead focusing on the productive power of de-stabilising the status quo. I will begin by detailing how they prefer to conceptualise democratic politics, as an agonistic institution of the social riven by *disagreement*, rather than as a system of government. This interpretation, found in the work of all the post-structuralist thinkers herein, emphasises the need for revisability, prompted by ongoing critique of both society and the self. This radical democracy has not been developed further by some theorists, who merely focus on the productive power of dissent and struggle; for example, Laclau focuses on how wide-scale struggles for democracy can emerge through the formulation of the ‘people’, who struggle against a governing power via construction of an alternative discourse, rather than attending directly to how a political culture conducive to democratic struggle may be encouraged. Alternatively, Rancière emphasises the importance of an attitude of rebellion or dissent devoid of any specific political culture. Neither Laclau nor Rancière would value Rawlsian stability because of their fears that it would suppress dissent and struggle. However, the desire to conceptualise a stable democratic community without recourse to a Rawlsian overlapping consensus has prompted Connolly and Mouffe, to elaborate an ethos of agonistic democracy, intended to promote a political culture conducive to the post-structuralist understanding of democratic politics. Consequently, I will argue that in the work of Connolly, Mouffe and Derrida, such a radical democratic ethos renders a Rawlsian overlapping consensus unnecessary since it is this ethos which will instead provide an alternative stable basis for political community, whilst we remain attentive to possibilities for greater inclusion and justice. Finally I will show the, albeit rather limited, ways in which these thinkers have started to consider the institutionalisation of either the culture of dissent, or the radical democratic ethos. I will argue that their work is severely lacking in this area due to their failure to attend to the formation of democratic subjectivities.

Revisability: “Democracy to come”, emancipation and the political

Derrida’s “democracy to come” or “democracy *á venir*” conceptualises democracy not as something we can ever establish once and for all, but instead something that is always over the horizon, yet on its way. Although it does not therefore function ‘as a regulative ideal in the common sense of the term’ for it is not meant to ‘regulate in the sense of providing a rule to be followed or a single consistent set of norms to be applied’,¹ it is possible to define “democracy to come” positively using the figure of the promise, for it can be understood ‘like a promise already uttered in the past, it intervenes in or structures the action of agents in the present by reference to a future event’.² Hence, the “to come” in the phrase “democracy to come” is to be understood as spectral, for it is ‘there and yet not there (never fully there), present and absent’.³ We cannot give it a positivist content whereby we presume that it ‘will be at some point in the future fully present and that we employ as a revealed “regulative ideal” or a *telos* (even if endlessly deferred)’.⁴ Indeed, Derrida makes clear that if we were to do this we would be trying to predetermine its ‘field of reference’ and would consequently limit its ability to provide a ‘militant and interminable political critique’.⁵

Instead, ateleological “democracy to come” is better suited to take ‘into account the absolute and intrinsic historicity’ of democracy, since it is ‘the only system, the only constitutional paradigm, in which, in principle, one has or assumes the right to criticize everything publicly’ even if this includes the very idea of democracy ‘its concept, its history, and its name’.⁶ Hence it must be kept permanently open, as something we constantly try to enact, in spite of its impossibility. Consequently, Derrida explains that democracy is ‘the only system that welcomes in itself, in its very concept, that expression of autoimmunity called the right to self-critique and perfectibility’.⁷

¹ Patton. 2007, p.773 *citing* Derrida, 2005a, p.85

² Patton, 2007, p.773

³ Klausen, 2006, p.3

⁴ *Ibid.*

⁵ Derrida, 2005a, p.86

⁶ *Ibid.* p.87

⁷ *Ibid.* pp.86-7

This concept of autoimmunity is borrowed from biomedical discourse, where it refers to a situation where a ‘living being, in quasi-*suicidal* fashion, “itself” works to destroy its own protection, to immunize itself *against* its “own” immunity’.⁸ Thus although the immune system ‘defends a body against external threats’ it ‘depends for its effectiveness on, at the very least, the ability to distinguish self from other’ it protects the body from the outside world.⁹ Derrida uses this term to show how it may be necessary for us and our democratic systems to overcome the traditional boundaries established to protect us from ‘the other’ and attempt an attitude of revisability of our boundaries, whereby we suppress ‘our own immune reactions in order to allow contact with the outside: a constant negotiation with what seems to threaten our security, but may in fact be our only chance of a future’.¹⁰ This is already found in some respect in democracy, for example Derrida refers to the 1992 elections in Algeria, where democracy was suspended to avoid what appeared to be an anti-democratic party from coming to power, despite the fact that they could achieve power through ‘perfectly legal means’.¹¹ This is because within a democracy, the peoples’ right to criticise and challenge the democratic system is protected even to the extent that this may lead to the end of democracy itself¹² if preventative (autoimmune) measures are not taken. However, it seems Derrida wants to further this ‘autoimmunity’ in order to always envisage the move from democracy, to democracy to come, which would aim to hold democracy continually (and always to a greater extent) open to ‘the other’.

We see that Derrida can use this concept of “democracy to come” to show that those which we call democracies today ‘remain inadequate to the democratic demand’¹³ and indeed, always will, since there is no possible existing essence of democracy. Yet by continuing to use the term democracy whilst always being aware of “democracy to come” ‘Derrida desires to preserve and keep the past, whilst opening it up to the risks and promises of the future.’¹⁴

⁸ Derrida in Borradori, 2003, p.94

⁹ Thomson, 2005a, p.2

¹⁰ Thomson, 2007, p.78

¹¹ Derrida, 2005a, pp.30-1

¹² Derrida refers to this as democracy’s ‘suicide’ (2005a, p.33).

¹³ Ibid. p.86

¹⁴ Dooley, and Kavanagh, 2007, p.145

Although this may at first appear a little defeatist, Derrida's hope is actually to keep the democratic hope alive, whilst accepting the day-to-day restraints placed on democratic praxis. These restraints consist of the urgency of the present moment, which can obscure the vital question of the future,¹⁵ making a decision necessary, which at the same time, must be presented as if it is necessary historic fact. In opposition to this we need to hold open the opening, the possibility of democracy's suicide, as a point on which we can build an always better future. We thereby see, that democracy to come is 'the only political regime which is itself open to a certain idea of historical possibility' such that 'something like a democratic vulnerability is a precondition for the possibility of democratic justice'.¹⁶ So incorporating "democracy to come" into our conception of democracy, demands a commitment to continual revision in search of extending justice.

Laclau also understands that it is the imperatives of openness and revisability that shape the democratic struggle, yet would assert that *any* tension between a *de facto* democratic system and the democratic demand is a productive one. In *Emancipation* he observes that two incompatible ways of thinking about emancipation are juxtaposed within modern discourses.¹⁷ These matrices embody firstly, the notion that there is 'an absolute chasm' between the 'emancipatory moment and the social order which has preceded it',¹⁸ so the emancipatory moment, in this sense is perceived as totally new; and secondly, that emancipation 'takes place at the level of the ground of the social' meaning that it affects every level of society, bringing about a complete transparency through the elimination of the distorting relations of power.¹⁹ These are incompatible because the former emphasises the moment of emancipation as a dichotomous and radical break with the preceding social order, a discontinuity. In contrast, the latter emphasises the 'pre-existence of the identity to be emancipated *vis-à-vis* the act of emancipation' such that emancipation is seen as a continuity, through the expansion of a social objectivity.²⁰

¹⁵ Thomson, 2007, p.76

¹⁶ Ibid. p.69

¹⁷ He actually begins by setting out six 'dimensions' of emancipation to illustrate these points, but argues that four of these dimensions are organised around the two mentioned here, which operate as 'fundamental matrices' (Laclau, 1996, p.5)

¹⁸ Laclau, 1996, p.1

¹⁹ Torfing, 1999, p.283

²⁰ Laclau, 1996, pp.2-3

Despite the incompatibility however, between these two dimensions Laclau argues that both of these logics are necessary since emancipation is made meaningful only through asserting them both, because it asserts '*at one and the same time*' both 'radical foundation and radical exclusion' which is 'both a ground of the social and its impossibility'.²¹ This logical incompatibility does not mean that the notion of emancipation would fail to operate socially,²² and although Laclau argues that his dimensions of emancipation do not constitute a coherent theoretical structure we should not be led to abandon the logic of emancipation but instead by seeing the fact that each of these two contradictory sides needs 'the presence and, at the same time, the exclusion of the other: each is both the condition of possibility and the condition of impossibility of the other', and as such, this is not simply an incompatibility, but 'a real *undecidability* between the two sides'.²³ This enables an interplay between the two logics that can be productive, but that will also, in this process, modify each of them.²⁴ This understanding, Laclau hopes, will enable us to overcome the antimony and blind alleys, which have hindered emancipatory projects in the past.

The argument shows that in order for an emancipatory project to be a radical refounding 'it cannot be the work of any particularistic social agency', yet, to become hegemonic its identity, which is constituted by the social antagonism it constructs 'must necessarily invoke some notion of ground, totality, transparency and rationality'.²⁵ As such they will always be particular and thus 'limited embodiments of the empty universality to which the emancipatory movement must necessarily refer'; hence, like Derrida, Laclau emphasises that awareness must always remain that 'there is no act of completely revolutionary foundation and no final reconciliation of society'.²⁶ Thus any move to emancipation must not aim to emancipate *for all time* but simply must conceive of itself as a step in the continual unfolding of emancipatory movements. As such the contingency of any emancipatory movement must be

²¹ Ibid. p.6

²² It is perhaps necessary to clarify that Laclau is not suggesting that the logic of contradiction would not apply socially such that one could argue for example that an individual could be in two places at any one time, for this is quite different from the claim that 'social practices construct concepts and institutions whose inner logic is based on the operation of incompatible logics' (Laclau, 1996, p.6).

²³ Ibid. p.8 *italics in original*

²⁴ Torfing, 1999, p.283

²⁵ Ibid.

²⁶ Ibid. p.284

acknowledged, but so to, the possibility that by emancipating one group it may also have illiberal side effects that may also need, in the future to be the subject of a further emancipatory movement.

If democracy is to be understood not simply as a system of government but as a critical and revisionary stance that provokes openness, the question emerges of how to incorporate this in contemporary democracy. How can we conceive of the political sphere in such a democracy? Rancière's work is useful here, since he attends to the difference between the juridico-political sphere and that of meaningful democratic politics, congruent with an open and revisable democracy which incorporates democracy *à venir*.

According to Rancière, 'for a thing to be political, it must give rise to a meeting of police logic and egalitarian logic that is never set up in advance'²⁷ because meaningful politics only happens 'when there is a place and a way' for the meeting of these two heterogeneous processes, that of the oligarchic police with that of radical equality.²⁸ Yet the failure to distinguish between *politics* and *police* in much contemporary political thought means that the potential of *la politique* to free us from oligarchic oppression goes unnoticed. Rancière argues that this recognition crucially enables us to distinguish between a static politics within a pre-established oligarchic democratic state, and the productive, or meaningful politics that leads to change and greater freedom.

However, it is important to note that according to Rancière *la politique* occurs 'very little or rarely',²⁹ since most actions are contained within the bounds of the status quo. Thus *la politique* 'is a process of declassification' and 'abandoning the identity one has been given'.³⁰ It means precisely that 'you speak at a time and in a place you're not expected to speak',³¹ so cannot be conceived in any way to take place *within* a pre-ordained political structure. Instead, it takes place in what Rancière simply refers to as the political or, '*le*' *politique*. This sphere of meaningful politics is understood to

²⁷ Rancière, 1999, p.32

²⁸ Ibid. p.30

²⁹ Ibid. p.40

³⁰ May, 2008, p.50

³¹ Rancière and Lie, 2006

mediate between *la police* and ‘*la’ politique*. It is here that the struggle between ‘the two diverging, yet related principles’ takes place, consisting of ‘the verification of radical equality in any given system of inequality’ which is when a wrong is recognised within a system, which had been seen as naturally ordered.³²

This resonates with Laclau and Mouffe’s argument that the practice of politics as ‘creation, reproduction and transformation of social relations cannot be located at a determinate level of the social’ for the problem is precisely that of ‘the definition and articulation of social relations in a field criss-crossed with antagonisms’.³³ Hence, it seems safe to surmise that these post-structuralist theorists would agree that the location of *le politique* is ‘always a demand for justice’.³⁴

In contrast to Rancière, Laclau and Mouffe thematise the moment of the political as antagonism, which emerges due to the equivalential displacement which occurs between subject positions. This may come about in either one of two ways: firstly when ‘relations of subordination already in existence...thanks to a displacement of the democratic imaginary, are rearticulated as relations of oppression’;³⁵ secondly, in a situation where ‘acquired rights are being called into question, or when social relations which had not been constructed under the form of subordination begin to be so under the impact of certain social transformations’.³⁶ In the latter a subject position becomes the site of an antagonism because it has been ‘negated by practices and discourses bearing new forms of inequality’. However, in all cases, the forms of resistance can transform into recognisable collective struggles due to the presence of an external discourse ‘which impedes the stabilization of subordination as difference’.³⁷

In this argument, Laclau and Mouffe identify three types of social relation:

1. a *relation of subordination* ‘in which an agent is subjected to the decisions of another’.

³² Rancière, 2006a

³³ Laclau and Mouffe, 2001, p.153

³⁴ Rancière, 1999, p.144

³⁵ Laclau and Mouffe, 2001, p.159

³⁶ Ibid.

³⁷ Ibid.

2. *relations of oppression* ‘relations of subordination which have transformed themselves into sites of antagonisms’.
3. *relations of domination* ‘the set of relations of subordination which are considered as illegitimate from the perspective, or in the judgment, of a social agent external to them, and which, as a consequence, may or may not coincide with the relations of oppression actually existing in a determinate social formation’.³⁸

A relation of subordination is when someone is subjected to the will of another, however, this becomes oppression, when the subjected social agent believes that the relation of subordination is preventing in some way, the development of his/her identity.³⁹ The presence of antagonism facilitates this recognition. To enable this, the social agent must be able to conceive of an alternative way of life (beyond the police order) without that particular contested relation. This is a process of radicalisation, whereby the subordinated agent gains access to a ‘compelling political discourse that gives an effective account’ of the relation of subordination.⁴⁰ This in turn provides the necessary critical tools for constructing an alternative political reality, and reveals ‘how the subordinating structure may be overthrown’.⁴¹ Finally, if this relation is recognised to be illegitimate to someone external from it, then it may also be a relation of domination. Thus, the site of the political is where relations of domination are recognised as formed within the hegemonic order causing the eruption of antagonism.

Consequently, post-structuralists argue that for a more open democracy to be actualised, our attitude towards politics and the political must change, for ‘nothing is political in itself, but anything may become political if it gives rise to a meeting’ of police logic and egalitarian logic that can never be set up in advance; and hence ‘the same thing – an election, a strike, a demonstration – can give rise to politics or not give rise to politics’.⁴² So it is not enough to simply take part in what we may recognise as democratic politics today, e.g.: voting, or having ‘political’ opinions about immigration, housing, education, and the health service, since this is not

³⁸ Ibid. pp.153-4

³⁹ Smith, 1998, p.8

⁴⁰ Ibid.

⁴¹ Ibid. It is necessary to point out here that this is different to the way in which Rancière understands such social relations, but that this difference will be noted in more detail below.

⁴² Rancière, 1999, p.32

necessarily *political* in the Rancièrean sense. Instead, such supposedly political behaviour may simply represent stages in a cycle of legitimised challenges, which can take place completely within the bounds of the reigning *police* system. It is only when these opinions challenge the realm of the status quo, that they become productive: *political* in Rancière's meaningful sense.

To highlight this point we could add to these examples from what are considered to be ordinary political actions, an example that is usually not considered at all political, the instance of sitting on a certain seat on a bus, which in the case of Rosa Parks,⁴³ this action triggered the Civil Rights movement in the US. In this sense we see that for Rancière, politics is an action: the action of an individual demonstrating unwillingness to accept the police order. In this way, solidarity with the oppressed can also be understood as a political action, such that an act by someone who is not a member of an exploited or oppressed group, but who takes part in a demonstration or acts in some other way, in defiance against the governing order, can still be recognised as committing a political act.⁴⁴

It is important that these acts are recognised as a challenge to the hegemonic order, not simply a mistake or aberration that can be corrected and put back in its place. Rancière says that a verification of equality 'causes equality to have a social effect, only when it mobilizes an *obligation* to hear',⁴⁵ and so it seems that every political act has to try to mobilise this obligation itself, and since it cannot be ensured in advance, it must be re-mobilised separately for each and every political act.

To grasp the concept of a political act it is perhaps necessary to highlight how these notions challenge the traditional assumption of political philosophy: that of the complementary relationship between the social and the political. Instead, to comprehend we have to realise that in this post-structural conception of the political, it is conceived of as *opposed* to the social (which represents the contemporary regime

⁴³ See wider discussion of this in part 3, or Rancière's discussion in 1999, p.61

⁴⁴ For example Rancière cites the phrase 'we are all German Jews' scrawled on the walls of Paris in 1968, to express solidarity with a French-German student leader who had been deported from France for his role in the agitation. By asserting this, these predominantly French catholic students were challenging the place and identity assigned to them by the contemporary order (Rancière, 1999, p.126).

⁴⁵ Rancière, 2007, p.86

of the *police*).⁴⁶ This is because the social is ‘the field of hierarchy and domination, the absence and the ultimate denial of an independent logical or ontological status of the political’ and founded upon the ‘basic logic...of inequality’.⁴⁷

Thus for post-structuralists, democratic politics is embodied in struggle, in the assertion that an excluded party has rights which are ‘the rights of those who have not the rights that they have and have the rights that they have not’.⁴⁸ For example, by breaking segregation laws in the US, African-Americans in the 1950s were able to demonstrate that they ‘do have the rights denied them’.⁴⁹ This is what the democratic process implies for Rancière: ‘the action of subjects who, by working the interval between identities, reconfigure the distributions of the public and the private, the universal and the particular’.⁵⁰

Consequently, recourse to Rancière, Laclau and Mouffe, underlines the emancipatory value of productive politics which aims to weaken oligarchy by acknowledging the Derridean “à venir”, to replace its staticity with momentum, to challenge the police system that is the status quo. In accord with Derrida, these thinkers would answer the question of how to overcome the structural injustices of contemporary democracies with the recognition that meaningful democracy is in *le politique* where voices ask to be recognised in the challenge to the hegemonic order that they articulate.

Consequently, *contra* Rawls, we need to recast politics as that which challenges the status quo, rather than that which is the status quo, for this radical democratic politics asks what may be better than our present system and how could we otherwise conceive of our world? Without this meaningful political space, these thinkers argue that democracy is unable to fulfil its emancipatory objectives, and instead becomes a tool of the ruling oligarchy, rather than a force to change it.

How to think about post-structuralist democracy

Having sketched the post-structuralist understanding of democratic politics in more detail, it is now possible to examine the way post-structuralists aim to realise a more

⁴⁶ Hence, *in this way* Rancière’s *political* can be seen to correspond with *antagonism* as recognised by Laclau and Mouffe, 2001, p.122

⁴⁷ Deranty, 2003, p.143

⁴⁸ Rancière, 2006a, p.61

⁴⁹ Ibid.

⁵⁰ Ibid. pp.61-2

revisable and open conception of democracy. To begin with, I will sketch how Laclau and Mouffe see this as continuing the advance of the democratic revolution, which they date back to the French Revolution, and see as continuing to operate through new social groups, who challenge hegemonic discourse via new formations of discursive chains. However, they want to gain a better understanding of this revolutionary movement in order to continue to use it to widen and deepen democracy.

Laclau and Mouffe argue that the aforementioned relations of subordination are only recognisable as oppression in the light of democratic discourse, because it is only in such a situation that liberty and equality are seen as desirable or demandable values.⁵¹ Relations of oppression are constituted out of relations of subordination due to the presence of a discursive ‘exterior’ ‘from which the discourse of subordination can be interrupted’.⁵² For example, it was necessary for the democratic principles of liberty and equality to be imposed as ‘the new matrix of the social imaginary’ before certain ideas would be recognised as powerful political statements, for example, before Mary Wollstonecroft’s *Vindication of the Rights of Women* would be seen not only as a discourse on political equality between (middle- and upper-class) citizens, but also as a discourse on equality between the sexes.⁵³ This not only means that this oppression was only recognisable *as oppression* in the light of the French Revolution and thereafter; but also that democracy is that which makes struggle against oppression possible. The idea of democracy thus creates the recognition of a problem, and enables us to work towards conceptualising a way to ease this problem.

As regards overcoming the subordination of a particular order, Laclau and Mouffe explain that by discursively constructing relations of subordination (which heretofore had not been questioned) as an external imposition, or relation of oppression, the ‘equivalential displacement’ which is necessary for establishing a struggle against the hegemonic order, is realised. This displacement is specific to the ‘democratic imaginary’. They therefore dispute the commonplace understanding of radical struggles as things of the past, but explain that this perception is useful to the current hegemonic elites, since it feeds the idea that there is a linear progression towards a

⁵¹ Laclau and Mouffe, 2001, p.155

⁵² Ibid.

⁵³ Ibid. pp.154-5

unified homogeneous society, without difference or antagonism. In contrast they aim to show that recent events over the last century of welfare state democracy, have ‘frequently laid bare the arbitrary character of a whole set of relations of subordination’.⁵⁴ This has created a space for a further extension of what they have termed the ‘democratic revolution’ in new areas, made visible in the movements of new social groups,⁵⁵ the emergence of which supports their conceptualisation of the ‘political’ since it shows the manner in which ‘all social relations are...“politically” constructed’.⁵⁶ This expansion of the concept of the political, exemplified by new social movements, underlines their commitment to the post-structuralist contention that ‘the democratic revolution’ is non-teleological, and is instead ‘an open road’ due to the fact that it is impossible to ‘predict where new sites of antagonism are likely to occur.’⁵⁷

Laclau and Mouffe intended that their work counter the neo-conservative and new-right challenge to the democratic social imaginary, whilst at the same time establishing a more radical democratic project for the future. They highlight the task of the left as to deepen and expand liberal-democratic ideology in the direction of radical and plural democracy,⁵⁸ by fixing the ‘floating signifiers’ of ‘liberty’ and ‘equality’ ‘within a democratic discourse, in contrast to the right’s meanings, which in effect detached liberty from democracy and therefore licensed inequality and preserved social hierarchies’.⁵⁹ Thus Laclau and Mouffe do not ‘renounce’ liberal-democratic ideology’, instead they want to deepen and expand it in the ‘direction of a radical and plural democracy’ through the multiplication of political spaces’.⁶⁰

Furthermore, since *HSS* Laclau has since elaborated the relationship between “empty” and “floating” signifiers’, in order to better explain how hegemony can be challenged. He explains that ‘the floating character of a signifier is the only phenomenic form of its emptiness’ such that with the example of a signifier such as “democracy,” we see that ‘its meaning will be different in liberal, radical anti-fascist and conservative anti-

⁵⁴ Ibid. p.158

⁵⁵ Ibid.

⁵⁶ Tormey and Townshend, 2006, p.98

⁵⁷ Ibid.

⁵⁸ Laclau and Mouffe, 2001, p.176

⁵⁹ Tormey and Townshend, 2006, p.97

⁶⁰ Ibid. p.98

communist discourses'.⁶¹ Thus for the floating character to be possible the relationship between the signifier and the signified must be loose, and therefore the floating character requires 'a tendential emptiness'.⁶² However, at the same time the floating character requires two more features:

1. 'that the floating term is differently articulated to opposed discursive chains' (to justify the term 'floating')
2. 'that within these discursive chains the floating functions not only as a differential component but as an equivalential one vis-à-vis all the other components of the chain'

So for example, if the signifier "democracy" were presented to us as an essential constituent of the "free world," the way that this term has been fixed, would not have happened purely by constructing a differential position for it, but also by making it 'one of the names of the fullness of society that the "free world" attempts to achieve'; and in order to do this it would also be necessary then, to establish equivalential relations with all other terms within the relevant discourse.⁶³ Thus Laclau shows that 'floating a term and emptying it are two sides of the same discursive operation'.⁶⁴ Thus it is important that when challenging the contemporary chains of equivalence with counter hegemonic chains, we must realise the necessity to create both sides of the empty and floating signifiers.

In addition, Laclau's recent reflections on populism, help us to better understand how democratic struggle can emerge. Indeed, he argues that such struggle is always, populist, but only inasmuch as any struggle against the hegemonic order can be thought of as populist. Instead, in *On Populist Reason* he argues that populism should not simply be thought of as a 'dangerous excess, which puts the clear-cut moulds of a rational community into question', but should instead be seen as 'a way of constructing the political'.⁶⁵ He argues that the common understanding of political as

⁶¹ Laclau, 1996, p.306

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Laclau, 2005, p.xi. Here he uses the term in a Rancièrean way. In fact, Laclau has acknowledged the convergences in his work with that of Rancière, yet also notes two differences: Rancière sees all meaningful politics as emancipatory in terms of individual subjectivification, whereas Laclau emphasises that this is not the case; and Rancière's work remains too closely associated, if only in terminology with Marxist referents of class struggle and proletariat (Laclau, 2005, pp.246-9). Having considered these two points, I disagree with the first, and feel that the second is of little import for

shallow pseudo-politics is used to neutralise its emancipatory power, setting out populism as in opposition to the day-to-day politics (Rancière's *policing*) of 'administrative power whose source of legitimacy is a proper knowledge of what a "good" community is'.⁶⁶ He echoes Rancière's sentiment that such knowledge is the discourse of political philosophy, thus also suggesting that the political canon is more a tool of elite power, and it is actually populism that has the force to change it.⁶⁷

Laclau therefore offers a detailed account of how a populist movement for radical democratic change should proceed, based on his and Mouffe's theory of hegemony. He explains that those who articulate a populist discourse will seek to pit a collective subject of "the people" (which will always be internally divided, but need to overcome these divisions to make their group identity significant) against a defined enemy, as "the other" such as the government, or landed aristocracy, or any power elite. In order to establish a political boundary to divide "the people" from "the other" it is necessary to create "equivalential relations" between particular social demands, which can then be linked together in a universalistic, populist discourse. Finally it is necessary to construct empty signifiers around which the diverse elements within "the people" can be united into a single identity.⁶⁸ Thus "the people" come to embody 'the absent fullness of the community through a potentially endless chain of equivalences' such that it fills the whole, and becomes political reason *tout court*.⁶⁹ At the same time, however hard the populist movement may try to remove the traces of ontological investment from the ontic content of political demands, he argues that traces of that investment will always remain. Hence Laclau suggests that "the people" is actually 'the primary terrain in the construction of a political subjectivity'.⁷⁰

For Laclau, it is important to recognise that populism need not necessarily be conceived of as a *radical* form of politics, it is simply the way that a political movement of *any kind* is formulated. From this we can see that when Laclau calls for

Rancière's meaning, and hence would argue that the convergence between the two thinkers is, in this area, stronger than perhaps either may wish to concede.

⁶⁶ Laclau, 2005, p.x

⁶⁷ Ibid. This echoes the argument made by Rancière in *Dis-agreement* (1999, p.29) and detailed above (pp.62-3).

⁶⁸ Howarth, 2008, p.181

⁶⁹ Laclau, 2005, pp.224-5

⁷⁰ Ibid. pp.225-6

a counter-hegemonic radical democratic project, it will necessarily take the populist form, but in order to be radical it will need to challenge those chains of equivalence that cause oppression, with those which could lessen such oppression and may allow for more fluid and relational formations of identity.

In contrast to Laclau and Mouffe's hopes for widening and deepening the democratic struggle it has been shown above that Jacques Rancière's work appears a little less optimistic, as he observes that politics occurs rarely. However, despite its rarity he too thematises how politics can be brought about, and where the obstacles to doing so may lie. With reference to the arguments above, Rancière aims to challenge the discipline practiced by political philosophers. He notes the traditional opposition between philosophy and politics, seen in political thought since the work of Plato⁷¹ and also how philosophy tries to find 'rational ways of accounting for the existence, structuring, and functioning of political communities. This in turn means that there are underlying logical or ontological principles that give rational justification for the social and political order'.⁷² This desire of philosophy to reduce the scope of the political is in order to minimise the existence of disagreement, since philosophy by nature seeks to expel disagreement in search of harmony.⁷³ However, by doing this, it results in taking the *political* out of *la politique*, and thereby turning it into common politics or '*la police*'; it takes away the power for change that is carried within *politics*.⁷⁴

Rancière also draws our attention to the ongoing concern, throughout the history of political thought, about the duality of man and citizen and how to understand which is the true subject of politics. For example he shows how for some thinkers 'the rights of man are either empty or tautological', for if they are the rights of bare man, they are empty for 'bare man...belongs to no constituted national community' and so 'has no rights'; but if they are the rights 'of men who belong to a national community' then they are 'simply the rights of the citizens of that nation, the rights of those who have rights, and hence a pure tautology'.⁷⁵ This example highlights that in their concern to

⁷¹ For example see Rancière, 1999, p.ix

⁷² Deranty, 2003, pp.142-3

⁷³ Rancière, 1999, p.xii

⁷⁴ May, 2008, p.43

⁷⁵ Rancière, 2006a, p.58

ensure that politics has only one principle, political thinkers can themselves prove to impede the emergence of politics.

Having raised awareness of the obstacles to emergence faced by politics, we must turn to Rancière's explanation of how it emerges. To begin with, we must recall that the political individual is someone who challenges what has been assigned to him, then we can understand his argument that the political citizen is one who challenges the common understanding of a citizen within a given, and so-called democratic, society. So '[p]olitical subjects exist in the interval between different names of subjects'.⁷⁶ Furthermore, Rancière refuses to accept the traditional Marxist view that the working classes form the engine of the revolution, in other words, that they are the political force which will bring about change. Instead, he can elucidate further the first stages of bringing about a challenge to the oligarchic oppression, since he asserts that those who bring about change, those who are the political beings, are those who challenge the role assigned to them in the contemporary '*police*' system. Rancière does not just see the class struggle as being 'behind the political' as claimed by Marxists, instead he believes that 'class struggle actually *is* the political'.⁷⁷ To make this assertion, he studied those members of the working classes who went against the common expectations of what it was (or indeed is) to be working class; those workers who wanted to express the experiences of the exploited in their own words. What makes these individuals *political* in the Rancièrean sense is that they 'were individuals twice excluded from social integration: first as renegades of their own class, second as non-bourgeois daring to undertake occupations reserved for the bourgeois'.⁷⁸ These individuals have 'transgressed and subverted the order of things, by claiming the right to be poets, playwrights, philosophers, and so on, that is, the right to have a meaningful voice beyond the constraints of their social destiny'.⁷⁹

Furthermore, Rancière argues that in order to maintain the commitment to democracy, this subversive behaviour, can be, and *must* be, enacted by each and every individual. In *The Ignorant Schoolmaster* Rancière recounts the story of revolutionary Joseph Jacotot: exiled from France during the Restoration, he goes to Flanders where he takes

⁷⁶ Ibid. p.59

⁷⁷ Deranty, 2003, p.145

⁷⁸ Ibid. p.141

⁷⁹ Ibid. p.152

the job of a schoolmaster despite the fact that he does not speak Flemish and his students do not speak French. Jacotot gives his students the French text *Télémaque* to study (accompanied by a Flemish translation) and asks them to write an essay about the book, in French. Despite the fact that these students only have this one text to provide knowledge of French, they succeed in their efforts far more satisfactorily than Jacotot had thought possible. From this experiment Jacotot drew the conclusion that people are of equal intelligence but what makes the difference between them is not their intelligence, but their attention. Using this example, Rancière suggests that people are often hindered, not by their lack of intelligence, but simply by ‘the belief in the inferiority of their intelligence’.⁸⁰ This leads to two assertions: Firstly, that Rancière’s ‘presupposition of equality, the presupposition that founds any democratic politics, is the presupposition that people are, in some sense, equally intelligent’;⁸¹ and secondly that the task of a teacher is revolutionised, from a role of telling students things they do not know, for they are as capable of finding this out as the teacher him or herself. Instead a teacher’s role becomes that of ‘motivating them to attend to their work so that their equal intelligence will have an opportunity to find expression’.⁸²

With reference to the first assertion, it must be pointed out that Rancière is not attempting to engage in a scientific argument to prove that we are all equally intelligent. Instead he says our problem is simply seeing the potential of the supposition that everyone is equal,⁸³ which enables us to assume that anyone has the basic capacity of speaking together, understanding each other and reasoning with each other in order to build meaningful lives together. Since this is not about scientific or quantitative proof, it seems logical to assume that even those who may be physically incapable of actually participating fully in such social activities such as people who are disabled in some way as to be unable to physically speak together, it can be assumed by such logic that they will still be paid the respect of this presumed equality.

⁸⁰ Rancière, 1991, p.39

⁸¹ May, 2008, p.57

⁸² Ibid.

⁸³ Rancière, 1991, p.46

The democratic ethos

Although I have already shown that Laclau's work explains the construction of a political struggle as the construction of a people, and Rancière's work implies a need for a critical, reflective and rebellious attitude, neither explain the attitude that subjects must hold, instead choosing to focus on historical characters or events, who exemplify the relevant attitude.⁸⁴ However, a democratic ethos is a recurring, albeit diverse theme, within much post-structuralist thought. In particular, Connolly and Mouffe have independently attended to the development of a democratic ethos, in an attempt to conceptualise a post-structuralist democracy that is not abandoned to the strife of antagonism, whilst Derrida seeks an ethical basis that can hold democracy open to its promise "*à venir*".

In developing such an ethos, agonists show that a Rawlsian overlapping consensus is not necessary since they argue that a stable sense of community could be based on agonism instead. They argue that what matters is an ongoing community of argument and contestation, since what holds a community together is not agreement but involvement in the argument. This is not to say that we must accept the strongest will to be asserted over others, until another, stronger will emerges. Instead, agonists contend that disagreement can be expressed without needing to overpower opposing views, but instead can come together in a reciprocal exchange whereby all involved map out their way forward together. This is well expressed in the following passages from Foucault, who explained the difference between 'the work of reciprocal elucidation' such as we are engaged in when we work with others in the community to consider together the way in which we will live, in contrast with the antagonistic behaviour of the polemicist. In the former activity, Foucault asserted that

'the rights of each person are in some sense immanent in the discussion. They depend only on the dialogue situation. The person asking the questions is merely exercising the right that has been given him: to remain unconvinced, to perceive a contradiction, to require more information, to emphasise different postulates, to point out faulty reasoning, etc. As for the person answering the questions, he too exercises a right that does not go beyond the discussion'

⁸⁴ See Rancière, 2003b

itself; by the logic of his own discourse he is tied to what he has said earlier, and by the acceptance of dialogue he is tied to the questioning of the other'.⁸⁵

Consequently, Foucault concluded that in a serious play of questions and answers as exemplified in this type of conversation, the 'questions and answers depend on a game – a game that is at once pleasant and difficult – in which each of the two partners take pains to use only the rights given him by the dialogue'.⁸⁶ In other words, when the partners seek to not overstep these rights and begin to try to dominate the other, to win the argument just for the sake of it.

In contrast, Foucault observed that the polemicist proceeds by encasing himself in privileges 'that he possesses in advance and will never agree to questions'.⁸⁷

Differently from those engaged in the above, serious play of questions and answers, he

'possesses rights authorising him to wage war and making that struggle a just undertaking; the person he confronts is not a partner in the search for the truth, but an adversary, an enemy who is wrong, which is harmful and whose very existence constitutes a threat. For him, then, the game does not consist of recognising this person as a subject having the right to speak, but of abolishing him, as interlocutor, from any possible dialogue; and his final objective will be, not to come as close as possible to a difficult truth, but to bring about the triumph of the just cause he has been manifestly upholding from the beginning. The polemicist relies on a legitimacy that his adversary is by definition denied'.⁸⁸

Thus, agonistic thinkers aim to conceptualise a political community that enshrines the attitude of the former dialogue, rather than the latter confrontation. In elucidating their conception of democratic community, I will attempt to draw together the various ways in which post-structuralist thinkers prefer to conceptualise democracy, as an institution of the social rather than a system of government, thereby emphasising the need for revisability, and hence leading to their calls for a democratic ethos. I will also show the, albeit rather limited, ways in which these thinkers have started to consider the institutionalisation of such an ethos. However, I will argue that their

⁸⁵ Foucault, 1984, p.381

⁸⁶ Ibid. pp.381-2

⁸⁷ Ibid. p.382

⁸⁸ Ibid.

work is lacking in this area due to their failure to attend to the formation of democratic subjectivities.

Mouffe argues that to defuse the inherent violence of antagonism it is necessary to ensure that conflict will continue to exist, but not in a form that could destroy the political association. She seeks a ‘common bond’ that could ‘exist between parties in conflict, so that they will not treat their opponents as enemies to be eradicated, seeing their demands as illegitimate’ as happens in the friend/enemy relation; whilst maintaining that ‘the opponents cannot be seen simply as competitors whose interests can be dealt with through mere negotiation, or reconciled through deliberation, because in that case the antagonistic element would simply have been eliminated’.⁸⁹ Hence she develops a third type of relation, which she calls ‘agonism’. She explains that ‘while antagonism is a we/they relation in which the two sides are enemies and do not share any common ground, agonism is a we/they relation where the conflicting parties, although acknowledging that there is no rational solution to their conflict, nevertheless recognize the legitimacy of their opponents. In this sense then, she prefers to see these parties as ‘adversaries’ rather than enemies. This would mean that despite their conflict they will continue to recognise that they belong ‘to the same political association, as sharing a common symbolic space within which the conflict takes place.’⁹⁰ Hence Mouffe is able to suggest that ‘the task of democracy is to transform antagonism into agonism’.⁹¹

Connolly recognised the need to transform antagonism into agonism prior to Mouffe’s writing on the topic.⁹² His proposal for an agonistic relation is developed by drawing on Foucault and Nietzsche in order to emphasise a possibility for a “spiritualisation of enmity” rather than seeking to transcend this enmity through the liberal approach of juridical impartiality.⁹³ As such ‘agonistic respect’ is presented as ‘an ethical sensibility that folds forbearance into the inevitable element of conflict between alternate identities’,⁹⁴ and is considered ‘more appropriate for the late-modern world

⁸⁹ Mouffe, 2005, p.20

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Indeed, it was Connolly’s essay *Twilight of the Idols* (2008 but first published 1995) that prompted Mouffe’s turn to agonism.

⁹³ Connolly, 1995, p.29,

⁹⁴ Connolly, 1991, p.188

than the idea of liberal tolerance’ since it is ‘regulated by a distinctive style of conflict whereby “adversaries are respected and maintained in a mode of agonistic mutuality”.’⁹⁵

Thus Connolly’s agonistic conception for radical democracy is exhibited through the two civic virtues of ‘agonistic respect’ which is seen to fold ‘forbearance into the inevitable element of conflict between alternative identities’; and ‘critical responsiveness’ which ‘takes the form of *careful listening and presumptive generosity* to constituencies struggling to move from an obscure or degraded subsistence below the field of recognition, justice, obligation, rights, or legitimacy to a place on one or more of those registers’.⁹⁶ As regards the latter, Connolly suggests that in contrast to the conventional liberal model, which despite its language of tolerance, has been shown to contain and restrain ‘emergent identities’ via its ‘implicit assumption of the “normal individual” and “pre-existing subject”’, we must promote the adoption of an ‘“ethos of critical responsiveness” to emerging social movements which rebel against the already set and “congealed standards of political judgement and hegemonic identities”’.⁹⁷ Thus his politics of pluralization is constantly ‘in tension with the static politics of “liberal pluralism”’.⁹⁸ He aims to replace ‘the liberal and fundamentalist conceptions of “the common good” with the concept of ethos’, leading to further changes whereby pluralization would replace pluralism with its ‘fixed subjective political identities and political interests’; critical responsiveness would replace liberal atomistic individualism; and ‘justice as grounded in theoretical fundaments and a corresponding normative code’ would be replaced by ‘genealogically bracketed codes subject to “democratic disturbance” as an effect of a “politics of enactment” of one’s way of life or ethos if critical responsiveness *as social and historical agency*’.⁹⁹ These changes are designed to enable agonistic pluralist politics to overcome both the static nature of Rawlsian political liberalism, and also the drive to fundamentalisation which hinders greater pluralisation in the practical sphere of contemporary politics.

⁹⁵ Wenman, 2008, p.164; *citing* Connolly, 1991, p.166; and 1993c, pp.3,6

⁹⁶ Howarth, 2008, p.175 *citing* Connolly, 1993c, p.190 and Connolly, 2005, p.126 emphasis in original

⁹⁷ Schwartz, 1997, p.616

⁹⁸ *Ibid.*

⁹⁹ Blasius, 1997, p.716

The encouragement of these virtues as part of ‘a strategy of ethical cultivation’ will then help to ‘bulwark’ the threat of attempts to ‘short-circuit’ the aforementioned identity/difference duality ‘by fundamentalist drives to guarantee the truth and certainty of dominating identities’.¹⁰⁰ Connolly explains that this ethic may help us to ‘modify...the visceral organization of its own thinking, perception, feeling and judgement’ if necessary by ‘artful means’.¹⁰¹ To clarify what this may require Connolly describes how we may work upon ourselves to make ourselves more generous to others:

‘if you experience an intense but cognitively vague feeling of panic when the question of same-sex marriage comes up...you might...re-enact modest variations of the engagements through which your current sensibility became installed. You might watch films in which stories of homosexual affection are highlighted; you might join gay-rights marches and educational events, monitoring the uneasiness you feel along with the now palpable awareness that the anxiety of public humiliation itself is one of the assaults gays face. You thus participate repetitively and strategically in activities that impinge upon the self at multiple levels...in order to recode modestly the register through which your sensual subjectivity is organized. As your anxiety diminishes, more generous thoughts, images, feelings, and judgements might become available, emerging as if from nowhere’.¹⁰²

In contrast, Mouffe’s vision of the democratic ethos is based on her argument that contrary to the traditional liberal view of the neutral state, simple ‘adherence to the political principles of the liberal democratic regime’ should instead be all that is required ‘as the basis of homogeneity...for democratic equality’, yet disagreement about the interpretation of these principles must be allowed, and indeed is recognised by Mouffe to be constitutive of the political under a liberal democratic regime.¹⁰³ Far from being a challenge to the stability of a democracy as liberal thinkers may believe, Mouffe instead sees this disagreement as the sign of a healthy democratic regime. As a precaution however she states that it is ‘essential to establish a certain number of

¹⁰⁰ Howarth, 2008, p.175

¹⁰¹ Connolly, 2000, p.314

¹⁰² Ibid. pp.314-5

¹⁰³ Mouffe, 1993, p.130

mechanisms and procedures for arriving at decisions and for determining the will of the state within the framework of a debate on the interpretation of these principles'.¹⁰⁴

Drawing on the argument she established with Laclau in *HSS* she explains that 'part of the struggle...of modern politics is to constitute a certain order, to fix social relations around nodal points' however she adds that 'successes are necessarily partial and precarious because of the permanence of antagonistic forces'.¹⁰⁵ Thus the expected discourses about the different understanding of equality and liberty are simply part of the struggle, which thereby 'provide grounds of legitimization for different types of demands, create particular forms of identification, and shape political forces'.¹⁰⁶ Hence Mouffe's model of agonistic pluralism draws on a division between 'politics' and 'the political' in order to recognise that 'the political' is dominated by hegemonic forces, and is the domain of antagonism. This hegemony needs to be recognised at work in all social relations and identities so that they are never perceived as being immutably fixed, nor as free from disagreement. Finally, if we are to live within a liberal democratic regime we need to understand that this regime is based on the principles of liberty and equality, which constitute democracy, but are themselves open to change and negotiation as regards their constitutive content, since they exist as part of a matrix of democratic social relations.

Connolly's call for ethical cultivation can be seen as a subsequent development of Derrida's work which contains a more general call for an ethos of hospitality to the Other, since he argues that without such hospitality we actually cannot be hospitable towards ourselves, 'since it is we ourselves who are also constitutively riven with this Otherness'.¹⁰⁷ He asserts that within democracy there is 'an amity towards existence in virtue of the excess of life within us, knowing no name that calls for a hospitality independent of how any of our regimes of rule calibrate belonging together: as subject, citizen, migrant, stranger, refugee, asylum-seeker and even enemy'.¹⁰⁸ This is not a demand from Derrida that we be hospitable to a certain degree, and thus it is not so much about the details of 'passport and citizenship laws that therefore govern

¹⁰⁴ Ibid.

¹⁰⁵ Ibid. p.53

¹⁰⁶ Ibid. p.53

¹⁰⁷ Dillon, 2006, p.272

¹⁰⁸ Ibid.

hospitality politically' nor is it about 'the cultures and traditions of welcoming the stranger', instead 'it is the structural necessity of being hospitable to that within and between us in virtue of which we do belong together'.¹⁰⁹

Here it is necessary to take a detour into the Derridean concept of the Other, which refers to 'that which was not knowable, not calculable, not something one can have a relation with' however 'we are always already in relation somehow to it' because it is present through its very absence, through the fact that *its not being there, makes us as we are*, hence, this 'radically disruptive absent presence is a condition of possibility for everything we write, say and do'.¹¹⁰ It is 'spectral' for it continuously haunts the conditions of the possibility of existence, not only making this existence possible in the first place, but continuously characterising the nature of existence. As such it 'is the rupture that continuously disturbs the world' and 'issues an insatiable ethico-political call to us that is our individual and collective responsibility to answer'.¹¹¹ This shows that, with regard to hospitality, there is no way of specifying 'when the ethical obligation of welcoming the Other is done' since it 'is without measure'.¹¹² This leads Derrida to expound the openness that is 'the unconditional horizon of hospitality...in which the guest is offered not merely temporary shelter but residence, not a place at the table but the head of the table, not the use of one's home but possession of it',¹¹³ such that hospitality is limitless, rather than limited.

Furthermore, in *Spectres of Marx* Derrida approves of the 'self-revising core' in Marx's thought.¹¹⁴ He wishes to hold on to this reflexiveness from the spirit of Marxism, yet explains that this is more than just asking for the critical thought or questioning attitude that is necessary for deconstruction. It is instead, 'a certain emancipatory and *messianic* 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*'.¹¹⁵ This notion of the promise is used by Derrida to elaborate what he feels would be a more productive relationship with the

¹⁰⁹ Ibid.

¹¹⁰ Ibid. p.265

¹¹¹ Ibid. p.265

¹¹² Ibid. p.272

¹¹³ Thomson, 2007, p.69

¹¹⁴ Booth, 1995, p.532

¹¹⁵ Derrida, 1994, p.89

future, and with history, for whilst the notion of democracy does itself contain ‘a number of specific, contentful promises – say, the promise of equal share in popular sovereignty’ Derrida’s understanding of ‘the promise’ in “democracy to come” ‘does not refer to any specific identifiable content’ and so ‘is not a promise whose fulfilment at some future point in time can be expected, foreseen, or described.’¹¹⁶ Thus “democracy to come” ‘does not name a future democracy, nor is its promise ever embodied by an empirical political regime. The promise will always remain a promise’,¹¹⁷ and thereby allows us to understand the open relationship between past, present and future, as a relationship that spans time and history, and promises not a democratic utopia, that is but is precisely ‘the blind spot in any horizon whereby it gives way to other horizons, other hopes and interpretations.’¹¹⁸ Hence Derrida explains that the promise can portray an interminable awaiting ‘without horizon of the wait’,¹¹⁹ a waiting in which one continues to act, but always revising and re-configuring the context of the wait.

Once we accept that ‘we cannot project horizons that close the future, but we also cannot avoid the fundamental weakness and instability of such horizons, that is, their necessary non-closure’ then revisability becomes a permanent necessity.¹²⁰ Thus, although in order to establish an identity, it is necessary ‘to project future horizons of meaning and repeat what we have inherited’, we must also realise that ‘such repetition...opens up the horizons to the absolute future’ such that this ‘repetition from the open future makes identity possible, but also again and again undermines it’.¹²¹ Such fundamental revisability of identities means that reflexivity must be encouraged within a democracy in order to ensure that every individual takes the responsibility for this revision upon him or herself, to ensure that it is not imposed from above in order to satisfy some particular unequal power configuration.

Consequently we see that Derrida’s ethics contain echoes of Connolly’s critical responsiveness and Rancière’s reflective, critical, subversive individuals, whilst also exhibiting Laclau and Mouffe’s commitment to construction of new discourses.

¹¹⁶ Fritsch, 2002, p.575

¹¹⁷ Ibid. pp.575-6

¹¹⁸ Ibid. p.576

¹¹⁹ Derrida, 1994, p.64

¹²⁰ Fritsch, 2002, p.584

¹²¹ Ibid.

Derrida calls on democratic citizens to constantly reflect on their identities, and the ways in which change is necessary to overcome exploitative and oppressive practices. In formulating the democratic ethos that develops this revisability and radical openness into critical responsiveness and agonistic respect or more simply, a commitment to equality and liberty, agonistic thinkers have tried to conceptualise an alternative stable basis for democratic community, that remains aware of the potential for exclusion and thus seeks to overcome instances of injustice, whilst avoiding entrenchment as the perpetrator of new injustices. The next section will turn to discuss how they have attended to the question of bringing this ethos about.

Institutionalising the democratic ethos

Connolly articulates the idea of the element of surprise that all post-structuralists speak of. He uses the term ‘politics of becoming’ to refer to a situation where new and unexpected and even surprising diversities ‘such as a new and surprising religious faith, a new source of moral inspiration, a new mode of civilization warfare, a new cultural identity’ or even ‘a new collective good, or the placement of a new right’ emerge to unsettle an already existing ‘constellation of established identities, goods, or rights’.¹²² As such it appears that Connolly’s ethos would be open to and encouraging of the Rancièrean culture of dissent, or Laclau’s construction of alternative discourses. In Connolly’s schema, such a politics could be encouraged or advanced via “‘majority assemblages’”¹²³ which aim at opening the liberal political culture to continual pluralisation by preventing the ‘fixing’ of one manifestation of pluralism, as the only manifestation possible. By a ‘majority assemblage’ Connolly seems to be referring to a loose coming together and coexistence of citizens ‘across religious, class, gender, ethnic, and generational lines without trying to pretend that citizens can leave their faiths entirely behind them when they enter public life’, in order to combine ‘care for equality, the earth, and the future in public presentations of interests, fears, hopes, principles, obligations, and responsibilities’.¹²⁴ It is a fluid notion that allows for the coming together of citizens in different amalgamations around various linking points to unite and share identities, and understand differences, via the aforementioned virtue of presumptive generosity towards others.

¹²² Connolly, 2005, p.121

¹²³ Howarth, 2008, p.176

¹²⁴ Connolly, 2008a, p.x

In *Spectres of Marx*, Derrida suggests that what is needed to overturn the hegemonic powers of the liberal capitalist New World Order, is a recognition of a movement that he implies already exists, a ‘New International’ which will oversee long term transformation in international law, of both its concepts, and its field of intervention.¹²⁵ Thus he explains that, in the same way ‘as the concept of human rights has slowly been determined over the course of centuries through many socio-political upheavals (whether it be a matter of the right to work or economic rights, of the rights of women and children, and so forth) likewise international law should extend and diversify its field to include, if at least it is to be consistent with the idea of democracy and of human rights it proclaims, the *worldwide* economic and social field, beyond the sovereignty of States’.¹²⁶ This is not to mean that Derrida is simply anti-State, but that ‘in given and limited conditions, the super-State, which might be an international institution, may always be able to limit the appropriations and the violence of certain private socio-economic forces’.¹²⁷ Hence without turning to Marxism, Derrida believes that it can still be possible for us to seek a “new international” which ‘already denounces the limits of a discourse on human rights that will remain inadequate, sometimes hypocritical, and in any case formalistic and inconsistent with itself as long as the law of the market, the “foreign debt”, the inequality of techno-scientific, military, and economic development maintain an effective inequality as monstrous as that which prevails today’.¹²⁸

This New International is conceived of as a loose movement, united by fellow feeling, and belief in a transformed common future. It is ‘a link of affinity, suffering, and hope’ that is becoming increasingly visible today. Although it is ‘untimely’ and rather undefined, Derrida is referring to an

‘alliance without institutions among those who...continue to be inspired by at least one of the spirits of Marx or of Marxism...in order to ally themselves, in a new, concrete, and real way, even if this alliance no longer takes the form of...a workers’ international, but rather a kind of counter conjuration, in the (theoretical and practical) critique of the state of international law, the

¹²⁵ Derrida, 1994, p.85

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

concepts of State and nation, and so forth: to renew this critique, and especially to radicalize it'.¹²⁹

In this, Derrida sees that a fidelity to the Marxist spirit would remain in an awareness of Marxism's legacy rather than an attempt to exorcise it. The main element of the spirit of Marxism that Derrida invokes here, is its commitment to the idea of a radical critique of itself. It has an element of self-reflexivity which Derrida sees as valuable, for he believes that it is necessary to 'keep faith with what has always made of Marxism in principle and first of all a *radical* critique, namely a procedure ready to undertake its self-critique'.¹³⁰ This shows that it is its self-reflexivity that Derrida values about Marxism.

One other point about institutional set-up is that, as seen above, in *Rogues* Derrida is keen to point out that we may need to re-think the contemporary link that we see today between democracy and sovereignty. Thus we see that overall, for his concept of democracy to come to be able to 'fulfil its promise of democratic openness' it need not become 'the domination of the world by one idea of democracy, or of international law' but rather 'the establishment of a democratic community or a new international law, which no longer perpetuates the economic and political dominance of certain States, but allows for full participation of others'.¹³¹

Connolly explains how we can pluralise pluralism, or in other words, how we can make the contemporary politics of pluralism, open to pluralisation so as to prevent today's attitude towards pluralism becoming entrenched and fundamentalised, such that we believe that we have a plural society, which would be threatened by new pluralisations. He explains that

'a pluralizing culture embodies a *micropolitics* of action by the self on itself and the small-scale assemblage upon itself, a *politics of disturbance* through which sedimented identities and moralities are rendered more alert to the deleterious effects of their naturalizations upon difference, a *politics of enactment* through which new possibilities of being are propelled into established constellations, a *politics of representational assemblages* through

¹²⁹ Ibid. pp.85-6

¹³⁰ Derrida, 1994, p.88

¹³¹ Thomson, 2007, p.70

which general policies are processed through the state, a *politics of interstate relations*, and a *politics of nonstatist, cross-national movements* through which external/internal pressure is placed on corporate and state-centred priorities'.¹³²

By all of these separate but complementary processes a politics of becoming regulated by agonistic relations will be able to flourish in place of the mainstream liberal approach which has been shown to contain tendencies which stifle the very pluralism it aims to promote.

For Connolly, pluralism is shown to be a “bicameral orientation”, whereby his ‘subjects are attached to their values, yet still prepared to exercise his notion of a “presumptive generosity” towards others and their attachments, in order to develop a peculiarly democratic ethos for subjects negotiating their lives in our increasingly heterogeneous societies’.¹³³ Yet he recognises that to adopt a stance of critical responsiveness is to acknowledge a continual sense of progression within the political, for ‘to alter your recognition of difference, therefore, is to revise your own terms of self-recognition as well’.¹³⁴ Therefore he acknowledges that critical responsiveness ‘moves on two registers: to redefine its relation to others a constituency must also modify the shape of its own identity’ and therefore ‘is always political.’¹³⁵ In answer then to the question ‘what shape does an ethos of responsiveness assume?’ Connolly replies that the key lies in turning ‘disturbance of what you are into critical responsiveness to what you are not.’¹³⁶ So we are left with an image of a continually revisable politics, open to difference and pluralism, where the political is regulated by the ethos of critical responsiveness and relations of agonistic respect which will enable new identities to be formed without the exclusion and demonisation that come about through the assertion of ‘the other’. Not only does this model offer the hope that we can overcome this exclusion and demonisation, and hence the dangerous fundamentalisation that is prevalent in contemporary society, but also offers a way to free liberal political thought from the troublesome static mode of thought in which Rawlsian liberalism is still stuck today.

¹³² Connolly, 1995, p.xxi

¹³³ Howarth, 2008, p.171; *citing* Connolly, 2005, pp.2-6

¹³⁴ Connolly, 2005, p.xvi

¹³⁵ *Ibid.*

¹³⁶ Connolly, 1995, p.xviii

Connolly also offered a solution to his economic critique of capitalism in *Politics and Ambiguity* in that “the future of democracy requires a reconstitution of the ends and imperatives governing the system of productivity” in order to “tame” or “relax” the growth imperatives of the economic system so as to allow sufficient “slack” for ambiguity to be acknowledged and expressed.¹³⁷ Connolly accordingly places a programme which will alter the contemporary ‘social infrastructure of consumption’ by converting luxuries and privileges into necessities, in order to shift away from ‘exclusive goods’ towards ‘inclusive goods’.¹³⁸ These will both ease pressure for growth while widening the availability of the good life. However, as McCarthy notes,¹³⁹ although Connolly is aware that such a programme would demand massive changes to all areas connected with the mode of consumption, he does not include any more details here.

He returned to the topic in *Democracy, Equality, Normality*, an essay published in *The Ethos of Pluralization*,¹⁴⁰ where he highlights that it is important for the democratic project, that equality is ‘viewed not simply as an end in itself but also as a condition of democratic pluralization’.¹⁴¹ He suggests that his conception of democracy should acknowledge two goals for bringing about greater equality:

‘first, to establish a floor below which no one is compelled to fall, because such a floor enables anyone and everyone to participate in the common life *if* he or she is inclined to do so; second, to establish a glass ceiling that it is difficult to break through’.¹⁴²

Those who wish to bring about greater equality need to recognise that ‘economic equalization is a prerequisite to effective democracy, but effective democracy is also a

¹³⁷ McCarthy, 1988, p.341

¹³⁸ By ‘exclusive goods’ Connolly is referring to the way forms of goods such as private healthcare in the US are restricted to the affluent and therefore ‘create hardships for the remaining populace that provides infrastructural support for these forms’ eg: taxes; whereas by inclusive goods he is referring to more ‘inclusive forms of health, transportation, housing’ etc which ‘could at once ease the demands on working-class budgets and draw the underclass more fully into the life of society’. (Connolly, 1991, p.39)

¹³⁹ *Ibid.*

¹⁴⁰ Connolly, 1995, p.75-104 (revised copy first published as ‘*Democracy and Possessive Individualism: The Intellectual Legacy of C.B. Macpherson*’, ed. Joseph H. Carens (1993) Albany: State University Press).

¹⁴¹ *Ibid.* p.80

¹⁴² *Ibid.* p.81

prerequisite to equalization'.¹⁴³ Thus the drive for Connolly's agonistic democracy does require a greater focus on equalisation because at present, 'neither provides an adequate condition for the other',¹⁴⁴ but this requirement goes alongside and is balanced by, in Connolly's book, the need for a greater focus on making democracy more effective. This is brought about through the aforementioned majority assemblages which he claims will be in favour of economic equalisation as long as their members exercise the appropriate ethical commitment to the relational character of identity, and exercise the aforementioned presumptive generosity.

With respect to details concerning the method of economic equalisation, Connolly has very recently returned to this topic, with a vigorous re-invocation of his earlier economic plans. He has endeavoured to show how the counter political movement he envisages could 'unite criticism of specific economic priorities with a vigorous attachment to the larger world in which mortality, human diversity, and severe limitations upon human agency are set'.¹⁴⁵ This movement he has entitled 'Eco-egalitarian Capitalism'. In his latest book, *Capitalism and Christianity, American Style*, he elaborates the necessary elements needed to counter the contemporary ethos of investment, consumption, work and state priorities. He sketches in much greater detail, what the shift in modes of consumption from exclusive to inclusive goods would entail, with focus on the six areas of commuting and travel; health care; food supply and diet; the power grid and waste disposal; home mortgages and green efficiency; and education. He also shows how this could lead to further eco-egalitarian changes, although he recognises all along that although he has tried to show that this type of change may be possible within the parameters of a capitalist axiomatic, it still remains 'difficult to foment the political drive and economic muscle to do so'.¹⁴⁶ However he is optimistic that today's dominant ethos is already being threatened by worries about 'climate change, violent storms in the bible belt, increased energy dependence, soil and water depletion, air pollution, and irrational patterns of consumption' are making the American capitalist adventure increasingly fragile to the point where it may just tip over into a crisis whereby the capitalist

¹⁴³ Ibid. p.82

¹⁴⁴ Ibid.

¹⁴⁵ Connolly, 2008a, p.xii

¹⁴⁶ Ibid. p.113

system fails to sustain the confidence of the American people.¹⁴⁷ He hopes that this may combine with a reawakening among younger generations of the destructive nature of American policies abroad, along with a challenge from the many migrants who refuse to remain silent in return for a right to remain; and the political resurgence of Christians, Jews, and Muslims who are ‘at odds with the bellicose voices that have pretended to represent them in public for three decades’.¹⁴⁸ It is to such a combination that he looks in the hope that they may act to implement such a political movement as he sets out.

The institutional deficit

Apart from Connolly and Derrida’s thoughts on international institutions, and Connolly’s idea of majoritarian assemblies, other post-structuralist thinkers have paid little attention to questions of how to institutionalise the democratic ethos, or how to bring about increasing democratic instances of the people, or alert people to the power of dissent. It is true that there are problems of a possible tension between the desire for stability which underlies the democratic ethos, with the ongoing requirement for dissent.¹⁴⁹ However, seeing that post-structuralists are aware that institutions help shape subjectivity, the lack of attention to this topic, despite the problems that are likely to occur, is especially surprising. Even when Connolly attends to this topic, he prefers to focus primarily on a kind of micro-aesthetics of the self, and not on institutional cultures that could foster an agonistic community. Neither do these thinkers move to consider Habermasian communicative flows as deliberative democrats have done. It is true that in Rancière’s case he has made clear his scepticism about institutional potential, but we see in Laclau and Mouffe no attention to the ways in which issues of institutional design might affect subjectivity. Hence despite varying development of the idea of the democratic ethos or at least in Laclau’s case, a radical democratic movement, none of these thinkers attend to how it emerges, and what the encouragement of such an ethos/movement would entail.

¹⁴⁷ Ibid. p.114

¹⁴⁸ Ibid. p.115

¹⁴⁹ Indeed, in her chapter entitled ‘*Democratic Decisions and Unviersality*’ in Critchley and Marchant (2004) Norval argues in a similar vein that post-structuralist theorists need to attend to the need for an account at the ontic of the relation between agreement and disagreement.

In contrast, much work exists outside of the post-structuralist school concerning how to reform institutions to help them foster the kind of ethos that would lend itself to agonistic democracy. For example, Graham Smith's book *Democratic Innovation* focuses on how forms of institutional design can support democratic participation, empowering those who are often excluded from political activity.¹⁵⁰ Alternatively, Boaventura De Sousa Santos argues that the events of the last decade that together constitute the current crisis of the left have converted the contingency of history into the necessity to change it' and thus he traces the emergence of an alternative globalisation to counter the neo-liberal hegemony.¹⁵¹ In his book *The Rise of the Global Left* he investigates the potential of the World Social Forum¹⁵² to help construct a counter-hegemony, arguing today the forum represents 'in organisational terms, the most constituent manifestation of counter-hegemonic globalisation' and provides the most favourable context within which to continue to counter neo-liberal globalisation.¹⁵³

In *Anti-Capitalism* Simon Tormey surveys wider contemporary suggestions for global institutions to promote social justice and cooperation through global social democracy.¹⁵⁴ His work offers examples of how groupings such as Connolly's majority assemblages and Laclau and Mouffe's thought on new social groups may be institutionalised, and discusses plans for economic reform, and global governance (akin to Derrida's New International). For example, Tormey suggests the central points of convergence of many of the various existing anti-capitalist groups as re-politicisation of economic affairs; re-empowerment of the people; re-localisation of power; and re-popularisation of decision-making.¹⁵⁵ He focuses on the way that the anti-capitalist movement is better thought of as 'a shifting, mobile "assemblage" of different currents of thought, different groups and organisations',¹⁵⁶ a phrase

¹⁵⁰ Smith, 2009

¹⁵¹ De Sousa Santos, 2006, p.6

¹⁵² The World Social Forum (hereafter WSF) is an open meeting place where social movements, networks, NGOs and other civil society organizations opposed to neo-liberalism and a world dominated by capital or by any form of imperialism come together to pursue their thinking, to debate ideas democratically, for formulate proposals, share their experiences freely and network for effective action. Since the first world encounter in 2001, it has taken the form of a permanent world process seeking and building alternatives to neo-liberal policies.' (World Social Forum Homepage, 2010)

¹⁵³ De Sousa Santos, 2006, p.6

¹⁵⁴ Tormey, 2004, ch.2

¹⁵⁵ Ibid. ch. 3 esp. p.137

¹⁵⁶ Ibid. p.140

evocative of Connolly's majority assemblages. Yet he goes far further than Connolly, sketching options for the anti-capitalist movement's strategy, listing constraints caused by transnational capitalism and explores practical options of what the movement's next step should be.¹⁵⁷

This is mentioning just a few of the many studies that have been done on suggestions for institutional reform which could complement the aims and ideals of post-structuralist agonistic democracy, to show that there is much potential for a dialogue between such thinkers as Smith, De Sousa Santos, Tormey and others, in order to develop the next stage of the post-structuralist democratic movement.

Conclusion

This chapter has demonstrated how post-structuralist democracy is conceived of as an institution of the social, rather than a practising system of government, which instead, due to the power inherent in social relations, will always be in the control of an hegemonic elite. In order to challenge such hegemonic power structures post-structuralists emphasise the need for a conception of democracy constituted of a commitment to revisability and openness, which is brought about through meaningful politics. In order for such a democracy to exist, agonists highlight the need for a democratic ethos of critical responsiveness and reflection, to prompt revisability and openness/hospitality to the other. Their hope is that this could be seen to provide a superior stable basis for community to Rawls' overlapping consensus, for it could provide an outlet for tensions, so that these can be responded to before they reach violent and destabilising levels, but would also simply better enable expressions of suffering to be responded to, rather than letting injustice continue or even grow. However, despite these radical suggestions, it is not yet clear how tensions could be resolved between the need for stability versus the need for dissent, and also it has emerged that the area of post-structuralist democratic thought lacks attention to the formation of democratic subjectivities, and hence, to the conditions under which dissent could be articulated, and such an ethos could emerge and flourish. I have argued that the ways in which these thinkers have considered the institutionalisation of such an ethos has been too limited, and that their work is severely lacking in this

¹⁵⁷ Ibid. ch.5

area due to their failure to attend to the formation of democratic subjectivities. Although I critique their attention to institutionalisation of the agonistic ethos, I have for now, merely pointed to the productive possibilities for such institutionalisation which could be discovered by bringing post-structuralist theory into closer dialogue with recent thought on institutional reform. There is no space to embark on such a project here as I would now instead like to shift my attention to examine the way in which the perfectionist thought of Stanley Cavell with his stronger focus on the formation of democratic subjectivity, may be of use to help post-structuralist thought better conceptualise how we may bring about their desired form of radical democracy.

3. Above Reproach and Beyond the Reach of Justice: Stanley Cavell on Rawls

Before detailing Cavell's work on the development of democratic subjectivity, it is useful to show that his critique of Rawls can be seen to converge with that of the post-structuralists, since he is also concerned about Rawls' suppression of voice. Cavell argues that Rawls' *A Theory of Justice*¹ is limited by its failure to adopt the perfectionist outlook which better enables us to express ourselves to one another in our common life together. This critique is motivated by the contention that Rawls has a distorted conception of the relationship between rules and the moral life, which is first evident in the essay *Two Concepts of Rules* and contributes to the failure to adequately consider the nature and demands of the moral life in his subsequent seminal work *A Theory of Justice*.² This chapter tracks these arguments, showing how in expounding them, Cavell further elucidates his own perspective of Emersonian perfectionism. In the following chapter I will then examine his perfectionist perspective in more detail in order to evaluate its possible contribution to the radical democratic project. The subject of this chapter is divided into three sections: the first states the basic complaint made by Cavell about Rawls' work and then investigates the motivation behind these complaints, revealing more of the Cavellian perfectionist perspective in doing so; the second attempts to show why Cavell's argument matters for those concerned about democratic subjectivity and voice; whilst the third argues that a Cavellian critique can be extended to Rawls' later work.

Cavell's basic charge against Rawls is that the view he presents in *TJ* needs to acknowledge the value of a processual kind of perfectionism, and without doing so, remains incomplete and limited, unprepared to hear and respond to the individual voices of those who are suffering. This charge is based on Cavell's ongoing concern that Rawls' work embodies a distorted conception of the relationship between rules and the form of life we call morality. In an earlier essay,³ Rawls argued that the practice of promising is analogous to playing a game. However, for Cavell, this is inadequate, revealing a superficial view of morality comprised of following

¹ 1971.

² Hereafter referred to as *TJ*

³ *Two Concepts of Rules* (Rawls, 1955)

determinate rules, and failing to acknowledge the requirement for ongoing consideration and conversation. Although this concern initially arose in relation to Rawls' earlier work, it is pertinent to *TJ* due to Rawls' desire to enable the attainment of a life that is 'above reproach'.⁴ It is also evident in Rawls' reduction of social life to a mere balancing of burdens.⁵ In contrast to Rawlsian liberalism Cavell argues that perfectionism can appreciate the complexity and demands of the moral life, and that this therefore makes his perfectionist outlook not simply beneficial for democratic life, but essential.

The demands and nature of the moral life

It is Cavell's contention that the distorted conception of the relationship between rules and the moral life was initially demonstrated by Rawls' analogy between 'the practice of promising' and playing games. In *The Claim of Reason*, Cavell took exception to this analogy between games and morality that Rawls drew in his paper *Two Concepts of Rules*. According to this analogy Rawls says that 'one can think of someone asking to get out of a promise being cited a rule in the institution of promising' in the same way 'as one can think of someone asking for four strikes being cited the three strike rule in baseball'.⁶ In contrast Cavell believes that '[n]o rule or principle could function in a moral context [in] the way [that] regulatory or defining rules function in games' because '[I]t is as essential to the form of life called morality that rules so conceived be absent as it is essential to the form of life we call playing a game that they be present'.⁷ Indeed, Cavell holds that Rawls' analogy between morality and games would be of greater use to us if it were intended to show the difference between morality and games, rather than their supposed similarities, for in part, games are fun, because they allow us to step outside the burdensome world of real life, full of its difficult moral choices. This is what it means to *play* a game; for the fact that games have determinate rules that are constitutive of the game and what playing it is, while the moral life does not, means that in games we can often relax, for 'what we *must* do is (ideally) completely specified and radically marked off from considerations of what we ought to (or should not) do', such that in a game, we are 'set free to

⁴ Ibid. p.422

⁵ Ibid. p.4

⁶ Cavell, 1990, p.113

⁷ Cavell, 1979, p.307 It is pointed out here that what Cavell means by 'the form of life called morality' is not the same as 'the form of life called a (moral) code'

concentrate all of our consciousness and energy on the very human quests for utility and style; if the moves and rules can be *taken for granted*, then we can give ourselves over totally to doing what will win'.⁸ This is not to say that games give no choice at all concerning what has to be done and what can be left to utility or style; however the point that Cavell wishes to make is that in the moral life, we need to recognise that the responsibility for this choice between the terms 'must' and 'ought' is essential and far more weighty. The fact of what is or is not an alternative possibility is not fixed, neither are actions 'moves' nor courses of actions 'plays'.⁹ As Bernard Williams explains it, the matter of 'ought' concerns what it would be best to do, whereas the matter of 'must' concerns the only conceivable option.¹⁰ Yet the decision of whether a course of action is a 'must' or an 'ought' is a decision that one has to take for oneself, as it will differ between individuals, so that what one person may think of as a choice another could see as imperative, however the responsibility to take this decision *for oneself* simply cannot, in a moral context, be passed over.¹¹

Cavell explains that a competent challenge in the moral life 'is one that is inherently open to discussion',¹² and so he draws attention to the fact that a moral judgement can always be overturned in the future or in another context, or to someone looking at the situation from another perspective, for ultimately, you are always responsible for your moral judgements because you could have chosen to respond differently. Thus we see that Cavell believes that moral arguments are those which aim to establish the stance we are willing to take responsibility for and so must be formed through self reflection but also, discussion with others, in order to decide which stance we wish to take.¹³

Thus, when we therefore realise that one's responsibility 'is the subject of moral argument', what will make this argument rational is 'following the methods which

⁸ Ibid. p.308

⁹ Ibid. p.308-9

¹⁰ Williams, 1981, p.125

¹¹ Indeed, we can further clarify Cavell's argument by considering his statement that 'One who asks for four strikes in the game of baseball is incompetent at the game and can perhaps be taught what it is. In the moral life the equivalent finality is carried not by a rule but only by a *judgement* of moral finality, one that may be competently opposed, whose content may then enter into a moral argument, one whose resolution is not to be settled by appeal to a rule defining an institution; a judgement, hence, that carries consequences unforeseen or forsown in games' (Cavell, 1990, pp.113-4).

¹² Cavell, 2004, p.176

¹³ Because, unlike following a rule in a game, 'our responsibilities, the extensions of our cares and commitments, and the implications of our conduct, are not obvious' (Cavell, 1979, p.114).

lead to a knowledge of our own position, of where we stand; in short, to a knowledge and definition of ourselves'.¹⁴ This shows us that in comparison with games, the moral life has an extra temporal and revisable dimension of responsibility and choice, thus it has a quality of constant openness, which is obscured by any analogy with competitive games.¹⁵

Furthermore, the fact that there exists a *moral* argument between you and I, means that no judge or rule can know better than we; there are no rules to decide the matter or that will reveal one of us as incompetent to decide. Thus the only way we can come to a resolution of the *moral* argument as opposed to the legal case, is through engaging with one another, through having a *conversation*, however difficult that may be. This may seem unsatisfactory to those who seek a simple, tidy solution to such arguments, but according to Cavell, the plain fact of the matter is, that as moral beings, there is no simple solution. Morally, we are required to take into consideration the thoughts and feelings of others, which will not necessarily fit a pre-ordained pattern, by virtue of the complicated nature of what it is to be a human being.

So Cavell argues that there is a dimension of choice and responsibility, and a much longer time frame, in the moral life that simply does not exist in a game.¹⁶ Consequently, we see that the moral life must be recognised as continually open and revisable, and thus our living of the moral life requires continual conversation, both internally, with ourselves, constituting self-reflection, but also with others, who will complement and challenge our moral lives whilst living their own.

¹⁴ Ibid. p.31. He notes *contra* Rawls's assumptions, that this realisation does not come about through assuming that every situation has only one proper response, that must be followed (as may be dictated by a rule in a competitive game, where one seeks to follow the rule in a way that will lead to winning), nor is it helpful to assume that 'we can always come to agreement about what ought to be done on the basis of rational methods' (ibid.).

¹⁵ Cavell is keen to point out that this remains true despite the fact that 'certain promises are one a community has a stake in direct enough to legalize as contracts, e.g., ones concerning the exchange of money, rights of property, and marriage' and so in this case, leaving aside the stake for the community, two individuals may agree that they had an understanding, but one of them may actually instead choose to deny it (Cavell, 1990, p.114). However, it is important to realise that Cavell's point is that one cannot morally absolve oneself of responsibility by passing this responsibility to a judge, since even if a dispute goes to court, whatever the decision of the court this judgement cannot be seen to enforce the plaintiff's judgement of the defendant, but instead merely replaces the need of the plaintiff to judge.

¹⁶ And thus 'in the moral life the game is never over –until its over – but your responsibilities for the game are confined to the position that, let us say, natural selection and social fortune have placed you in' (Cavell, 2004, p.173).

Seeing the importance Cavell accords to conversation for our lives together, it is understandable that he wishes to attend to conversation's central role in Rawls' *TJ*. Although 'an appeal to the conversation of justice is recurrent' throughout this work, Cavell attends to its most detailed articulation in the first chapter.¹⁷ Here Rawls says that 'the principles of justice accepted by those in the original position are such that in institutions which satisfy them, individuals can say to one another "that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair"'.¹⁸ Thus Cavell refers to this situation as the 'idea of the communication made possible by the sharing of just institutions' which is '*the conversation of justice*'.¹⁹

Cavell uses this phrase to emphasise that his 'invocation of conversation, while it means talk, means at the same time a way of life together'.²⁰ This represents a 'different goal or ideal, or a different inflection of the goal from that of "cooperation," as Rawls puts the context of justice'.²¹ This is because for Cavell, the term *cooperation*, 'as a general state of social interaction, suggests the idea of society as a whole either as having a project, or, at the other extreme, as being a neutral field in which each can pursue his or her own projects'.²² In contrast, the idea of conversation for Cavell is a way to explain ourselves and learn about others, and the fact he is making by emphasising its need is to claim that it is always going to be necessary to do this, however many principles of justice may be proposed or accepted.²³

Furthermore, Cavell explains that since conversation most requires the virtues of listening, responsiveness to difference, and willingness for change, the main issue here 'is not whether there is a choice between the virtues of cooperation and of conversation', but rather the relation between them, and whether they interact in such

¹⁷ As Cavell calls the discussion about what justice is.

¹⁸ Cavell, 1990, p.106 *citing* Rawls, 1971, p.13

¹⁹ Cavell, 2004, pp.172

²⁰ *Ibid.* p.173

²¹ *Ibid.*

²² *Ibid.* p.173

²³ For Cavell says that conversation 'emphasises neither a given social project nor a field of fairness for individual projects...What it emphasises is...the opacity or non-transparency, of the present state of our interactions, cooperative or antagonistic – the present seen as the outcome of our history as the realisation of attempts to reform ourselves in the direction of compliance with the principles of justice' (*Ibid.* pp.173-4).

a way as to discourage each other.²⁴ So the Cavellian commitment to conversation incorporates the idea that, contrary to Rawls' argument, 'even when the veil of ignorance is lifted, we still do not know what "position" we occupy in society, who we have turned out to be, what our stance is toward whatever degree of compliance with justice we have reached', for to be able to 'know such things is to have a perspective on our lives, on the way we live' and it is this area to which moral perfectionism is pertinent.²⁵

Armed with this deeper understanding of Cavellian conversation, we are now ready to examine Cavell's assessment of the need to understand the relationship between conversation and consent. This emerges in *TJ* due to the fact that its central idea, that we live 'under conditions in which we are enabled to say something to one another and...that what we are enabled to say is that we agree, or would agree, which refers to the expression of consent that a theory of the social contract must invoke',²⁶ reveals to us the need for conversation in a Rawlsian society. Yet Cavell breaks this conversation down into two instances in *TJ* which he argues have not been clearly enough distinguished by Rawls: firstly, 'there is the conversation eventual citizens must have about the justice or fairness of the original position in which the principles of justice are chosen'; and secondly 'there is also the conversation actual citizens must have in settling judgements about the degree of embodiment of those principles in the actual society, or system of institutions, of which they are part'.²⁷

The purposes of these two conversations are respectively 'to establish the fairness of the principles that actual citizens will employ' and then to use these principles as a standard with which the citizens 'can measure the degree to which existing social institutions diverge from ideal justice'.²⁸ Furthermore, these principles of justice that we are to accept, are according to Rawls 'such that those engaged in institutions which satisfy them "can say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with

²⁴ Ibid. p.174

²⁵ Ibid.

²⁶ Cavell, 1990, p.106

²⁷ Mulhall, 1994, p.271

²⁸ Ibid.

respect to one another were fair’’.²⁹ Thus Cavell examines each conversation in turn to see if it is able to live up to Rawls’ requirements of this type of ‘free and equal discourse about justice’.³⁰

With respect to the first conversation of justice, Cavell notes that Rawls’ ‘original position’ which is meant to correspond to the state of nature as it is often depicted in the traditional theory of the social contract is able to avoid the traditional depiction of this state as a scene of violence because it assumes a higher level of abstraction, where it is the principles of justice that form the basic structure of society that are to be agreed, rather than the terms of the contract to enter a particular society.³¹

However, Cavell is concerned that this change to the higher level of abstraction may have changed the ability of this prior state to play the role of being that which would traditionally establish one’s society, or one’s bond with society. In noting this, Cavell already reveals a slightly different starting point to Rawls, for rather than simply considering this ‘bond’ between citizens he prefers to consider a stronger citizen’s ‘identification with’ his/her society, showing that he sees this bond as a thing of much deeper substance than Rawls. Indeed, Cavell feels that understanding such a bond as *identification* actually better reflects consideration of Freudian psychoanalysis, which Rawls does call upon at times throughout *TJ*.³² However, despite Rawls’ use of Freud, he fails to consider its implications for his principles of moral psychology, which he bases on ‘the law that we love what, in justice, loves us’.³³ Cavell points out that, greater attention to Freud would have also revealed to Rawls that we ‘hate what loves us because, in justice, it also threatens and constrains us’ and so accordingly, if we are to love the contract, it ‘must pose a threat violent enough to overcome the violence of nature’.³⁴ This prompts Cavell to see that it would not be a simple fact of

²⁹ Cavell, 1990, p.106 *citing* Rawls, 1971, p.13

³⁰ Mulhall, 1994, p.271

³¹ The benefit of this is that it permits ‘Rawls to distinguish between strict or ideal theory and partial compliance theory, the former asking what a perfectly just society [a Utopia] would be like, and the latter comprising “the pressing and urgent matters...that we are faced with in everyday life”’ (Cavell, 1990, p.106 *citing* Rawls, 1971, p.8). However, Cavell considers the ‘rhetoric of constituting and directing institutions’ found in Rawls’ *TJ* to be sufficient evidence to prove that it was intended as a contribution to the theory of constitutional democracy considered as Utopia; and thus it is possible to already summarise his reservations about Rawls’ work as being that this depiction of Utopia must instead, if it is to be of value for our lives today, give way to perfectionism, and this in a way that does not seem to be left open by Rawls (Cavell, 1990, p.106).

³² Rawls, 1971, pp.459, 489, 539.

³³ Cavell, 1990, p.107 *citing* Rawls, 1971, p.490

³⁴ Cavell, 1990, p.107

loving a society because it is a good society, but instead seeing that any society will have both good and bad parts.

Although Cavell recognises that Rawls' original position is merely hypothetical it is still controversial, for it involves a 'fundamental moral assessment', whereby we adopt this hypothetical stance asking 'Is my society one I can imagine having chosen, or rather one I can accept as the consequence of my choice?'³⁵ This is a decision, in Cavell's eyes, that we do not take in isolation, but is based on what we have seen to be the necessity of ongoing dialogue or *conversation*. Thus, although Cavell believes Rawls has successfully demonstrated 'that in the original position one particular set of principles will receive optimal agreement' his discussion of 'the course and possible outcomes of the second, more practical types of conversation' is far less detailed.³⁶

The problem is that once the veil of ignorance lifts on the actual scene of our lives there are still 'uncertain measures of injustice'³⁷ Given this, he objects to Rawls' suggestion that we will only direct our 'consent to the principles on which society is based rather than...to society as such', since this seems to create a situation where we would apportion our consent to society only insofar as it is true to its founding principles.³⁸ His concern is that this may result in individuals being able to withdraw their consent 'when the public institutions of justice lapse' despite the fact that individuals may have gone without 'certain natural rights' in favour of those institutions; and also that the contract may 'in principle, specify how far [one] may reduce [one's] consent' as the justice within society reduces.³⁹ Not only does this mean that individuals may neglect the very troubled areas of society that require attention, but also that this could lead to some seeming to opt out of political society

³⁵ Indeed, Cavell recognises the value of this move for he says that the import of *TJ* for us today, is to get people to reflect as to whether they consider their society to be one they could accept they would have chosen, or rather, one they 'could accept as the consequence of their choice' (Cavell, 2004, p.170).

³⁶ Mulhall, 1994, p.272

³⁷ Rawls recognises this, saying that 'existing constitutions are bound to fall short of what is just and thus Cavell assumes that whilst in the original position we must be privy to the information that "any society will be imperfectly just" (Cavell, 1990, p.108).

³⁸ Cavell, 1990, p.107

³⁹ Ibid.

at all, for Cavell argues that the opposite of consent is not simply refusing to consent but opting out of society, remaining mute, and thus having no political voice at all.⁴⁰

Moreover, Cavell argues that although Rawls believes that ‘we consent to the present dispensation of a society that bears up under the critical eye of those principles, given the knowledge that no actual society will satisfy them perfectly’ it can be presumed that ‘an acceptable society is then one that satisfies them, while partially, with a system of justice good enough as it stands to warrant defending’, this leaves us with the question of how “partial compliance that is good enough to defend as it stands” is to be determined.⁴¹ Cavell explains that Rawls’ answer would be that ‘my sense of living in a society which in my judgement exhibits a favourable degree of partial compliance is one in which, in response to an expression of resentment levelled by an aggrieved member...of that society, I can say that my conduct is above reproach’.⁴² Yet the result of such a reaction is that although, if it is found that I have caused a grievance then I could not justly claim that my behaviour is above reproach, if this is not the case, then it seems that the grievance cannot be a true injustice, and must instead simply be due to envy,⁴³ and as such can be disregarded.

It is the assumption of the possibility of being “above reproach” that is a problem for Cavell, for it implies that ‘even in the second type of conversation about justice, intuition must be checked, and can only be legitimized, by being brought into stable alignment with principles’.⁴⁴ This leaves out or misunderstands what Cavell holds to be a fundamental dimension of conversation, for it ‘[i]mposes a restricted conception of how we go about assessing the claims that might be made upon us in the name of justice when the degree of society’s compliance with its ideals is in question (because it presupposes a restricted conception of the true nature of such claims); and it thereby encourages us to think that we are beyond reproach when we are not.’⁴⁵

⁴⁰ Ibid. p.108

⁴¹ Cavell, 2004, p.171 *citing* Rawls, 1971.

⁴² Cavell, 2004, p.171 *citing* Rawls, 1971, p.422

⁴³ Cavell, 2004, p.172

⁴⁴ Mulhall, 1994, p.272

⁴⁵ Ibid.

This second conversation of justice comes about in response to Rawls' principle requirement that 'all inequalities be justified to the least advantaged',⁴⁶ for here, there is a moment where we must stop and take stock of our society to see if it can continue forward. In this case, Rawls says that those who are expressing resentment 'must be prepared to show why certain institutions are unjust or how others have injured them'.⁴⁷ Thus for Cavell, this is another instance of the conversation of justice, separate from the first, yet Rawls has not attended to the finer details of this separate instance of conversation, asking to whom they are to show this resentment to, and so with whom would this conversation of justice take place? In attending to these questions, Cavell wishes to draw our attention to the concern that expressing such resentment may be more difficult than Rawls has envisaged.

We can see this by reflecting once more upon Rawls' statement that one's behaviour is above reproach if one is found to have not caused a grievance. Cavell's point is that where Rawls argued that such a statement was simply 'making a judgement which is already defined for us by 'an impersonal or intersubjective rule, as if the conversation has brought *itself* to a definitive end solely in accordance with its own agreed procedures' it is actually the fact that to make such a statement is for the individual to have *decided* to end the conversation and have *chosen to refuse* further debate, and thus it is not simply an illegitimate or incompetent decision, but 'one for which the individual concerned must bear responsibility'.⁴⁸

Furthermore, Cavell is concerned about Rawls' requirement that those who are least advantaged may be 'apt to put up with the way things are, not initiate the conversation of justice'.⁴⁹ Hence, this 'silence may be a sign of demoralization, or it may signal a belief that whatever can be done for them is being done by the normal political process' and thus will never actually bring their resentment forward into the public domain.⁵⁰ However, even if their resentment does build up to the point where it is expressed, there may be further problems, indeed, 'it may be part of the resentment

⁴⁶ Rawls, 1971, p.250

⁴⁷ Ibid. p.533

⁴⁸ Mulhall, 1994, p.276

⁴⁹ Ibid.

⁵⁰ Cavell, 1990, p.108

that there is no satisfactory hearing for the resentment'.⁵¹ In addition, Cavell acknowledges Rawls' unquestioned assumption herein that 'the force of requiring justification to the least advantaged is that those of greater-than-least advantage will be easier to justify inequality to'.⁵² He also highlights other concerns with Rawls' requirement that resentment be expressed, for example, he asks how one should describe the relation to someone they may accuse of envy; and notes that Rawls does not explain why anybody would be prepared to say anything at all in response to another's cry of injustice.⁵³

In order to make the point that the expression of resentment may be more difficult than Rawls appreciates, Cavell uses Ibsen's play *A Doll's House* in which we see the protagonist, Nora, express a claim of injustice and resentment at the way she has been treated by society and her husband, Torvald Helmer. Nora's expression of resentment takes place in the argument that she has with her husband in 'concerning whether she was right to borrow money in secret in order to save her husband's life and spare her dying father's feelings, and then to skimp on household and personal expenses in order to maintain interest payments on the debt'.⁵⁴ Not wanting to confide in anybody else, she fraudulently forged the signature of her dead father on the indenture. Torvald is scandalised by her behaviour, at first accusing her of being 'a hypocrite, a liar – worse, worse – a criminal!' with 'no morality' who it seems has shamed him irreparably, since he believes that people would assume it was him behind the fraud, as she is just a 'thoughtless woman'.⁵⁵ He therefore decides that their marriage is 'all over' for she could not possibly be capable of bringing up the children.⁵⁶ Yet then, when he realises that he will not be shamed in public, he is willing to concede that it was just that she 'had not sufficient knowledge to judge' her behaviour, and thus he forgives her. Yet, having seen his true colours and the way he was ready to treat her, she has realised that their marriage was a sham. She was living according to the rules of a society in which she was not treated fairly, trapped inside the image of the good mother and subservient wife, unable to express herself fully, for when she does not fit

⁵¹ Ibid. This is a point where Cavell's concerns appear to converge with those addressed by Rancière as will be shown in Chapter 5.

⁵² Cavell, 1990, p.108

⁵³ Cavell, 2004, p.172

⁵⁴ Cavell, 1990, pp.108-9

⁵⁵ Ibsen, 1958, pp.62-3

⁵⁶ Ibid. p.63

this model, and tries to act independently, it is assumed that she did not understand what she was doing, rather than taking her decisions in full knowledge. If she differed from her society⁵⁷ she hid that fact because it would not have been approved of. When she tries to explain Torvald he allows that there will be change, but on her part, not his.⁵⁸ Now she has seen this, she feels unable to remain and decides instead to leave in search of education, which offers for her the hope of being able to express herself fully. Torvald cannot understand this desire, instead believing her in turn to be going mad, being foolish, or childish, because by her behaviour she is making it clear to him that she does not understand ‘the conditions of the world’ in which she lives.⁵⁹

Cavell uses this play to demonstrate how difficult it may be for those who feel that they are being treated unfairly to express their claim in a way that will enable it to be recognised.⁶⁰ Furthermore, ‘[t]he moral importance of Nora’s outrage is not confined to the manifest content of the explicit moral argument she has with her husband, but with her whole social order, and thus Cavell uses Nora to examine the efficacy of Rawls’ proposals by asking:

‘Do we feel Nora’s expressions of dishonour and outrage at the state of her so-called marriage require that she be prepared to show why certain institutions (here the institution of marriage) are unjust or how others have injured her?’⁶¹

For it is precisely this that Rawls believes would be required in his society by those who express resentment. Yet when Nora tries to explain to her husband, the injustice and injury done to her, as Rawls would require, his reply is simply that ‘she is talking like a child, that she does not understand the world she lives in (with which she agrees and which is an essential part of her determination to leave this husband and their children)’⁶² since whilst he thinks she is raving she can get no further through the means of conversation. Her dilemma is such that ‘to speak in the language of moral consensus, represented by her husband Torvald, who has managed “for the eight years

⁵⁷ Her society is here represented by her husband and her father.

⁵⁸ Ibsen, 1958, p.67

⁵⁹ Ibid. pp.68-9

⁶⁰ It is interesting that the medium of a play may help us to better understand Nora’s fix as the audience is put in the position of being able to see her inner turmoil before Torvald discovers what she has done, and hear her side of the story as she tells it to her friend. Although, it may be important to remember that Ibsen’s audience may not have recognised her trauma as easily as we may today, as we are already familiar with feminist and post-modern critiques of marriage and femininity. Indeed, this is not to say that there will not be Ibsen audiences today who do not respond to Nora in the way Cavell does.

⁶¹ Cavell, 1990, p.109

⁶² Ibid.

of their marriage, to control her voice, dictate what it may utter and the manner in which it may utter it,” means that she is unable to ‘give conviction to the expression of injustice’, and when she therefore tries to break out of the moral consensus ‘to find other, new words and ways of speaking capable of expressing this conviction’ she is no longer acknowledged, in fact she is ‘held not to speak in terms that we are *required* to acknowledge, that is, not to speak (in the relevant sense) at all’ as we see when Torvald tries to dismiss her words as childish or mad.⁶³

Nora’s situation thus reveals the danger in what Rawls is asking, for an individual may at first internalise the values of a society that represses or injures them, and despite then, coming to see – and resent – that they are repressed or injured, also realise that there may be no way that is recognised by others as legitimate, through which they can express their resentment and make the repression and injury clear to others. This is shown where ‘Nora has no reasons that are acceptable, and she surely knows all the reasons that can be given her’.⁶⁴ For as Cavell explains, she feels that ‘she could tear herself to pieces for having listened to these reasons all of her life, for having consented...to live without a voice in her history’.⁶⁵ So despite Rawls’ confident assertions that ‘each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override’⁶⁶ Cavell has shown that Nora senses that she has been violated despite her inability to express this in a way that Torvald can understand, instead of deeming her to be ill or ‘out of her mind’.⁶⁷

Although, at the end of the play, Nora leaves, closing the door on what Cavell has been characterising as her ‘society’ he is not using this as a lesson to follow,⁶⁸ but wishes to argue that instead of accommodating the idea that we will always be an inevitable distance from ideal compliance, we should imagine ‘an argument of right and wrong that cannot be won [in that we can never reach the ideal, right, above reproach society] and should not be lost [we should not accept that we are inevitably

⁶³ Owen, 1999, p.590 *citing* Cavell, 1990, p.xxvi

⁶⁴ Cavell, 1990, p.109

⁶⁵ *Ibid.* Cavell’s phrase ‘without a voice’ is especially interesting here in relation to Rancière’s argument, and should be noted as it will be returned to below.

⁶⁶ Rawls, 1971, p.3

⁶⁷ Ibsen, 1958, p.69

⁶⁸ Although in contrast, as we shall see in chapter 5, it is perhaps an ending that Rancière would see as necessary and unavoidable.

always going to be far away from the ideal].⁶⁹ Thus a Cavellian ending would leave us with the impression that the dialogue between Nora and Torvald will continue in the future, as long as Torvald himself realises that he is not above reproach, and must consider revising his behaviour.

For Cavell, this means two things. First, in contrast to Rawlsian society, ‘arguments over everyday moral issues are not ones that necessarily raise the question of society’s distance from perfect justice; some such distance will be taken for granted on both sides while a conclusion and disposition are sought that allow civil life to go on in the face of broken promises, conflicts of interest, discrimination and affirmative action, abortion and euthanasia, and so on’.⁷⁰ Secondly, it means that ‘I recognize that at some time my sense of my society’s distance from the reign of perfect justice, and of my implication in its distance, may become intolerable. Then if an argument should not take place (under present conditions?), what should take its place? ([assuming] that constitutional debate is not here in order.)’⁷¹ Furthermore, Cavell acknowledges the unhappy, and at times, unacceptable circumstance, whereby he takes ‘Nora’s enactments of change and departure to exemplify that over the field on which moral justifications come to an end, and justice, as it stands, has done what it can, specific wrong may not be claimable; yet the misery is such that, on the other side, right is not assertible; instead something must be shown’.⁷² Apparently it is this unhappy circumstance that is the domain of perfectionism,⁷³ for even in difficult situations it would recognise the possibilities of conversation in the hope of going on together.⁷⁴ By contrast, Cavell argues that Rawls’ *TJ* does not attend to the way in which claims can be silenced by the requirement of reasonableness, whilst Rawls even tries to remove the requirement that we all have a responsibility to listen to such claims.

In addition to Rawls’ failure to acknowledge the nature of the moral life, Cavell holds that he fails to adequately consider the demands of the moral life. Indeed, it seems

⁶⁹ Cavell, 1990, p.110

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Cavell, 1990, p.112

⁷³ Ibid.

⁷⁴ This phrase is borrowed from Josiah Ober’s book *Athenian Democracy* (2005) where he argues that despite diversity in Ancient Athenian democracies, the idea of democracy for the Athenians entailed the fact that their common fate meant that they would look for ways to overcome differences due to what they saw as their need to go on together.

that the superficial view of morality that enabled the analogy between promising and game playing is also evident here.

In *TJ* Rawls seeks to provide a basis for mitigating social misery by social means, beginning now, to the extent possible within the terms of justice (that is, not by revolutionary dispossession of one class or status in favour of another).⁷⁵ In contrast however, perfectionism recognises that our social lives are about more than simply the mitigation of both natural and social burdens. This is not to say that such mitigation is not important, but that this *alone* is not enough. Our experience of these burdens is not the single basis of our existence. Full expression of our humanity reaches beyond burdens into what has more traditionally been referred to as the domain of the soul and that form of life called morality. This is recognised by Emersonian perfectionism which sees an extra “something else” which doesn’t appear in Rawls’s texts, whereby being human is not something that comes later than justice, but ‘is essential in pursuing the justice of sharing one another’s fate, without reducing that fate, as it were, to mitigation’.⁷⁶ Thus for Cavell, it is not enough for Rawls to lay out a principle of justice prior to individuals living together in society, because this would reduce the purpose of their lives to simply making their living conditions less severe. Instead, a perfectionist understands human life as about living together in an ongoing relationship or conversation where we are responsive to one another, and as such justice is something that must necessarily be worked out in the process of our lives together.

Cavell’s appreciation of social bonds is deeper than that found in Rawls’ work, even though, as Cavell points out, if Rawls had been more attentive to Freud whom he occasionally cited, he may have come to this conclusion himself.⁷⁷ However, here it is worth examining the finer details of both Cavell’s and Rawls’ readings of Nietzsche, as in Cavell’s discussion of this, he further elucidates the features of perfectionism, and reveals the value of what is missing from Rawls’ theory.

⁷⁵ Cavell, 2004, p.165

⁷⁶ Cavell, 1990, p.25

⁷⁷ See p.95 above

Cavell objects to the way in which Rawls chooses to disregard the perfectionist outlook based simply on his reading of Nietzsche. This reading was unfortunate since Cavell shows that this small section from Nietzsche's *Schopenhauer as Educator* is actually of great value in detailing perfectionist appreciation of the demands of the moral life, which is precisely what Cavell believes is missing from Rawls work. Cavell depends for this argument, upon his distinction between two types of perfectionism: teleological and processual. According to Cavell, Rawls misread Nietzsche's work as an example of teleological perfectionism, whereas Cavell takes it as an example of processual perfectionism. So although Rawls' (mis-)reading of Nietzsche has made him dismiss perfectionism as undemocratic and therefore incompatible with his theory of justice, Cavell argues that this need not be the case. Accordingly, Cavell wishes to suggest that processual perfectionism is actually 'essential' for 'a life of justice in a constitutional democracy'.⁷⁸ In explaining his contrasting reading of Nietzsche in order to defend perfectionism in the face of Rawls' charge that it is elitist and undemocratic, Cavell also elucidates its central features.⁷⁹

Rawls' reading of Nietzsche⁸⁰ centres on merely a few lines taken from *Schopenhauer as Educator* which appear in *TJ* as follows:

‘Mankind must work continually to produce individual great human beings – this and nothing else is the task ... For the question is this: how can your life,

⁷⁸ Cavell, 1990, p.56

⁷⁹ It can be useful to explain how Rawls mis-reading of Nietzsche came about. For Rawls perfectionism is a teleological theory, which, can encompass both advanced and moderate forms, yet both, he rightly points out, involve the need to maximise human excellence (1971, pp.325-32). In its more moderate version 'it is merely one principle among others and directs "society to arrange institutions and to define the duties and obligations of individuals so as to maximise the achievement of human excellence in art, science and culture" (Mulhall, 1994, p.267 *citing* Rawls, 1971, p.325), whereas in its more extreme version 'the maximisation of excellence is the sole principle of social institutions (*Ibid.* p.268). It is this latter extreme form of perfectionism that Rawls saw in the passage he took out of context, from Nietzsche's work. Yet as Mulhall points out, Rawls' argument relies upon how we understand the notion of maximisation. Although not acknowledged by Rawls, maximisation could actually have two meanings, either that 'society should ensure the maximal distribution of some species of achieved excellence (e.g. a social good that might be called 'high culture'))'; or that 'it should encourage the maximum number of individuals to attempt to excel themselves (e.g. go beyond their attained to their unattained self)' (*Ibid.* p.267-8). In Cavellian perfectionism, (which Cavell bases upon his readings of the work of Emerson and of Nietzsche) there is actually no good to be maximised, and so in this sense, this type of perfectionism is not teleological at all, but processual.

⁸⁰ Although this argument in defence of Nietzsche is less about critique of Rawls' work, and more about clarifying and showcasing the processual perfectionist outlook, in contrast with teleological perfectionism, it will be discussed here since it enables us to see why Cavell argues that processual perfectionism is not only beneficial for democratic life, but is actually essential.

the individual life, retain the highest value, the deepest significance?...Only by your living for the good of the rarest and most valuable specimens⁸¹

Rawls, taking the words at face value, reads it as implying that the majority of society must live for the good of, and in accordance with, the conception of good held by a smaller elite group of great men. On such a reading, Rawls' conclusion that as far as this is perfectionism then it has no place in a principle of justice applicable to a democracy, is understandable. Yet, since Cavell believes that these words of Nietzsche are 'a transcription and elaboration' of Emerson's work, and Cavell believes that the processual perfectionism found in Emerson's work, is in actual fact, not only applicable to a democracy but essential to it, it becomes necessary for Cavell to explain how Nietzsche's elaboration of Emersonian thought is not only complimentary to democracy, but is, in essence, democratic in itself.⁸²

Firstly, Cavell observes that Nietzsche's sentence continues beyond the end of the quotation by Rawls. It goes on⁸³ to characterise further the nature of the majority of which Nietzsche is talking, leading Cavell to suggest us that, taking this into account, Rawls himself would agree with what Nietzsche is saying since constitutional democracies, including those of the Rawlsian kind, also do not intend each member to live only for the good of the majority. Thus, if we are not to live for the good of the majority, then the alternative seems to be to live for the good of each different and various position which could be taken within society.⁸⁴ Therefore, in contrast to Rawls, it is this commitment to diversity that Cavell sees in Nietzsche's sentence.

Now the purpose of this investigation is to enquire if the life of the perfectionist *could be* democratic. Cavell supposes that although the Nietzschean desire to live as a

⁸¹ Rawls, 1971, p.325, note 51 *citing* Hollingdale, 1965, p.127 *citing* Nietzsche, Schopenhauer as Educator, §6.

⁸² Cavell, 1990, p.49

⁸³ The next section is included in Hollingdale's commentary despite Rawls not citing it, and in Hollingdale's rendering continues: 'Whoever does this 'places himself within the circle of *culture*', and says 'I see above me something higher and more human than I am; let everyone help me to attain it, as I will help everyone who knows and suffers as I do: so that at last the man may appear who feels himself perfect and boundless in knowledge and love, perception and power, and who in his completeness is at one with nature, the judge and evaluator of things' (Nietzsche in Hollingdale, 1965, p.128).

⁸⁴ Cavell, 1990, pp.49-50

perfectionist may not be captured in *Rawlsian* democratic life,⁸⁵ this is not to say that it would not be compatible with democratic life *per se*;⁸⁶ since to be a democrat is not to celebrate a political system in which one's own favoured views, tastes and opinions are enforced upon everyone else,⁸⁷ but to live in a system in which many different views, tastes and opinions abound. Thus despite disagreeing with or finding disagreeable, the content of much, some, or all, of the multifarious views, tastes and opinions, the democrat will value their existence.

Yet Cavell notes two further problems with Rawls' interpretation of Nietzsche. Firstly, the translation of the German word "Exemplare" into "specimens" in the English text used by Rawls. Cavell suggests that this would be better translated as 'exemplars'. The difference being that the biological connotations of the word 'specimens' means that 'the grounds for identifying them (hence for assessing their value)' can be specified independently of whether or not they may have an effect on you.⁸⁸ In contrast, an exemplar, according to Cavell, gives 'access to another realm' and thus 'is not grounded in the relation between the instance and a class of instances it stands for but in the relation between the instance and the individual other'.⁸⁹ Consequently, the decision to translate "Exemplare" into either 'specimens' or 'exemplars' could change the meaning of Nietzsche's sentence from an undemocratic, elitist idea of the majority of people living for the good of a minority of those who are more talented, or worthy in some as yet unspecified way, to one of the majority trying to live 'for the good' of those who live the most exemplary lives.⁹⁰ Although it is not yet clear what Nietzsche means when he says 'for the good of', Cavell's reading tries to explain how this may allow perfectionism, to chime more easily with democratic values. This argument relies on two factors, firstly a more detailed reflection on Nietzsche's text, and secondly through reflection on the work of Emerson which went

⁸⁵ Since a Rawlsian democratic life is here characterised by Cavell 'in the idea of making rational choices that have justifiably unequal benefits for all' as we see in Rawls' Difference Principle (Cavell, 1990, p.50)

⁸⁶ Cavell, 1990, p.50

⁸⁷ As in alternative systems such as timarchy, oligarchy, or dictatorship

⁸⁸ Cavell, 1990, p.50

⁸⁹ *Ibid.*

⁹⁰ However, this point as to whether "exemplar" or "specimen" would be a more true translation is still open to considerable debate, as discussed in Thomas Hurka's article 'Nietzsche's Perfectionism' (Hurka, 1992). Cavell fails to acknowledge this and instead presents it as a puzzle solved. Cavell's approach is supported however, by the fact that the translation referred to by Rawls (Hollingdale, 1965) which translated 'exemplare' as 'specimens' was later revised, (Hollingdale, 1999), to translate it as 'exemplars' (Conant, 2001, p.194).

on to influence Nietzsche. These will now be discussed in relation to what Cavell calls his second problem, concerning the fact that Rawls has not reflected upon the sentences in Nietzsche's text that follow the one about exemplars focused on above.⁹¹ Here, Cavell explains that Nietzsche is saying that [young]⁹² people must come to realise that they are not perfect, hence the notion of being a 'failed work of nature', yet they have potential to lessen that failure, through firstly simply coming to this realisation, and secondly, trying to improve themselves, whilst simultaneously helping others to do the same.

In addition to the focus on the life of culture, Cavell seems to be influenced by the final section of this passage, in which he appears to believe that Nietzsche is talking about democracy.⁹³ This is apparent inasmuch as it shows the perfectionist individual calling on others to help him attain the "something higher" and declaring that he, in turn, will help others in each of their individual quests. This invokes the mutual obligation of democracy through which Cavell adds another, political dimension, to the traditional conception of perfectionism with its ethical obligation by which the perfectionist is to make one intelligible to oneself. What is added by this new political obligation is that one must also make oneself intelligible to others and in turn, help others to do the same, and thus together, engage with the question of who we are, as a political community, and each of our places within this.

Hence Cavell explains that these sentences show Nietzsche beginning to characterise the life of culture as one which 'must in a sense be understood as a life lived for the good of the one living it'⁹⁴ which therefore 'demands a certain exclusiveness' since this good is unique to each individual in a different way and, contrary to what Rawls

⁹¹ Cavell uses Hollingdale's translation (Nietzsche, 1983) which is fuller than Hollingdale's rendering in his commentary above. Cavell's citation of the passage reads: 'The young person should be taught to regard himself as a failed work of nature but at the same time as a witness to the grandiose and marvellous intention of the artist...By coming to this resolve he places himself within the circle of *culture*; for culture is the child of each individual's self-knowledge and dissatisfaction with himself. Anyone who believes in culture is thereby saying: "I see above me something higher and more human than I am; let everyone help me to attain it, as I will help everyone who knows and suffers as I do"' (Cavell, 1990, p.51; *citing* Nietzsche, 1983, p.162).

⁹² It will later be explained that the term 'young' here is taken to actually refer to the outlook of the individual, rather than referring to that person's age.

⁹³ Although fails to explicitly acknowledge the assumed link between individuals helping each other and democracy

⁹⁴ And thus importantly not for the good of an elite minority, as in Rawls' reading.

seems to expect of perfectionism, ‘not maximizable (transportable to other lives)’.⁹⁵ This Nietzschean life ‘is not inherently unjust’ as it does not require ‘favoured shares in the distribution of good’, hence its ‘characteristic vice would not be envy’, but could instead be characterised as ‘shirking participation in democracy’.⁹⁶ So Cavell argues that in contrast to traditional teleological perfectionism, maximisation would ‘roughly’ be ‘the last thing on the mind of the suffering individual in this state of self-dissatisfaction, the state of perceiving oneself as failing to follow oneself in one’s higher and happier aspirations’ not in the sense of a right to ‘the deliverances of rare revelations’, but instead ‘to the significance of one’s everyday impressions, to the right to make them one’s ideas’,⁹⁷ and hence, as will be emphasised in the discussion below of Cavell’s Emersonian perfectionism, the right to give greater significance to the everyday and ordinary.⁹⁸

For Cavell, this is centred on the idea of an individual journey, which *cannot* be carried out, but would only be distracted and diverted down a dead-end by the Rawlsian desire to explore how we could maximise a ‘given state of culture’. Instead of this desire for maximisation, Cavell suggests that we need to recognise the perfectionist journey as characterised by a sort of ‘adolescence’ whereby aspirations which may, to a more ‘grown-up’ or mature mind, seem wildly naive or overly ambitious, can be taken seriously and explored. Thus Cavell describes democracy through Emerson’s eyes as ‘the individual situation of adolescence, the time of possibilities under pressure to consent to actualities’,⁹⁹ So by emphasising the importance that ‘child’ and ‘youth’ imagery play in the thought of both Nietzsche and Emerson, Cavell shows how for both of these writers, ‘youth is not alone a phase of individual development but-like childhood for the earlier romantics – a dimension of human existence as such’;¹⁰⁰ a dimension where we stop and pause to question the obvious and challenge conformity. Consequently, Cavell chooses to see democracy as

⁹⁵ Cavell, 1990, p.51

⁹⁶ Ibid. Or this could perhaps be explained as simply lacking in commitment to our common life together. If this is the case however, Cavell recognises that we would accordingly need a fuller proposal of the form or distinctive mode of such participation. This will be returned to below

⁹⁷ Cavell, 1990, p.51

⁹⁸ See Ch. 4, p.130

⁹⁹ Cavell, 1990, p.52

¹⁰⁰ Ibid.

a place where possibilities can be entertained that may be considered wild or youthful fancies under more sensible and sober judgement.¹⁰¹

Cavell therefore shows that we may see that the child imagery in the passage quoted from Nietzsche is not necessarily speaking of a comparison between two separate individuals, one of whom is ‘higher and more human’ than the other, but of a journey of the self from a lower and lesser human position to ‘a further or eventual position of the self that is now dissatisfied with itself’.¹⁰² This puts us in a position to recognise that the something higher that Nietzsche’s culture-lover seeks, is “a higher self as yet still concealed from it”, which is according to Cavell, my own, as yet unattained self.¹⁰³

This is supported by Nietzsche’s next sentence¹⁰⁴ in which Cavell observes that ‘the perfectionist idea of culture is projected in contrast to this idea of “one’s own nature”,¹⁰⁵ hence ‘the move from the state of nature to the contract of society does not, after all, sufficiently sustain human life’ but more is needed.¹⁰⁶ However Cavell warns us not to forget that there is a moral danger here in that ‘[i]f the idea of unshrivelling our nature is that of transforming our needs, not satisfying them as they stand’ we may, in each focusing on our own task of self-transformation, forget ‘the needs of others as they stand’.¹⁰⁷ Yet it is possible to conjecture that this could be avoided since Cavell explains that ‘the love’ which accompanies our “self-transformation” would surely lead us to hate our own ‘meanness’ and thus may lead us to also attend to the needs of others. Notwithstanding, Cavell makes clear that it is a danger to bear in mind.

A further point of interest for Cavell, is Nietzsche’s idea of attaching one’s heart to some great man, which he interprets as ‘acting towards him in love’ an act which

¹⁰¹ In tune with this description I would describe democracy as a place where an adult can ask ‘what if...?’ in order to challenge the status quo, despite the fact that traditionalists may instead brand this as being irresponsible.

¹⁰² *Ibid.*

¹⁰³ For more on the unattained self see Chapter 4.

¹⁰⁴ ‘Thus only he who has attached his heart to some great man is by that act *consecrated to culture*; the sign of that consecration is that one is ashamed of oneself without any accompanying feeling of distress, that one comes to hate one’s own narrowness and shrivelled nature’ (Nietzsche, 1983, p.163).

¹⁰⁵ Cavell, 1990, p.52

¹⁰⁶ Such as ongoing reflection.

¹⁰⁷ Cavell, 1990, p.52

Cavell sees as illustrated in Nietzsche's writing of his text on Schopenhauer. However, Cavell argues that, through that act of writing, Nietzsche was not *consecrating himself* to Schopenhauer, for Schopenhauer rarely features in the text. Instead Cavell says 'if what you consecrate yourself to is what you live for' then it is more likely that the love of the great causes a hatred of one's meanness, and that it is this hate which constitutes the 'sign of consecration', for it shows that you love only the great.¹⁰⁸ This also shows how Cavell conceives of the idea of using the other as an exemplar to improve the self. He sees this as the way in which we can help the others with whom we co-exist in a democracy. Thus we are each to become exemplars whereby we show each other the possibility of democratic life; and help others to find exemplars, whilst seeing exemplars in others too.¹⁰⁹ Hence Cavell conjectures that 'everything depends on how [this life] is to be reached',¹¹⁰ implying that the focus of such a life should not be on the final destination, but on the way in which it is lived: the process of one's life.

Overall, Cavell's reading of Nietzsche sees him as 'calling for the further or higher self of each' where one consecrates oneself to self-transformation, thereby 'accepting one's own genius, which is precisely not, it is the negation of, accepting one's present state and its fixed consecrations to someone fixed, as such, "beyond" one'.¹¹¹ In doing this, he sees a wider second dimension emerge whereby in one's consecration to self-transformation, there is also a consecration to helping others in this quest. This argument makes visible the processual kind of perfectionism that Rawls cannot envisage, and shows the political relevance of this perfectionism as a way to enhance democratic life. However it does not yet demonstrate that such a perfectionism is essential to democratic life and we need now to attend to this next step in Cavell's argument.

¹⁰⁸ Ibid. p.53

¹⁰⁹ Nietzsche's statement that 'The fundamental idea of culture, insofar as it sets for each one of us but one task: to promote the production of philosopher, the artist and the saint within us and without us and thereby to work at the perfecting of nature' (Nietzsche, 1983, p.163) further supports this, and is interpreted by Cavell to show that this perfecting will 'set one in the midst of "a mighty community"' which is obviously not yet present, but eventual (Cavell, 1990, p.53)

¹¹⁰ Cavell, 1990, p.53

¹¹¹ Ibid.

Cavell concedes to Rawls that his (mis-)reading of Nietzsche is widely shared, and thus it is necessary to explain why Nietzsche would have allowed his work to remain unclear on this point. In doing this, it will also become clear why Cavell believes that the perfectionist outlook is essential for democratic life.

Cavell believes that an explanation for the obscurity of Nietzsche's argument can be found in Emerson's text *American Scholar* which he believes is the source upon which Nietzsche's passage on the relation to greatness is based. In examining two phrases from Emerson,¹¹² Cavell points out that Emerson does not say that contentment to be less than a hero 'is *the best or necessary* state of things' but merely that many seem content with that state of affairs.¹¹³ In fact, by studying the lines that follow, he argues that Emerson characterises the cause of this problem as due to the fact that humankind is not alive, but merely 'sleepwalking', and that we need to 'wake' in order to 'leap' to the true good whereby we would come to see that 'Each philosopher, each bard, each actor has only done for me, as by a delegate, what one day I can do for myself'.¹¹⁴ This according to Cavell, now 'leaves no room for doubt that the intuition of a higher or further self is one to be arrived at in person, in the person of the one who gives his heart to it' and such that in saying 'that the great have been his delegates' also 'declares that "I" can one day...be that delegate'.¹¹⁵ Thus each individual foreruns themselves, or their future, possible self, as 'a sign' or 'an exemplar',¹¹⁶ and so it is evident that one cannot only be an exemplar to others, but that one's own higher self can act as an exemplar to one's ordinary self.¹¹⁷

¹¹² The first phrase is that 'The main enterprise of the world for splendour, for extent, is the upbuilding of a man' (Emerson, [American Scholar] 2003, p.240); whilst the second reads 'in a century, in a millennium, one or two men; that is to say, one or two approximations to the right state of every man. All the rest behold in the hero or the poet their own green and crude being – ripened; yes, and are content to be less, so *that* may attain to its full stature' (Emerson, [American Scholar] 2003, p.240).

¹¹³ Cavell, 1990, p.54 - italics added.

¹¹⁴ Emerson, [American Scholar] 2003, pp.240-1

¹¹⁵ Cavell, 1990, p.54

¹¹⁶ *Ibid.*

¹¹⁷ In fact this is important for Emerson as Cavell discovers through looking at Emerson's previous text *The Divinity School Address*. Here Cavell suggests that the root cause of us deferring to another to be our delegate, and therefore never taking the step of being delegates ourselves, stems from what he saw in the Christian worship of Jesus. In contrast Emerson calls that each individual urgently needs to wake up and *immediately* or *today* consecrate him/herself to culture, to make it part of everyday life. Thus, Cavell explains that since 'calculation and judgement are to answer the question Which way?' then 'perfectionist thinking is a response to the way's being lost' and thus 'thinking may present itself as stopping and finding a way *back*, as if thinking is remembering something' (Cavell, 1990, p.55).

Cavell thus uncovers Emerson's 'aspiration to the human' whereby in understanding thinking as returning to previously rejected thoughts¹¹⁸ we are aspiring towards becoming more human, in that we will increasingly think for ourselves, rather than accept what others think. Thus each individual can learn from other exemplars, but only by internalising what it is to be an exemplar, wanting to become one oneself, to oneself, through seeing that to be an individual able to be an exemplar to others, depends on being an exemplar to oneself. By following one's own thought. Hence, one can realise something because someone else has pointed it out to you, but it is only by internalising it, and making it one's own, that it becomes worthy of being one's own thought. Thus Nietzsche remained obscure so as not to appear to tell his readers what to do or how to be, but in the hope that in reflecting on such topics, he could encourage his readers to follow his example and reflect on such topics too, and thus each reader thinking for his or her self.

In conforming with society, its social order, in order to simply ensure that we have obeyed the social rules, we may be entrenching injustice, whereas by thinking for ourselves, reclaiming our thoughts, returning to our own niggling concerns which we may have previously disregarded as youthful fancies, or pedantic sentimentalism, we are able to engage more deeply with ourselves and others in order to recognise and confront injustices in society.¹¹⁹ This is characterised by Cavell as 'aversive thinking' to emphasise the way in which we turn away from thoughts we commonly have that are not truly our own, towards the thoughts that are our own, then we come to live in a society more deserving of the name society: For we will be more responsive and ultimately one can assume more just, since we will be continually engaged in the conversation of justice. Thus as 'his aversion is a *continual turning away* from society, it is a continual turning *toward* it'.¹²⁰

Perfectionism, in this account, 'serves an effort to escape the mediocrity or levelling, say vulgarity, of equal existence, for oneself and perhaps for a select circle of

¹¹⁸ This will be further elucidated in the following chapter (see p.131)

¹¹⁹ Consider here that disregarding something as childish enables us to dispel the challenge it may pose to our entrenched social order.

¹²⁰ Cavell, 1990, 59. This motion comes to characterise perfectionist thought and will be of great importance for my argument in the following parts of the thesis, where the turning away from but then toward society is echoed in the steps to the unattained yet attainable self.

likeminded others'.¹²¹ Despite the way it sounds, Cavell takes great pains to emphasise that although this could be elitist, it need not be, and certainly, for Emerson, he argues that 'it should...be taken as part of the training for democracy'.¹²² Not, he hastens to add, that part of this training that Rawls highlights whereby we must 'internalise the principles of justice and practice the role of a democratic citizens' for to an Emersonian this would be so obvious as to be taken for granted. But the perfectionist part of the training is understood to prepare a democratic citizen to withstand not the rigours of democracy, but 'its failures' thereby boosting the character to 'keep the democratic hope alive in the face of disappointment with it'.¹²³ Thus we will never expect our lives to be above reproach, but whilst acknowledging this shortcoming, will continue to strive to avoid reproachable behaviour. Consequently, Cavell claims that processual perfectionism is not only beneficial to, but *essential* for the life of justice in a constitutional democracy.

Why does this matter?

So, why does it matter to Cavell that Rawls' *Theory of Justice* fails to adequately acknowledge the nature and demands of the moral life? It seems that the concern here is simply that as a consequence of his distorted view of morality, Rawls' theory of justice is lacking precisely those characteristics that Emersonian perfectionism values, and as a result is less able to foster a just democratic society. This has already been argued above where it was shown that Cavell believes the perfectionist outlook is essential to democratic life. However, it is also possible to find some examples where the Rawlsian schema would lead to a failure of justice due to its ineptitude in recognising the expression of oppressed voices. This section will sketch two such examples: firstly that of the commitment of the fortunate to democratic society; and secondly, an example of the potential for stalemate and failure where processual perfectionism is lacking.

In contrast to the Rawlsian society outlined in *TJ*, Cavell asks how according to processual perfectionism, the fortunate may 'be imagined to justify their position in a

¹²¹ Ibid. p.56

¹²² Ibid.

¹²³ Ibid.

democracy'?¹²⁴ In answer, he says that if resentment or outrage is levelled at them by the less fortunate, but this is not seen to be legitimately justified upon consideration then “above reproach” and “duty to self” would, to a perfectionist, still seem inadequate responses, despite Rawlsian approval. Because a perfectionist believes that responsiveness to others is always necessary, these more fortunate people would have to take seriously any accusation that there be an ‘unbearable discrepancy between their positions and those of the mass of society’; they would have to acknowledge that this accusation is made by a competent agent, ‘one who knows the rules of their shared institutions as well as they do’; and consequently, this questioning will *force* them to become conscious, prompting them to ask ‘whether they wish to confirm their consent to a society in which their favoured position has depended however much they feel they have earned or deserved it, too much on their social connections, on their genetic and developed powers of quickness and charm, and on luck’.¹²⁵ Since it has benefitted them and they will thus see this, and want to consent to this society, they will have to also acknowledge however that this society ‘is in some measure at best in partial compliance with the principles of justice’.¹²⁶ Thus Cavell believes that in such a situation they will all, despite their various perspectives and the different contexts in which such claims may arise, avow consent to society¹²⁷ however, in doing this, they are consenting ‘to the consciousness that their society’s partiality compromises them in their relation to justice’ and subsequently, they are implicated in ‘some measure’ of injustice.¹²⁸

Referring to these fortunate individuals Cavell says that there is no assertible reply as to how they can live with themselves ‘knowing and seeing’ their fortunate position.¹²⁹ Consequently, each individual must come to realise that they are morally compromised, and thus how one lives with this will determine one’s ‘contribution to

¹²⁴ Cavell, 2004, p.183

¹²⁵ Ibid.

¹²⁶ Cavell, 2004, p.183-4

¹²⁷ ‘as embodying good enough justice to warrant whole-hearted defence’ (Ibid. p.184).

¹²⁸ Ibid.

¹²⁹ For he argues that they can reply neither because ‘the way things are is an exemplification of the game or realm of justice, or of justice good enough to defend’, nor ‘because my society is in good enough compliance with the principles of justice’; nor because ‘[i]t is good or better than any other with comparable resources’; nor that ‘the human cost of changing it more rapidly than it is changing already would be too high’ (Ibid.).

the moral life of my society'.¹³⁰ Thus if this challenge to them still fails to make them consider their position in this way, then Cavell explains they may be likely to say "This is simply what I do, where I am, and reasonably happily. I find that I do consent to this society as one in which to pursue happiness," and must then be willing to 'show this consent in whatever happiness my personal fortunes, social and natural allow'.¹³¹ Thus Cavell argues that Rawls' theory of justice provides a way for the more fortunate members of society to remain ignorant of their implication in injustice in society, whereas this can be brought to their attention via the perfectionist outlook, hopefully bringing about the potential for a more just society.

Secondly, we have already seen Cavell's concern about whether, despite Rawls' provisions, it will really be feasible that someone who suffers in the Rawlsian society can express their resentment in a recognisable way. This was aptly illustrated by the end of *A Doll's House*, where Nora and Torvald part company due to their irreconcilable situation. This does appear to be the only possibility when resentments which are similarly difficult to express¹³² are raised in Rawlsian society, unless violence is to erupt, for it is impossible to continue trying to communicate when one party maintains it is above reproach. By considering an alternative to such an ending, we can again see the benefits of the perfectionist outlook compared with the Rawlsian approach.

Cavell ponders Torvald's future, suggesting that the end of the play is a useful place 'from which we can perhaps usefully consider Rawls' principle concerning the adoption of a plan of life'.¹³³ Now despite the humane qualities of this advice, which would help prevent paralysis through 'needless and useless self-reproach' Cavell says

¹³⁰ Ibid.

¹³¹ Ibid. p.185. Although he does note that such an answer, to people of one temperament, would mean that one's 'consent is based on my sense of my society's openness to reform', but to people with a different temperament this 'consent implies an alienation from the discontent of others'. Indeed, Cavell further observe that 'in a democracy I have to worry that if the cuts increasingly come out in my favour, I must be profiting from some hidden hand, even if I cannot say where a particular injustice or injury lies, or lay. The closer society comes to presenting itself as a "voluntary scheme," which is to say, the more it seems to me that I am responsible for the way it is, the more I am exposed to asking myself whether I can want a society with the present degree of inequality in it, even when the inequality is in my favour' (Ibid. p.188).

¹³² Because they go to the heart of the social fabric.

¹³³ Cavell, 1990, pp.112-3 By this, Cavell is referring to Rawls' statement that 'A rational individual is always to act so that he need never blame himself no matter how things finally transpire' (Rawls, 1971, p.422).

that we have no reason to think that it is the Rawlsian approach which appeals to Torvald, for throughout the play he ‘does not so far as we are shown say this to himself, or for himself’ and nor can we ‘imagine him either as coming to this conclusion or as refusing to’.¹³⁴ Yet this is a crucial point for Cavell’s argument, since although we can see that Torvald is not ‘personally to blame’ for the breakup of his marriage, it is how he chooses to respond and pick up the pieces after the curtain has fallen, ‘that is a morally fateful for him as Nora’s leaving is for her’.¹³⁵ The most worrying response, for both Cavell, myself, and any other audience member in sympathy with Nora’s misery, would be if Torvald should ‘persist in, or return to, his initial view of her, in her outrage, as a foolish child and as out of her senses, as if she is to blame...as if it exists only is she says it does’.¹³⁶ This illustrates the most disturbing possible consequence of Rawls’ advice ‘to act so as to “insure that our conduct is above reproach”’,¹³⁷ since this would show Torvald refusing to learn from the experience, and failing to see how anything he did, or did not do, whether consciously or unconsciously, led to the outcome of Nora leaving, instead of learning something from the experience and applying it to his life. Thus the application of the Rawlsian approach to such a situation, illustrates how Rawls’ *TJ* can appear as not simply unconcerned about processual perfectionism, but as actually a clear *rejection* of such perfectionism.

In fact, since Torvald does make steps to see where he went wrong, ‘his road back begins...in recognizing that his former value of Nora was not based on his judging for himself, and bearing responsiveness for his judgement, but on the imagination of rules that...replaced his judgement’.¹³⁸ Cavell wishes us to note that rules act in this way in games ‘except at limited, specified junctures’, and, with reference to the section above,¹³⁹ it is this ‘that allows games to be *practiced* and *played*, their intentions to be shaped, their consequences to be confined, scored. The limits of responsiveness are known – contract-like – in advance’, and thus we can now see the whole of society, such as that which Torvald ‘is counting on’, as a ‘doll’s house or marionette

¹³⁴ Cavell, 1990, p.113

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid. *citing* Rawls, 1971, p.422

¹³⁸ Cavell, 1990, p.114

¹³⁹ See pp.90-2

theatre'.¹⁴⁰ It is such a society that Rawls has sketched in his theory of justice, where our options are mapped out by following the rules, or in this analogy, the script. This removes the human element of our lives, removing the moral demand to respond with understanding to the voice of others as the context of each situation demands.

However, Cavell argues that Emersonian perfectionism can restore this, thus adding a deeper and more rewarding dimension to justice in democratic life.

A Cavellian critique of the later Rawls

Since the post-structuralist critique of Rawls presented in chapter 1 focuses on Rawls' later work, and the development of the overlapping consensus based on citizens' reasonableness, it is necessary to ask whether Cavell's charge may hold when this later work is taken into consideration. In expanding Cavell's critique to cover both *Political Liberalism*¹⁴¹ and *The Idea of Public Reason Revisited*¹⁴², I aim to build upon Stephen Mulhall's essay *Promising, Consent and Citizenship*,¹⁴³ where he claimed that Rawls' contractarian approach presented in *PL*, meant that one's responsibilities and commitments of political existence extend merely to one's public persona as a citizen. This is because Rawls presented citizenship as 'a special kind of institutionally defined or practice-based office rather than a basic dimension of human existence and relationship that is essentially open or partly undefined in advance'.¹⁴⁴ I will show that even when *IPRR* is taken into consideration it is still possible to conclude that from a Cavellian perspective, Rawls' later work does not go far enough in search of justice. In fact, it is possible to raise concerns that Rawls' political liberalism actually harbours potential for greater injustice. As such, Emersonian perfectionism is presented as offering a more satisfactory¹⁴⁵ approach to justice.

For Mulhall, Rawls' contractual treatment of citizenship clashes with Cavell's injunction to always keep open the commitments and responsibilities of our political existence which extend far beyond any way in which we can relate to one another in for example, the office of citizenship.¹⁴⁶ I wish to emphasise that this happens

¹⁴⁰ Cavell, 1990, pp.114-5

¹⁴¹ 1993 – hereafter PL

¹⁴² 2002 – Hereafter IPRR

¹⁴³ 1997

¹⁴⁴ Mulhall, 1997, pp.188-9

¹⁴⁵ Although clearly not trouble-free, as will be shown.

¹⁴⁶ Mulhall, 1997, p.188

because the contractual approach allows Rawls to develop a finite interpretation of citizenship. To show this, let us recall Cavell's assertion that Rawls' original position resulted in a weaker bond between citizens and society, since it involved a higher level of abstraction to a situation prior to society, to which citizens give their commitment. In *PL* Rawls emphasised that the idea of the original position is simply one suggestion for a model which we can use to achieve fair deliberation in the elaboration of a political conception of justice.¹⁴⁷ However, Cavell's concern is that regardless of the method used, the very notion of founding political principles via an overlapping consensus is undesirable since it may still limit requirements of citizen consent to cover only the parts of society which accord with these principles. Further examples of Rawls' limiting of citizenship are also evident with respect to Rawls' description of political society as 'a fair system of cooperation'.¹⁴⁸ Firstly, cooperation is described as 'guided by publicly recognized rules and procedures that those cooperating accept and regard as properly regulating their conduct' and based on 'an idea of each participant's rational advantage, or good' which 'specifies what those who are engaged in cooperation, whether individuals, families, or associations, or even the governments of peoples, are trying to achieve, when the scheme is viewed from their own standpoint'.¹⁴⁹ This clashes with Cavell's assertion¹⁵⁰ that the ongoing conversation of justice is not akin to an institution with rules and regulations, nor that cooperation within society is only based upon one's own concept of the good, for even when one's own concept of the good does not concord with what seems to be the aims of society, Cavell argues that consent must still be given to society itself,¹⁵¹ to prevent individuals from opting out of taking responsibility for parts of society with which they cannot identify, since without this we would not be taking a political position but merely opting out of the conversation exercising no political voice at all.

Secondly, Rawls' acceptance of the finitude of cooperation expected from democratic citizens extends to *IPRR* where citizens agree to act on reasonable terms '*provided*

¹⁴⁷ 1993, ch.1 §4 pp.22-8

¹⁴⁸ 1993, p.16 This is in addition to Cavell's aforementioned critique of cooperation as compared with conversation as used in *TJ*. See p.93 above.

¹⁴⁹ Rawls, 1993, p.16

¹⁵⁰ As argued above pp. 90-2 and elaborated in the following chapter.

¹⁵¹ Cavell, 1990, p.107

that other citizens also accept those terms'.¹⁵² Conversely, a Cavellian would recognise that our willingness to converse with others should not simply be based on whether or not they are reasonable enough to accept these terms, but on the fact that we are in a society with them, and hence we are morally required to converse with them. This requirement remains regardless of whether other citizens also accept those terms, since cooperation in society is not a question of if and when, but as democratic citizens, a duty that must be performed, come what may.

A final example of the limits of Rawlsian citizenship occurs with respect to his term ‘duty of civility’,¹⁵³ used in the claim that a legal enactment expressing the majority opinion is legitimate when the legislators and all reasonable citizens think ‘that all have spoken and voted at least reasonably, and therefore all have followed public reason and honoured their duty of civility’.¹⁵⁴ This duty refers to where one is ‘able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of a public reason. [It] involves a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made’.¹⁵⁵

Despite the initial appearance of a desire for conversation here,¹⁵⁶ by continuing to limit his requirements of citizenship to deliberation in the political sphere, Rawls implies that there is a point at which this duty has been fulfilled, which is once the exercise of political power has finished. For Cavell, such a duty of civility is not enough since whichever principles guide our relationships to others in society should never, from a Cavellian perspective, be judged fulfilled. These relationships are an ongoing process that extend beyond the exercise of political power. Without an awareness of this, Rawls’ duty of civility could be seen to delimit behaviour in the

¹⁵² Rawls, 2002, p.136 – italics added. Rawls’ full sentence reads ‘[c]itizens are reasonable when, viewing one another as free and equal in a system of social cooperation over generations, they are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of political justice; and when they agree to act on those terms, even at the cost of their own interests in particular situations, *provided that other citizens also accept those terms*’.

¹⁵³ Found in both *PL* and *IPRR*

¹⁵⁴ Rawls, 2002, p.137

¹⁵⁵ Rawls, 1993, p.217

¹⁵⁶ In *IPPR* Rawls even acknowledges that when deliberating, citizens not only ‘exchange views and debate their supporting reasons concerning public political questions’ but also, as was not always so clear in *PL* ‘suppose that their political opinions may be revised by discussion with other citizens’ (2002, p.138).

same way as his contentious requirement in TJ that individuals must simply be required to maintain that they have done everything they can, so as to remain above reproach.¹⁵⁷

Thus the Cavellian concern remains that when a grievance is raised against a majority opinion, as long as it is found that the legislators have not been willing to listen to others, nor fair-minded in deciding when accommodations to their views should reasonably be made, then they could not justly claim that they have honoured their duty of civility. However, if this is not the case, then the danger is that *the grievance can be disregarded* as not a true injustice, and is instead simply unreasonable.¹⁵⁸ Hence it is my contention that the appeal to reasonableness institutes an *unnecessary mechanism* which could work to silence claims of injustice, instead of maintaining openness. To explore how this may happen, let us consider some examples.

Nora's aforementioned claim was one of injustice and resentment at the way she was treated by her society and her husband. In *IPRR* Rawls asserts that in order to depart from a norm established in accordance with a principle of justice, any claim would require 'a special and clear justification'.¹⁵⁹ The question is, would Nora be able to make the case for such a justification and should she have had to do so?¹⁶⁰

It seems a fair conclusion that she may not have been able to, since Cavell used this play to illustrate how claims cannot always be clearly articulated or easily recognised. Thus an ongoing commitment over time would be required from all parties to stay in the conversation. Yet Rawls seems sympathetic to a Cavellian viewpoint when he says that 'the role of the criterion of reciprocity as expressed in public reason...is to specify the nature of the political relation in a constitutional democracy as one of civic friendship'.¹⁶¹ But differences remain, for Rawls explains that 'if we argue that the religious liberty of some citizens is to be denied, we must give them reasons they

¹⁵⁷ See above discussion, p.97. From a Cavellian point of view, the issue here is about following moral requirements to be continually receptive to others, not to simply honour a 'duty of civility', which implies more than simply going through the motions of cooperation.

¹⁵⁸ Echoing earlier citation of Cavell, 2004, p.172

¹⁵⁹ Rawls, 2002, p.163

¹⁶⁰ Remember that in A Rawlsian system 'the only comprehensive doctrines that run afoul of public reason are those that cannot support a reasonable balance of political values' (Rawls, 1993, p.243).

¹⁶¹ Rawls, 2002, p.137

cannot only understand...but reasons we might reasonably expect that they, as free and equal citizens, might reasonably also accept'.¹⁶² To emphasise this, he asks '[f]or what reasons can both satisfy the criterion of reciprocity and justify denying to some persons religious liberty, holding others as slaves, imposing a property qualification on the right to vote, or denying the right of suffrage to women?'.¹⁶³ However, Cavell points out, for those who did not believe that slaves were human beings, they would not have needed to give them reasons they could understand. Likewise, in the Sweden of Ibsen's play, women were not considered as citizens, and thus it seems that under such specifications, Nora's claims could have been disregarded.¹⁶⁴

Indeed, Torvald may think he had been reasonable, for he even demonstrated the will to change 'I have it in me to become a different man'¹⁶⁵ and thus if the duty of civility applied in such a case, he has fulfilled his and so Nora should fulfil hers and agree to continue their marriage.¹⁶⁶ This story thereby illustrates how a misunderstanding over whether the idea of public reason has been accorded with, could occur. The result being that in such a situation it appears that a Rawlsian would be justified in ending the conversation.¹⁶⁷ Yet as far as the requirements of citizenship go,¹⁶⁸ and as impractical as it may appear in our contemporary constitutions, a Cavellian must uphold the commitment to continuing the debate.¹⁶⁹

Another example of how Rawls' appeal for reasonableness could silence claims of injustice can be found in contemporary UK politics, regarding the question of whether or not politicians should engage with those who support the British National Party.¹⁷⁰ Although engagement with BNP supporters is seen by some to legitimise the racism inherent in BNP party policies, others argue that until these voters feel their concerns

¹⁶² Ibid. p.138

¹⁶³ Ibid.

¹⁶⁴ Indeed, although Rawls claims to be aware that societies change and evolve over time, this shows also that he seems certain to fix some points of agreement which would not be allowed to change.

¹⁶⁵ Ibsen, 1958, p.71

¹⁶⁶ N.B. from Cavell's point of view, Nora leaving her husband's house and ending the marriage, need not constitute the end of the conversation, only Torvald's capacity to dominate and manipulate Nora.

¹⁶⁷ This need not mean a decision could not be taken, simply that Rawls offers a way to avoid committing to view that decision as revisable.

¹⁶⁸ Rawls couches his theory in the language of citizenship

¹⁶⁹ This is not to say that a decision could not be made for legislative purposes, but merely requires that the principle of holding the topic as an open issue in the political realm, as an issue up for further debate and subsequent revision of the law.

¹⁷⁰ Abbreviated as the 'BNP'.

about housing provision, social inequality and jobs, are heard and responded to by the main political parties they will continue, often misguidedly,¹⁷¹ to vote BNP furthering the cause of a racist party. For Rawls, political dialogue with the BNP could be ceased if it were shown that the BNP's views are not reasonable.¹⁷² Hence an answer to Rawls' question is, any reasons that demonstrate that the opponents are not themselves reasonable, so any reason, offered as a reasonable reason, that is not accepted by the opponents, could be taken to prove, not that the reason is not reasonable, but that these opponents are not reasonable (as they have not accepted it).¹⁷³ However, from the Cavellian perspective, unless the conversation is continued (in some cases, even begun at all), the resentment and resulting injustices may grow for individuals will continue to vote BNP, furthering their ability to promote racism. Thus it seems that Rawls' limitations on the political realm such that we can only give proper political reasons,¹⁷⁴ rather than reasons that are grounded in any specific comprehensive doctrine¹⁷⁵ continue to limit the potential of justice.

However, is it possible that the power of public reason to silence claims of injustice can be countered by the ability to revise what is understood as public reason? In *IPRR*, Rawls implies that the notion of what is and is not reasonable is not fixed as 'reasoning is not closed once and for all in public reason any more than it is closed in

¹⁷¹ By this I am referring to reports that suggest that many BNP supporters are attracted by their social policies and rhetoric of giving voice to the working class, rather than for their racist agenda, or even in some cases without being aware of the full extent of this agenda (eg: Asthana, 2010; Deans, 2009; and Farrow *et al.* 2009).

¹⁷² I would argue that this is easily done, given for example (there may be many more) their willingness to ignore the rights of many citizens, based on their race, length of citizenship in the UK, and religious beliefs.

¹⁷³ This seems to still be possible despite Rawls' assertion that citizens demonstrate 'a readiness to propose fair terms of cooperation it is reasonable to expect others to endorse as well as their willingness to abide by these terms provided others can be relied upon to do likewise' (Rawls, 1993, p.81). It also seems feasible having taken into consideration Rawls' recognition that 'reasonable political conceptions of justice do not always lead to the same conclusion' (Rawls 2002, p.169) since this is not about accepting an opponent is reasonable but disagreeing with their reason, but writing them out of the debate entirely.

¹⁷⁴ For Rawls' definition of reasonable citizens see p.15 of this work or consult Rawls, 2002, pp.135-6.

¹⁷⁵ This is because Rawls believes 'Western liberal democracies exist in a condition of reasonable pluralism; their members are subject to the burdens of judgment (a variety of quasi-conceptual factors that make reasonable disagreement over fundamental moral issues inevitable), and a variety of competing and reasonable conceptions of the good have accordingly established significant support' (Mulhall, 1997, p.189). So, because 'reasonable citizens are bound to disagree over which of these comprehensive doctrines to adopt, and since they are equally bound to acknowledge this fact, they can only respect the freedom and equality of their fellow citizens by agreeing not to utilise their coercive political power in ways that are justifiable only by reference to one of these controversial comprehensive conceptions' (*Ibid.*).

any form of reasoning',¹⁷⁶ furthermore 'the forms of public reason are several' and 'new variations may be proposed' whilst 'older ones may cease to be represented'.¹⁷⁷ This implies a claims procedure could exist to debate issues further. However, Rawls appears to underestimate the need for revision of public reason, for he only thinks these changes may be the case 'from time to time',¹⁷⁸ whereas for a Cavellian the moral requirement for *constant* discussion and revision would extend to cover public reason. This lack of commitment is also seen in the fact Rawls foresees little need for revision, for he fails to explain¹⁷⁹ what to do if a dispute breaks out over what counts as reasonable: what should we do when we believe we have given reasons that any equal citizens might reasonably be expected to accept, but they do not.

In this sense, the idea of public reason does not seem to offer any advance on today's methods of dealing with political disagreements, prompting the question of what the idea of public reason would add to today's public debate. At its minimum level, if public reason can develop over time, and involves simply restraining oneself in 'argument addressed to others',¹⁸⁰ to terms they are most likely to accept, then Rawls is simply speaking of public rhetoric, and seems to be adding an unnecessary qualification of making this *liberal* public rhetoric, whereas in today's society, we are most often able to use whichever reasons we wish,¹⁸¹ whilst also recognising when arguments may not have a broad appeal through coming from one viewpoint (or one comprehensive doctrine). Indeed, in a non-specific way, democratic citizens already recognise the practical benefits of being able to use terms of public justification that all could accept.¹⁸² It is consequently possible to interpret Rawls as actually restricting the freedoms of speech that we maintain in Western democracies today, ironically leading to greater rather than less injustice.

Rawls emphasises that in public reason, we must not 'proceed directly from our comprehensive doctrine, or a part thereof, to one or several political principles and

¹⁷⁶ Rawls, 2002, p.170

¹⁷⁷ Ibid. p.142

¹⁷⁸ Ibid.

¹⁷⁹ In *PL* as well as *IPRR*

¹⁸⁰ Rawls, 2002, p.155

¹⁸¹ Apart from in situations which may be considered to incite hatred.

¹⁸² For example, if any religious citizen draws on religious reasons to convince the population that they should support a law because God wills that this be the case, he/she would already be well aware that any citizens who do not follow their religion would find this argument unconvincing.

values, and the particular institutions they support'.¹⁸³ Instead, he assumes that any claim brought into the political realm should fit into a wider complete political conception of public reason.¹⁸⁴ Hence he presents each conception as a closed whole, rather than open to change and persuasion, as if he wishes it to comprise answers to all fundamental political questions of justice, rather than simply triggering discussion.¹⁸⁵ This shows that Rawls continues to mistakenly presume that 'the boundary between purely political values and conceptions and comprehensive ones can be sharply and objectively settled in advance of everyday political debate what fits the criteria of a legitimate political theory'.¹⁸⁶

By first considering this argument with respect to Nora, Ibsen does not present her as a feminist, a suffragette, or even very politically aware. She simply feels trapped and oppressed in a way she can hardly articulate. Cavell's appreciation of the fact that morality is not an institution with rules but an ongoing dialogue reflects the view that such a claim may not be fully worked out into a comprehensive doctrine, since human relations, thoughts and feelings are much more messy than Rawls seems to allow. It is true that to take Nora's injustice as a claim to a legislative assembly may require that it is more fully worked out in relation to other beliefs, but still now, if you examine the feminist viewpoint for female equality, it may form a part of many competing political conceptions of justice.

Even in a more tangible example of party politics, this attitude could prevent the de-linking of voters' claims from separate party policy, and instead group together clusters of ideas that need not be so related. This is arguably what has happened in the example of the BNP, which currently provides an outlet for the general concerns of white working class voters, but thereby utilises their support to further its racist message. In conversation, the Cavellian hope would be that by learning to separate these concerns, BNP voters may find a way of expressing their voice through

¹⁸³ Rawls, 2002, pp.145-6

¹⁸⁴ He states that each political conception of public reason 'should be complete' by which he means that 'each conception should express principles, standards and ideals, along with guidelines of inquiry, such that the values specified by it can be suitably ordered or otherwise united so that those values alone give a reasonable answer to all, or to nearly all, questions involving constitutions essentials and matters of basic justice' (Rawls, 2002, pp.144-5).

¹⁸⁵ For otherwise, he would not consider it 'an adequate framework of thought in the light of which the discussion of fundamental political questions be carried out' (Rawls, 2002, p.145).

¹⁸⁶ Mulhall, 1997, p.189

alternative discourses, such as that of resource distribution and education, and thereby stop feeling attracted by the BNP. Instead, given that the BNP discourse would not fit any fully worked out political conception of public reason, all their concerns are disregarded together, including any that might comprise non-racist parts of their discourse. Thus Rawls' requirement contributes to political liberalism's potential to hinder articulation in the political realm, and silence voices.

In showing how difficult it may be for those who feel that they are being treated unfairly to express their claim in a way that will enable it to be recognized *at all*, let alone in a way that might be considered reasonable, we see that the desire to establish the terms of what is reasonable in advance is morally questionable. This is noted by Mulhall when he says that Rawls' 'seemingly untroubled use of the idea of what is and is not reasonable'¹⁸⁷ will merely 'heighten the sense of misery and rage' and crystallise the 'sense of voicelessness' felt by any who raise a claim of injustice.¹⁸⁸ Hence, despite Rawls' revision in *IPRR*, the idea of reasonableness is still used as to exclude from the political realm 'the quality that Cavell has interpreted as characteristic of the realm of mortals but that Rawls' contractarian account of that realm represses – the availability of a multitude of different *but equally reasonable* positions'.¹⁸⁹ This results in applying unnecessary restrictions on political debate.

Indeed, in accord with Mullhall's argument, what Rawls presents as "reasonable" in both works 'is more a moral than an epistemological notion' assuming the existence of a particular conception of society in which:

'reasonable persons...are not motivated by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept'.¹⁹⁰

In *IPPR* too, 'the reasonable is an element of Rawls' idea of society as a system of fair cooperation between free and equal persons'; and thus Rawls cannot invoke it as the basis of 'a supposedly objective or non controversial defence of this conception of society', for to do this would either require taking for granted one central part of what is supposed to be in question, viz. his conception of society; or require defending this

¹⁸⁷ Ibid. p.191

¹⁸⁸ Ibid.

¹⁸⁹ Ibid. - italics added

¹⁹⁰ Rawls, 1993, p.50

conception of society and its conception of the reasonable as comprising part of a comprehensive doctrine.¹⁹¹

Consequently, Mulhall's contention still stands, that Rawls does 'give an appearance of impersonality and definitiveness to his conception of the political realm...but only because he presents a controversial conception of the limits of the purely political as if it were beyond reasonable disagreement'.¹⁹² Although, he tries to show that political discussion is always open and revisable, by specifying that this is the case as long as the conversation accords with public reason he has unnecessarily limited its terms. Furthermore, presenting reasonableness as an *a priori* assumption removes 'any obligation to bear the personal responsibility' for that assumption and the way in which it fixes the limits of political community.¹⁹³ Thus, although Rawls says that '[p]olitical liberalism...does not try to fix public reason once and for all in the form of one favoured political conception of justice',¹⁹⁴ this is not to say that it does not try to fix social relationships once and for all in accordance with one of a family of political conceptions of justice. This alone, is still too much as regards the Cavellian requirement of continual conversation.

Conclusion

This chapter has shown that Cavell's critique of Rawls' *Theory of Justice* is motivated by the concern that Rawls' work is limited by its failure to be attentive to claims of injustice and he highlights its ability to actually suppress such claims. This shows a perhaps unexpected point of convergence with the post-structuralist critique, detailed in Chapter 1 above. Cavell's critique was originally motivated by the concern that Rawls has a distorted conception of the moral life which then contributes to the failure to adequately consider the nature and demands of the moral life. In expounding this argument, key features of Emersonian perfectionism have been revealed such as the role of conversation, the exemplar, and aversive thinking. In Cavell's defence of Nietzsche he argues that Emersonian perfectionism is not only beneficial, but essential, for democratic life. Hence the crux of his critique is that without an appreciation of such perfectionism, the justice that Rawls can achieve is limited. This

¹⁹¹ Mulhall, 1997, p.191

¹⁹² Ibid.

¹⁹³ Ibid. pp.191-2

¹⁹⁴ Rawls, 2002, p.142

critique holds for Rawls' later work, where political liberalism¹⁹⁵ potentially puts barriers in the way of justice, and in fact institutes mechanisms for injustice. In contrast, the Cavellian approach offers the potential to continue to seek greater justice through its commitment to keep the conversation going, thereby, like the post-structuralist solutions of the previous chapter, seeking to respond to tensions and ease suffering through our moral commitment to our social life together, before they lead to such resentment as could promote the violence and instability that Rawls wishes to avoid. Having demonstrated this point of convergence with the post-structuralist critique, I will now turn to examine Cavell's work in more detail in order to assess its possible contribution to the radical democratic project.

¹⁹⁵ As defended in both *PL* and *IPRR*

4. Conversation and Friendship in Cavellian democracy

In this chapter I develop a more detailed account of Cavell's Emersonian perfectionism to evaluate its possible contribution to the radical democratic project. I firstly explain the way in which a perfectionist outlook is achieved through aversive thinking. I then link this to the exemplar, who in the role of a guide prompts such thinking. I will try to highlight the potential dangers involved in the isolation of the split self and thereby show why friendship and democratic community are so important, and also mutually supporting, for the perfectionist outlook. In order to better understand what Cavell expects from the friend and the democratic relation, it is necessary to delve into his work on film, particularly 1940s Hollywood remarriage comedies, and the motif he uses of marriage as, 'a meet and happy conversation'. In elaborating the Emersonian perfectionist perspective, I will seek to argue that his discussion of aversive thinking could be used to show what the democratic ethos or indeed, the Rancièrean culture of dissent, required by post-structuralists, would entail, due to Cavell's recognition that justice in democracy requires an ethical commitment at the individual level, to critical thinking alongside continued revisability and receptivity in order to keep the 'conversation' going. However, I will suggest that Cavell's account is limited by its failure to attend to the power relations in political society, and hence it remains necessary for radical democrats to attend also to the conditions in which a perfectionist political culture could flourish.

Processual perfectionism and aversive thinking

Cavell conceives of his modern mode of moral perfectionism as processual rather than teleological. This means that the activity of realising oneself, or 'the activity of "becoming what one is"' is definitely not seen to 'have an endpoint in some perfect state of self-realisation' but rather as 'an ongoing process of struggle'.¹ Consequently, the move from the present to a further state is better conceived not as a move from the present to the ideal, but as the attained self to a self that is not yet attained but *is* attainable. This move is devoid of a teleological endpoint, because, as you move from the attained to the attainable, these perspectives – that of what has so far been attained, and what is now, from each attained place, newly possible to attain –move

¹ Owen, 2006, pp.136-7 citing Cavell, 1990, p.xxxiv

with you, as part of a continual ‘perfectionising’ movement or process. In order to distinguish Cavell’s processual Moral Perfectionism, from previous teleological views of perfectionism, it is throughout this thesis, referred to as Emersonian perfectionism.²

Cavell portrays Emersonian perfectionism as manifest in human behaviour, particularly the activity of thinking. He explains that for Emerson, an experience can be converted into [your own] thought via a process of transfiguration.³ To understand this we must remember the aforementioned argument that when an individual is not aware of, or in search of, their own self, they will happily accept, or *conform to*, another’s thoughts.⁴ To become aware of one’s own self, and engage in a search for it,⁵ it is necessary to engage in thinking, although not in a common or shallow way,⁶ but in a way where you challenge yourself to have your own thoughts, or take ownership of your thoughts, rather than accept those around you – a sort of weighing up, and evaluating to see if your thoughts really reflect your own values and ideals or if you have simply accepted thoughts that do not do this, because it was an easier option.

For Cavell, the use of the term ‘converted’ is explained in his earlier work on Wittgenstein, whose *Investigations* contain, in Cavell’s view, a ‘call...for transfiguration, which one may think of in terms of revolution or conversion’.⁷ This is referring to the necessity of ‘contesting (rather than blindly conserving) the culture’s understanding of its true needs’.⁸ It is this call that Cavell sees, in more or less depth, in the work of other thinkers he has categorised as perfectionist, such as Emerson,

² It is useful to note here that Cavell recognises that despite his appreciation that the term perfectionism, can lead to false conclusions about the nature of his work, he defends his decision to retain the name, because he sees it as Emersonian Perfectionism’s ‘mission’ to fight against ‘false or debased perfectionisms’ so he therefore feels that is reasonable to maintain the term perfectionism ‘to mark this mission’ (Cavell, 1990, p.13).

³ Cavell, 1990, p.36

⁴ Pp.108-112

⁵ the constant journey towards ever more attainable but not yet attained self

⁶ Cavell points out that in his essays, Emerson does not speak of either Emersonian thinking, or aversive thinking, but simply of thinking. Through a close reading of Emerson’s *American Scholar* Cavell is able to make the argument that thinking for Emerson is different to the casual way in which we may often refer to thinking, as embodying little content. He points out that not only is it commonly known to be a call for man thinking, but that also, towards the end, Emerson shows that the American Scholar does not yet exist, and thus ‘the American Scholar is Emerson’s vision of us not yet thinking’ (Cavell, 1990, p.37), showing that what we may commonly take as thinking is not enough to warrant thinking for Emerson.

⁷ Cavell, 1988b, pp.43-4

⁸ Norris, 2006b, p.92

Thoreau, and Nietzsche.⁹ Such thinking is depicted in Emerson's work as oppositional or aversive, which refers to the fact that one's thinking changes perspective in order to enable us to see things differently.

Such a change of perspective can be illustrated by referring to Wittgenstein's famous duck-rabbit image whereby an observer could view one or the other image (duck or rabbit) without any new lines being added to the drawing. A shift in perspective allows this movement from one to the other, yet the crucial point is that only one image can be viewed at any one moment, never both images at the same time, despite the presence of both perspectives within the one drawing; thus there needs to come about a recognition in the viewer, that the one image *exists within* the other contemporaneously.¹⁰ So Cavell emphasises that although *the movement* from one image to another is subject to will,¹¹ that which 'we see from each standpoint is not; that the opposition is total, that one interpretation *eclipses* another, annihilates it – until it returns with its own annihilative power (or weakness)';¹² thus in his understanding, this change of perspective requires an aversion to conformity accompanied by an openness to change, with no control over where this may take you.¹³ Such an attitude Cavell names 'aversive thinking'.

As we apply the process of transfiguration to ordinary day-to-day thoughts, we need to ask: what does Cavell assert that our thinking is an aversion to? The conversion of

⁹ The importance of seeing such conversion as part of a process, rather than as a rupture, is emphasised by Cavell's continuing explanation that Wittgenstein's work, along with that of many other 'perfectionist' thinkers, contains what can often be seen to be 'apparently contradictory sensibilities, ones that may appear as radically innovative (in action or feeling) or radically conservative' (Cavell, 1988b, p.44). These thinkers are thus better referred to 'as revisors, than reformers or revolutionaries' (ibid.). Such a term, is more appropriate, because these thinkers 'see and show things differently, in writing like Wittgenstein's that presents conversations that draw us in, and are themselves therefore open to our interpretation, our rewriting' (Norris, 2006b, p.92).

¹⁰ Although here the figure only allows for two perspectives, I am assuming that the situation to which Wittgenstein uses it to point to, can still be one where many (or possibly infinite) perspectives can exist.

¹¹ Although perhaps 'subject to volition' makes this clearer here, see discussion in chapter 5 (p.186 below).

¹² Cavell, 1991, p.131

¹³ Cavell continues to explain the difficulty in grasping this concept, saying that '[o]ne of Emerson's images for interpretation is that of a circle around which another can be drawn. The interpretation of interpretation as an eclipsing, total choice (say of a point of centring, as if marking out sacred ground) is as a choice between the most intimate of contested grounds, as between brothers'; furthermore, '[t]his interprets interpretation as a claim to inheritance, to birthright. In view of Wittgenstein's puzzling over whether "I really see something different each time or only interpret what I see in a different way" it may be worth noting that "interpretation" and "experience" share a root in the idea of going or passing or leading (perilously) toward, through, or over' (Ibid. p.131).

thoughts is necessary since in Cavell's view we have seen that our world is in need of wholesale transformation that will subject all of social life to the possibility of constant revision. Such an 'uncanny' change could be described as responding 'to the extraordinary in the heart of the ordinary' in that it will enable us to see in the everyday, a new perspective, of which we had not been aware; and in this way it will 'allow us to speak not [simply in] new phrases but in a new way'.¹⁴ Thus our aversion is to conformity, for it is conformity with others' thoughts that captures and enslaves our own, for if an image is presented to you as an image of a duck, and everybody commonly holds that it is an image of a duck, the passing thought that it looks rather like a rabbit to you, may simply be dispelled and forgotten. Yet in a political context, Emerson asserts that these passing thoughts and fancies, different perspectives that go against the grain, must be actively explored, because through doing this we will better encounter our humanity, and each of us be able to increasingly achieve our selfhood.¹⁵ Hence aversive thinking is an active practice of thinking in aversion to conformity.

We can illustrate this for Cavell, by returning to Nora in Ibsen's play *A Doll's House*. In the final act, she explains that until then she had concealed her thoughts from her father, and subsequently, from her husband, saying 'if I differed from him, I concealed the fact'¹⁶ because in expressing this difference, she was not simply expressing a different opinion, but challenging the whole social order, where a woman would not contradict a man because he was seen as wiser and better. So at the expense of happiness and fulfilment, Nora suppressed these thoughts until forced to articulate them¹⁷ in argument, admitting that she had 'never been happy' although she had thought she was,¹⁸ and leaving to fulfil 'duties' to herself.¹⁹ The implication is that she actively looks to develop and educate herself to become more human, in place of the doll she has been in the 'playroom'.²⁰ Only then will she judge herself capable of

¹⁴ Norris, 2006b, p.94

¹⁵ This is also related to the discussion in the previous chapter about how Cavell sees Emerson characterising the perfectionist journey as living in a state of adolescence, where adolescence is more commonly seen as a phase of life where we entertain naive or over-ambitious ideas that would be dismissed by more sensible 'grown-ups' (Cavell, 1990, p.52) see ch,3, p.108.

¹⁶ Ibsen, 1958, p.66

¹⁷ to herself and then to her husband

¹⁸ Ibid. p.67

¹⁹ Ibid. p.68

²⁰ Ibid. p.67

being able to bring up her children, instead of risking bringing them up as dolls (and thus lacking in human faculties) as well.²¹

Aversion to conformity

Cavell argues that Emerson's writing shows how conformity captures our thought, and expresses the claim that aversion to this leads us to greater freedom. For Emerson 'slavery is the negation of thought' and yet this means that if we were able to bring about a situation where thinking were to 'affirm itself' in the way Emerson calls for, this would consequently affirm the end of slavery of the mind, and bring about human freedom.²² In *Emerson's Constitutional Amending*, Cavell seeks to explain why Emerson's essay *Fate* fails to take a stand against slavery. Knowing the historical context of this silence, it certainly seems odd, for the essay was written in 1850, a mere matter of months after the passage of the Fugitive Slave Act.²³ Cavell says that it is known from other writings, that Emerson, who was no supporter of slavery, was horrified by the fact that Daniel Webster, a prominent Senator, had supported the Act; and hence the question of his silence on the matter hangs heavy throughout his essay.

Cavell suggests that *Fate* is actually about placing the pressing matter of slavery in the wider context of general injustices and restrictions to freedom. He reads Emerson as noting hypocrisy, whereby citizens condemned Southern slave owners, whilst continuing to themselves be enslaved to conformity. Emerson observes those who only do good simply because it is the right thing to do according to social convention, not because they have thought it through and believe it is the right thing to do by their own conscience, that it is right *for them*. Emerson illustrates his concern by reference to his contemporary reform movements, which he suggested were being used 'as a

²¹ To those who may rightfully counter that Nora may still not be happy now that she is cut off and ostracised from her family and the only life she has known, Cavell does seem at times to assume that the life of freedom is also a life of happiness, although I would like to emphasise that throughout this chapter I do not assume that the freedom that aversive thinking brings can necessarily be associated with happiness.

²² Cavell, 1995, p.29 Overall Cavell details this argument primarily in two essays, the first entitled *Emerson's Constitutional Amending; reading "Fate"* (1995) and the second entitled *Being odd, getting even* (2003).

²³ This act sought to force the authorities of free states to return slaves to their masters, making any official who did not act in accordance with this law liable for a \$1,000 fine, and any individual found assisting a slave liable for six months imprisonment as well as a \$1,000 fine (See full text of The Fugitive Slave Act <<http://www.usconstitution.net/fslave.html>>)

surrogate for authentic moral or critical self reflection'.²⁴ He was thereby pointing to the way these movements represented²⁵ a banner under which to locate oneself as a moral person, a status that could then be used to an individual's own personal advantage, if they were for example, to run for election for public office.²⁶ Thus Emerson's essay is used to demonstrate how a lack of aversive thinking, obvious through a commitment to conformity 'makes only a formal, superficial, inauthentic form of community'.²⁷

Hence Cavell argues that we should take Emerson's essay as a 'parable of the struggle against slavery not as a general metaphor for claiming human freedom, but as the absolute image of the necessary siding against fate toward freedom',²⁸ the need to fight a fatalist attitude, and make our thoughts our own. Cavell says that Emerson is rising above the partial taking of sides in debate. Instead his 'refusal to take sides with the human crowing over slavery is in the hope of gaining an overview of the root of the problem, the view of "the Deity".²⁹ This is evidently of prior importance for Emerson, and he implies that if we free ourselves from conformity, issues such as actual instances of slavery would no longer be tolerated. He aims not to solve *only* this instance of physical slavery, but shed light on the human state of unfreedom, in order to spur all into action in overcoming *all* instances of enslavement, both physical *and* mental. Hence Cavell argues that the essay *Fate* is about the human condition of

²⁴ Garvey, 2006, p.161

²⁵ And indeed still represent

²⁶ Consequently Emerson can say that he begrudges 'the dollar, the dime, the cent, I give to such men as do not belong to me and to whom I do not belong' and thus although he does at times 'succumb, and give the dollar, it is a wicked dollar which by and by I shall have the manhood to withhold', (*Self-reliance*, 2003, p.271) not because of its economic value, but because he has only given it because society deems that he should rather than because living by his own conscience he has deemed it right to do so. He believed that the many 'miscellaneous charities' exist simply to alleviate the guilt of the corrupt society of which they are a part, and by contributing to them, although good will come of the action, he believes that he is at the same time, committing a greater sin in furthering their ability to continue and reproduce their corrupt existence.

²⁷ In *Self-Reliance* Emerson suggests that instead of living a moral life, truly motivated by one's own conscience, 'the radical reformers had adapted reform as a kind of accounting procedure, a moral penance for a life that was fundamentally alienated' (Worley, 2001, p.12). He therefore reveals the reform movements as an empty sham; a charade of morality writ large to hide the immoral, conformist persons hid behind.

²⁸ Cavell, 1995, p.18

²⁹ Emerson, [Fate] 2003, p.440

freedom, and ‘the paradox that freedom is necessary’.³⁰ So the remedy for those enslaved by conformity is thinking.³¹

But what then is freedom? It is clearly not physical freedom, but the freedom to think for oneself, the freedom to know oneself, to know one’s own thoughts. But what has this to do with selfhood, with knowing one’s self, and being human, as in the case of Nora, above? Here it is necessary to consider Cavell’s essay on Emerson and Descartes, entitled, *Being Odd, Getting Even*, where he argues that, for Emerson, one only exists if one is thinking, and such thinking, is thinking aversively, which is therefore, the only way to gain greater understanding of our human existence.

Cavell argues that ‘it is a serious misunderstanding of Emerson, as of Nietzsche, to construe their call for culture as a scouting for talent’, instead that which ‘Emerson appeals to, or would awaken, he calls genius’.³² He acknowledges that morally, this may seem to ‘be even more deplorable, since on a familiar view of genius, it is rarer than talent’ however, this is not what Emerson means. For him, genius³³ ‘is universally distributed, as universally at any rate, as the capacity to think’ and thus is what we can achieve through what Cavell refers to as aversive thinking.³⁴

We can now examine Emerson’s argument that aversive thinking leads to a more human existence. Crucial to realising this is Cavell’s recognition that despite scholars’ failure to acknowledge it, Emerson is incorporating Descartes famous statement ‘I think therefore I am’ into his essay *Self-reliance* where he says:

‘Man is timid and apologetic; he is no longer upright; he dares not say ‘I think,’ ‘I am,’ but quotes some saint or sage.’³⁵

³⁰ Cavell, 1995, p.18

³¹ For as Emerson writes in *Fate*: ‘Intellect annuls Fate. So far as a man thinks, he is free...The revelation of Thought takes man out of servitude into freedom’ ([Fate]2003, p.426). It is worth noting here that although some may argue that conformity may bring its own kind of freedom, which is that of enjoying the community of others without the need to explain oneself, this is not being denied by Cavell’s claim. The call to aversive thinking would simply require that you make a decision to opt for this kind of freedom consciously, rather than simply not thinking about it.

³² Cavell, 1990, p.25

³³ Also referred to as self-reliance.

³⁴ Ibid. pp.25-6

³⁵ Emerson, 2003, [Self-reliance]p.279

Referring to recent studies on Descartes³⁶ Cavell argues that Emerson's remark about people not daring to utter the words "I think" and "I am", picks up on 'a question...that succeeds the inferential or performance aspect of the cogito-namely the question of what happens if I do *not* say (and of course do not say the negation of) "I am, I exist" or "conceive it in my mind."³⁷ He posits that Descartes' further sentences³⁸ indicate that it was this topic that was being pondered by the philosopher, although he acknowledges that they do not go so far as to imply that 'my ceasing to think would cause, or would be, my ceasing to exist'.³⁹ However, he still argues that Emerson's writing is a reflection on this text which then 'goes the whole way' of Descartes' insight to assert that 'I exist only if I think' and to further deny that 'I (mostly) do think' that often I may believe I am thinking, but that it is not me that is doing the work, or as Cavell puts it, he denies 'that the "I" mostly gets into my thinking'.⁴⁰ Thus Emerson argues that 'I am a being who to exist must say I exist, or must acknowledge my existence – claim it, stake it, enact it',⁴¹ which can be done through aversive thinking, through thinking my own thoughts.⁴²

Cavell thus asserts that '[i]t is as a diagnosis of the state of the world that Emerson announces that Descartes' proof of self-existence...cannot...be given, thus asking us to conclude that...the human, does...no longer, exist'.⁴³ So we are enslaved through our current conformity, and prevented from our human existence. Yet Cavell locates a solution in aversive thinking, as a freedom to author oneself, to take control of

³⁶ Hintikka, 1967 and Williams, 1967 *cited* in Cavell, 2003, p.85

³⁷ Cavell, 2003, p.85. He does acknowledge that this question may not appeal to analytical philosophy since it will not seem worthwhile arguing that 'if I do not say or perform the words "I am" or their equivalent (aloud or silently), therefore I perhaps do not exist' (Ibid. p.86).

³⁸ "I am, I exist – that is certain; but for how long do I exist? For as long as I think; for it might perhaps happen, if I totally ceased thinking, that I would at the same time completely cease to be." (Descartes, *cited* in Cavell, 2003, p.86)

³⁹ Cavell, 2003, p.86

⁴⁰ Ibid. This is not to say that when someone has considered this they cannot decide that in specific cases they prefer the ideas of others, merely, that they need to go through this process of weighing it up for themselves, of making the thoughts their own. Hence the difference is not so much between thinking and not thinking, but between shallow thinking and aversive thinking.

⁴¹ Ibid. p.87

⁴² Although Cavell offers no explanation of how you know you are doing this, or whether you are simply then being seduced yet again by another's thoughts, although this time perhaps, more cunningly disguised, I will suggest below that this emerges due to his failure to confront the workings of constructive social power. For now, I simply seek to lay out Cavell's argument.

⁴³ Ibid. p.90

oneself, to exist, and as this is our human existence, it is aversive thinking that leads us to greater human existence, to greater selfhood.⁴⁴

Now, there is a political link here, between individuals thinking aversively and acknowledgement of a contemporaneous existence with others in the community, for Emerson ‘characteristically speaks of “my constitution,” meaning for him simultaneously the condition of his body, his personal health (a figure for the body or system of his prose), and more particularly his writing (or amending) of the nation’s constitution’. ⁴⁵ Consequently, Cavell argues that when ‘Emerson identifies his writing...as the drafting of the nation’s constitution’,⁴⁶ and when he says that “No law can be sacred to me but that of my nature,” he is arguing that ‘it is we who are the “law-givers” ‘namely to the world of conditions and of objects, and to ourselves in the world of the unconditioned and of freedom’.⁴⁷ Furthermore, Cavell believes that when Emerson says that ‘the only right is what is after my constitution’,⁴⁸ he is not,⁴⁹ speaking of his own constitution, his own ‘personal peculiar physiology’ and ‘the expression of his incessant promotion of the individual over the social’, for this conclusion ‘refuses the complexity of the Emersonian theme instanced in his saying that we are now “bugs, spawn,” which means simultaneously that we exist neither as individual human beings nor in human nations’.⁵⁰ Hence Cavell asserts that he is actually referring to the fact that we must each take charge of our own morality. Thus Emerson is promising that we are capable of being both an individual and a member of a political community due to the fact that according to our genius we are each of us capable of speaking that which is ‘true for all men’.⁵¹ So we speak for ourselves as an individual, but also as one who is representative of others, and this as one within a community. So Cavell holds that Emerson’s term “constitution” is intended to refer to

⁴⁴ This is so ‘if we take the successive notations of this vision as in apposition, as interpretations of one another: being apologetic; being no longer upright; daring not to say, but only quoting; being ashamed, as if for not existing today’ (Cavell, 2003, p.90).

⁴⁵ Cavell, 1990, p.10

⁴⁶ Cavell, 1995, p.34 or as Cavell has come to say ‘as amending our constitution’.

⁴⁷ Ibid.

⁴⁸ The whole sentence reads: “Good and bad are but names readily transferable to that or this; the only right is what is after my constitution; the only wrong, what is against it”. (Emerson [Self-reliance], 2003, p.271)

⁴⁹ as is often inferred

⁵⁰ Cavell, 1995, p.34

⁵¹ Emerson [Self-reliance], 2003, p.266

both his own ‘make-up and the make-up of the nation he prophesies’.⁵² Thus it is work on this constitution that Emersonian perfectionism engages us in through aversive thinking.

It has been shown that aversive thinking is an active mode of thinking that can free us and transfigure us. To rely upon oneself, rather than other peoples’ thoughts, one must find one’s own existence. This can be found through conversion, by converting to one’s own life, from following the lives of others. So aversive thinking is ‘a kind of turning oneself around’.⁵³ But ‘the process is never over while we live – since...we are never finally free on one another’ the way we must read Emerson, and by implication, all texts, and how we must respond to all exemplars ‘will be a turning from, and returning from, his words, a moving on from them, by them’,⁵⁴ and so we see that we use our thoughts as stepping stones to more thoughts, in turning away from a thought, we move to another thought via a previous thought.

So Cavell argues for ‘a dynamic self’ that is ‘directed at self-improvement and (through this) at the improvement of society’.⁵⁵ Because it is continually (re)formed the self is always working towards the higher ‘unattained yet attainable self’, for we have seen that ‘[t]o recognise the unattained self...is a step in attaining it,’⁵⁶ but this process is never complete, not because we never reach the higher and next, self, but because in reaching it, we will *always* see yet another next, still higher self, to reach for. Thus, for an Emersonian perfectionist, aversive thinking must be practiced continually. It requires constant commitment to conversion of thought, such that transfiguration cannot be a one-off event where it takes an isolated thought from perspective A to perspective B, but must be ongoing, in order to continually stand against conformity.

⁵² Cavell, 1995, p.38. However, it is not obvious that Cavell’s reading has managed to overcome Emerson’s commitment to the individual as prior to society, expressed in his belief that an individual’s critical self-reflection is the root of society.

⁵³ Cavell, 2003, p.97

⁵⁴ Ibid.

⁵⁵ Shusterman, 1997, p.203

⁵⁶ Cavell, 1990, p.12

The double self

It is worth reflecting a little more upon the figure of the unattained but attainable self to clarify the relationship between the two. As we have seen, Emersonian perfectionism does not assert that aversive thinking will make you truly human, for its ateleological nature means that it accepts that we can become more human without a teleological end-point. Emersonian perfectionism is therefore about one's relationship to one's self, or better understood as one's relationship to one's selves, for it recognises a doubleness of the self, between the self that we are, in a present moment, and the self that we can become. These two facets of the self, or two selves as we will refer to them herein, are named the attained and the unattained yet attainable selves by Emerson, where the relationship between the two is understood as a continual ateleological process. Importantly then, for Emerson, the whole concept of “having” “a” self is a process of moving to, and from, nexts.⁵⁷

Furthermore, the relationship to others can be understood through the fact that this is a ‘relation which respects otherness, which acknowledges autonomy without denying connection’ and so ‘[a]pplying it to the self therefore internalises the experience of otherness’.⁵⁸ This also makes us realise that we will never reach a state where the doubleness can be overcome, or will vanish. Instead we need to recognise that it is a constant feature of our existence.⁵⁹

However, we need not only to be aware of this doubleness of self but also able to manage the relationship between the selves in order to guard against conformity and the allure of the attained self, so as to reap the benefits of aversive thinking, for ‘there is no guarantee that the self will achieve or maintain integrity; it may rather lapse into frozen passivity’ and so not progress to the next unattained yet attainable self. Hence we see that integrity ‘must be worked for’ as it ‘requires both constancy and change – a capacity to maintain that which is worthy of maintenance, and a capacity to attain a new state of the self by expending the very resources that have been so carefully

⁵⁷ Ibid. This means that ‘our position is always (already) that of an attained self; we are from the beginning, that is from the time we can be described as having a self, a next’ (Cavell, 1990, p.12). Emerson shows this when he says that our existence and our thinking is always partial (ibid.) for we are always only ever able to attain one step at a time.

⁵⁸ Mulhall, 1994, p.257

⁵⁹ Ibid.

husbanded'.⁶⁰ So to an attained self, the self that you are heading for seems perfect, for it is as perfect as one can conceive of from the current perspective. Yet in reaching the attainable self the horizon shifts, and what appears perfect is across the next valley, or behind the next hill, and so the journey continues.⁶¹

However, this alone fails to answer why the self would *desire* this quest to become more human, to reach its unattained yet attainable self? This is where the role of others becomes necessary, to prompt and provoke the will. To show how an individual is being constrained by their conformity. These others are referred to by Cavell as exemplars or the popular philosophical figure of 'the friend'. They will be discussed in the next section.

Perfectionist democracy and friendship

In this section I will explain who the Cavellian exemplars are who bring about the desire to attain the unattained self; then I will examine the role of the exemplar as the link between friendship and democracy; and thirdly I will engage Cavell's use of film to illustrate more clearly the nature of both these roles in perfectionist thought. Finally, I will evaluate the potential contribution of Emersonian perfectionism for democratic theory.

⁶⁰ Ibid.

⁶¹ In conceptualising this double self relationship Cavell argues that Emerson is drawing on but transposing the Kantian idea of phenomenal and noumenal worlds, where the former is necessary for 'the satisfaction of human Understanding' whilst the latter is necessary for 'the satisfaction of human Reason' (Cavell, 2003, p.64). The phenomenal world which is 'the world of things as they appear to us', is 'the world open to the senses, hence science'; and the noumenal world, which is 'the world of things-in-themselves', is 'the world open to the intellect alone...the realm of freedom, immorality, and of deity' (Cavell, 2004, p.164). Yet for Emerson, there is no sense of a transcendental ego which is the grounds of existence, for there is no grounds of existence, apart from the continual movement from attained to attainable. Thus to move to an awareness of the self as it could be looking at the self as it is, Emerson maintains the doubleness of the self, but in a different register, so that instead of a metaphysical distinction, it becomes a natural solution, the distinction between the self as it is and as it may be, so that we realise that next to us *as we are* there is always the call of the perspective of *who we might be*. Furthermore, Cavell argues that Emerson is developing Kant's work to show how Kant has been reduced to conformity in contemporary philosophy. Instead, Emerson holds that the intelligible world is there, 'to be entered into whenever another represents for us our rejected self, our beyond; causes that aversion to ourselves in conformity that will constitute our becoming, as it were, ashamed of our shame' (Cavell, 1990, p.58). Yet there are two important points to clarify, for although 'Kant describes the "constraint" of the law as an imperative expressed by an ought' it is in Emerson expressed that 'we either *are* drawn beyond ourselves, as we stand, or we are *not*; we recognise our reversals or we do not; there is no ought about it. It remains true that being drawn by the standard of another, like being impelled by the imperative of a law, is the prerogative of the mixed or split being we call the human. But for Emerson we are divided not alone between intellect and sense, for we can say that each of these halves is split' such that we have two halves each composed of both intellect and sense (Ibid. p.58-9).

Reflecting once more on the afore-cited passage from Nietzsche,⁶² we can recall the two inter-linked stages in building a relationship between individual and exemplar: We come to hate our own current or attained self and look for guidance to a great individual to whom we can attach ourselves. With regard to the first stage, the hatred of the self, Emersonian perfectionism requires that we recognise our need for radical improvement, prompted by a feeling akin to self-loathing⁶³ for it ‘requires that we become ashamed in a particular way of ourselves’⁶⁴ in order to be in a position to recognise a need for consecration of ourselves to our next selves and a better society.⁶⁵ Indeed, this is acknowledged by Cavell to need ‘an expression of disgust with or a disdain for the present state of things so complete as to require not merely reform, but a call for a transformation of things, and before all a transformation of the self’.⁶⁶

This raises two concerns, namely that such self-loathing is not a healthy state to encourage citizens to adopt; and secondly, as Cavell admits, that this can seem so self-absorbed ‘as to make morality impossible’.⁶⁷ With respect to the first, there is no need to worry that loathing our current state will paralyse us in a state of depression and misery, as long as we remain aware that there is always the possibility of a future self open to us. With regard to the second concern, that such an ‘intense concentration on oneself’ could lead to narcissism which could damage the drive for community, although it is possible that this may be the only way in the contemporary world that we can generate ‘a strong enough drive for continuous self-improvement’.⁶⁸ However, we need not be so cynical, for Cavell asks ‘What is the moral life apart from acting beyond the self and making oneself intelligible to those beyond it?’⁶⁹ In such a view, the self is seen not as counter-posed to society, which would place

⁶² ‘Thus only he who has attached his heart to some great man is by that act *consecrated to culture*; the sign of that consecration is that one is ashamed of oneself without any accompanying feeling of distress, that one comes to hate one’s own narrowness and shrivelled nature’ (Nietzsche, 1983, p.163 cited above, Chapter 3, p.109, f.104).

⁶³ Shusterman, 1997, p.204

⁶⁴ Cavell, 1990, p.16

⁶⁵ Shusterman, 1997, p.204

⁶⁶ Cavell, 1990, p.46

⁶⁷ Ibid.

⁶⁸ Shusterman, 1997, p.207

⁶⁹ Cavell, 1990, p.46

bettering oneself in a zero-sum opposition to bettering society. Instead, Cavell sees the self as ‘essentially dialogical and structured by the society it shares’.⁷⁰ This implies that the perfectionist focus on the self and demand for ‘absolute responsibility of the self to itself’,⁷¹ is not some kind of ‘narcissistic isolation’⁷² but is instead calling for ‘responsibility of the self to itself, by way of others’.⁷³

Laying these problems aside then, we can return to the notion of the consecration of oneself as a way of describing the relationship between the perfectionist individual and the exemplar. It was explained above⁷⁴ that this refers not to consecrating oneself to another individual themselves, but is about using them to trigger greatness in *yourself*, and is thus better understood as a consecration to culture. This invokes Emerson and Nietzsche’s development of Kant’s *Critique of Judgement*. For example, in *Beyond Good and Evil* Nietzsche argues that ‘artists are exemplary of fully effective agency, so conceived, and that they are so, at least in part, because their “thousandfold laws...defy all formulation through concepts”’.⁷⁵ Through these words, it can be seen that Nietzsche is drawing on ‘the Kantian claim that ‘genius gives the rule to art – or, more strictly the claim that nature gives the rule to art, and does so via genius’.⁷⁶ Yet it is important to note, after the above discussion concerning rule-following, that in one important respect Nietzsche adapts Kant’s thought such that ‘the ultimate source of the rule that is given to art is not ‘nature’, in Kant’s sense, but rather what we might term ‘second nature’, the ‘nature’ that is constituted by our

⁷⁰ Shusterman, 1997, p.204 Indeed, ‘informed not only by society’s shared language but also by the different voices it has heard and internalised, the self cannot fulfil and understand itself without regard for others’ (*ibid.*).

⁷¹ Cavell, 1990, p.xxvii

⁷² Shusterman, 1997, p.204

⁷³ (Cavell, 1990, p.xxvii). Shusterman denies that this argument ‘for the conceptual interdependence of self and society’ can dissolve the ‘conflict between perfectionist cultivation of individualism and the claims of democratic community’, and instead should merely be seen to help Cavell ‘make a strong case that democracy is excellently served by self-absorbed perfectionism’ since ‘the struggle to perfect one’s individuality and exemplify it in the social world will provide our democratic community with attractive models that recommend both why democracy is worth having and how it may be improved and enriched’ (1997, pp.204-5). However, this overlooks Cavell’s emphasis on the self’s responsibility to feel receptive to others, which is part of seeking the higher self. Here the level of receptivity that is integral to the higher self that the perfectionist individual will seek, is such that to merely use others to seek one’s attainable yet unattained self, is not to be truly receptive to them, it is a kind of cheating, and would thus lead to failure.

⁷⁴ See chapter 3, p.110

⁷⁵ Ridley, 2007, p.213, *citing* Nietzsche, 1966, §188

⁷⁶ *Ibid.*

practices and the ‘tyranny’ of the ‘capricious laws’ that constitute them’.⁷⁷ So we may automatically assume a rule through our exposure to our practices and laws, which could, through aversion, be overturned or subverted. However, in other ways, Nietzsche’s claim ‘about the “thousandfold laws” of art’ echoes Kant’s;

‘that since exemplary artistic activity is neither arbitrary nor chaotic, but rather appears lawlike (to be a matter of ‘giving form’), and yet since the procedures for such activity cannot be codified, the “rule” that is given to art cannot, in Kant’s words, have “a *concept* for its determining ground”’⁷⁸: it cannot be taught, but must instead be gathered from the performance, i.e. from the product, which others may use to put their own talent to the test, so as to let it serve as a model, not for *imitation*, but for *following*.⁷⁹

Hence the Cavellian exemplar is not to be imitated but followed, since they can exemplify the application of artistic agency.

So the exemplar is not pre-given. Anyone can be an exemplar, inasmuch as anyone can attract you to them through making you realise how your own behaviour is slavishly conformist, and how instead, you could turn away from this conformity. Indeed this is shown above⁸⁰ where Cavell expounded Emerson’s idea that humankind needs to learn to live, as opposed to sleepwalking.⁸¹ Furthermore, Cavell shows that the progress to life from our contented spectral existence is made with the help of another, and thus it is not enough to interpret the Nietzschean *ubermensch* and Emerson’s *Man Thinking* as individuals that we are meant to idolise and worship, but that instead we are to each become great in ourselves. This was emphasised above⁸² by the idea that through striving to attain the unattained we must each aim to discover *our own* genius.⁸³ We are therefore able to understand that in seeing how great our delegates have been, we know that we too can be a delegate, and thus for emphasis, we reiterate here ‘that each individual foreruns themselves, or their future, possible

⁷⁷ Ibid. For Nietzsche’s conception of second Nature we are told to consult *Daybreak* §38

⁷⁸ Ridley, 2007, p.213 citing Kant, 1952, §46 Although some may argue that it is impossible to use something that is un-formulable as a rule as exemplary, but the point to grasp is that such a rule is formulable, but only internally to the artistic performance.

⁷⁹ Kant, 1952, §47

⁸⁰ See p.111

⁸¹ or as Emerson later says rather than merely haunting the earth (Divinity School Address, 2003, p.260).

⁸² See p.110

⁸³ For example, in *A Doll’s House* ‘Nora has to find her own voice, in contradistinction to the one Thorvald attributes to her and through which he seeks to control her’ (Norval, 2007, p.180).

self, as ‘a sign’ or ‘an exemplar’.⁸⁴ Thus Cavell has shown that for Emersonian perfectionism, the idea of being drawn to an exemplar, is because we are attracted to that within them which is attainable *for us* but not yet attained in ourselves. We do not want to *become* the exemplar, but we want to use them to attain in ourselves, that which they have already attained.⁸⁵ Thus, Cavell argues that aversive thinking helps us reach the unattained and become more human

This exemplar is in many ways another instance of the older friend, encountered in the Platonist perfectionist myth: ‘someone who does not utilize the person who accepts him as exemplary in order to further his own spiritual growth but rather reveals that person’s own further, unattained self and attracts her to attain it’.⁸⁶ But we see, through references to Emerson and Nietzsche, that Cavell’s friend is not a teacher but merely one who shows what we may become through their example. Thus we also see that we are all exemplars to others. Indeed, Cavell pointed out that an exemplar gives ‘access to another realm’ and thus ‘is not grounded in the relation between the instance and a class of instances it stands for but in the relation between the instance and the individual other’.⁸⁷

So we can reiterate⁸⁸ that Nietzsche’s ‘something higher’ and ‘more human’ is the unattained self; it is ‘a further or eventual state of the person who accepts the exemplar rather than [referring to] the exemplar himself’.⁸⁹ The relationship between the young and old friend is complex, for the young friend must ‘rely upon and yet remain detached from the older friend, in which she must see herself in that friend and his words but must not see herself as or sacrifice herself to him’.⁹⁰ This emphasises the responsibility that one must be careful not to get swept away in idolising an

⁸⁴ Cavell, 1990, p.54

⁸⁵ It is this, that Cavell is referring when he says that ‘perfectionist thinking is a response to the way’s being lost’ and thus ‘thinking may present itself as stopping and finding a way *back*, as if thinking is remembering something’ (Cavell, 1990, p.55).

⁸⁶ Mulhall, 1994, p.269

⁸⁷ Cavell, 1990, p.50

⁸⁸ See pp.109-12 in previous section for first mention of Nietzsche’s text and the possibility of reaching the unattained self.

⁸⁹ Mulhall, 1994, p.269. Indeed, Mulhall points out that ‘to think otherwise, to consecrate one’s won person to the good of the exemplary individual, is precisely to fail to achieve freedom from the person of the exemplar, and this to replicate the conformity of which Emersonian self-reliance is the aversion’ (1994, p.269).

⁹⁰ Mulhall, 1994, p.269

exemplar, and remain focused on what the exemplar is able to show with regard to how one could live a more full life.⁹¹

In the previous chapter I demonstrated that Cavell did acknowledge that the practice of using exemplars to help attain one's higher self can involve danger in that we may each, in focusing on our own task of self-transformation, forget the potentially pressing and urgent, immediate needs of others.⁹² Although I conjectured that this could be avoided since Cavell explains that 'the love' which accompanies our "self-transformation" would surely lead us to hate our own 'meanness' and thus may lead us to also attend to the needs of others, this is not emphasised in Cavell's work. Although this seems to remain as a possible danger of perfectionism it has nevertheless been argued that the perfectionist is required to remain receptive to others. This will be emphasised even more in the following section, where I turn to discuss the relationship between the friendship of the exemplar relationship, and democracy.

In the previous chapter I outlined Cavell's argument that perfectionism is essential for democracy because it provides a deeper link between citizens due to the responsibility for receptivity between all individuals in society. Such features also comprise Connolly's critical responsiveness highlighted in chapter 2,⁹³ however, Cavell's analysis is far deeper, showing that this enables us to express our resentment and work to continually improve democracy and also works to capture the consent of the

⁹¹ Cavell explains this with reference to Emerson as an exemplar, saying: 'if the thoughts of a text such as Emerson's...are yours, then you do not need them. If its thoughts are not yours they will do you no good. The problem is that the text's thoughts are neither exactly mine nor not mine. In their sublimity as my rejected – say repressed – thoughts, they represent my further, next, unattained but attainable self. To think otherwise, to attribute the origin of my thoughts simply to the other thoughts which are then, as it were, implanted in me – some would say caused – by let us say some Emerson, is idolatry' (Cavell, 1990, p.57). The purpose then, of Emerson's writing, seems to be that Emerson as exemplar, may 'stand for the attainable self in each reader', it will 'free the reader's ear to hear its voice; and this means revealing the reader's present reliance upon her attained self' (Mulhall, 1994, p.270). Further to this though, 'the reader is drawn to perceive that the present balance of her soul is *her own responsibility*, something *she* maintains...so that the possibility of shifting that balance is within *her own* grasp; in short, both the diagnosis of her dissatisfaction and its cure emphasises the self's endless answerability for itself, and this does not negate but rather attempts to resuscitate her autonomy' (Mulhall, 1994, p.270). It is one's own ultimate responsibility for the self that is emphasised by Emerson's sentence in *The Divinity School Address*, where he says that "Truly speaking, it is not instruction, but provocation, that I can receive from another soul" (Cavell, 1990, pp.37-8).

⁹² Cavell, 1990, p.52

⁹³ See ch. 2 p.74

more fortunate members of society, who can commit to use their resources to better the justice achieved in democratic society. Furthermore, the characteristics of perfectionist individuals train them to cope with the failures of democracy, a coping that forms the forebearance of Connolly's agonistic respect, which also acknowledges that although democratic life will never be perfect, this is no reason to stop working to improve it through dissenting from the present system, yet not opting out of it. However, Cavell's work explores this ethos in far greater depth, detailing how it comes about, and also, what it requires from the democratic individual.

Recalling the concern that in our haste to follow our own journeys in attaining our attained yet attainable selves, we may forget our commitment to others, it was posited that this could be countered by the requirement to be receptive to others. Here, this can be added to by the requirement to be exemplars to one another, since this is a democratic process for '[a]s representative we are educations for one another'.⁹⁴ So, through the '[n]on-conformist, heightened sense of self' the perfectionist is able to 'make himself representative of a very particular way of life, developing his own special partiality, since there are always different ways of living that might, for some, be better, and our finitude means we can only live in some partial way',⁹⁵ yet that partial way can be exemplary to others to find *their own* partial way. Hence, through 'presenting their different lifestyles, perfectionists offer alternatives to conventional life that we might adapt and apply to our own conditions', or better still 'they could inspire us "to let their foundings of partiality challenge us to find our own"' such that '[o]thers thus stand for selves we have not yet recognised or achieved; they represent "our beyond"'.⁹⁶

Importantly, each 'partial life of self-perfection constitutes an implicit critique not only of any universal claim of other perfectionist partialities' but also and especially 'of the necessity and value of conformity to the conventional',⁹⁷ in such a way that seems to make dissent a normal part of life, complimenting Rancière's aforementioned desires for a culture of dissent. Furthermore, for Cavell, it is crucial for democracy that 'one is not to legislate his or her tastes or opinions, but only the

⁹⁴ Cavell, 1990, p.31

⁹⁵ Shusterman, 1997, p.205

⁹⁶ Ibid. *citing* Cavell, 1990, p.126

⁹⁷ Shusterman, 1997, p.206

good of all' and thus at times 'any may have to bear the burden of showing that a certainty of moral position may be based merely on taste or opinion – not inevitably, but in a given case'.⁹⁸ Therefore, although Cavell acknowledges that a 'philosopher will naturally think that the other has to be argued out of his position, which is apt to seem hopeless' he prefers to focus on the fact that the issue for democracy need not be such a zero-sum-game, but instead manifesting the issue for somebody in another way-showing a different perspective that others may not have been aware of, hence dissenting with society whilst consenting to belonging to that society. In accepting this alternative view of democratic politics, Cavell suggests that agreement may come more easily⁹⁹ no longer appearing to put so much at stake. That said, it is important for an Emersonian perfectionist that this is not seen as the end of the political issue at stake, but that they remain aware that this is simply a way to deal with it *for now*. Overall, an Emersonian perfectionist must realise that the task of democratic politics is to show how in separating people out, so as to conceive of democracy as individual versus individual, the passivity so common today, is powerfully in favour of those who benefit from the contemporary conformity.¹⁰⁰

Consequently,¹⁰¹ Cavell's work is a claim to community, but a new, democratic way of conceiving of community. Indeed, he acknowledges in *The Claim of Reason* that:

'The philosophical appeal to what we say, and the search for our criteria on the basis of what we say, are claims to community...The wish and the search for community are the wish and search for reason'.¹⁰²

because what would count 'as reasonable for us, as a fitting explanation or motivation, shows who and where we are, which community we are a part of, and how we stand with that community'.¹⁰³ Furthermore however, 'our claims to community...our uses of the first person plural – make that community present in the world',¹⁰⁴ so, despite fears to the contrary, the relentless drive for self-improvement that is so central to perfectionism 'gives an exemplary standard and spur' not just to

⁹⁸ Cavell, 1990, p.31

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ although it may not always be explicitly recognised as such

¹⁰² Cavell, 1979, p.20 *cited in* Norris, 2006b, p. 88

¹⁰³ Norris, 2006a, p.2

¹⁰⁴ Ibid.

improving the self, but also ‘to improving the society in which the self is found’.¹⁰⁵ Cavell’s thinking here is that as long as ‘self-growth and intelligibility require acknowledging others, self-perfection should promote social change toward a more democratic “human” order’.¹⁰⁶ Hence, in living as a perfectionist, open to change and renewal in search of the unattained yet attainable self, one must be receptive to others, who, seeing you as an exemplar, will also be receptive to you. Thus, we see that perfectionism is not driven by ‘cultivation of individualistic self-realisation’,¹⁰⁷ but by cultivation of receptivity in order to cultivate a more open self.

Returning to the need for citizens to consent to the whole of society, Norval highlights that just as central to Cavell’s ‘emphasis on the invocation of community are the possibilities of rebuff and dissent’.¹⁰⁸ She also clarifies why Cavell distinguishes between the withdrawal of one’s consent and dissent, as ‘the former involves both saying “It is no longer mine” and “it is no longer ours”, since just as consent required acknowledgement of others, so does its withdrawal’, however in contrast, ‘dissent is a dispute about the content of consent’ such that ‘to dissent is still to exercise one’s political voice’.¹⁰⁹ Thus when Cavell asserts that all in a democracy will consent to that society, he is not intending that this will quell dissent, but merely that they belong to that society, and that society belongs to them, so they are required to take an interest in it, to care if it is distorted or riven with injustice, and can never opt out and say that one part has nothing to do with them, and thus they will absolve responsibility to think about it.

In this light, perfectionism is a way of seeing the relationship between self and society. It is about having an ethical basis for democracy, a striving to better oneself, and so society, ‘by overcoming habit’, to at least in part, ‘keep our political institutions alert and alive to change and challenge’.¹¹⁰ The activity of aversive

¹⁰⁵ Shusterman, 1997, p.205

¹⁰⁶ Cavell, 1990, p.125

¹⁰⁷ Shusterman, 1997, p.205

¹⁰⁸ For in his philosophy, ‘community is not known *a priori*; it is *disclosive*: “for whom you speak and by whom you are spoken for” is not given, but is disclosed in the act of making and staking claims’ however, this also ‘means that one risks rebuff “of those for whom you claimed to be speaking”, as well as having to rebuff “those who claimed to speak for you”.’ (Norval, 2007, p.174, *citing* Cavell, 1979, p.27)

¹⁰⁹ Norval, 2007, p.174

¹¹⁰ Norval, 2007, p.175

thinking is linked to democratic community, for it is about preparing democratic citizens equipped for the task of living in a democracy democratically, *worthy* of the democratic way of life, with ‘the ability to withstand conformism and to respond to the *inevitable failures* of democracy without falling back into cynicism’.¹¹¹ In this respect, it is crucially important that ‘Cavell’s account does not just rest on a picture of the individual self as isolated’ but ‘in contrast with the liberal conception of an autonomous, self-contained self’ the perfectionist self ‘is always already divided, riven¹¹² and dependent upon other human beings, since the self cannot fulfil itself without regard for others, it is thus ‘both an attained self and a self striving for another, next self.’¹¹³

Before raising my reservations about Emersonian perfectionism, it is worth giving space to his use of film to illustrate more expressively, the exemplar relationship, and the way in which the perfectionist outlook can deepen and strengthen democratic society.

Cavell believes the moral outlook of perfectionism underlies a genre of Hollywood film which has long fascinated him, that of remarriage comedies.¹¹⁴ He draws on a variety of these comedies to illustrate the central perfectionist relationships of friendship and democratic society. Their focus on the relationship of marriage helps him to elaborate how he envisages friendship at the base of the exemplar relationship and its role in wider democratic society. The focus on *re*-marriage helps us reflect on how a marriage can develop both members of a couple in difficult circumstances

¹¹¹ Ibid. pp.175-6

¹¹² Norval, 2007, p.176 *citing* Shusterman, 1997, p.204

¹¹³ Here Norval points out that ‘the term next for Cavell denotes both a future self and a self beside the current self’ (p.176, footnote 120). Indeed, it is also of interest to note here that in Emerson’s writing, we see that the ‘conditions for my recognising my difference from others’ occurs ‘as a function of my recognising my difference from myself’ (Cavell, 1994, p.53 cited by Norval, 2007, p.176). However, the ‘working out of any identity can only occur in the context of my relations to others’ (Norval, 2007, pp.176-7). Although this is not commonly seen as the way many people understand democracy today; as the answer to historic problems, and the final chapter in historical development, however, it enables us to ‘lay claim to society as *our* society’ such that when things go wrong we may not like them, but in order to have a right to say – ‘I don’t like this, I don’t approve of this and my opinion matters we need to be able to lay claim to the fact that our view is legitimate, and society is *ours*, even if it often fails to consider our position or viewpoint. It is this ability to change things and re-open them to be changed again in future, that makes perfectionism so crucial to life in a constitutional democracy.

¹¹⁴ Cavell, 1990, p.102. He characterizes these films ‘on the basis of a kind of argument among themes and structures’ which he sees as synthesised in seven Hollywood comedies, which he takes as the best of the genre, which date from between 1934-49.

when disagreement has prevailed. His hope is that this can serve as an analogy for how exemplar relationships between citizens, based on a commitment to all of democratic society¹¹⁵ can develop all involved when difficult circumstances and disagreement emerge in democratic politics.

These films not only provide useful examples of the exemplar relationship between younger and older friend. They also show how film may be an exemplar for us today. Indeed, Cavell is aware of the way they fit within the history of marriage comedies. He traces how the genre of remarriage comedies is an ‘inheritor of the preoccupations and discoveries of Shakespearean romantic comedy’.¹¹⁶ Within this tradition, there are...two types of comedy, old and new, for while both ‘show a young pair overcoming individual and social obstacles to their happiness, figured as a concluding marriage that achieves individual and social reconciliations’, old comedy stresses the role of the heroine, and the new emphasising the role of a young man trying to overcome obstacles posed by an older man.¹¹⁷ Yet Cavell asks why the films of this genre ‘took as their Shakespearean equivalent, so to speak, the topic of divorce, which raises in a particular form the question of the legitimacy of marriage’? He points out that this film genre differs in casting its heroine ‘as a married woman, and the drive of the plot is not to get the central pair together, but to get them *back* together, together *again*’.¹¹⁸ Thus he feels that these films are exemplars for us, citizens of the modern age, who need to be prompted to think about reworking a relationship – the democratic relationship-despite the troubles that this may entail.¹¹⁹

¹¹⁵ Rather than just the good parts.

¹¹⁶ Cavell, 1981, p.1

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, pp.1-2

¹¹⁹ It is interesting to remember that Cavell also draws on a second genre, derived from the remarriage comedies, that of a melodrama, or ‘melodrama of the unknown woman’. This derivative, in contrast to the remarriage comedies ‘specifically negates this possibility of conversation between a woman and the men there are, which means that these films do not, with remarkable exceptions, end in marriage for the woman, certainly not marriage as it stands’ (Cavell, 1990, p.105). These marriages do not use conversation as a central feature, which is instead replaced by ‘heavy, symbolic irony’ (*Ibid.*). The point for us here, is that although these films are usually understood as ‘enforcing the highest human virtue of women to be noble self-sacrifice – to the needs of a man and of children, that is, as so-called women’s films or tearjerkers’ (*Ibid.*) Cavell believes this interpretation belies their significance. He notes that ‘the women in these films are shown to be possessed of the moral sensibility and intelligence from which a film derives its power of judgement, and that the power of the central woman’s irony condemns that society that enforces its conforming view of sacrifice upon her’ (*Ibid.*). The importance for Cavell lies not in why the counter-cultural pressure he identifies has been denied by the culture that has produced these films, for he believes that this is simply obvious. Instead he is interested in ‘how it is that this is what the films show – how they have been produced by the culture to be beloved yet to

Cavell claims that ‘American remarriage comedies and their associated film melodramas are in conversation with their culture, of the kind they depict, an aversive conversation which is yet meet and happy’.¹²⁰ Thus he believes he is justified in asserting that the moral outlook enacted by these films is that of an Emersonian perfectionism, whose democratic version comes into play after the political dialogue and some sort of action or decision is to be made. Hence he says that such perfectionism goes beyond the conversation of justice, for it is at its most crucial ‘at the end of the conversation of justice, when moral justifications come to an end and something is to be shown’,¹²¹ and this is what they show, for after the decision of divorce has gone ahead, they reveal the couple continuing a conversation in order to discover that the relationship is still there, in existence, and if they are prepared to work at it, it still has what it takes to constitute a marriage.

A central way in which the remarriage comedies are of use to Cavell is in the way they show the exemplar relationship. Immediately we see that any idea that exemplars are unflawed characters, could not, in these examples, be further from the truth. Yet what we do see is that in each couple, the partner who refuses to give up on the marriage (usually the man) is also prepared to accept that they too have not acted perfectly, so are willing to revise their own behaviour, as well as seeking to make their partner realise that they too may need to change.¹²² This can have repercussions

represent their own rejection by the culture, our rejected selves’, and thus the existence of the counter-cultural message opens for him ‘the question of what film is’ (Ibid.). It is an art-form to challenge us, and make us think of things differently. It enables us to see things from a different perspective, portraying what we recognised as a rabbit, as a duck. Film is as exemplary a text for Cavell as Descartes and Kant were exemplary texts for Emerson. Indeed, he even says of *Adam’s Rib* and *Philadelphia Story*, that the films present themselves like a newspaper or a document, (Cavell, 2004, p.76) so they appear like a text that can be read as one of Emerson’s exemplary texts.

¹²⁰ Cavell, 1990, p.124

¹²¹ Ibid.

¹²² For example, in the early part of *His Girl Friday*, when Walter proposes to take his ex-wife Hildy and her new fiancé out to dinner, Hildy hangs back to whisper to Walter that this attempt at winning her back ‘won’t do you a bit of good’. Yet Cavell interprets Walter’s cheeky response to Hildy, ‘No, no, glad to do it’ as not only a public pretence that she had ‘protested at his generosity’ but also a private acknowledgement of her ‘private, or implicit, appeal to him for help’ (Cavell, 1981, p.166), thus revealing Walter as the exemplar or friend, who will show her where her road to freedom *actually* lies. Furthermore, when Hildy goes to interview Earl Williams, who has been condemned to death for shooting a policeman, Cavell interprets her farewell “Goodbye Earl. Good luck” as if she were saying “I know you Earl and if you could know anything you would know me. We are both victims of a heartless world, and condemned to know it. The best the likes of you and me can hope for is a reprieve on the grounds of insanity. Good luck to us both.” This, Cavell claims is his ‘formulation of a piece of the knowledge of herself [that] Walter dispatched her to acquire’ (Ibid. p.174). Hence we again see

for wider society too, for it ‘reserves a place from which to judge its society, from which to determine for itself...whether its desires for a world worthy of consent are sufficiently satisfiable within the world as it is given’.¹²³

Cavell explains that the common thread of this genre of film is:

‘that the bond of marriage has become unrecognisable or invisible...projecting the idea that what constitutes marriage lies not...outside of marriage...but in the willingness for marriage itself, for repeating the acknowledgement of the fact of it, as if all genuine marriage is remarriage’,¹²⁴

It is Cavell’s contention that such a bond speaks to us of democratic relationships, for in recognising a bond between people as fellow citizens, the crucial fact is that we are willing for that bond to be there, and we can repeat our acknowledgement of that fact, in the face of difficulties and strife, unrest and economic hardship.¹²⁵

Cavell takes ‘the idea of this readiness for exchange as constituting marriage, from John Milton’s revolutionary tract on divorce, in which he justifies divorce in terms of a conception of marriage as “*a meet and happy conversation.*”’¹²⁶ This analogy makes us realise the importance we should accord to the depth of political relationships between citizens, for Cavell emphasises the point made by Milton’s use of the term conversation, that this idea of conversation ‘is indispensably one of words, but not

Walter in the role of exemplar, leading Hildy to a clearer view of herself. Finally, in explanation of the attraction felt between an exemplar and their ‘protégé’ Cavell explains of this divorced couple that ‘[t]hey simply appreciate one another more than either of them appreciates anyone else. They just are at home with one another, whether or not they can live together under the same roof, that is, find a roof they can live together under’ (Ibid.p.167).

¹²³ Cavell, 2004, pp.76-7

¹²⁴ Cavell, 1990, pp.103-4

¹²⁵ Indeed he notes that above all, the genre: ‘emphasises the mystery of marriage by finding that neither law nor sexuality (nor, by implication, progeny) is sufficient to ensure true marriage and suggesting that what provides legitimacy is the mutual willingness for remarriage, for a sort of continuous reaffirmation, and one in which the couple’s isolation from the rest of society is generally marked; they form as it were, a world elsewhere. The spirit of comedy in these films depends on our willingness to entertain the possibility of such a world, one in which good dreams come true’ (Cavell, 1981, p.142).

¹²⁶ Cavell, 1990, p.104 *citing* Milton (italics added):

‘And what [God’s] chief end was of creating woman to be joined with man, his own instituting words declare, and are infallible to inform us what is marriage and what is no marriage, unless we can think them set there to no purpose: “It is not good” saith he, “that man should be alone. I will make him a helpmeet for him” (Genesis 2:18). From which words so plain, less cannot be concluded, nor is by any learned interpreter, than that in God’s intention *a meet and happy conversation* is the chiefest and noblest end of marriage, for we find here no expression so necessarily implying carnal knowledge as this prevention of loneliness to mind and spirit of man’.

confined to words,¹²⁷ for it is easier to see that there is far more to such a relationship of marriage than simply the words the couple exchange, than it might be for us to realise that accordingly, there is more to our relationships with those whom we share our lives – our fellow citizens – than the words we exchange. So in this genre, Cavell emphasises that ‘the fate of the marriage bond...is meant to epitomise the fate of the democratic social bond...the *linking of fates* that underlies....Milton’s argument for divorce’.¹²⁸

Cavell further shows, that in Milton’s view, the state has no interest in forcing an individual to remain in an unhappy marriage as it will bring unhappiness to this individual who will then make ‘the commonwealth suffer in terms very like those in which he himself suffers’.¹²⁹ For Milton, unhappiness in marriage ‘is a bondage to “a mute and spiritless mate”;’ the effect of this on society, ‘is a “heaviness,” and that without redress from it the life of its members cannot be “spiritful and orderly”’ and is therefore taken to be ‘dispirited and disorderly, or anarchic’.¹³⁰ Thus society needs to seek an end to this unhappiness and so it is ‘as if the commonwealth were [itself] entitled to a divorce from such a member’; yet

‘since from a commonwealth divorce would mean exile, and since mere unhappiness is hardly grounds from exiling someone, the commonwealth is entitled to grant the individual divorce, hoping thereby at any rate to divorce itself from this individual’s unhappiness’.¹³¹

It therefore seems to Cavell that ‘a certain happiness’ or ‘a certain spirited and orderly participation’ is implied to be ‘owed to the commonwealth by those who have sworn allegiance to it’ and from this Cavell figures ‘that if the covenant of marriage is a miniature of the covenant of the commonwealth, then one may be said to owe the commonwealth participation that takes the form of a meet and cheerful conversation’.¹³² Thus the marriage contract is seen as analogous to that which creates society.

¹²⁷ Cavell, 1990, p.104

¹²⁸ Cavell, 1981, p.193 (italics added).

¹²⁹ Ibid. p.151

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Ibid.

Furthermore, Cavell more explicitly adduces why he has chosen to focus on Hollywood films as having something to teach us about democratic life, for he emphasises that in talking of marriage and commonwealth 'Milton has in view of an entire mode of association, a form of life' but at its centre is the importance of 'a capacity, say a thirst, for talk'.¹³³ It is this same thirst that Cavell sees exhibited in the Hollywood films of the thirties and forties which are based on the belief that '[t]alking together is...the pair's essential way of being together, a pair for whom...being together is more important than whatever it is they do together'.¹³⁴ Thus Cavell's use of these films is based on his belief that they are 'participating in such a conversation with their culture'.¹³⁵ He explains that the topic of conversation may be understood as although accepting that 'we accept the legitimacy of divorce' asking 'what is it that constitutes the legitimacy of marriage?'¹³⁶ such that if we do not accept the legitimacy of leaving our society,¹³⁷ what is it that constitutes the legitimacy of our belonging within it, to each other?¹³⁸ Importantly for the perfectionist commitment to aversive thinking, Cavell adds that '[t]his seems to be what freedom in marriage requires. It calls for some thought'.¹³⁹ Thus we can only infer, that when Cavell is using this remarriage relation as an analogy for a democratic citizen relation, this relation too, is due 'some thought'.¹⁴⁰

Regarding the marriage relationship, Cavell points out that 'divorce is asked for by asking to be free'¹⁴¹ yet what is discovered in these examples, is that freedom is actually found through working at, but staying within the relationship in question, not cutting oneself off from it. This is emphasised above in the argument that one can

¹³³ Ibid. p.146

¹³⁴ Ibid.

¹³⁵ Ibid. p.151

¹³⁶ Ibid.

¹³⁷ As in the remarriage comedies Cavell notes that 'there are no clear grounds for divorce' (Cavell, 1990, p.117).

¹³⁸ For example, at the beginning of *His Girl Friday*, Cavell interprets Walter's statement that "There's something between us that no divorce can come between" to demonstrate that divorce does not last forever, whereas there is something unique and special in every marriage that can and does last forever, that marriage, but not divorce, is a sacrament. Yet he notes that 'in order to prove that nothing has come between them [Walter] has...to arrange for [Hildy] to free herself from her divorce, to prompt her to divorce herself from it' (Cavell, 1981, p.164). Importantly for the perfectionist commitment to aversive thinking, Cavell adds that '[t]his seems to be what freedom in marriage requires. It calls for some thought' (Ibid.). Thus we can only infer, that when Cavell is using this remarriage relation as an analogy for a democratic citizen relation, this relation too, 'calls for some thought' (Ibid.p.163).

¹³⁹ Ibid. p.164

¹⁴⁰ Ibid. p.163

¹⁴¹ Ibid .p.244

only find one's attainable yet unattained self through remaining within society rather than trying to opt out of some or all of it. Indeed, since in *The Awful Truth*, Cavell argues that the man of whom Lucy is accused of having an affair with, Armand Duvall 'cannot possibly be taken as an erotic threat to an established relationship' meaning that 'the obstacle to the continuation of Lucy and Jerry's marriage is not external, but lies within each of them'.¹⁴² Hence it seems that the obstacle to our happiness is not external to us, but lies within each of us, by extension, obstacles to our success as a democracy are not external to us, but lie within each of us. However, this could be construed as going too far, especially by those who are on the receiving end of existing injustices in democratic society. Indeed, in some ways Cavell seems to be viewing the polity as representative of one body or self. Yet he has already acknowledged that it is the more fortunate who need to recognise that they must consent to the whole of society, for the sake of the poor, and the less fortunate.

The aforementioned perfectionist theme of consent to the whole of society, is also exemplified by the remarriage comedies, where we see that individuals marry 'for better or for worse' thus accepting some concept that they will work through their problems -although it may be difficult¹⁴³ to live up to.¹⁴⁴ Yet, as in his discussion of the need to consent to the whole of society, Cavell points out that we will only find happiness by taking the rough with the smooth.¹⁴⁵ Indeed, in spite of this possible reality we have seen above how perfectionism seeks to prepare us to keep going in the

¹⁴² Cavell, 2004, p.381

¹⁴³ Indeed, in some real life cases, it may be so demanding as to be impossible.

¹⁴⁴ For example in Philadelphia story, Tracy was challenged by Dexter's drink problem, and Dexter was put off by Tracy's aloof 'cold' attitude, but at the end of the film, they both come back together, to work to overcome these internal weaknesses, despite these previous problems. Cavell also uses *The Lady Eve* to make a similar point, showing that Charles went wrong by pursuing Jean's impression of what he thought to be her twin sister – Eve. In pursuit of this aristocratic, non-criminal, 'pure' version of the girl he fell in love with on the boat, but who turned out to be a con-artist, Charles is attempting to take 'the good without the bad – the rich without the poor, ideal without reality' (Cavell, 1981, p.61).

¹⁴⁵ With regard to this, Cavell comments on the fact that unlike the other films of the genre *His Girl Friday* remains in the city throughout the film, rather than decamping, like other films of its genre, to a greener setting of the Connecticut countryside. So instead of being shown a different world where the couple find it possible to be together (I'll come back to this point in a moment) 'we have moved deeper into the same world, or say into the conditions of that world. There is no obvious way to get to the green world; there is no obvious way to leave the black world' (Cavell, 2004, p.350). This shows the Cavellian perfectionist risk that we will get deeper in touch with the dirtier, rougher, poorer side of life through aversive thinking, but that if this is all there is, then it is there to be engaged with, because we can never truly succeed in trying to escape it.

face of failure.¹⁴⁶ This is to say that for those in search of democracy as a reprieve for the pain of the world, they will not find it in leaving what they see as a faulty democracy, in the hope of finding a working one elsewhere, but continue to work at the faulty one, to accept the adventure.¹⁴⁷

Certainly Cavell asks:

‘If we do not know that a marriage has been effected, how can we know whether there has been a successful divorce, especially when the couple are evidently unable to feel themselves divorced, when the conversation between the divorced pair is continuous with the conversation that constituted their marriage?’¹⁴⁸

He observes that ‘[i]t is as though you know that you are married when you come to see that you cannot divorce...when you find that your lives simply will not disentangle’.¹⁴⁹ So Cavell uses these films to illustrate that as long as conversation continues then no permanent split has yet been effected: the marriage still exists, thus our belonging to a society from which we feel estranged still exists if we can continue the conversation.¹⁵⁰ Indeed, the analogy could hold for the political relation in that

¹⁴⁶ This is supported by Cavell’s discussion of *His Girl Friday* where he proposes that ‘what constitutes a reprieve for the pain of the world is what Walter Burns means by a capacity for adventure’ and thus ‘Hildy’s reprieve is her acceptance of the adventure with Walter, of the old adventure, for we have already noted that no change is in view’ (Cavell, 1981, p.185) NB: One of Hildy’s complaints with her first marriage to Walter was that he was too busy with his work for a honeymoon, and as they leave the set in the final scene, they are on their way to Albany, where in place of a second honeymoon, they will be covering a strike.

¹⁴⁷ Indeed, Cavell later notes that Hildy’s home is the adventure with Walter, which is not all of happiness, as also applies to a disappointing democracy, but as Cavell wisely concludes the sentence ‘nothing on earth is’ (Cavell, 1981, p.186).

¹⁴⁸ *Ibid.* p.151

¹⁴⁹ *Ibid.*

¹⁵⁰ To elucidate what Cavell means by conversation, I can refer to the end of *Adam’s Rib* which he describes as where the couple ‘resume their adventure of desire, their pursuit of happiness, sometimes talking, sometimes not, always in conversation’ (Cavell, 1981, p.151). So Cavell says that in such an estranged marriage ‘the bondage in question is not in these cases to an isolating unhappiness but to an isolating happiness, or to a shared imagination of happiness which nevertheless produces insufficient actual satisfaction’ (*Ibid.* pp.151-2), meaning that for us as citizens, we are led to reflect upon the fact that we may feel unhappy and therefore isolated, but our feeling of unhappiness is that we are not isolated, we are unhappy because the conversation has turned sour, yet in realising this, we see that we are not alone, it is the fact that we are *in* the community that makes us able to feel unhappy, and estranged from it. This recognition in turn leads us to a happiness that we can move society to a better place where all are more involved, yet in realising this, we separate ourselves from others who are unhappy, we experience an isolating happiness, where we look to a future where all see their belonging and work to improve it. This leads to insufficient actual satisfaction because we are not yet there, and indeed, never will be, for in attaining a ‘societal marriage’ we will see a further attainable marriage which we will then try to reach, and thus it is something we will always have to work at. Indeed, Cavell says that ‘[t]here is an unspoken attunement of moral perception that conditions, and calls upon, our

you know when you belong to a polity and come to see that you cannot leave it, when you find that your lives simply will not disentangle. But I would like to question its depth, for when you are apart from somebody you care for you may suffer physical symptoms of languor and heartache, whereas it is difficult to see how this may be the case if you chose to absolve yourself of political responsibility and refuse to consent to society because you wished not to be associated with its bad parts.

Cavell does acknowledge that his choice of these films as exemplars for democratic politics may draw criticism.¹⁵¹ Indeed, he acknowledges that the protagonists are ‘favoured socially and lucky in natural fortune’ and so ‘it is no particular fortune that [they] are well behaved’.¹⁵² Yet he argues this can be overridden due to the moral issues the films depict, making them valuable objects of study for those keen to understand ethics underlying the reworking of a relationship. He also claims that the significance of each of the features that may cause concern such as ‘the withdrawal from society and of wealth and of who has and who lacks education’ are secondary to this all important ‘certain mode of conversation’ that they depict.¹⁵³ This disclaimer will be accepted here for now, but the concerns that prompt it will be returned to below.¹⁵⁴

Cavell notes a common theme of these remarriage comedies, whereby the principle pair are seen to have known each other since childhood, and so ‘grew up together’ i.e., went through a marriage and a divorce, experienced things together that changed them both – went through a process together.¹⁵⁵ Hence the films are about the nature

ability to make ourselves intelligible to each other. The sense of attunement lost, in an encounter in which only through the other do you reach to your attunement with yourself, is a way of framing the perfectionist moment’ (Cavell, 2004, p.381). Such he sees not only marriage but also democracy. Further then, he says that ‘[i]t is an awful, an awesome truth that the acknowledgement of the otherness of others, of ineluctable separation, is the condition of human happiness. Indifference is the denial of this condition’ (Ibid.). Further to this analogy, Cavell notes how Charles has been in ‘pursuit of happiness’ on the island at the beginning of *The Lady Eve*, (Cavell, 1981, p.47) but by the end he has changed his path from a solitary one, to one where is accompanied by, and in turn accompanies, Jean. This implies the pursuit of happiness is to be undertaken in conversation with others – happiness through marriage, with a wife or husband; happiness politically, in society with other citizens.

¹⁵¹ He says that some may be ‘suspicious of a claim to the moral (or artistic) seriousness of these films’ seeing them instead as simply morally soft hearted fairytales for the Depression (Cavell, 1981, p.2).

¹⁵² Cavell, 1990, p.103

¹⁵³ Ibid.

¹⁵⁴ See p.162

¹⁵⁵ Cavell, 1981, p.136. Even in films where this has not been the case, it is ‘imagined’, for example in *The Lady Eve* Charles says to Jean that he feels as if he has known her all his life, and paints a fantasy of them as friends when they were children; whilst towards the end of *The Awful Truth* whilst Lucy

of a relationship as growth *together*, as being in its mutual willingness for reflection and continuity in spite of troubles. This is supported by the fact that the happiness or ‘laughs’ that the protagonists aim for in the remarriage of Lucy and Jerry in *The Awful Truth* ‘will not be something caused and prevented by what you might call errors’, such that despite mistakes being made, the element of revisability, commitment to the task rather than the end result, means that despite mistakes, the journey continues. Thus our commitment to our polity cannot be withdrawn if it proves itself to be a poor democracy.¹⁵⁶ Instead, we have to continue to work at making that democracy better.¹⁵⁷ So to ‘stick it out’ in a democracy is to actually choose to utilise a potentially considerable strength to effect change, although it would also require hard work.¹⁵⁸ since, to engage in it, one is challenging the entrenchment of any social order.¹⁵⁹

Not only does marriage make a useful analogy for Cavell with reference to conversation, consent, and exemplars, but also shows how these topics vary for each and every relationship. Indeed, in imagining ‘someone promising, in good faith, to be a decent husband’ it can be assumed that they must recognise some independently specifiable success-conditions, such as respect, caring for their partner’s interests and not betraying them, but what *exactly* ‘might count as betrayal’, or what caring for one’s partner’s interests ‘might look like—or even whether *these* things are what is at issue—cannot be specified independently of the particular marriage...of the circumstances, history, and personalities peculiar to it, and of how those things unfold

pretends to be Jerry’s sister, and embarrasses him in front of his new fiancée’s family, this scene also serves the purpose of implying that this principle pair have also spent their childhood together (Cavell, 2004, p.310). In *His Girl Friday* the statement that Walter created Hildy the expert reporter from a ‘doll-faced hick’ also ‘satisfies the law that they knew one another in childhood, anyway, in a life before their shared adulthood’ (Cavell, 1981, p.167).

¹⁵⁶ E.g. through a war in Iraq, or a refusal to take action on climate change

¹⁵⁷ Indeed, I see no reason to believe that this may not also involve questioning the ability of democracy itself to bring about the world that may be desired through our living ‘in conversation’.

¹⁵⁸ Indeed, in *His Girl Friday* Cavell observes that Walter wants to help Hildy escape, not from happiness that she could seek with Bruce, but since Walter knows that this would not in actual fact make her happy, as it is a ‘counterfeit happiness’ (Cavell, 1981, p.165). Seeing that Walter and Hildy’s type of marriage is unconventional, whereas Bruce has all the promise of a conventional marriage, this evokes Cavell’s aforementioned work on Emerson’s argument that to think aversively is to challenge conformity. To remarry Walter, Hildy will decisively part with any risk she may conform to the stereotype of the 1940s wife and mother.

¹⁵⁹ For example Cavell notes that ‘Hawksian comedy, through its characters’ struggles for consciousness, remembers that a society is crazy which cedes it, that the open pursuit of happiness is a standing test, or threat, to every social order’ (Cavell, 1981, p.129).

or develop over time'.¹⁶⁰ It is possible, all things considered, that everything one does is 'not disrespectful or inconsiderate or disloyal' and yet one could still fail to be any good as a husband or wife' that one could be 'true to the letter but miss the spirit'.¹⁶¹ In such a situation it would be necessary to keep the conversation going in order to understand what is going wrong. This holds a lesson for democratic life, where the relationships between individuals and certain communities may not always come easily or naturally, yet this barrier demands to be overcome through our prior commitment to the democracy in which we live. So the films demonstrate that, as in any successful marriage, 'what is between the [couple] is incomprehensible to others'.¹⁶² This is a key point often overlooked by deliberative democrats and liberals alike, who expect people to be able to speak to each other all in the same way, not aware that the way in which each person relates to another is special and unique to that situation, thus making political communication far more demanding and at constant risk of failure and thus the need to commit to continual re-trying.

Since these films expect 'the pair to find happiness alone, unsponsored in one another, out of their capacities for improvising a world, beyond ceremony',¹⁶³ it seems that Cavell is saying that individuals can find happiness through the relationship of conversation with exemplars, through living together in dialogue, which, contra Rawls, is not something that can be given solely through an institution, or even marking a joining of individuals in a relationship or in a society.¹⁶⁴ In a political sense, however many citizenship events or activities that take place to remind us of our responsibilities to our polity and to one another, the true change has to come from each individual self that is to do the hard work or aversive thinking, working at each and every relationship.

The aforementioned concern that such a relationship may lead us to an isolating happiness is also exemplified in the remarriage comedies.¹⁶⁵ Yet rather than separate

¹⁶⁰ Ridley, 2009, p.190

¹⁶¹ *Ibid.*

¹⁶² Cavell, 1981, p.167

¹⁶³ Cavell, 1981, p.239

¹⁶⁴ *Ibid.* Although this is not to say that an institution could not help to provide conditions favourable to society conceived of as a conversation in pursuit of happiness.

¹⁶⁵ Indeed Cavell notes that the 'fact that in the comedies the couple at the end, at their reconciliation or resumption, are isolated from society, not directly reconciled to, or resuming with, society as it stands – are a rebuke to society as it stands – is an interpretation of their society. The fact of their isolation

them from society, this shows the strength of such a relationship standing as exemplary to society, for through conversing with each other, the pair have gone ahead of the rest of society. They have progressed to a new attained, with a further attainable, before the rest of society has caught up with them.

Democratic friendship for Cavell, is an example of the type of ‘meet and happy conversation’ that Milton sees in marriage. We have already discovered that Cavell’s ‘invocation of conversation, while it means talk, means at the same time a way of life together’.¹⁶⁶ It furthermore ‘emphasises neither a given social project nor a field of fairness for individual projects’ but rather ‘the opacity or non-transparency, of the present state of our interactions, cooperative or antagonistic’ where the present is seen ‘as the outcome of our history as the realisation of attempts to reform ourselves in the direction of compliance with the principles of justice’.¹⁶⁷ So for Cavell, conversation is a way to explain ourselves and learn about others. This requires the virtues of ‘listening, the responsiveness to difference, the willingness for change’.¹⁶⁸

So, Cavell’s focus on remarriage comedies is to show that the features commonly identified in marriage, of commitment to continuing the conversation, consenting to both the good and bad sides, and needing to be responsive to each relationship in a way that is appropriate for that relationship, can all be transposed onto the relationship between democratic citizens, where we are exemplars to one another. The exemplar is one who helps another along the journey to their unattained self, by prompting aversive thinking. Thus to transpose this relationship into that between democratic citizens, we see that Emersonian perfectionism aims to help make us live a more fulfilled existence, to be more free, and consequently more human.

marks society as itself incompletely socialised; tolerably, but discontinuously, well ordered. We might say that between these groups or pairs bound by ties of justice, there are uncharted areas in which we remain in a state of nature, suggesting an understanding of the perfectionist’s call (as in Emerson or Nietzsche) for freedom demanding a new consecration to culture (i.e., of our nature).’ (Cavell, 1990, p.117).

¹⁶⁶ Cavell, 2004, p.173

¹⁶⁷ Ibid. pp.173-4

¹⁶⁸ Ibid. p.174

Evaluation of Cavell's potential to contribute to the radical democratic project

For Cavell, the obstacle to rebuilding the failed marriages that feature in remarriage comedies is not external but lies within the two parties involved.¹⁶⁹ In extrapolating from this, we are asked to consider that the obstacle to the continuation of a democratic relationship lies simply with those involved in the relationship. This is a valuable insight, as it calls for self-reflection, honesty and willingness to try again. However, if taken to its extreme, it can imply that we must ask a lot of those who suffer from political outcomes in a democracy. It therefore seems to place an unreasonable burden on those who suffer. It could even be misconstrued as asking that they put up with their unequal share, out of their commitment to democratic government, despite its recurrent failures. However, we have seen that this is not only a misinterpretation of Cavell due to his emphasis that his writing is aimed at prompting the relatively advantaged in society¹⁷⁰ to rethink their commitments to such a society, but also that such a requirement would be unresponsive to the claims of the least advantaged.

Cavell has also noted that we must be careful here, for in asking that resentment is voiced, we are relying on the willingness of those who suffer to voice it, despite the fact that if they are already exhibiting the perfectionist outlook, they may end up being receptive to unresponsive claims from the more fortunate that their wealth and good fortune is necessary for their lifestyles. Hence we can get trapped in a circular argument about who must exhibit the perfectionist outlook to whom, and what to do in the case of those perfectionists who may be taken advantage of by others who demand responsiveness, but fail to exhibit it themselves.

Indeed, there are many small objections to Cavell's account, concerning whether such films are clear moral exemplars, or whether this potential is often overlooked, instead feeding into a shallow cult of celebrity; the fact that the couple in the films often seem to need to move outside of society in order to be able to rebuild their relationship; whether separation from society would really produce anything on a par with the unhappiness of separation from a lover (consider for example a rich tax exile living on

¹⁶⁹ Although it is not beyond a stretch of the imagination to think up other examples of failed marriages where the obstacle to its continuation lies much more, if not entirely, with one party, I lay this objection aside for a moment, to focus on Cavell's reason for focusing on such marriages.

¹⁷⁰ This excludes the most disadvantaged and the most advantaged.

a beautiful island); is the friend/exemplar relationship too bourgeois to be of use as it seems to envisage at its more familiar level, those with plenty of time, sitting at liberty over lunch or dinner, discussing with friends how one might better one's life; or even whether a marriage is far too intimate a relationship to use as analogous to democratic relations. Indeed, Cavell recognises that what these remarriage comedies do, is in contrast with the European genre of romantic farces, transform 'the bondage of marriage into a new romanticising of marriage',¹⁷¹ but then can we not ask if Cavell is, by analogising these marriages with social relations, carrying this romanticising impulse into democratic political relations? Also we could consider whether there are cultural limits on these films. Are they only able to prompt conversation in their own culture, and when exported to another democracy, perhaps lose the ability to promote deep exemplarity and instead become empty canvasses to be imitated?¹⁷² Indeed, this cultural viewpoint also raises questions as to whether some people may be left out, without an exemplar/friend to guide or inspire them to their unattained yet attainable self.¹⁷³

Yet, there is further concern that Cavell's arguments just may not appeal, as he is asking much from people who are already living busy, complicated lives. Many individuals may feel that the struggle to attain their higher selves, however admirable, is more than they can do, regardless of support from exemplars and society. They may prefer to deny any problem through psychological or physical means. What if Nora had accepted Torvald's patronising attitude and decided that life with him was better than life on her own.¹⁷⁴ Hence, if democracy needs perfectionism then Cavell needs to show that a democrat would certainly need to attend to the conditions that would help individuals to see the perfectionist life as possible and achievable.

¹⁷¹ Cavell, 1981, p.129

¹⁷² Consider the example of how American films added to the allure of the GI-marriage for post-war British women who were facing situations of rationing and scarcity of goods.

¹⁷³ For example, immigrants living in an alien culture, may find that all the heroes of that culture, whether they be Abraham Lincoln and Emerson, or Martin Luther King to Ghandhi, may not have much to say to a Mexican American from Los Angeles. Yet such an objection may overlook the fact that exemplars need not be famous heroes, but can be other members of one's own society. Also, such an objection feeds on an essentialising notion of culture, such that we assume an exemplar cannot speak across cultural boundaries.

¹⁷⁴ Indeed to try and make a life for yourself as a lone woman at the turn of the century was more than many women would have done for numerous reasons.

Cavell says that his interest in remarriage comedies ‘continues to be aroused’ by the ‘persistent faith or wager’ that despite increasing recognition of the problems and failures of marriages, people continue to marry, seeing that those problems or failures are due to the individuals involved, rather than the institution itself. Although this is an inspiring message for democracy it also overly simplifies the way we think of democratic society, the key tenets of which are not as easy to agree upon as the traditional marriage vows, involving millions of people, rather than just two. The wisdom in Cavell’s thought is that in order to overcome the vast scale involved in contemporary democracy, we do need to remind ourselves, that at root, it is embodied in the little day to day relationships between individuals. Also, the need for a reflective and receptive ethos can only bring value to the democratic polity, wherever it is found. Before we examine what more is needed though, it is interesting to evaluate what Cavell has offered us.

Despite Cavell’s aforementioned disclaimer that the economically fortunate position of the protagonists is not relevant to the way in which he wishes to use these films,¹⁷⁵ I do not feel that his explanation is strong enough, for concerns remain about his lack of attention to economic injustice, and the ability of Cavellian conversation to cope with the demands of modern day political problems. Turning first to economic injustice, Cavell says that the restriction of his attention to ‘those in positions of relative advantage means that [he is] not attending to the condition of poverty, say economic victimisation, nor to the condition of tyranny, political victimisation’ because he assumes that justice is beholden to attend ‘without fail’ to these.¹⁷⁶ Indeed, justice as a concept is indeed beholden to attend to these, but the facts of continuing hardship and inequality reveal that for whatever reason, our contemporary societies of ‘enough and as good as justice’, simply is not attending to these. However, to be fair, let us consider a defence of Cavell’s focus on the more fortunate in society. It is true that his focus on the disaffection of the rich from democratic society can seem distasteful to those who feel that it is the poor and exploited who are most disaffected and deserve greater assistance; however, it seems that this can be to miss the point on two fronts. Firstly, his argument recognises that society would benefit disproportionately from the support of the more fortunate in society who can provide

¹⁷⁵ See above, p.156

¹⁷⁶ Cavell, 1990, p.xx

funds for services and knowledge and resources. Secondly, Mulhall addresses the fact that ‘Cavell wishes to argue that the dimension of social justice that perfectionism highlights possesses an independent significance whose acknowledgement is essential to the well-being of liberal polities’.¹⁷⁷ Thus, Cavell admits that he focuses on ‘a form of victimization’ suffered by the relatively well-off and thus seem to concentrate on a non-urgent area of social justice.¹⁷⁸ However, Cavell claims that this appearance is deceptive for two reasons. Firstly, ‘because the loss of one’s self is an absolute injustice’ and so because Cavell believes that ‘a central part of the distinctively modern conceptualization of politics is the idea that it provides an arena within which the self might realize itself...then the possibility that society has systematically prevented some of its so-called citizens from participating in these opportunities constitutes a danger that must be identified and guarded against.’¹⁷⁹ Secondly, despite appearing as an unjustified bias to the rich, it is actually justified in order to bring their support to democracy, and thus save democracy from failure. So such a bias is defended as a strategic move, to win the support of those with knowledge, power and resources.

However, it was noted above that Cavell does not consider what should be done if the rich fail to consent to all of society.¹⁸⁰ Instead, he merely relies on this social group realising that ‘they are morally compromised’.¹⁸¹ However, at this point, he simply seems to rely on the convincing nature of this argument, with no explanation of what to do in a democracy if this does not happen. How to guard that democracy against weakness and apathy and discontent, if the rich refuse to consent, for this consent relies on one interpretation of their nature, without an explanation of why their nature would be this way and what to do if it is not. Furthermore, he fails to see that in order to overcome the resentment of those who are excluded, it may be necessary to set about forms of economic redistribution as a prior condition to bringing about a political culture that is supportive of a perfectionist ethos. Whilst democratic society remains as divided as it is at present, it does not seem conducive to a situation where suffering individuals would feel disposed to view their lives as lived in conversation

¹⁷⁷ Mulhall, 1994, p.281

¹⁷⁸ Ibid.

¹⁷⁹ Ibid. pp.281-2

¹⁸⁰ See above p.155

¹⁸¹ Cavell, 2004, p.184

with others who are much better off, or if they are willing to concede this, would such individuals feel that any such conversation was of value if it meant living together with others who are deemed to be worth so much more?

Secondly, it is possible to feel uneasy here about the centrality of conversation in Cavell's work, for it seems rather weak and inadequate to be accorded the appropriate channel through which urgent and critical political debate should be carried out. Is conversation strong enough to deal with political problems of inequality and injustice such as homelessness, starvation, abuse and exploitation-all those issues that provoke political outcries and policy-based responses? It can at first be tempting to suggest that conversation would only be suitable for dealing with small and inconsequential political issues and private matters.¹⁸² Indeed, if Cavell simply asks that we converse, then is he not risking a trivialisation of politics, since one can converse about such topics as the fact that it's raining again, or what one had for breakfast. Indeed, it is to avoid this point, that deliberative democrats lay such emphasis on deliberation, as a political form of speech in contrast to common conversation.¹⁸³ Yet that is to miss the point entirely, that the conversation called for by Cavell is not that everyday, ordinary form of speech, but a way of life together, a living of one's life in constant awareness that this life is in conversation with others,¹⁸⁴ and thus, he is not encouraging us to a life of idle chatter, but to a mentality of commonality. Hence Cavell's use of the term conversation is subtly challenging political thought to move away from fixed separation of public and private discourse, and perhaps the problem is that instead, we should be attentive to our own normalising moves, where Cavell's examples of Rousseau and Rawls 'encourage us to focus on a model of politics as legislation'.¹⁸⁵ However, Cavell is inviting conversation as opposed to 'take the place of legislation as the primary mode of political speech' or as Norris explains, 'if legislation is to occur, it will occur for the most part, in conversation'.¹⁸⁶ Consequently, Cavell's critique of contemporary political systems runs much deeper

¹⁸² Indeed, Cicero saw that conversation conversation – as in dialogical speech, such as that engaged in with an exemplar - was better suited to private discussion and instead preferred rhetoric as the speech most suited to politics (for a detailed explanation of this topic see Remer, 1999).

¹⁸³ Where deliberation is understood as 'reasoned political discourse' (Remer, 1999, p.39) although criteria vary as to how to judge this.

¹⁸⁴ Cavell, 2004, p.173

¹⁸⁵ Norris, 2006b, p.81

¹⁸⁶ *Ibid.*

than at first appears, for in his work, the public is not ‘the name of a realm, but rather that of a voice we use in conversing with one another, the line between the public and the private is not easily drawn, and thus since the story of Nora shows us that ‘the personal is political’ then Cavell also tries to demonstrate how ‘the political is personal’.¹⁸⁷

Cavell makes this clear through his own method which is intended to provide exemplary texts which will prompt thought. Mulhall has noted that Emerson intended his own writing to be exemplary, provoking and challenging the reader.¹⁸⁸ Indeed, Cavell’s focus on this topic shows that he himself acknowledges the ‘transformative activities of writing and reading’.¹⁸⁹ The activity of writing leads us toward our unattained self by ‘compelling us to go beyond what we already are by expressing something new’ whilst reading ‘compels us to consider thoughts we had not previously attained, thus inducing not only recognition of the other selves who wrote them but also that of our own further self who, by embracing them, is enriched’.¹⁹⁰ Thus for Emerson, and consequently for Cavell, reading and writing are ‘the essence of the philosophical life of self-perfection’.¹⁹¹ This is not to say that self-perfection is an ‘essentially textual way of life’, for this would fail to recognise that ‘the notions of writing and its attraction have a very distinctive meaning for Cavell’, who sees writing as not a mere formulation of texts and ideas but a ‘deeply personal, ethical work of self-critique and self-transformation’.¹⁹² Furthermore, the difficulty of understanding perfectionist texts as attractively exemplary can be misleading, for it is not about adopting an approachable and attractive writing style, but will often actually make these texts more difficult to read, due to the fact that they will challenge the

¹⁸⁷ Ibid. Indeed, on this topic we must be careful not to equate ‘Cavell’s invocation of voice and the treatment of voice in the deliberative tradition’ (Norval, 2007, p.172). Norval explains that in the deliberative tradition, ‘demands for inclusion of different voices proceed in the name of the completion of an already constituted community, and such voices are always ultimately subordinated to a limiting conception of rationality and a narrowing focus on argumentation as constituting the nodal point of a political life’ (Ibid., p.173). In contrast however, as we have seen in his critique of Rawls, for Cavell, ‘what is at stake is precisely the founding of community, its *invocation* in the claims we make, and what we can say, and what others can say for us in such voicing of claims’ (Ibid.p.173). Indeed, as saw above, it is key to Cavell’s work that ‘argumentation is not at the heart of political life’ such that our aim is not simply ‘to win an argument’ but to ‘manifest for the other another way’ (Cavell, 1994, p.31).

¹⁸⁸ Mulhall, 1994, p270

¹⁸⁹ Shusterman, 1997, p.208

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

reader and ‘engage both the self and the reader more deeply so as to effect the aim of self-transformation’.¹⁹³

Thus although we see that Emersonian perfectionism cannot be reduced to ‘textual aestheticism’, Shusterman’s assertion that Cavell leaves himself vulnerable to such a claim unfortunately¹⁹⁴ has a convincing ring to it, due to Cavell’s ‘extreme emphasis on writing and neglect of other important dimensions of democratic philosophical life’ such as how such a philosophical life is embodied and practiced.¹⁹⁵ This enables the argument that any ‘attractive ethics of democracy must be concretely lived as well as written’ such as to enable us to distinguish ‘between mere professors of philosophy and true philosophers’,¹⁹⁶ thus Shusterman may turn to ask Cavell how such a perfectionist philosopher should live his life?¹⁹⁷

One way to draw these concerns together is to recognise a deeper issue underlying them all. This is the issue of power. In order to understand this concern let us return one last time to Nora. We remember from the earlier discussion of what may happen after the curtain falls, that Nora’s success is not entirely up to her, what she is able to say is limited by the social situation in which she lives. It was suggested above that the only way for her marriage to move forward would be if Torvald exhibits the perfectionist outlook and tries to see how he may need to change in order to respond to Nora’s unhappiness. Also, society needs to be able to respond to the needs of a single woman seeking to support herself. However, there is no guarantee that this would be the case, and if in contrast, Torvald refuses to respond to Nora, the conversation will be over. Hence we immediately see that a culture of perfectionism is necessary for expressions of unhappiness and resentment to be responded to. This is the matter of what perfectionism requires from other citizens. Without such a culture, Nora remains politically mute, without a history that she can express.

¹⁹³ Ibid.

¹⁹⁴ This is perhaps unfair criticism considering one writer can only do so much.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.p.210

¹⁹⁷ Indeed, other philosophers have written more on this topic, or simply lived in an exemplary democratic way, and further implications of this will be sketched in the next chapter. For example Spivak’s critique of the role of the intellectual (1988), Gramsci’s writing on intellectuals (see Ives, 2004; and Crehan, 2002, pp.128-164 as well as Gramsci, 1971).

It has been shown that Cavell's objection to Rawls was that even under conditions of Rawlsian social justice, such muteness can still arise in various ways, if its reason for resentment has not already been expressed in the principle of justice. So we see that not only does political perfectionism require a perfectionist political culture, but that also, in the absence of such a culture, perfectionism can only exist in personal friendships, retreating into the private sphere, and only accessible to those who cultivate it privately. Hence we see that Cavell has hit the same problem that Rancière conceptualised.¹⁹⁸ In the absence of a political culture, Nora's resentment may sound to Torvald, like unrecognisable noise. Her plea for response would go unanswered. Thus Cavell's work is pointing to problems of political power.

Such problems are recognised by Laden's explanation of constructive social power, where he examines the conditions under which an individual's social identity is formed *for them* to answer another group's social purposes. Briefly, Laden explains such a conceptualisation by distinguishing between social and background facts. Social facts refer to 'the contents and shapes of our social roles and...our practical identities', whereas background facts are intended to refer to 'pre-political' facts, but what makes them important is that 'what makes them significant, is independent of any social or political structure'.¹⁹⁹ The important thing to understand about these facts is that they become connected when 'socially constructed categories are "congealed" by being mapped onto some of the wide varieties of ways in which people might be categorised according to a given theory's understanding of the background facts'.²⁰⁰ Hence it is through this mapping from the social to the background facts 'rather than the purported intrinsic significance of the background categories themselves, that makes certain "objective" differences significant by giving them social relevance'.²⁰¹ Laden takes an example from Catherine McKinnon²⁰² who argues that 'social power sets up two unequal social roles having to do with sex: the social role of man is occupied by people who eroticise dominance, and the social role of women is occupied by those who eroticise submission',²⁰³ such that 'everyone who manifests biological female sexual characteristics will be trained to be sexually

¹⁹⁸ See p.45

¹⁹⁹ Laden, 2003, p.138

²⁰⁰ Ibid.p.140

²⁰¹ Ibid.

²⁰² *Towards a Feminist Theory of the State*, 1989

²⁰³ Laden, 2003, p.140 *citing* McKinnon, 1989, p.113

submissive, rewarded for being so and punished in various ways when they are not'.²⁰⁴ Whether or not you agree with McKinnon's analysis, what is important here is the example helps us to see that such mapping enables one social group to set out what another group's social identity *should be*. It is when one tries to protest that one's identity does not fit into such a mapping, that one's voice can simply seem like noise rather than a claim of injustice. Furthermore, it may prevent us from even raising a claim, since it may enable us to think we are in charge of our own thoughts when we are not.²⁰⁵ Hence the inequalities in social power need to be overcome if conversation is to be afforded the revolutionary potential to free us from conformity in a political sense.

So Cavell's work has pointed to problems caused by power relations, and the way in which institutionalised change is not able alone, to overcome such relations. Yet his work does not attend to the structural changes necessary in order to bring about a perfectionist culture. Therefore the concern remains that if it is 'part of the resentment that there is no satisfactory hearing for the resentment',²⁰⁶ as Cavell himself noted may be possible, how do we reform society in order to better enable the possible conditions for a satisfactory hearing for the resentment, which the perfectionist outlook seems well placed to provide? It seems that to enable conversation to have the revolutionary power Cavell accords it in the public domain, it is necessary to better understanding the way social power excludes voice; and also, whilst bearing in mind Cavell's critique of Rawls,²⁰⁷ that institutions alone are only ever part of the process, we do need to reflect upon the question of the type of institutions or society could help to bring about these conditions.

Conclusion

In discussing Emersonian perfectionism, it was shown that the culture of receptivity and revisability it calls for, depends on active thinking in aversion to conformity. This aversive thinking enables individual citizens to conceive of themselves in search of their unattained yet attainable selves. Although it was noted that this echoes

²⁰⁴ Laden, 2003, pl.140 *citing* McKinnon, 1989, pp.109-10

²⁰⁵ For example, believing herself to be thinking aversively, but not challenging her social structure could lead Nora to think Emersonian perfectionism requires her to seek to be an ever more perfect submissive housewife rather than a free independent woman.

²⁰⁶ Cavell, 1990, p.108

²⁰⁷ See previous chapter

Connolly's critical responsiveness and agonistic respect, and also could be seen to develop Rancière's desire for dissent, Cavell's work adds much to our understanding of how the individual can cultivate themselves as a radical democratic subject, emphasising the need to reject conformity with another's thoughts, and how this can be prompted via exemplar friendships in society. However, I have argued that Cavell's work still leaves us unsure as to how such a perfectionist ethos could be made public, rather than residing in private friendships. In the following chapter I will argue that the flourishing of such an outlook in the public domain requires an explanation of the mechanisms of social power and depends upon a supportive perfectionist political culture.

5. Beyond Rancière on voice: revolutionising and dissent

In opposition to the popular post-modern mantra that politics is everywhere, Rancière asserts that politics is better described as a staging of equality by the part that has no part, which successfully manages to challenge the police order. It is my assertion that this can help us to understand how a post-structuralist vision of democracy could be effected, how a culture of dissent or a radical democratic ethos could be brought about, and how these two elements may fit together to empower the voices of the excluded and dispossessed. In accepting that politics is a moment that successfully challenges the police order I suggest that we need not necessarily emphasise the extraordinary at the expense of the ordinary, for I will argue that Rancière merely shows that for anything to be political it has to be empowered by using it in such a way as to stage equality and articulate the voice of the excluded, hence politics is about making the ordinary extraordinary. This is where I believe that Cavell fits in. I have shown that Cavellian ‘aversive thinking’ develops subjectivity through increasing an individual’s potential to reflect and expand their own thoughts, and approach society critically to see potential for empowerment. However, to use Cavell in conjunction with post-structuralist thought a final problem requires attention, for Cavell’s account of conversation was shown in the previous chapter to require awareness of how social power excludes voice if it is to contain potential to overcome exclusion and empower citizens in contemporary democratic society in a way post-structuralist thinkers would see fit. I propose to bridge the differences between post-structuralist and perfectionist positions using Rancière’s thematisation of the move from *voicelessness* to voice. In doing this, I will further clarify my use of aversive thinking, by developing it with recourse to Christoph Menke’s explanation of how self-reflective thought can be used to articulate challenge to the police order. In addition, Menke’s writings, along with those of James Tully, help us to see that the division between the police order and politics is not as strict as was envisioned by Rancière. Consequently, I argue that it is possible to read Rancière’s works as a call for political action whereby we realise that politics is not everywhere despite the proliferation of power relationships, but instead, there is everywhere the potential to empower the

ordinary, ‘to maximise this power’¹ by enacting the power of the people against the police. As such it is possible to argue that democratic subjectivity could be developed through aversive/critical thinking to deepen our understanding of what a culture of dissent would mean for the individual. Finally, in reflecting on the Rancièrean assertion that politics is a momentary occurrence, it seems that for radical democratic thinkers to realise their desire to respond to the suffering of the excluded in a less antagonistic environment, they need to attend to the nature of the police order to consider if it is possible to institutionalise conditions to encourage the emergence of politics by cultivating not only receptivity to individual voice, but also the possibilities through which voices can emerge.

This chapter is structured around a discussion of Rancière’s work on the emergence of voice. Before beginning I must acknowledge the fear that Rancière’s arguments can produce disappointment in readers looking for a prescription or a programme for action² due to the three practical limitations he highlights surrounding the emergence of the subject’s voice, for he explains that a moment of politics cannot be willed, occurs rarely, and any attempt at its institutionalisation will always be subverted, as it entails entrenchment into the existing or new police order. This argument, despite variation in how sensitively it is interpreted, prompts concern amongst Rancière’s critics as to the potential scope and capabilities of the radical democratic project. At its most extreme, it can appear to lead the radical democratic project into a cul-de-sac where it must wait, patient and attentive, for a moment of politics to arise.³ Even in more sensitive interpretations, there is concern that Rancière unnecessarily restricts the scope of politics through his assertion that it is a rare occurrence.⁴ In this chapter, I will examine each of Rancière’s three limitations in turn, supplementing this with the aforementioned work of Menke and Tully, to argue that although a moment of politics cannot be willed, it can be made more likely, and furthermore, that Rancière has exaggerated the severity of the distinction between *la police* and *la politique*, unnecessarily leading to a limiting of the potential scope and capabilities of the radical democratic project. Finally, I will argue that Rancière’s argument concerning

¹ Rancière, 1999, p.88

² Ross, 2009, p.29

³ For example Ross (2009) cites Bensaïd (1999) who argues that Rancière’s work is based upon a skilful avoidance of politics.

⁴ E.g. Norval (2007)

the institutionalisation of politics, should not be confused with the potential to institutionalise a political culture that is better disposed towards the emergence of voice; and thus I will conclude with the question of whether such a culture can be supported and encouraged by open and revisable institutions, which seek not to instil a principle, but simply to support critical thought.

Encouraging the emergence of voice

By exploring the way that Rancière thematises the development of democratic subjectivity I intend to show how Rancière's work can help us bridge the relationship between the position of those who are and are not seen as politically relevant. First it is necessary to recall how Rancière thematised that individuals make the move from *voicelessness* to voice, as shown in Chapter 2,⁵ challenging expectations through subversive behaviour, although it was strongly emphasised that such a move cannot be willed.⁶ Accordingly, Ross suggests that Rancière's work gives a new meaning to *praxis*, 'shifting it away from its emphasis on subjects acting on objects to change things along a linear, progressive temporality' toward 'a kind of watchfulness or attention to these intermittent manifestations, to the moments when such demonstrations are produced, the moments when, in fact, something is happening'; for if anything is to happen it needs to be 'acknowledged as such', and thus 'Rancière's work contributes to making the moment when such demonstrations are produced more visible'.⁷ Accepting this suggestion for now, it is useful to begin by clarifying the problem that Rancière helps to identify.

To do this, let us return to Nora's predicament in Ibsen's play *A Doll's House*. Nora protests that women cannot have the right and responsibility to assume a legal identity without the need of a guarantor, however Torvald refuses even to entertain the idea that women could ever have such rights as in his view they are simply incapable of the accompanying responsibilities. Therefore, he sees Nora's protest as about the fact that she did not understand the implications of what she was doing, since as a woman she could not have fully understood the seriousness of her actions. Here we have the

⁵ Pp.69-70 of chapter 2

⁶ Indeed, in an early issue of *Révoltes Logique*, a collective review, for which Rancière wrote in the late 70s, it was stated that history has shown that we must simply 'recognise the moment of a choice, of the unforeseeable, to draw from history neither lessons, nor, exactly, explanations, but the principle of vigilance toward what there is that is singular in each call to order and in each confrontation' (*Révoltes Logiques*, Spring/Summer 1977, p.6 cited by Ross, 2009, p.29).

⁷ Ross, 2009, p.29

necessary information to help us understand Rancière's further statement that 'Disagreement... is not to do with words alone. It generally bears on the very situation in which speaking parties find themselves'.⁸ Indeed, he explains that in its most extreme form, 'disagreement is where X cannot see the common object Y is presenting because X cannot comprehend that the sounds uttered by Y form words and chains of words similar to X's own'.⁹ Hence in disbelief that Nora could actually be trying to claim rights that women just cannot have, Torvald exclaims that her speech, incomprehensible to him as rational dialogue, is insane raving or childlike babble.

This is why a claim of injustice that is being voiced may not be heard, for Rancière explains that the nature of the political is whatever goes against or challenges the general order, through the emergence of a group whose identity is not recognised by the current political configuration, and whose claim to recognition cannot be accommodated without a change to that configuration.¹⁰ 'Political activity' is thus 'whatever shifts a body from the place assigned to it or changes a place's destination', and hence political activity is that which brings about change to the fundamental assumptions of the political system, it changes that way in which we respond to a claim for recognition, since it makes us recognise what a person is saying as salient rather than disregarding their speech as nonsense: 'it makes visible what had no business being seen, and makes heard a discourse where once there was only place for noise'.¹¹ Thus we can see that Rancière's notion of *la politique* is a challenge to the hegemonic configuration. Furthermore, it is in essence democratic, since it is an enactment of the same principle of equality of the right of all to be included upon which democracy is based.¹²

Rancière shows that it is possible to enact political activity by imitating the actions of those who are dominant. For example, in *The Nights of Labour*, his study of archive material of French working class discourse from the mid-nineteenth century, he shows how the literary working classes subverted working class identity through imitating

⁸ Rancière, 1999, p.xi

⁹ Ibid. p.xii

¹⁰ Ibid. p.30

¹¹ Ibid.

¹² Deranty, 2003, p. 143

the bourgeois act of writing. They managed to achieve this despite holding down demanding jobs, by writing at night, in the hours that they really needed to dedicate to sleep in order to be ready for the next long day of often gruelling work. Yet through spending the night in a literary fashion, they were claiming a right to leisure time and bourgeois pursuits. The pertinent consequence of this behaviour is that contrary to what might be expected, Rancière claims that they were not necessarily seen as furthering the working-class cause, as emancipated workers who could lead the revolution. Instead they were an aberration. Their behaviour resulted in exclusion from the working-class due to these middle-class habits, but did not result in acceptance into the middle-class, due to their working-class origins.¹³ This shows that it is this subversion of identity which challenged the accepted order, making this writing political, not due to its content,¹⁴ but due to the act of its creation, for it disrupted class identities through this ‘miming of a culture foreign to its writers’ origins’.¹⁵ Hence, the significance of their writing was not so much the theme of what they wrote, but the very act of aspiring to an ‘equality’ that they did not already have.

So what could Rancière have Nora do to bring about a meaningful response to her protest i.e.: one which can change her position, and help her acquire these rights and responsibilities? She must convince Torvald of her capabilities, yet when he dismisses her speech as childish or mad because her claims do not make sense to him, she is unable to progress.¹⁶ Thus, in the light of such a difficulty, we can see that the problem we must examine now is: how can such a claim as Nora’s be heard?

It follows that in exacting political efficacy from an action it is necessary to look at the role of what that action creates rather than its content. In *The Politics of Aesthetics*,¹⁷ Rancière argues that despite popular belief to the contrary, there has been what he terms an ‘aesthetic break’ with the mimetic regime of art, whereby art was used to convey a message of a way we could be, a community we could achieve,

¹³ See Rancière, 1981, p.ix

¹⁴ Content which was often socialist.

¹⁵ Parker, 2003, p.xii

¹⁶ Because, as Rancière says ‘politics exists because the *logos* is never simply speech, because it is always indissolubly the *account* that is made of this speech’ for it is ‘the account by which a sonorous emission is understood as speech, capable of enunciating what is just, whereas some other emission is merely perceived as a noise signalling pleasure or pain, consent or revolt’ (1999, pp.22-3).

¹⁷ 2004a

as was commonly believed by socialist art forms. He points out that there was ‘a gap’ in this logic, whereby it was assumed that the audience could and would be able to critique themselves and see how they were being oppressed, and how they should fight back to overcome that oppression.¹⁸ Yet as we have seen above, those who voice an injustice that is truly and fully from beyond the police order cannot be understood within that order. They will make only noise. As regards my example, since *A Doll’s House* is designed to help women fight oppression and therefore designed to communicate with them – using the symbolism of the order in which they communicate, it is precisely for this reason that it cannot help them, for it will be unable to show them how to get outside of the order within which that oppression is being caused. Put very simply, it seems that if they can see the problem as it is voiced, then that is not the problem which is at the root of their oppression, and thus not the problem which needs to be overcome in order for them to be free.¹⁹

Thus Rancière disputes the socialist and democratic idea that we could create a social consciousness through the promotion of institutions such as theatres, museums and libraries. Instead, he sees that political actions²⁰ are those that subvert and appropriate what is not ordained as rightfully theirs by the police order. For example, a workman taking a moment to rest in laying floor tiles and gaze out of an open door in a bourgeois mansion, enjoying the view. This view becomes his, although it is not in the police order ‘rightfully his’. Yet in this subversion and appropriation, Rancière says that there can be no pre-ordained end-point for there is ‘no straight way from intellectual awareness to political action’.²¹ The new visions of sensory worlds that are evoked by political art or other forms of political action is ‘the break in a relation between sense and sense – between what is seen and what is thought, what is thought and what is felt’.²² Democratic politics is then, the dramatic space of interpretation, in an artistic sense of giving meaning where at first it seems there is only something incomprehensible placed in front of you to make meaning of. Hence, it does not draw attention to an already existing people, but it ‘creates a people where there was none before, turning workers into the proletariat, Palestinians into the Palestinian people,

¹⁸ See also Rancière, 2008, pp.6-7

¹⁹ Instead there needs to be ‘a breaking into’ consciousness. This does mean the claim will be recognised, but just not straight away, and not easily.

²⁰ This includes political works of art.

²¹ Rancière, 2008, p.12

²² Ibid.

women into the feminist movement'.²³ It is thus 'on the ground' of such a people that 'a community arises',²⁴ such that democracy must be understood as 'the community of sharing, in both senses of the term: a membership in a single world which can only be expressed in adversarial terms, and a coming together which can only occur in conflict'.²⁵

To help us understand this break in the relation between sense and sense, let us lay aside for a moment the obvious contradiction here between the impossibility of purposefully effecting a political action, and Cavell's use of *A Doll's House* as specifically designed by Ibsen to awaken our empathy with Nora's plight, and prompt its contemporary audiences to rally to the cause of female emancipation. Instead, let us examine the story of Nora as an example of one woman's struggle to be independent. In this way, I believe that we can see an example of the afore-called 'meaningful politics' in *A Doll's House*. In the Helmer household the dominant order is that of men. However, after the details emerge of the forged bond, Nora begins to speak more confidently to her husband, and less coquettishly. There are no more 'little squirrels', 'skylarks', or wheedling tones; no more putting herself down as a silly, playful, doll-like woman. Instead, she begins to speak in a straightforward manner. She is honest, clear, and deadly serious. She takes charge of the situation, telling Torvald to 'sit down' and to 'listen to what I say' instead of begging or wheedling, or tricking him into doing her will.²⁶ She says that she will consider things anew for a while, even her religious beliefs, to which Torvald responds that 'This is unheard of in a girl of your age!',²⁷ showing how her behaviour is a challenge to convention. She has decided that she will seek to educate herself,²⁸ and get a job, rather than have her husband provide for her. Finally she goes out into the night alone, as a single woman with nowhere to stay; something men can do unhindered, but often considered improper and even unsafe for a woman. Now it is possible to interpret the end of this play in many ways. In an existential moment of emptiness Nora is likely standing with her back to the door, facing the night alone, in a tragic exile from the life she had. She is, due to her female form, unable to fit into the world she now

²³ May, 2008, p.143

²⁴ Ibid.

²⁵ Rancière, 2007, p.49

²⁶ Ibsen, 1958, p.66

²⁷ Ibid. p.69

²⁸ Ibid. p.67

inhabits, and is thus left to wander the streets and the world despairing,²⁹ as an Oedipal figure, cast out of her Thebes.³⁰ However, for our use of the play, we may also hope that her resolve to get an education and work for her living may mean that she will succeed in appropriating the world of men for herself.³¹ To fulfil her intentions, we can interpret that she hopes to be able to assign a part in the world of men, of those who have no part: women. To do this she will be imitating behaviour that had until now in her world, been reserved as appropriate only for men so as to free herself from the order to which she had been subjected throughout her life.³²

Yet the problem for Nora is how to *ensure* that people will take her seriously as an independent adult in the days that follow the end of the play? After all, she is still a woman, and therefore it is to be expected, will still be marked out to be patronised and dismissed as inferior. In the final act of the play, Nora's actions were political because she managed to subvert the dominant order: through emotional shock – Torvald was overcome with anger, relief, surprise and grief in quick succession, therefore making his defences weak to attack and allowing him to submit 'I see, I see'.³³ Yet does he? We can note that he still tried to assert that Nora was talking 'like a child' and was 'delirious' and mad.³⁴ In order to make a meaningful and long-lasting change to the way Torvald and others would view women in the long term, the more common knee-jerk reaction of derision, confusion or anger towards an independent woman would have to be overcome. In the play, Nora merely leaves. So far, subversion of the police order has been only momentary. As far as Nora's success in performing a political action is concerned, all rides on what will happen after the final curtain. So, how can

²⁹ Despairing coming from the Latin *desperare* meaning without hope, in this case, with no hope of ever being able to find a place in the world.

³⁰ I thank Russell Bentley for a discussion which helped me to clarify this point.

³¹ As often undocumented numbers of women have perhaps often had to do. See Nicholson, 2007 for an interesting discussion of how single British women during the First World War at times actively imitated male characteristics in order to carve out a new single female identity.

³² Indeed, similar behaviour to that noted in this commentary was exhibited by members of the early suffragette movement, many of whom adopted lifestyles not admitted to them, such as Emily Davison who gained first class honours in exams at Oxford University despite the fact that women could not be awarded degrees there. Another story from her biography struck me as a perhaps more amusing but still potentially meaningful version of Jeanne Deroin's challenge to the male-only parliament, cited by Rancière (Deroin stood for parliament in France in 1849 despite the fact that women are banned from doing so) (Rancière, 1999, p.41). Apparently, Davison hid in a cupboard on the night of the 1911 census in order to claim *The House of Commons* as her place of residence, thereby maybe not so effectively, but at least attempting, to stage the contradiction between police and political logic (see Stanley and Morley, 1988, pp.205-6 n.45 for more details).

³³ Ibsen, 1958, p.71

³⁴ Ibid. p.69

Nora *ensure* that her claim is heard? Rancière's answer is that she cannot. There is no ethics of politics 'that would make its existence the object solely of will'.³⁵

However, I am concerned that this firstly contributes to the argument that Rancière avoids politics, which could lead to his thematisation of the emergence of voice being overlooked; and secondly, that it is too easy to read his assertion as a denial of the efficacy of the *will to bring about* political change *at all* in favour of seeing the emergence of such a moment as simply a spontaneous eruption.³⁶ Hence I wish to emphasise that Rancière's work does not mean that Nora cannot *try* to make her claim heard, but if she is to do so she must acknowledge the likelihood of strong incomprehension and therefore resistance (for she is challenging the established order) and subsequently needs to be driven by her commitment to these ideals, and ultimately her hope that she will succeed. Thus, against the existentialist reading of Nora's future in tragic exile, I would like to emphasise the valuable role played by her hopes for subversion.

Hope is arguably essential if we are to succeed in effecting change, for without even the smallest glimmer, we would have no impetus to embark on a project. In Rancière's work, the interchangeable use of politics and democracy³⁷ reveals that it is precisely the hope that change can be effected (via politics) that is enabled, or let loose, by the concept of democracy, for it is this that inspires and drives the continual commitment to further emancipation.³⁸ However, such hope is not 'given to us' by the

³⁵ Rancière, 1999, p.139

³⁶ It is also useful here to clarify the distinction between the will-to-change and the ability to will a moment of politics so as to avoid confusion about whether the potential success of political movements. Harry Frankfurt's distinction between will and volition, in *Freedom of the Will and the Concept of the Person* (1971), may be helpful to illustrate that an inability to will a moment of politics is not the same as merely wanting a moment of politics to occur. Frankfurt distinguishes between an agent's will understood as 'an *effective* desire' by which he means a desire 'that moves (or will or would move) a person all the way to action' (Ibid. p.10). He emphasises that this is 'not coextensive with the notion of what an agent intends to do' (Ibid.). In contrast, Frankfurt identifies a 'second-order volition' understood as referring to a situation when an agent either 'wants simply to have a certain desire or when he wants a certain desire to be his will' (Ibid.). Subsequently, we can understand that there is a difference between the volition of wanting and working to try and make a moment of politics to happen (e.g. getting involved in a political movement) and whether or not that moment may actually come about, which can never be guaranteed.

³⁷ Dean, 2009, p.14

³⁸ The relevance of hope is revealed by May in a case study that shows how the police order is suspicious of the subversive potential of any form of solidarity, or coming together, since the power of the formation of any community, is to assert a new equality that could smash a hole in the old one. He observes that in contemporary liberal democracies we are encouraged to accept and shoulder the

voice of democratic politics. Instead it is something that we have to take the responsibility of creating for ourselves. Yet the voice of democratic politics does tell us that '*We are not barred from hope*', because it does not exist externally from us, waiting to be found, 'it cannot exist. It does not exist, but it can be made',³⁹ and once we have it, if we choose to hang on to it, if we choose to continue to listen to the voice of democratic politics, that gives us the right to take what has not been given to us, then no-one can take it away from us either, and this is its most empowering quality. Such an attitude of hope is not to be found at the end of a struggle with the police order, but is there, driving the struggle. It is what gives us the power to engage in the struggle for this itself, as Rancière has demonstrated, is the expression of equality that is not yet.

Let us now explore a successful moment of politics as described by Rancière. In doing so, I wish to tackle the aforementioned problems by emphasising that a Rancièrean moment of politics can be the outcome of a political struggle understood in the conventional sense as a political campaign which aims to change popular opinion, and common conceptions, by challenging political consciousness with alternative configurations of the sensible. I wish to argue that this confusion may have arisen due to his observation that the writing of the working classes in 19th Century France, was significant not for its content, but for the form of its action. This could lead to the belief that its content was of no value. In contrast I wish to argue that the content of a political movement does have value in part, in building a hope that it also relies upon for motivation.

burden of our allotted roles in society, that of the workers (rather than their active form the proletariat) and also, most of us more fortunate individuals, that of consumers. Yet he argues that this ensures that we 'remain isolated from one another' caught in the web of the police order, which he notes 'is not of our making' but to which I would add, is of our compliance. He says that such an order keeps us in the belief that each of us is alone, but as long as we remain alone, it can assist us. He supports this argument with an observation of the absurdity of state reaction in the wake of the September 11th 2001 attacks in the US that 'Americans received a single message from their president. It was not to form communities or organisations. It was not to sacrifice themselves for others. It was not even to recognise that others exist. It was, to shop' (May, 2008, p.143). May observes that we seek such modern pursuits in hope of comfort, for such a pursuit as shopping offers transient pleasures such that we have to return to the shops again and again to enjoy the purchasing thrill. Or we return to our homes to shore them up against the threat of the external world 'that for reasons both obvious and elusive appears increasingly threatening', or we 'lose ourselves in work, finding reasons to stay there longer than necessary' (Ibid.). This may suit a police order, yet conversely, although it is here that we 'are most imprisoned in our passivity' it is also here that 'the voice of democratic polities can speak to us' for what such a politics offers 'is the one thing the police order forbids, the single most threatening possibility facing the continuation of any order of inequality: hope' (Ibid. p.144).

³⁹ May, 2008, p.144

The momentum for this argument comes from my research into the historical examples Rancière uses to illustrate his thought. Many of his descriptions of political action come from French archives which I am unable to read in order to investigate the conscious desires that motivated the writing of the French working classes. It would be possible to look at similar movements in the UK which involved an encouragement of literacy by the upper-class philanthropists,⁴⁰ and also the establishment of public libraries and free school education, however this would comprise another research project. Instead there is one example that I can easily access the background to: Rosa Parks' protest on the Montgomery Buses in 1950s America. Rancière's account of the event is as follows:

'The young black woman of Montgomery, Alabama, who, one day...decided to remain in her seat on the bus, which was not hers, in this way decided that she had, as a citizen of the United States, the rights she did not have as an inhabitant of a State that banned the use of such seats to individuals with one-sixteenth or more parts of "non-Caucasian" blood'. And the Blacks of Montgomery who, a propos of this conflict between a private person and a transportation company, decided to boycott the company, really acted politically, staging the double relation of exclusion and inclusion inscribed in the duality of the human being and the citizen'.⁴¹

Indeed, this 'young black woman' (42 year old Rosa Parks) concords that she decided to remain in her seat because she was not physically tired, but because she was making a stand:

'People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day. I was not old, although some people have an image of me as being old then. I was forty-two. No, the only tired I was, was tired of giving in'.⁴²

⁴⁰ This can be deconstructed in many ways which may not be seen to support the notion that this was a political act in a Rancièrean sense: as a means to appease tensions with the working class, to make them more employable, to promote social development, or merely to promote self development of the individual.

⁴¹ Rancière, 1999, p.61

⁴² Parks and Haskins, 1992, p. 116

This citation⁴³ reveals Park's action as inspired by a conscious decision to act politically since the phrase to 'not give in' reveals an awareness of a power that she is not giving in *to*. This denotes awareness of the police order. It seems that Parks' attitude could have been developed and formulated in response to her attendance at the Highlander Folk School⁴⁴, which was an education centre for workers' rights and racial equality. Parks had attended the school in the summer of 1955 only two months before the incident in Montgomery on the bus on 1st December, 1955, and whilst she was closely involved in running and fundraising groups under the auspices of the NAACP⁴⁵ and she was aware that the NAACP's legal strategists were seeking a platform for a legal challenge to the racial segregation laws.⁴⁶ Thus the political significance of Parks' action came about because the NAACP existed, knew that an action was needed, and was actively looking for the chance to enact one.

Rancière is right to underline that a reaction cannot be guaranteed, for he says that a break of the sensory order 'can happen anywhere at any time' but 'can never be calculated'.⁴⁷ We see this in the case of Rosa Parks, for although her action did turn out to be political it was not the first of its kind. The way in which it was political was that via the NAACP, Parks' protest triggered the Montgomery Bus Boycott which inspired other bus boycotts staging this double relation of inclusion and exclusion referred to above. This was one of the key events in fighting segregation, which in turn played a role in the emerging Civil Rights movement. However, we can illustrate Rancière's point by noting that there had been many other incidents of black citizens protesting against segregation laws. Indeed, just nine months earlier, a fifteen year old student, Claudette Colvin had also refused to move from her seat on the same buses, followed in October of the same year, by 18 year old Marie Louise Smith, but neither actions triggered such a response despite the fact that NAACP were ready and willing to rally support since neither was deemed of good enough character.⁴⁸ There are of course, numerous such examples of failed attempts to enact change throughout history, some remembered, and many countless forgotten, among them such notable

⁴³ If, of course, it is an accurate portrayal of the events at the time, rather than a romanticised view with the benefit of hindsight.

⁴⁴ Now the Highlander Research and Education Centre, Tennessee.

⁴⁵ The National Association for the Advancement of Coloured People

⁴⁶ Barnes, 2009 ; Koerner, 2005.

⁴⁷ Rancière, 2008, p.12

⁴⁸ Barnes, 2009; and Koerner, 2005.

events as John Brown's attempts at revolt in Harpers Ferry,⁴⁹ and Che Guevara's doomed missions in the Congo and Bolivia.⁵⁰ However, this is not to say that the content of their political desires was necessarily flawed, for Rancière's lesson consists of the observation that it is in the coming together of various factors that a political moment erupts. This therefore requires not only a political moment, but also a political movement to build hope and ensure receptivity to that moment. It is not just about being in the right place, it is also about making it more likely you will act to challenge the police order, at the right time.

Rancière's value lies in making us reflect upon the distinction between protests that lead to change and those that result in disciplinary action or a prison sentence. He has shown us that voices can be excluded by the dominant order, but can break through this via staging the double relation between inclusion and exclusion. However, I have argued that although the response to Rosa Parks' action could not have been planned, it was made much more likely through the usual activities of a political movement such as the organisation of community groups, leafleting, educating people about injustices, and raising the profile of issues and debates in order to inspire the public mood. Thus whilst we can accept that the emergence of a moment of politics cannot be fully controlled or orchestrated by a political movement, Rancière's work cannot deny the strong encouragement that such a movement can effect by constructing a political culture conducive to bringing about challenge to the police order. In order to understand what this might look like it is now necessary to turn our attention to the distinction between the police order (where political culture resides) and a moment of politics.

The rarity of political effectiveness

In the hope of increasing the potential of successful challenges to the police order, I will now examine the problems which arise from Rancière's claim that a moment of politics is rare. My concern is that this claim is interpreted in such a way as to devalue ordinary actions and depicts meaningful politics as beyond the reach of most people, most of the time. Indeed this interpretation of Rancière bothers Aletta Norval in her book *Aversive Democracy*, for it seems to imply that ordinary day-to-day political

⁴⁹ See account in Earle, 2008

⁵⁰ A detailed account of this can be found in Anderson, 1997, ch.s 27-29

struggles are futile for they cannot change the police order. However, Norval contends that this conclusion occurs because Rancière has painted the division between *la police* and *la politique* too sharply, as ‘the gap between two peoples’: that of ‘the declared political community and the community that defines itself as being excluded from this community’.⁵¹ Hence, Rancière diverts attention from the possible variations within different types of police order. She emphasises that it is mistaken to see ‘an absolute distinction to be drawn between the moment of the political – as the institution of a regime – and politics as the sedimentation of that institution’.⁵² Rancière’s view that politics happens rarely seems to lead to ‘a disregard for ordinary political activities and engagements’⁵³ such that the arena denoted as *la police* is left ‘virtually untouched by analysis whilst we put all our energies into waiting for (since they cannot be planned) ‘unordinary’ eruptions of the revolutionary. Instead, Norval points out that to acknowledge Rancière’s observation that ‘one kind of police may be infinitely preferable to another’⁵⁴ means that it is necessary for us to turn our attentions to understanding the way in which ‘politics acts on the police, the way in which it “reshapes places and changes words”’.⁵⁵

In examining the topic of how our political awareness develops, Norval makes a case for giving greater value than Rancière to the politics of the everyday which she believes does have the potential to bring about substantive, meaningful change. She argues that ‘[o]ur political vocabularies, insofar as they are rooted in our everyday language, are neither set in stone, nor easily amenable to change’ so if we are to ‘come to an adequate understanding of the possibilities and limitations to change in those vocabularies, and concomitant changes in subjectivity’ then we must ‘engage not just with specific grammars, but reflect on the nature of grammar itself’.⁵⁶ Here, the later work of Wittgenstein is of assistance, for Norval uses it to argue that examples can ‘recast the status of the phenomenon under discussion such that it provides a clear view of the use of words by drawing out connections’.⁵⁷ This is done ‘though recounting ordinary practices in an extraordinary fashion so as to make

⁵¹ Rancière, 1999, p.38

⁵² Norval, 2007, p.185

⁵³ Ibid. p.105

⁵⁴ Ibid. p.141 *citing* Rancière, 1999, p.31

⁵⁵ Ibid. p.142 *citing* Rancière, 1999, p.33

⁵⁶ Ibid. p.106

⁵⁷ Ibid. p.109

visible the confusions upon which many accounts of meaning rest'.⁵⁸ Importantly, this enables change of one's aspect without recourse to new theories, or evidence, but simply rearrangement of what is already at hand. This draws on Wittgenstein's work on aspect changing described above,⁵⁹ where Cavell explained that a viewer of Wittgenstein's duck-rabbit image, is suddenly able to see the rabbit, where previously they had only seen the duck. This is elaborated by Aaron Ridley who notes that, for Wittgenstein, the 'aspect of the concept "understanding" ... is...only an aspect, and not the concept itself'.⁶⁰ To illustrate this, Ridley gives the example of an attempt to make an addressed subject understand that 'a certain piece of furniture is relatively weighty'.⁶¹ He points out that if a sentence such as: 'That chair is heavy', is unable to get the point across to the addressee, one could try again with a sentence such as 'That thing you are about to lift up is not at all light', and continue attempting to say the same thing in different ways in the hope that the understanding 'suddenly dawns'.⁶²

If we understand a moment of politics to break into the police order in this way, it allows us to recognise that Rancière's moment of politics, by which a voice is heard where before there was only noise, should not be seen as a 'radical break' but simply as a more commonly occurring 'rearrangement of elements that makes possible a new way of seeing something'.⁶³ Using this Wittgensteinian approach, I can assert that we do have the freedom to speak and act differently from how may be common, or expected, since for Wittgenstein, 'the games humans play with concepts are not everywhere bounded by rules, and the rules themselves are not fixed unconditionally'.⁶⁴ He is able to make this argument by drawing on the concept of number which he points out can be used so as to 'give the concept "number" rigid limits' but also 'so that the extension of the concept is not closed by a frontier'.⁶⁵ However, this is not to say that the concept is unregulated, or that the "game" we are playing in conversing is unregulated, for as Wittgenstein points out it is simply that

⁵⁸ Ibid.

⁵⁹ CH. 3 p.130

⁶⁰ Ridley, 2004, p.30

⁶¹ Ibid. p.28

⁶² Ibid. p.30 parallels could also be drawn here with Skinner's work on redescription (1997), however, lack of space prevents further exploration here.

⁶³ Norval, 2007, p.118

⁶⁴ Tully, 2008, p.139

⁶⁵ Wittgenstein, 1997, §68 *cited* by Tully, 2008, p.139

this game is ‘not everywhere circumscribed by rules’.⁶⁶ Thus freedom lies in exploiting the weak, unregulated parts of a game, that may at other times go unnoticed. This suggests that the ability for an action to be political is better conceived of as a sliding scale than zero-sum. Whilst the sharp divide painted by Rancière between the police and a moment of politics, can prevent us from recognising potential for change, by blurring this divide⁶⁷ we are able to recognise the value in more ordinary political actions, such that the aforementioned ‘rearrangement of elements’ could consist of a small and rather ordinary act which may play a part in a larger matrix of change within the political system.

Here the role of Cavellian conversation and aversive thinking can help us both individually, and with others, reflect on our lives, in order to come to see the different perspectives in moments that may together move us towards challenging the prevailing police order. Norval borrows Laclau’s term ‘dislocation’ to denote such a moment, which avails itself of the ‘availability of an alternative imaginary horizon...transcending the here and now, disclosing at least the possibility of new worlds’,⁶⁸ where ‘dislocation’ is understood as ‘some event or happening which ruptures the grammar ordering our political life and impairs our ability to make sense of our world and our actions and commitments within it’.⁶⁹ This may be ‘the articulation of novel demands...that do not find expression in available political vocabularies – or the reformulation of existing ones in new directions’.⁷⁰ Hence Norval argues that ‘dislocation and change need not be thematised on the model of either revolutionary upheaval, where everything changes, or conservative change, where, allegedly, nothing changes’, instead she echoes Cavell’s assertion that ‘a shift in direction “as slight as a degree of the compass” may make all the difference in the world somewhere down the road’.⁷¹ Consequently, we can overturn the idea that simply because a moment of politics is rare and cannot be willed means that we must await a spontaneous revolution, via the desire to bring about *la politique* through

⁶⁶ For example, this is the case ‘no more than in a game of tennis there is a rule about how high one can throw the ball, or how hard’ despite the fact that we recognise that tennis is a game with rules. Wittgenstein, 1997, *Cited in Tully*, 2008, p.140

⁶⁷ I have recently found that Steven Corcoran uses the figure of ‘blur’ between spheres to illustrate Rancière’s *la politique* (2010, p.3) however, this is yet a term to be used by Rancière himself.

⁶⁸ Norval, 2007, p.190

⁶⁹ Ibid. p.123

⁷⁰ Ibid. p.189

⁷¹ Ibid. *citing* Cavell, 1990, p.31

creating alternative imaginaries of new worlds by seeing the move from voicelessness to voice, as one of aspect dawning. In this case our focus must now turn to how we can make aspect dawning more likely.

One way to describe this is to return to Ridley's conversation, where the addressee is listening, and receptive to the explanation, is seeking to understand the noises emitted by the speaker. It is true that there is no guarantee that the addressee will understand, nor that the speaker can will success, however the volition to speak can be ensured by the speaker, and conditions may be created to encourage that this speech is heard as speech, rather than as noise, by the addressee. Hence the speaker is of value to the addressee, he is trying to give information that is useful to her. Yet this all implies that there is a possibility of communication between the police order and those excluded from it, which I will now turn to investigate further.

Tully, Menke and the emergence of politics

Both James Tully and Christoph Menke have attended to the way in which voice emerges *from* rather than simply *in response to* the order that fails to hear it. Hence Rancière's gap between the two peoples that politics makes explicit⁷² needs to be rethought, since this conceptualisation depicts it as a border, crossed by a claim coming from group B and being responded to by group A in order to let group B across the border into group A. Instead, both Tully's and Menke's work suggest that group B is located within group A to start with, but the injustice suffered is that its existence is subsumed by A and therefore overlooked.

To begin with, Tully's book *Strange Multiplicity* addresses the question of 'why the *language* of modern constitutionalism disposes its users to uniformity',⁷³ i.e.: what part the language of constitutionalism plays in ignoring difference and blocking abilities of those excluded from being able to voice a comprehensible objection, which will be heard. Tully's work is also of pertinence here, regarding my desire to emphasise the value of Emersonian perfectionism for post-structuralist thought, since David Owen has highlighted how this recognition of the injustice involved in the

⁷² Rancière, 1999, p.38

⁷³ Tully, 1995, p.199

requirement that cultural minorities describe their injustices in the language of the dominant culture echoes Cavell's use of Nora's in *A Doll's House*.⁷⁴ Both theorists emphasise the need for an ongoing commitment to dialogue in spite of the many difficulties this may encounter.

Also Tully's work combines this Emersonian perfectionist element with awareness of constructive social power. He thereby focuses on the way our use of language can restrict the way we think. He attends to other discourses, which do not succeed to dominance, and the way in which they are overlooked. With relation to politics, he asks why 'in the face of injustice and inefficacy, is modern constitutional politics dominated by the will to impose uniformity in the name of unity and power?' and particularly, 'why the *language*' of the contemporary way in which we form our political societies, which he terms 'modern constitutionalism' 'disposes its users to conformity?'.⁷⁵

Having established that Tully's work embodies both perfectionist and post-structuralist elements and is thus well-situated to help provide a bridge between the two, I will demonstrate how Tully's answer to these questions helps us challenge the sharp distinction Rancière depicts between the police order and politics. Tully notes how the language of constitutionalism contains a prior assumption that a one-size-fits-all constitution can be devised for the people of a certain territory,⁷⁶ and since this is an *a priori* assumption, the acknowledgement that such a constitution fits its purpose, is a meaningless statement, but at the same time a seductive one, since it is easy to then sit back and see the task of constitutionalism as completed.

Furthermore, in the context of constitutions, this explanation assumes 'that there are necessary and sufficient conditions for the application of a general term of

⁷⁴ i.e. her inability to describe her own suffering in the language of her husband. See Owen (1999) linking Cavell's articulation of this and Tully's focus on the way cultural minorities are required to describe their injustices in the language of the dominant culture.

⁷⁵ Tully, 1995, pp.198-9

⁷⁶ He develops this argument using Wittgenstein's work to conceptualise where the problem actually lies, for as Tully puts it, Wittgenstein paused '[i]n the course of his many attempts to dislodge the assumption that a concept is identical to itself in every instance' in order to 'suggest one explanation for the powerful hold of this widespread "paradigm of identity"' whereby we try to fit a thing into its own shape (which is its own because we have already ordained that this is so) and then are surprised that it fits (Wittgenstein, 1967, §§215-6 *cited* by Tully, 1995, p.199).

constitutionalism',⁷⁷ that it is perfectly logical to expect that we can write a general constitution that will fit all people. Hence:

'[w]hen the identity of a constitutional association and its constituents is imagined in this way, it is thought of as identical to itself, for example, that a nation must fit into its own shape, like it fits into its borders on a map. The thought that it is not identical to itself, but a complicated network of similarities, overlapping, criss-crossing and open to negotiation offends against the imaginary unity of the nation. This play of the imagination is held in place and reinforced by the habitual use of the language of modern constitutionalism'.⁷⁸

Thus, by revealing that many theorists 'present studies of how this great map of mankind continues to be foisted on the constitutional diversity of humankind long after it has been shown not to fit' Tully suggests that 'the failure mutually to recognise and live with cultural diversity is a failure of imagination; a failure to look on human associations in ways not ruled by these dubious images,⁷⁹ so the reason why we have continued to be trapped by the 'police order' of modern constitutionalism is because we have allowed ourselves to be held captive by this particular design of constitutionalism, rather than looking for another way. Yet how do we find this other way?

In answer, Tully claims that we do have the power to refuse such a foisting of a map of mankind, but this refusal requires 'imagination', a changing of perspective. For example, like Norval, his work invites us to 'see the terms of constitutionalism as never quite identical to themselves...as overlapping, interacting...negotiated in use because these are the ways they are handled in practice, thereby constituting the aspectival and diverse identity of the constitutional associations they describe'.⁸⁰ These descriptions, he asserts 'free us to regard constitutionalism differently, providing an alternative "paradigm of identity" and evoking a play of the imagination

⁷⁷ Tully, 1995, p.199

⁷⁸ Ibid.

⁷⁹ Tully, 1995, p.201 Indeed, Tully asserts with Pocock that it was through their 'willingness "to engage in sweeping generalisations, many of which were naturally unsound"', that enabled the modern theorists of constitutionalism to convert "history into a unified science, capable (at least in theory) of looking at the whole of human life from a standpoint distinctively its own" (Tully, 1995, p.200 *citing* Pocock, 1987, pp.247-9).

⁸⁰ Ibid.

more congenial to recognising and negotiating cultural diversity in a post-imperial age'.⁸¹ Furthermore, in *The Agonistic Freedom of Citizens*, Tully argues, *contra* Rancière, that 'it is always possible to contest and negotiate the form of governance of any organisation to graft democratic practice onto it'.⁸² He provides various examples of citizens democratising 'the dispersion of practices of governance' through citizen-centred governance, participatory decision-making, and direct action in the form of workers' assemblies, and consultation processes; all indicating that we can communicate between the police and the political realm, thus providing space for the role of Cavellian conversation.⁸³

So, how does Tully's work help us better comprehend the move from police to politics? He is arguing that we each internally represent the need to belong to an order to the police way of doing things, but also to think and protest at this. Our lives straddle this dichotomous identity of belonging, and not belonging, and hence the possibility of communication between the police order and the excluded occurs because the gap between two peoples is not as clearly defined as Rancière believes. It is not a border separating the two, but is instead an overlaying. The map of mankind is forced upon us, but it will never entirely fit, and where this happens, it can tear allowing new claims to emerge, *from within*. It is not as simple as a clearly demarcated oppressed group rising up and breaking into the police order *from the outside*. Instead, we see that an oppressed group rises up from within the police order to rip it open, to break out of its uncomfortable formation, via political action. Rancière has noted that some from within the dominant order can identify with the oppressed, thus there will be some within the police order who are more open to the

⁸¹ Ibid. pp.201-2

⁸² Tully, 2008, p.156

⁸³ Ibid. pp.157-8. Tully uses Bill Reid's sculpture *The Spirit of Haida Gwaii* throughout his book to illustrate how its portrayal of different animals in a canoe, embarking on a voyage together, is sculpted in a way that ably emphasises their interconnectedness, despite the variety of species portrayed. He uses the sculpture to demonstrate the interlocking, overlapping, unity through multiple parts, 'the strange multiplicity' of cultural diversity. This draws our attention to two public goods, that of 'critical freedom to question in thought and challenge in practice one's inherited cultural ways, on one hand, and the aspiration to belong to a culture and place, and so to be at home in the world, on the other' (Tully, 1995, p.202). The sculpture thereby reflects an observation that our lives straddle the divide between the community and the individual. Tully argues that in modern thought 'critical freedom and adherence to custom are thought of as the mutually exclusive and irreconcilable goods which underlie the conflicts of our time over cultural recognition'. He asserts that despite the fact that 'the ancient constitution is said to have provided a sense of belonging, by the deference to custom, but excluded the critical freedom essential to modern identity,' modern constitutionalism in contrast, must be recognised to enthrone 'the freedom of critical enquiry and dissent by excluding the authority of custom' (Ibid.).

challenge than others. But Tully makes us see that the excluded will be *within* the police order already, but are overlooked, jammed into the corners, or some such place, where they do not fit. It is this that gives motivation to their claim.⁸⁴ Finally, Tully emphasises that politics is about us always looking to test and uproot our underlying assumptions, using what he terms, ‘critical freedom’: using our imaginations to forcibly challenge ourselves to break free from our captivity. In this respect he is expanding politics in the way Rancière has very recently started to think about it, as the construction of ‘a real in opposition to another’,⁸⁵ since this will always require a prior imagining.

Cristoph Menke’s reflections on critical theory⁸⁶ echo the Cavellian ethos that is discussed above, whilst also sharing conceptual resonances with the work of Rancière. Like Cavell his work focuses on subjective power: on how one becomes a subject; but his conceptualisation appreciates the perpetual yet tense relation that the subject has with their society. As such, he reveals how although to a certain extent society does form the subject, at the same time, he is able to recognise that the subject is independent of society enough to be able to reflect critically on its own social formation, and therefore maintains the ability to challenge the society that contributed to its formation. Thus, like Tully, Menke’s work can be used to shed light upon the tense relationship between police order and politics, whilst further providing conceptual tools to demonstrate the salience of radical subjectivity for democracy. I will first summarise the resonances I find between Menke’s work and both Cavell’s perfectionism as well as post-structuralist thought in order to establish its credentials as an especially suitable tool to draw on in this thesis. In doing this I will show how Menke helps demonstrate the way that critical reflection can empower subjects thereby furthering the potential of Cavellian aversive thinking. I will then seek to show that Menke is also able to help overcome the perceived rigidity with which Rancière sees the police order as imposed upon us.

⁸⁴ Indeed, conversely, if they were not already in an uncomfortable position within the police order, they need not see it as something that concerned them.

⁸⁵ Rancière, 2009a, p.7

⁸⁶ I am very grateful to Professor Menke for an insightful and inspiring conversation exploring these topics. Ideas which arose solely in our conversation I have referenced hereafter as ‘Conversation with Menke, 2009’.

Further than the fact that Menke and Cavell both attend to subjectivity, I think that there is a particularly valuable resonance between their work. This is the similarity between Cavellian aversive thinking, and Menke's work on critical theory. In his essay *Critical Theory and Tragic Knowledge* Menke develops the critical theory through which Horkheimer aimed to dissolve necessity into freedom by describing as appearance, that which has previously been seen in traditional theory as necessity. For Horkheimer, critical theory belonged to a hopeful process consisting of "the effective striving for a future condition of things in which whatever man wills is also necessary and in which the necessity of the object becomes the necessity of a rationally mastered event".⁸⁷ Thus critical thinking was here understood as the method by which we can overcome the supposed necessity of existing conditions, with the *real* necessity of human will in order to create 'a community of free persons'.

Consequently, Horkheimer's critical theory, with its self-reflective emancipatory capacity already has resonances with Cavell's aversive thinking where it was described as thinking in a way where you challenge yourself to have your own thoughts, or take ownership of your thoughts, rather than accept those around you. Yet Menke sees its political potential in the Rancièrean sense; for he notes that Horkheimer's critical theory, or as he also refers to it 'reflective reconstruction', is 'an activity in itself':⁸⁸ it is able to recognise the police order as simply one of many possible police orders, rather than the only possible way. Furthermore, despite Horkheimer's idealism, Menke argues that critical theory, like aversive thinking, cannot aim to bring about total freedom, but instead detaches itself from any *telos*, and instead can be seen as an ateleological process that can lead to greater, rather than total, emancipation.⁸⁹ Thirdly, like the shift to the unattained yet attainable self, critical theory focuses not on being, but on becoming, for in reflecting on yourself you are making a new self, which is a moral form of self-reflection.⁹⁰ Hence Menke argues that the praxis of critical theory, which is reflexive reconstruction, is of great importance, for here, as in Cavell's aversive thinking, we are active in that we are self-reflexive: we reflect on the self as subject as well as the self as object. Yet Menke sees how this active thinking offers a route to greater subjectivity and hence greater

⁸⁷ Menke, 1996, p.57 *citing* Horkheimer, 1972, p.230

⁸⁸ Menke, 1996, p.61

⁸⁹ *Ibid.* p.64

⁹⁰ Menke, 2000, p.106

freedom. Further important resonances are that both see this as an ateleological project and one that can never attain *total* freedom. Through this Menke is able to see that developing our understanding of political subjectivisation through self-reflective thinking could have great potential for our understanding of political change.

Despite these noted echoes between Menke and Cavell, there are also differences that allow us to see that Menke is well-placed to assist in bridging the gap between the two schools of thought. The main difference is that Menke pays greater attention to the workings of constructive social power, and the role of subject formation played by social norms. As such he recognises the forces at play in post-structural accounts of politics, but does not accord them the seriousness or rigidity found in the post-structural school. Furthermore, Menke's work on inner nature reveals that if we are to go about seeking greater freedom within democracy, there is a need to conceive of the public sphere as a sphere of contestation, thereby echoing the agonistic theorists discussed above.⁹¹ However, although his emphasis on tragic knowledge brings him closer to post-structuralist thinkers, it will be argued below that the way in which he counters this with critical theory provides a bridge between post-structuralism and more perfectionist forms of thought.⁹²

Having revealed my reasons for recognising Menke's credentials in this 'bridging' role, I will now sketch how his theory of subjectivity provides us with the conceptual tools to overcome the perceived rigidity between Rancière's moment of politics and the police order. Like Rancière, Menke asserts the inherently conflictual nature of equality.⁹³ Yet although he appears to conceptualise this struggle differently, explaining that whilst one side of the struggle 'is characterised by a desire to justify the idea of equality and expand its scope' the other 'is characterised by a desire to question the idea of equality and restrict its scope',⁹⁴ this description still fits the idea of a 'part that has no part' fighting against the police order to show that the idea of equality is restricted, and only covers those who are already included within its perspective. Like Rancière too, he notes that those who claim to be of the first side,

⁹¹ See chapter 2.

⁹² c.f.: Menke, 1996, p.58

⁹³ He observes that 'modern ethics and politics, no less in theory than in practice, are determined by a struggle concerning equality' (Menke, 2006, p.1).

⁹⁴ Menke, 2006, p.1

justifying their notion of equality as including all, frame their arguments ‘from the perspective of everyone’ in that they invoke equality as the reason why their perspective is adequate. However, this is where Menke seems to step away from a Rancièrean conceptualisation, for he says that ‘the second wants to show that there is an unbridgeable gap between every individual and everyone else – insofar as individuals are understood as particular individuals’.⁹⁵ However, he explains that whilst the ‘first party therefore suspects the second of wanting to substitute the equality of everyone with the privileges of a few’ he portrays it that ‘the second party suspects the first of wanting to reduce or level out the difference and particularity of individuals’.⁹⁶ This echoes Rancière’s configuration in that the second party is the part that has no part, and the first is the police order. However, although Rancière does not state that the police order suspects a claim for elitism, it certainly sees that its dominant type of equality is being challenged with another, and so will defend its ‘democratic’ order with the accusation that those who are challenging it, are doing so from an individualist perspective.

Thus individuality painted as equality in one configuration of ‘so-called’ equality is being challenged with a claim of equality which is received as individuality.⁹⁷ At this point, a Rancièrean would argue that the first party simply cannot comprehend the way in which the second party assert themselves as equal to the first, since the first see equality in a different way, in a way that is already enacted, such that they would assert “we already have succeeded in enacting equality and it is like this, so why would party B want to go and claim it like that? It just doesn’t make any sense”. However, Menke echoing Rancière says that both these parties, on their different sides of the modern struggle concerning equality,⁹⁸ fail to ‘understand themselves correctly in their confrontation with each other’, for they both ‘share an insufficient understanding of the idea of equality’ as ‘a simple or homogeneous constitution’ whereby ‘equality is...something which- according to the position of justification – has an essence (and in this essence its reason) , and which therefore makes up,

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ It is important to note here that I am not here trying to argue that Menke and Rancière have developed identical theories, simply that they seem to complement each other in many satisfying ways.

⁹⁸ He labels these parties ‘justification’ and ‘questioning’ based on the fact that they are distinguished by whether they support equality’s ‘justification and expansion’ or ‘its questioning and restriction’ (Menke, 2006, p.1).

according to the position of questioning, only one side of an external difference'.⁹⁹ Hence although they conceptualise the confusion in different terms, I argue that there are resonances in the way that Menke and Rancière conceptualise the way that the double nature of equality works to mask claims of unjust or unequal treatment.

Menke follows Adorno's contention that 'equality is a dialectical object'.¹⁰⁰ Specifically, he contends that the very desire to consider everyone equally is actually 'internally related to a normative orientation that attempts to do justice to the individual and her particular needs and interests',¹⁰¹ because this conception attends to 'how an individual conceives and understands his own determinations and intentions'.¹⁰² Hence an individual is formed by many social elements, but also gives his or her own take on this, by according different levels of relevance to these different elements.¹⁰³ This implies that although the individual is in part constituted by their society, he/she may also be able to view it from the outside to an extent that enables the achievement of an outsider perspective and the effecting of political action.

Furthermore, Menke sees a link between the two perspectives of equality (entrenched and challenging) which is not evident in Rancière's thought. This too comes from the understanding of equality as a 'dialectical object' because, this allows that the principle of equality and the individual claim to equality transforms itself over time, because the attitude of equality 'has an internally reflective constitution' such that 'equal consideration can only be attained if the presupposed equal descriptions or conceptions of a person are constantly subjected to examination – and if necessary to transformation',¹⁰⁴ if they are found not to measure up. This reflective examination is carried out from a societal perspective, but needs to operate 'by means of an understanding which does justice to others as individuals' so needs to enact itself 'from *their own perspective*'.¹⁰⁵ This is because it is the fact that reflexivity is always

⁹⁹ Menke, 2006, pp.1 and 12

¹⁰⁰ Which is to say that the concept of equality 'subjects *itself* to a type of internal questioning (a critical self-reflection) that reveals it to not be self-sufficient but constituted by its relation to an other' (Levine, 2007, p.454).

¹⁰¹ Levine, 2007, p.454

¹⁰² Menke, 2006, p.23.

¹⁰³ Ibid.

¹⁰⁴ Ibid. p.33

¹⁰⁵ Ibid. – italics added

immanent that makes this attitude of equal consideration of all ‘dependent upon the *other* normative attitude of the understanding’ of equal consideration which is the one that ‘does justice to individuals’, for in order to successfully do justice to individuals we need the aim of equal treatment.¹⁰⁶ This is the intention of that which Menke refers to as ‘the egalitarian reflection’ for this ‘strives to attain a new determination of equality that renders objectless the complaints of individuals about the previous practice of equality’.¹⁰⁷ Also, Menke notes that this conversely ‘means that the newly attained determinations of equality are grounded in the complaints of individuals’ for the ‘ground of the newly determined equality is the fact that we have considered the complaints of individuals’.¹⁰⁸ Furthermore, like Emersonian Perfectionism, Menke recognises that such a process is ateleological for ‘this sequence of steps cannot be completed with the idea of finding a final step’ since ‘every practice of equality is connected to a specific conception of the person – which, precisely because of its indeterminacy, can always be experienced and objected to by individuals as violent’,¹⁰⁹ and hence give rise to further individual complaints.

Menke’s work highlights the role of aversive thinking in the process of becoming aware alongside the justification of equality, which leads to the outward movement of the reflective process, moving it beyond the police order and towards the questioning of equality from beyond. This helps deepen our understanding of the potential of Cavell’s aversive thinking as well as help elucidate and develop the Rancièrean schema, for ‘[w]hen viewed from the perspective of the normative idea of equality, Menke says that ‘reflection as a questioning from outside and reflection as a return to its own ground are not two different undertakings, but instead two different, and even opposing, aspects of the same undertaking’.¹¹⁰ In this language, an undertaking such as politics is a ‘critical self-reflection of equality’.¹¹¹ Thus Menke’s work theorises

¹⁰⁶ Ibid.

¹⁰⁷ Ibid. p.36

¹⁰⁸ Ibid.

¹⁰⁹ Ibid. p.32

¹¹⁰ Ibid. p.13

¹¹¹ Ibid. Indeed, this notion of self-reflection is appropriate because ‘its aim is the reflective becoming aware of something which is already contained and presupposed in the idea of equality itself’ (Ibid.). This does evoke Laclau and Mouffe’s discussion of antagonism, as emerging from but overspilling the social order, yet as far as I can see, they fail to develop the idea of a continuing relationship between antagonism and a specific configuration of the social.

how reflective thought makes it possible to move from inside the police order to a situation of politics.

Adding to our consideration of the relationship between the moment of politics and the police order, Menke emphasises how ‘becoming aware’ is accurately described in the literal sense as ‘critical’ due to the fact that ‘it discovers and unfolds in equality its difference with respect to individuality’,¹¹² for it is only through the existence of the notion of equality, that it is caused to reflect on difference from the individual perspective. Thus he asserts that ‘the reflection of equality is not just the unveiling of the simple essence of equality’, as would be assumed by the position of justification,¹¹³ for since the ‘questioning and justification of equality are therefore opposed to one another in the undertaking of a critical self-reflection of equality’ we see that in actual fact, both are ‘equally necessary’, and that we cannot assert equality without triggering a challenge to it.¹¹⁴ Indeed, this does at times seem supported by Rancière,¹¹⁵ however, where he explains that ‘[w]e should not forget either that if politics implements a logic entirely heterogeneous to that of the police, it is always bound up with the latter’¹¹⁶ I argue that Menke demonstrates that it is not just ‘bound up’ with the police, inasmuch as we cannot conceive of a moment of politics without the police order, but that *politics* comes from *within* the police order, *not* from without it. Therefore, if it cannot exist separately from the police order, we may even see it as *a symptom of* the police order.¹¹⁷

It was suggested above that Rancière implies that an excluded individual raises their voice against the police order *from the outside*. Yet we see from Menke’s work that no individual is entirely excluded: all individuals contain both the excluded other within them in that to be excluded, they must have a potential to be included, and thus are part of the community that they have been excluded from. They are always

¹¹² Menke, 2006, p.13

¹¹³ This is the position of the first party.

¹¹⁴ Menke, 2006, p.13

¹¹⁵ For example when he asserts that ‘politics has no object or issues of its own’ and furthermore, equality, as the ‘sole principle’ of politics ‘is not peculiar to it and is in no way itself political’ but instead simply lends reality to politics ‘in the form of specific cases to inscribe, in the form of litigation, confirmation of the equality at the heart of the police order’ (Rancière, 1999, p.31).

¹¹⁶ Rancière, 1999, p.31

¹¹⁷ This does become more clear in Rancière’s most recent work, where he describes the essence of *la politique* as ‘the presence of two worlds in one’ (2010, p.37), however, he continues to assert a form of separateness between these two worlds (2010, p.39) that I think remains too exaggerated.

already included in the form of equality that the police order has established. They are at one and the same time protesting against themselves,¹¹⁸ as well as protesting their exclusion from it.¹¹⁹ We are never wholly outside the dominant order, we are always formed by it at the same time as being excluded from it. It is this realisation that is theorised by Menke, therefore offering us tools to aid our challenge to the police order, for in realising that we are *within ourselves* at once both oppressor and oppressed¹²⁰ then we realise that our ability to challenge this is only achieved through a continual Wittgensteinian shifting of perspective from our view inside the order to our newly acquired view from outside. Menke terms this new critical view our ‘reflection’ that draws us in, so we are for a moment viewing things from within that reflection¹²¹ and thereby become able to see how to move from one to the other. We are never totally excluded from the police order. We are constituted in it and by it, and therefore, this realisation provides a doorway through which lies the language we need to voice our claims for a new, better, and more equal equality. As Rancière said, we need to imitate the things that are not ours. Menke’s thought adds that we *can* plan to do this, for these things may not be ours, in the Rancièrean sense, but they are things which we see and are familiar with, because the self, as complicit in the police order,¹²² lives alongside them. We therefore must presuppose our inclusion in the community in order to make any claim.

Such a presupposition can only really come about through a ‘moment of arrogance’ where we claim a right we do not yet have.¹²³ This aesthetic moment allows an individual to become a subject, and thereby presupposes a moment of power to liberate themselves from the constraining powers of society. For this to be emancipatory, this individual must be engaged, conceptually and actually, in a continual back and forth movement¹²⁴ into, and out of, the mirror, between reflection

¹¹⁸ the part of them that is included in this, formed by this social existence

¹¹⁹ the exclusion of them as an individual from themselves as a member of the group

¹²⁰ For in as much as each of us is constituted by our environment we are one with the police order.

¹²¹ Or it could alternatively be seen as our other ‘yet to be attained’ self and hence we then move to view this from the shoes of our other self.

¹²² This is the already attained self.

¹²³ Conversation with Menke, 2009

¹²⁴ Ibid.

and new self to new reflection to yet newer self. This movement recalls the same as that from attained to unattained but attainable self.¹²⁵

It is necessary to remember that this dialectic of equality is not merely concerned with ethical reflection, but is a form of ethical practice for in an agonistic sense it requires the active ‘enactment of the conflicts between the egalitarian and individual attitudes’.¹²⁶ Hence we see that Menke does not recognise the strict problem identified by Rancière of voicelessness. Instead, participation of the voiceless in the police order is presupposed in his work, because he believes that people *can* articulate themselves to others, in that they both have the capacity to learn how to do so, and that they can assume the right. He denies that there could be no possibility at all of an interpreting act. Thus he sees that a political problem could be like a relation of languages between the individual search for the good and the political claim for equality. A political act is not a pure unmotivated act, instead Menke recognises a part for experience which *we can* understand.¹²⁷ Where Rancière fits in here, is that he describes in which way we can do this, the way in which, when I start to question and address the existing order of equality, I am claiming a more basic equality in that I claim that I have an equal right to participate. There is no specific content to this equality it is just that *someone is able to speak*. Yet Menke denies that this person may be consigned to not being heard *at all*. Indeed even in making noise you may be able to get attention and try to provoke understanding.¹²⁸ The point is to keep making noise until you do. Thus what Menke adds to Rancière is that there is an indeterminacy between being a voiceless individual and being a political person, but this is a productive indeterminacy between these two languages. It is not a prior

¹²⁵ Furthermore, Menke notes the important point that ‘[i]t is with the presentation and understanding of this difference that the complaint of individuals translates itself into the demand for a transformation of the conception of a person: this conception should be reformulated in such a way that the complaining individuals are also included in it’ (Menke, 2006 p.32). It is at this point, that ‘the complaint of individuals about the violence which the existing practice of equality implies for them articulates itself in the name of a better practice of equality’ for until this point, it was merely a complaint on the part of the individuals. Hence we see that the egalitarian reflection aims to ‘attain a new determination of equality that renders objectless the complaints of individuals about the previous practice of equality. Conversely, this also means that the newly attained determinations of equality are grounded in the complaints of individuals. The ground of the newly determined equality is the fact that we have considered the complaints of individuals’ (Ibid. p.36).

¹²⁶ Menke, 2006, p.28

¹²⁷ Conversation with Menke, 2009

¹²⁸ We may try to understand a dog that barks as informing us of an intruder, or a dog that whines as being in pain. This does require a disposition to try to understand, that volition mentioned above, yet it is still an advance upon the utter disregard of noise as it is portrayed in Rancière.

irreducible antagonism between two orientations in which we are caught. Furthermore, he sees that their relation is fixed indeterminately, such that there is no order of priority between these two spheres: they need not divide whole individuals from other whole individuals, but may instead be a divide that is present *within* all individuals.¹²⁹

Indeed, Menke argues that the development of contemporary thinking on authenticity of the self and subjectivisation means that although we have come to realize that the natural powers and capacities that are unique to each individual can never be wholly reconciled with the individual as social being, this does not mean that we can therefore do nothing. For in spite of our inability to wholly reconcile the two, we can still try to bring them closer together. We can ‘try to change social practice in such a way that involvement in it at least moves closer to the normative demand to develop one’s own natural powers’.¹³⁰ He gives an example of language saying that if one is able to ‘fulfil the normative demand to develop [one’s] natural powers only by participating in a social practice, such as that of speaking, then every attempt to change this language in such a way that it becomes my own is also a proposal to improve socially practiced language’.¹³¹ This has important connotations for the above argument that part of our power to change society is in the way we understand the potential of our behaviour, for he continues:

‘if I understand my creative change of language *only* in terms of it becoming my own as a result, I am misunderstanding it. I fail to grasp that every time I

¹²⁹ Indeed, Menke agrees with Laclau’s formulation of a tension between universality and particularity (Laclau, 1996), since each political claim is at the same time, in a part, subjective, but always a claim for all of us: it is a claim for equality. Indeed, his tragic formula comes in here, since if we could conceive of the total reconciliation between these two sides, then we could be totally free, but our very fact of existence means that this will never be possible, so tragically, total freedom will never be possible. Either we would no longer be a subject, or we would lose the ability to be within the community. Either way we would no longer be a political being, and therefore have no need of freedom. Total freedom in this sense would entail the loss of freedom, because our fate destroys the subject. This is not to say we must be resigned to such a fate, but that we must use this realisation productively, to see it as the source of transformation, as the power to move the line between the possible and the impossible. The fact that we will never succeed in achieving total equality or freedom is what Menke refers to as the ‘tragedy’ of the modern world. Yet this is not to say we must sit and weep at this realisation. Instead, having better understood the nature of our world, of our democratic search for greater equality, we need to negotiate this tension, and we can do this via the certain type of active dialectical thinking Menke has outlined (2000) if we are to be subjects rather than passive recipients. This self-reflexivity is not just for those who receive a training to engage in this, i.e.: philosophers; but for all people, although it is to be acknowledged that intellectual training can be enormously helpful, in leading to more, although never total, freedom.

¹³⁰ Menke, 2008a, p.149

¹³¹ Ibid.

invent a way of speaking peculiar to me I have in fact undertaken or suggested a change in public language, which must prove itself from this point of view – the creation of a generally better language, and that means better for everyone'.¹³²

This understanding leads to the recognition of what Menke calls a culture of authenticity, which he notes 'develops its own form of public sphere' which is 'not a homogenous medium in which individuals appear as equal persons' but is 'a space of competition – a medium of contestation'.¹³³ Such, Menke's understanding of the public sphere necessary for a radical democracy sees a potential space for Cavellian-style conversation as well as the need for critical/aversive thinking in developing democratic subjectivity.

In focusing on how one becomes a subject, Menke acknowledges the split self and the way it can be used in a productive manner to create momentum for critical thought, respond to others better and thereby create a more equal society in which we will never be totally free, but in which we could be more free.¹³⁴ We can find, in our own bi-furcated selves, the tools to respond to others, for we already contain within us the possibility of hearing cries of injustice and of experiencing the sense of exclusion. To 'tune-in' to this, we need to engage more actively in the praxis of reflective reconstruction.¹³⁵ Furthermore, he leads us to reflect on the possibility that the moment of politics is the critical self-reflection of the police order, coming from within it, and eternally tied to it. This utterly challenges any interpretation that asserts Rancière's moment of politics as separate and sharply divided from the police order, instead implying that it is related to, *and caused by* (and thus dependent upon for its meaning) the police order.

Revolution or revolutionising? Thinking about institutionalising a culture of politics

We can therefore work to try and bring about democratic change by reinterpreting the sharp division between the police order and political action as a more blurred,

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Conversation with Menke, 2009

¹³⁵ I say more actively, because in part this is something we may engage in already, without necessarily being aware of it, or its potential power.

overlapping distinction between a sphere that is legitimately accepted as clearly demarcated, and that which is not: a forcing into a box, which involves untidy partings leading to an eruption from within of that which does not fit. In realising this we may be able to agree with Rancière that politics is rare, but recognise that this may be an observation of the current situation in liberal democracies rather than an assertion that politics *must be* rare. Hence, we can take this as an injunction to act, to make it less rare. Thus interpreted, Rancière's work is not merely about making a moment of politics 'more visible',¹³⁶ but actually comprises a call for political action.

To help us to reflect on the difference between a political and non-political act it is useful to turn to Bonnie Honig's book *Democracy and the Foreigner*, where she notes the potential in Rancière's work for those planning and carrying out political action. She suggests that just as the subjects of Rancière's examples from *Dis-agreement*¹³⁷ and her own example of Victoria Woodhall¹³⁸ enact having rights before they are recognised as being accorded to them, immigrants to America have consistently claimed such rights, and thereby have challenged, often successfully, the democracy they have come to join. She thus interprets foreign immigrants as empowered political actors: the excluded, who claim the right to speak, and when heard, change the political landscape.

Honig's work explores the role played by the foreigner in discussions of democracy and citizenship. She notes the common assertion that, despite the various ways in which it may be presented, foreignness is always ascribed as 'a threat to the stability and identity of established regimes'.¹³⁹ However, in examining texts of democratic theory and of both popular and high culture stories about strangers or foreigners she finds two uses of the notion of foreignness. In the first it is used 'as a device that gives shape to or threatens existing political communities by marking negatively what "we" are not'; however, in the second she finds it operates 'in a less conventionally familiar

¹³⁶ Ross, 2009, p.29

¹³⁷ The plebeians who set up an alternative rule, acting as patricians, instead of warriors; and Jeanne Deroin, a Frenchwoman who presented herself as candidate for election to the male-only parliament in France in 1849 (Rancière, 1999, pp.24-6 and p.41).

¹³⁸ Victoria Woodhull was 'a nineteenth century American feminist who, instead of campaigning to have women's right to vote added to the constitution, asserted that the right to vote was already implicit and (along with other women) simply began voting and was arrested for it' (Honig, 2001, p.100).

¹³⁹ Honig, 2001, p.2

way, with a...positive content and effect' whereby it 'allows regimes to import from outside (and then, often, to export back to outside) some specific and much needed but also potentially dangerous virtue, talent, perspective, practice, gift or quality that they cannot provide for themselves (or that they cannot admit they have).'¹⁴⁰ In particular, that which she terms the figure of 'the *taking* foreigner' is of particular interest for our discussion of Rancière's distinction between *la politique* and *la police*.

Honig emphasises that the *taking* enacted by this figure 'is not the criminal activity of an outsider'¹⁴¹; rather it is 'an honorific democratic practice – that of demanding or, better yet, simply enacting the redistribution of those powers, rights, and privileges that define a community and order it hierarchically'.¹⁴² Here she notes that 'the iconic taking foreigner puts foreignness to work on behalf of democracy by modelling forms of agency that are transgressive, but...possessed of potentially inaugural powers'.¹⁴³ Hence their taking stretches 'the boundaries of citizenship' seeming 'to imply or call for a rethinking of democracy as also cosmopolitan and not just a nation centred set of solidarities, practices and institutions'.¹⁴⁴

However, there are some inconsistencies in Honig's reading of Rancière from which I can learn a lesson to ensure clarity of my own reading. We have seen that for Rancière the political efficacy of a move from voicelessness to voice is far from guaranteed, and depends on other factors. In Honig's examples these factors may include status, connections, education, and resources belonging to the immigrant group in question as well as the Rancièrean imperative to be 'in the right place at the right time'. Hence, since immigration and foreignness have already been identified as sites of injustice by the existing police order, the struggles of foreigners depicted by Honig are not *necessarily* a challenge to the police order. They may at times simply be a struggle for control of the police order. Bortolini objects that many claims raised by ethnic movements, who are either immigrant or indigenous groups do not necessarily count as political in the Rancièrean sense, for these groups merely 'claim new *rights* for themselves' but 'often using a strictly individualistic and

¹⁴⁰ Ibid. pp.2-3

¹⁴¹ Although she notes that it may often be depicted as such.

¹⁴² Honig, 2001, p.8

¹⁴³ Ibid.

¹⁴⁴ Ibid.

“immunizing” vocabulary'.¹⁴⁵ In these cases they do not prove themselves as wanting to subvert the police order in the hope of creating greater equality in general, but simply want to be one of the dominant powers within it. For example Bortolini notes that ‘there is an enormous difference between Livy’s “tale” of the Roman plebeians’ secession on Aventine Hill, as retold by Rancière, and Honig’s own examples. In the first instance in fact, Rancière is pointing to the political struggle of Roman plebeians to be recognized as a ‘part’ of the city and to have *their own* political institutions (the Tribuneship). In other words, Roman plebeians struggled to change the very architecture of Rome’s political institutions, while the foreigners and the immigrants depicted by Honig act to improve their own position without any interest for “the common”.¹⁴⁶ Although this is not an entirely accurate criticism with reference to those immigrants she lists who were active in ‘contemporary labour, local and school politics’,¹⁴⁷ it is certainly true in some cases, for example she notes that ‘the “usual” trajectory of Asian American incorporation is commercial, not political’.¹⁴⁸ This objection draws our attention to the need to carefully distinguish between Rancièrean political acts, and other acts that may commonly¹⁴⁹ be regarded as political although in a non-Rancièrean sense.

Hence we are drawn to see that Rancièrean rebellion/political action is about linking one’s own claims to the way in which the boundaries of the system needs to change in a hope of making it *more equal*. This linking is referred to by Frederic Jameson as ‘cognitive mapping’ by which he means the ‘ability to locate the experience’ of one’s situation ‘within a meaningful whole’.¹⁵⁰ It is this that gives an action the potential to be revolutionary. As long as a claim is simply about an individual or a group, it is not a democratic claim to community or equality; however as soon as it sees itself as historically constituted and linked in an intricate web to, through and with, the others of the community, then and only then, does it become a political action.¹⁵¹ Those who are willing to act politically must be conscious of the political nature of such an action

¹⁴⁵ 2004, p.4

¹⁴⁶ Ibid.

¹⁴⁷ See Honig, 2001, p.81

¹⁴⁸ Ibid.

¹⁴⁹ I will not use the term ordinary to describe such actions, for fear of causing confusion in the subsequent section

¹⁵⁰ Žižek, 2009, p.65 *citing* Jameson, 1991

¹⁵¹ This makes it close to Menke’s understanding of the *praxis* of critical theory and to Cavellian aversive thinking.

in order to be ready to take advantage of an opportunity for political action; for such action is more than just the claiming of rights, it is the constant and conscious, questioning of these rights, the turning on its head and subverting just to see if in the upside-down, shuffled around reflection of a so-called just order of today, there is a fairer world of tomorrow.

Having seen that there is not such a clear cut distinction between political and non-political action, it remains to return to Norval's concern with Rancière's apparent dismissal of ordinary political action to see if it is possible to reconcile her work with the Rancièrean call. I will argue that this is possible since the reason she believed ordinary political action to be dismissed was the way that he conceptualized the moment of politics as an *extra*-ordinary 'radical break'. Instead, we saw above that she preferred to conceptualize such a moment as a more small and ordinary sounding 'rearrangement of elements that makes possible a new way of seeing something'.¹⁵² However, I would like to suggest that the only difference between the two ways of thinking about political change is the name we give them. This is no small suggestion. There is a responsibility on those who are engaged in political struggle to consciously form their claim into a challenge to the police order, to map it by giving it historical context and content, to recognise the challenge they are posing as a potentially political one. Hence, it is our responsibility to realise that if such ordinary actions have the potential to be political, then we must also recognise and depict them as radical and revolutionary.¹⁵³

Thus, I believe Rancière's point is precisely that there is extraordinary power in the ordinary, or at least there can be, if we recognise it to be there. We¹⁵⁴ must realise that it is by seeing the revolutionary nature of what we had considered to merely be ordinary, and in this very act of labelling it as revolutionary, we recognise and thereby increase its subversive power thereby using it in the context in which it will have the greatest impact for change. In doing this we can make it more likely that we can evoke a response from a more ordinary moment of politics, without needing suffering

¹⁵² Norval, 2007, p.118

¹⁵³ I intend this is in the spirit of Rancière's writing on the literarity of human beings, invoking their ability to change the use and terms of language in a powerful way to express dissent (cf Rancière, 1994 and 2004b).

¹⁵⁴ I use 'we' to denote anybody involved in radical democratic struggle today.

and resentment to grow to intolerable levels. Radical democrats must radicalise the ordinary, not by saying that everything is political, but that anything could be political if there is a will to make it so, a will to exploit any opportunity that could be ‘the right time and the right place’ in the quest to seek a fairer, and more meaningfully democratic world without the need to wait for suffering to escalate into violent insurrection.

In calling for this I do not wish to apply the term revolutionary to everything, thereby losing its meaning, but I am asking that as radical democrats, we shed any fear of appearing subversive when we act in small ways to promote change for a fairer world: that we always ‘think big’, even if we are acting ‘small’; that we always link our actions to the bigger picture, and see ourselves as involved in a bigger struggle; that we think about the wider impact of our actions, not just in its ordinary sense, but in its exemplary sense; that we build movements in order to link our small, ordinary, but thoughtful actions, into revolutionary political action.

Yet we must be careful to separate this from old-fashioned teleological revolution. Here we can use the work of Benjamin Ardit, whose book *Politics on the Edges of Liberalism* draws attention to the fact that we think of revolution as a singular event. Instead he makes a case for us to rethink ‘revolutionary singularity’ as ‘a multiplicity of discontinuous sites of enunciation of challenges to the status quo’.¹⁵⁵ Any lasting confusion about the duration of such a multiplicity disappears with the realisation that ‘revolution is not simply a distant time-shattering event that will lay the foundations for a future state but primarily a performative designating the activity of *revolutionising* through which a revolution has already begun to happen as we work for it here and now’.¹⁵⁶ Using the term ‘revolutionising’ to denote an everyday activity of political emancipation the Norvallian dislocation can equate to Rancière’s moment of politics for both are revolutionising activities. Rancière’s example of African-American claims to equal treatment though sitting in white-only seats on a bus, or his mention of striking workers claiming greater recognition through a demand for higher pay are from one perspective small, everyday demands, to which we are

¹⁵⁵ Ardit, 2008, p.104

¹⁵⁶ Ibid.

already accustomed within contemporary politics. From another perspective,¹⁵⁷ they are full-blown political actions. The former is not *necessarily* a political act inasmuch as sitting on a bus is an everyday occurrence, neither is the latter *necessarily* a political act unless it enables us to see that it is a claim to equality, a claim to community of the part that have no part.¹⁵⁸ Thus there will be a *perpetual* need for the ‘infinite progress of the revolutionary process’ which can be more easily distinguished from a teleological one-off revolution, when denoted as Ardit’s term ‘revolutionising’.¹⁵⁹

I therefore surmise that any revolutionising is political, and thus any political action (in the meaningful Rancièrean sense) is revolutionising. Furthermore, based upon my above research into the examples used by Rancière, and some clarification made recently in his essay *A Few Remarks on the Method of Jacques Rancière* I would claim that this conclusion corresponds with the spirit of Rancière’s work, even if it has not always been apparent in the letter.¹⁶⁰ We are wrong if we mistake the dispute articulated by Norval, to be about the value of everyday action. It is simply a question of making such action political and thus realising the revolutionising potential that can emerge from within the ordinary. Such an action highlights the failure of any police to permanently hold together their illusion of a single world. Yet a political action opens up a gap, folds back a tear in the partition of the sensible. It is a blind spot in the police’s ‘field of vision’ which is highlighted and exploited to raise awareness and bring about change.

The salience for us of Honig’s argument above, is that she has read Rancière’s work as revealing how it may be possible to transgress the police order through politics. In

¹⁵⁷ Although perhaps with hindsight on its side.

¹⁵⁸ Indeed, such an interpretation is supported by Menke’s essay *The Permanence of Revolution* (in 2006, pp.153-176) where he outlines a subversive tradition in radical discourse, in which the notion of revolution must be one of a permanent process, for any revolution will bring about ‘a social order of equality which not only cannot overcome all insults and debasements, but instead is the cause of a new ones’ (Ibid. p.173). This is because to every social order, there correspond ‘experiences of injury and debasement which not only cannot be done away with by this order, but...are instead produced by it’ (Ibid.).

¹⁵⁹ To use this term ‘revolutionising’ we need to make it clear that we are reclaiming it from more common traditional Marxist interpretations of the term ‘revolution’, for in such contexts, ‘the term revolutionary has a specific, and circumscribed meaning’ (May, 2008, p.176) referring to a utopian teleological vision, which we will need to avoid. However, Ardit’s term revolutionising has no such connotations, and thus is suitable for our post-structural radical democratic purposes.

¹⁶⁰ This essay supports my assertion, although he does not accept that he was initially as ambiguous as many of his critics found him (2009b, p.6).

this interpretation, the lesson for radical democrats is that there is value in the figure of the foreigner, for it *enters into* a system that will always be strange (foreign) and *external*. This raises the possibility that there is political efficacy in acting ‘foreign’, in the sense not of imitating foreigners, but of imitating their perspective. By looking anew at our ordinary cultural norms and behavioural practices, we make them seem strange (foreign) to us, perhaps in a similar sense to that invoked by Cavellian aversive thinking in which our ordinary thoughts return to us as extraordinary, revealing a new perspective¹⁶¹ from which to question, subvert, exploit and change the police order.

So rather than a critique of Rancière’s concept of the moment of politics, Norval is simply cautious about Rancière’s assertion that this is unusual, that a moment of politics is rare for instead she recognises that ‘it is in and through our ordinary engagements that bonds are created and dissolved; that provocations are offered and rejected, taken up, contested.’¹⁶² Hence the dislocation is not a radical and unusual break, it is a simple and ordinary rearrangement. It is the power it contains that is radical and unusual, and it is up to us to exploit this power. With regard to Norval’s interpretation that Rancière’s moment of politics is a radical break¹⁶³ maybe she is too quick to see the term radical as something momentous in terms of the concrete effects it would bring about, whereas it could be that Rancière wishes to simply indicate that this break is a break with the reigning order. As such it can be radical, even if it is simply sitting on the ‘wrong’ seat on a bus.¹⁶⁴

Norval’s work is especially valuable because it provokes a fresh perspective for reflection on the relationship between Rancière’s conceptualisations of the police order and the moment of politics. It enables us to see that despite his belief that politics is unusual this is perhaps only the way it is at present, in our contemporary democracies plagued, as he sees it, by confusion of politics with the police,¹⁶⁵ which

¹⁶¹ Cavell uses the figure of the adolescent rather than the foreigner (see ch.3 p.108).

¹⁶² Norval, 2007, pp.213-4

¹⁶³ Ibid. p.118

¹⁶⁴ Indeed, it is interesting to see that Ardit interprets Rancière in a way that brings Rancière much closer to Norval’s own work saying that Rancière understands political activity as ‘an activity of *disrupting and refiguring the partition of the sensible*, and therefore, at least implicitly, as the opening up of sites of enunciation that did not exist or were not visible in a given field of experience’ (Arditi, 2008, p.114 italics added).

¹⁶⁵ Rancière, 1999, p.29

frustratingly hides politics whilst at the same time decrying the apathy and disaffection of vast swathes of the population. His statement that politics happens rarely should perhaps be taken as an observation of the current day failure of many to question society and their place in it and to think about the way they, and others, are treated, and the failure to recognise that those who are making noise are doing so for a reason, that they are visibly distressed, and seek to understand or interpret their distress, whilst helping them to articulate it as dissent.¹⁶⁶ The alternative is a silencing of the noise, by ignoring it or blanking it out, instead of an attempt to bridge the blurred, untidy divisions that divide them from the structures of power. Indeed, the term ‘revolutionising’ enables us to better conceive of Rancière’s ‘culture of dissent’ that I have developed via Tully, Menke, and Honig above. Such a culture would promote revolutionising as a means of political participation in a democracy, where we do not just challenge the police order that exists, but work to build a better police order for the future, where better implies a radical openness to politics, trying to respond to voices as and when they emerge. In this respect, we may be able to envisage a culture of dissent that need not be unstable to a critical degree, although at the same time, having to accept an element of instability as the risk that is always run by a commitment to democracy. I therefore welcome Norval’s call for greater awareness of the diverse possible natures of a police order, for this prompts us to see that politics can happen on different levels, and that if it is responded to in its more ordinary eruptions, we can seek to ease suffering, and quell injustice without the coldly practical requirement that we wait until it reaches such intolerable levels as to threaten destabilising and terrifying outbursts of violence.¹⁶⁷ Consequently, I have argued that we can challenge the oligarchic order in often ordinary ways, by seeing their extraordinary potential.

Rebuilding relationships and redistribution of knowledge

My critique of post-structuralist thought claimed that it did not develop institutions that could promote a political culture conducive to the development of their desired ethos. I have critiqued Cavell for the same reasons, and also, raised concerns about his failure to consider constructive social power. In trying to bring these two schools

¹⁶⁶ Here I envisage open dialogue and common cause between those with access to radical democratic texts and theory, and those currently without.

¹⁶⁷ See for example the current clashes (May 2010) in Bangkok between the two sides of an increasingly divided nation (BBC, 2010).

together, I have argued that despite the impossibility of guaranteeing success, in order to mobilise the powerful potential contained in the development of radical democratic subjectivity, the radical democratic project must maintain the will-to-change, strengthening and fortifying the motivation for this by maintaining the hope in our ability to succeed, and multiplying attempts to stage moments of politics, through a culture of dissent driven by self-reflection, making politics less rare, and subsequently predisposed to effect greater change. However, any attempt to construct this into a project or movement runs up against Rancière's concerns about institutions. I will now suggest that this need not be a problem, as I do not believe Rancière is against institutions *tout court*, merely, warns against any attempt to institutionalise a *moment of politics*.

I need to now consider if revolutionising and helping others to voice dissent¹⁶⁸ can be promoted as a means of democratic praxis, whilst remaining attentive to Rancière's concerns regarding the institutionalisation of a moment of politics. To begin with we must re-acquaint ourselves with Rancière's reservations that a political moment, understood as a 'one-off act of equality cannot consist in any form of social bond whatsoever', and any attempt to do so will turn it into its opposite the very 'moment it aspires to a place in the social or state organisation'.¹⁶⁹ Thus in order to maintain its productive power the process of a moment of politics 'must remain absolutely alien' to the process of a social or state organisation, they must constitute 'two radically different communities', yet he continues by clarifying that this must be the case even if these communities are 'composed of the same individuals' they must always be seen separately as 'the community of equal minds' evoked by the moment of politics 'and that of social bodies lumped together by the fiction of inequality' in state and society.¹⁷⁰ This indicates that institutions can, in a way reminiscent of Gramscian pedagogical theory, be shaped in order to raise awareness of hegemonic processes, as long as they are not looked to as agents of change, but are instead required to remain

¹⁶⁸ In the sense of showing how a moment of politics could be made more likely through the staging of equality.

¹⁶⁹ Ibid. p.34. Consequently, he cautions that '[i]ntellectual emancipation...cannot be institutionalised without becoming instruction of the people, in other words, a way of organising the eternal minority', or a new police order.

¹⁷⁰ Ibid. pp.34-5

constant subjects for reform themselves.¹⁷¹ Indeed, Rancière elucidates the way political wrong, although it ‘cannot be settled – through the objectivity of the lawsuit as a compromise between the parties’ can still be attended too, for ‘it can be processed – through the mechanisms of subjectification that give it substance as an alterable relationship between the parties, indeed as a shift in the playing field’.¹⁷² This is a process that goes far beyond a legal wrangle and an invocation of human rights. Instead, it reformulates the make-up of specific subjects who internalise the wrong taking it upon themselves, giving it shape, and inventing new forms and names for it, conducting its processing through what Rancière calls a ‘specific montage of *proofs*’.¹⁷³ By this he seems to be calling on the aforementioned Wittgensteinian logic of aspect change through language use, for he explains that these proofs are “logical” arguments that are at the same time a way of reshaping the relationship between speech and its account as well as the perceptible configuration that demarcates the domains and powers of the *logos* and the *phône*, the spaces of the visible and the invisible, and articulates these to the allocation of parties and parts’.¹⁷⁴

But the question remains of how to spread awareness of this, how to transmit this knowledge to the people who seem to need it most? For example, Todd May also reads Rancière as wishing to use equality in an active sense in order to break open the police order. He too challenges the interpretation of Rancièreian dissensus as simply a passive sitting back and waiting for an eruption of politics, with a need to be ready, actively working to bring about such a moment. Thus he believes Rancière speaks to us about our potential, offering those who suffer the burden of inequality ‘not a way to be liberated, but a way of how to think about how to liberate ourselves’.¹⁷⁵ In making this argument May is hopeful that enough of those who suffer this burden will have access to these ideas. He notes that there will be many who do not have access to such knowledge, those who ‘have been deprived of the means – the money, the

¹⁷¹ Rancière’s exact words are that ‘this processing goes beyond any dialogue concerning respective interests as well as a reciprocity of rights and duties’ (1999, p.40).

¹⁷² Rancière, 1999, p.39

¹⁷³ Ibid. p.40

¹⁷⁴ Ibid. An example of such speech may be the speech by Frederick Douglass, presented in Jason Frank’s book *Constituent Moments*, where by staging identification between his white audience and himself, through the use of the pronoun ‘we’ Douglass challenged the racial discrimination at the basis of the slavery laws in the US (Frank, 2010, Ch.5).

¹⁷⁵ May, 2008, p.142

education, the time – to grapple with the reflections we are considering here,¹⁷⁶ (whilst those members of elite groups who come across these ideas of active equality in democracy, will have no need of it). Thus although they are also being spoken to, he acknowledges that ‘they will be, in this medium at least, unable to be spoken with’.¹⁷⁷ Yet he does not turn to examine through which medium they can be spoken with, and it is this topic that bothers me the most. If our future of equality relies on the necessity that we must liberate ourselves how do such people, who, if we are honest, make up a much greater part of the dispossessed than those, if any, who will read such texts, get access to this knowledge despite the fact that it addresses itself to them?¹⁷⁸

It seems to me, that in keeping with all the theorists who are the object of this study, we must aspire towards a more equal, less unjust, police order, where individuals are all more aware of hegemonic practices, and therefore, through this awareness, more vigilant and more ready to resist them, for how else can we keep the hope alive that such conscious reform may be possible? However, I believe that this can be done without a paradoxical shift. May mistakenly believes that radical democrats would be looking to institutionalise politics but, having seen that this cannot be done as any politics is momentary, I believe that what Rancièrean radical democrats should be looking to institutionalise is the conditions within a democracy that are conducive to the perpetual emergence of politics, including hope, critical (self) reflection and willingness to stand out and be different, as opposed to conforming.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ May’s answer to this, is that according to Rancière’s writing, we must steer clear of any political programme, and instead ‘remain content to point to ways in which democratic politics is being denied in our world as well as to openings the world offers to it’ (May, 2008, p.145). Yet I share his continuing desire to know if ‘a democratic politics can yield permanent, or at least ongoing, structures of public space’, and whether ‘the space of our collective lives’ can to any extent ‘be structured by the presupposition of equality, beyond the role that presupposition plays in our struggles against a particular police order (Ibid. p.176)?’ Although we see that so far in this discussion, democratic politics has been treated as a question of *resistance*, we can also note that in the present and past it is always ‘a dissensus from the police order’ (Ibid.), yet, idealistic in the extreme, May clings to a possibility that a democratic politics can open a lasting space that is ever free from police order. However, I wish to underline that the concept of any space without a police order is contrary to Rancière’s work, and that it is also not up to those thinking about such institutions to draw the partitions between those who are excluded and included, for in doing so, the partings drawn will inevitably be partings within the police order, rather than those of the part who have no part. That said, it is also possible to attune one’s ear to any eruption of possible noise in order to be attentive to those whose claims are not yet heard.

Furthermore, Rancière's use of the example of Jeanne Deroin's candidature for parliament in the 1849 elections for the French legislature illustrates for us, his readers, how one can build relationships where previously there were none, and bring into relationship 'two unconnected things' in order to 'become the measure of what is incommensurable between two orders'.¹⁷⁹ It seems that in order to make this building effective, a type of 'cognitive mapping' is required in order to locate a moment of politics within a wider context, to use it to inform others and become a building block of revolutionising. It is therefore necessary to consider how to make sure more people are able to understand the form of this information, and have the time to engage with it, and thus we need to attend to the requisite characteristics of a more conducive political culture.

As May noted, there are many individuals who lack the access to information and skills which would assist such building of relationships, and constructing imaginaries. Furthermore, the desire that these individuals may be able to act politically also requires an element of confidence and status which it is far more difficult to achieve, when lacking in economic resources.¹⁸⁰ Thus post-structuralists need to begin to consider how to establish more equal access to knowledge in a free environment. In order to do this a consideration of resource allocation, and economic management is urgently needed, however difficult it may be. Yet, this cannot be organised along over-simplistic social group lines¹⁸¹ without establishing a wider political culture in which they may be inspired to act politically in the name of equality, otherwise they may simply desire to assert their own presence on the police order, thereby furthering injustice. Instead, through a method of resource allocation that is founded on equality rather than selection, such as a basic citizen income, the onus is on the evening out of resource allocation for all, regardless of social standing. This makes it more likely that those as yet unforeseen, but politically relevant, as yet unnoticed, minorities will have

¹⁷⁹ Rancière, 1999, p.42. See footnote 32 in this chapter (p.177) for more information on Jeanne Deroin. Furthermore, I would like to suggest that we must be careful not to follow Rancière's overly cautious approach in every respect, for by emphasising the rarity of the moment of politics, he risks over-exoticising it. Instead I consider this building of relations far more prevalent at the level of the ordinary than he seems to recognise.

¹⁸⁰ As noted by Phillips, (1996, p.144) who says that 'the confidence that enables people to dispense with settled identities or to accept the contingencies of fate may not be available to those suffering from economic inequality and political exclusion'.

¹⁸¹ for example through highlighting the working class as the dispossessed using and therefore targeting resources and knowledge *at them* through selection criteria such as post-code based formulas, or selection criteria for benefits.

access to resources, and therefore raises their ability to engage with building alternative imaginaries.

As a further step towards how to think about institutionalising radical political culture, it is worth mentioning James Tully's recent work on Global citizenship, in which he explores the democratic responses we have available to us in order to respond to the popularly perceived crisis of global citizenship embodied in four problems¹⁸² Tully suggests that we may find it useful to turn to the tradition of cooperative citizenship practices such as those embodied in the World Social Forum. He sketches the different traditions that are bought together in such cooperative citizenship which can be used to supplement his call for critical freedom discussed above, in order to provide a practical step forward in thinking about how such an agonistic ethos can come about. Although this is a valuable contribution, one sentence highlights the problems that need to be overcome, for Tully asserts that 'the world is not a *terra nullius*, full of antagonistic relationship and thus in need of the coercive imposition of some kind of normative order over a state of war' but is rather 'a plenitude of complex webs of norms of cooperation among biologically diverse forms of life', and furthermore, since '[c]ompetition takes place and presupposes these cooperative norms of the overlapping and criss-crossing webs', when this happens

'the role of the peacemaker is not to impose order, but, rather, to bring the adversaries around to see the cooperative relationships from which they departed and to which they are naturally disposed , in virtue of being grounded in them'.¹⁸³

The obvious point of contention here, with post-structuralist thinkers is that regardless of whether or not we may all be grounded in such relationships, the way oligarchic democracy functions is to break these up, and prevent us from seeing how we can cooperate. Tully, like Menke above, is calling on us to recognise that we are all grounded in the same order, yet it will only be through neo-Gramscian pedagogical education, that we may be able to see how contemporary hegemonic power attacks our potential to cooperate, and thus it is by empowering individuals in the workings of this hegemony that we may weaken the unseen hold any hegemony can gain over us,

¹⁸² '1) the ecological and climate change crisis; 2) the imperial problem of inequality, exploitation and poverty of the Global South; 3) the problem of global wars and militarization; and 4) the problem of distrust and disrespect for different civilisations and peoples' (Tully, 2009, p.1)

¹⁸³ Tully, 2009, pp.20-1

and thereby strengthen the likelihood of Tully's cooperative citizenship. Along with the recent suggestions for institutional reform discussed in chapter 2, which offered some examples of such work that has presently been overlooked by post-structuralist thinkers, this may, in conjunction with neo-Gramscian pedagogical theory, provide a valuable and complementary accompaniment to future developments in post-structuralist thought.

Consequently, it seems a two-pronged approach should be considered whereby the current hegemonic elites must be unmasked by individuals increasing their own abilities to remain attentive to hegemonic power in general, whilst at the same time, work must also be carried out concerning the institutionalisation of such a political culture.

Unmasking hegemony - critical thought and neo-Gramscian pedagogies

In order to engage in rebuilding relationships we must constantly engage in critical thought since through this, alternative imaginaries can be constructed before they can be staged. Here the work of Laclau may come in useful concerning the constructing of an alternative discourse, although this would need to be deepened beyond the wide-scale struggles he envisages between governments and excluded minorities, to include the struggles that need to take place in civil society itself. Furthermore, it seems that the transmission of knowledge and ideas is of supreme importance, so it is useful to re-visit Rancière's work on this topic. If we refer back to his story of Jacotot the school teacher, we can see that a further implication stems from this research¹⁸⁴ for he points to ways that can increase the potential for political action, by encouraging a political culture. Firstly, the role of the teacher is revolutionised, from a role of telling students things they do not know, to one that sees them to be capable of finding this for themselves. Thus a teacher's role becomes that of 'motivating' [students] to attend to their work so that their equal intelligence will have an opportunity to find expression'.¹⁸⁵ Such teaching is not only a political act, it can encourage further political acts, for it makes the students subjects rather than objects of thought, and

¹⁸⁴ An initial implication is noted in ch.2 where it was argued that Rancière's work calls us to treat everyone as if they have the basic capacity of speaking together.

¹⁸⁵ May, 2008, p.57

recognises all people as having the potential for critical and therefore revolutionising thought.

This not only has implications for educational institutions, but also for the current division of labour. Rancière recognises, like Gramsci before him,¹⁸⁶ that every individual is an intellectual, that all must think critically in order to be free so that each individual will free themselves.¹⁸⁷ Consequently ‘the division of labour that keeps apart the intellectual’s science and ordinary consciousness is denounced as a counterproductive mistake that perpetuates the metaphysics of representation and therefore traditional relations of domination’.¹⁸⁸ Hence Rancière believes that the analysis of domination should not be carried out by professionals, but by the exploited themselves. If all individuals are equal, it follows that all individuals have the ability to speak for themselves, and defend their own political position. To continue to value the speech of perceived “intellectuals” over that of perceived “non-intellectuals” is simply a perpetuation of oligarchic oppression.

This move complements the call for critical reflection, which at least in part is embodied in Connolly’s critical responsiveness, Cavell’s aversive thinking, and Tully’s critical freedom as well as Menke’s critical thinking. It indicates that the next step for post-structuralists must consist of a consideration of how such thinking can be institutionalised so as to open minds, rather than close them, emphasising that to teach people to think, is not to teach them what to think. Indeed, this is not to say that work has not been and is not still being carried out in this area. For as regards what such institutions would look like, I would like to point further in the direction of access to information for all, in order to promote critical thinking for all, as found in the work of many socialist and Frankfurt school theorists, also in Ivan Illich’s work on modern educational practices,¹⁸⁹ and the work on critical pedagogies that has already been undertaken in great detail by Paolo Freire, Donald Macedo and Henry Giroux, among others.¹⁹⁰ This work seeks to empower the individual by developing a critical social theory of educational institutions, to reveal how pupils are caught within a complex

¹⁸⁶ Gramsci, 1971, p.9

¹⁸⁷ ‘politics exists wherever the count of parts and parties of society is disturbed by the inscription of a part of those who have no part’ (Rancière, 1999, p.123).

¹⁸⁸ Deranty, 2003, p.140

¹⁸⁹ 1976

¹⁹⁰ Freire and Macedo, 1987; Freire, 1996; Giroux, 1983, 1988, 1997 amongst many others. Similarities between these authors and Rancière have already been noted by Ross, 1991; and 2009.

hegemonic web, and revealing the game in which they are a pawn. As such it is hoped that it could help to weaken the hegemonic structures thereby radically emancipating democratic citizens. Similar to the suggestions for institutional reform, discussed in Chapter 2, such work has not yet been specifically incorporated into the post-structuralist radical democratic project. This thesis therefore emphasises the potential value of doing so, my hope being that such an example could guide the way for emergence of more critical schools of thought focused on radicalising institutions.

In doing this it will be essential to hold onto Rancière's teaching that in order to maintain the commitment to democracy, each and every individual in a society needs to be deemed capable of critical/aversive thought. To illustrate this point, research by DiFazio reveals that in contemporary US politics the voice of the poor has been replaced by 'poverty advocates and professional poverty experts', thus taking away the possibility for the poor to voice their own concerns and become politicised.¹⁹¹ In this area Rancière's work suggests that in response to their critical thought, the action of individuals will transgress their expected role within society. Hence in spite of the poor being given representatives to speak for them in a political capacity, the poor must not only be given a voice, they must *give themselves* a voice for if they are *given* a voice, it means that an unequal power structure can remain. Thus we are reminded of Kant's concern that instead of being kept in a state as dumb as domestic livestock, individuals must think for themselves in order 'to proceed *on their own*'.¹⁹²

Practical necessities and structural constraints

Recognition that the impossibility of guaranteeing the outcome of a will-to-change to enable recognition of a claim of injustice, does not mean there is no need for such a will, but instead highlights the necessity of a pervasive and strong will, that is constantly attentive and ready to act politically when a weakness becomes apparent in the police order. Such a culture of hope and attentiveness needs to be encouraged by a political culture of dissent cultivated through critical reflection/aversive thinking; which may succeed in making moments of politics less rare. The desiderata developed above are for radical democratic thinkers to consider methods of institutionalisation of

¹⁹¹ DiFazio, 1998, pp.59-61.

¹⁹² Kant, 1996, pp.58-9 italics added.

a political culture conducive to critical thought and dissent, a rethinking of resource allocation and economic management co-ordinated with critical pedagogical research.

It was highlighted in chapter 2 that there has been no shortage of attention to these areas in the wider field of international politics and development studies. Indeed, much of this work contributes toward part of the ever-developing movement that has emerged in the World Social Forum. I feel that this movement deserves special attention since its key aims and objectives are so similar to those that I have emphasised in post-structuralist radical democracy complemented by the greater attention to the development of democratic subjectivity that comes about from Emersonian Perfectionism and Rancièrean thought. WSF meetings aim to provide an opportunity for diverse groups and individuals, often excluded by dominant hegemonic state-based organisations, such as the G-20, World Bank and IMF, to come together, at international and regional levels, to discuss alternative ways of thinking about society and the economy. The WSF is recognised as a learning process, thereby enshrining the radical democratic ideals called for here, of institutional innovation and self-reformability,¹⁹³ alongside openness and a constant search for alternatives.¹⁹⁴ It gives space to alternative imaginaries,¹⁹⁵ as called for by both Norval and Tully, and also by providing fora for dialogue, it could be reconciled with Connolly's suggestion for majoritarian assemblages. Finally, it also provides an example model of neo-Gramscian pedagogy, through its Popular University of the Social Movements, which seeks to enable self-education of members as well as deepening their reflective understanding, and providing opportunities for dialogue and cross-cultural learning. Most importantly, this chimes with Rancière's comments on education above, for it seeks to 'overcome the conventional distinction between teaching and learning-based on the distinction between teacher and pupil-thus creating contexts and moments for reciprocal learning'.¹⁹⁶ Hence I suggest that the WSF is a resource-rich starting point for developing radical democratic praxis.¹⁹⁷

¹⁹³ De Sousa Santos, 2006, p.51

¹⁹⁴ Ibid. pp.113-4

¹⁹⁵ Ibid. p.127

¹⁹⁶ Ibid. p.150

¹⁹⁷ I do have some reservations about this proposal, for example I acknowledge that there are many internal divisions and critiques of the WSF, which may accord with post-structuralist concerns, for example those regarding accountability, utopianism, representation of difference, the role of spirituality, democratisation and decision-making, but there is no space to detail them here. A good summary of these is offered in De Sousa Santos, 2006. In addition, I am aware that increased

However, this just leaves us with one further question as to why, despite the existence of such a movement, there has currently been little attention to the topic of institutionalisation of a culture conducive to a democratic ethos amongst post-structuralist thinkers. Here it is possible to speculate that a fear of state power and accusations of communist affiliation has led such thinkers to neglect such an important task, whilst recent post-modern moves to relativism and post-structuralism seemed to juxtapose uncomfortably with institutionalisation. Compounding these, recent work by Jodie Dean¹⁹⁸ suggests that structural factors have led to a neutralisation of the left's power to change. Her argument is that capitalism has succeeded where the left has failed, in establishing itself as *the only possible way* it has succeeded in hegemonising the left itself: getting the left to do its dirty work, such as dismantling the welfare state,¹⁹⁹ and displacing its political struggles into arenas that act at the same time as an outlet for claims of injustice, and a pacifier, reducing these political energies via hyper-globalised communication networks into mere expressions of opinion and feelings, with no obligation of response.

Although a more detailed exploration of this topic is obviously needed, there is no space to deal with it here. Instead, I will simply emphasise that if post-structuralists are committed to challenging our contemporary democratic societies to be more inclusive and just, less exploitative and elitist, it is of the utmost importance that we no longer leave the success of such a challenge to chance. Instead we must accept the imperative of considering how dissent can be actively channelled, via institutionalisation of a political culture and redistribution of resources and knowledge in order to make possible a meaningful and strong political movement that through the radical democratic praxis of permanent revolutionising can fight injustice by giving voice rather than speaking for others.

professionalisation of the NGOs which are represented in the WSF means that my concerns about the emergence of voice would need to be applied to the WSF if it were to be used to inform radical democratic proposals (this is a widely documented trend, see for example Markowitz and Tice, 2002; Jaquette, 2001; and Dempsey, 2007). However, this need not devalue my proposal to consider the WSF as an informative resource.

¹⁹⁸ Dean, 2009 –see especially the Introduction and Ch. 2.

¹⁹⁹ E.g.: the Clinton government in the US and the New Labour project in the UK.

Conclusion

In sketching Rancière's thematisation of the move from voicelessness to voice, I hope to have shown the further steps necessary for Nora's claim to have been heard and recognised. According to Rancière, this is that such an expression needs to stage a claim to equality that challenges the police order. Secondly, I have shown that this would be empowered by the existence of a political movement, working to create a political culture, which even in a partial form could ease recognition of the claim. Thirdly, I have suggested that such claims can also be encouraged by critical reflection which can drive and channel dissent, rooted in each democratic citizen. This would seek to recognise the subversive potential in all ordinary acts, in order to enable citizens to identify potential sources of injustice and evoke a response to these via exploiting the extraordinary in ordinary political moments, to attend to suffering now, rather than waiting until a spiralling of resentment leads to violent unrest. Finally, I argued that work focusing on the development of critical pedagogies and institutionalisation of a political culture that is better disposed towards the emergence of voice can be seen as congruent with Rancière's thought. Thus I suggest that to construct a Laclauian alternative discourse or Rancière's culture of dissent, and support a democratic ethos as desired by Connolly and Mouffe, post-structuralist thinkers would do well to encourage institutionalisation of critical thought supported by considerations of redistribution of resources and knowledge, and the formation of critical political movements. Furthermore, I have suggested that post-structuralist democracy would benefit from an Emersonian perfectionist aversive/critical thinking and commitment to our common life together, as well as its ability to prepare us for the disappointments we may experience along the way whilst seeing the resulting dissenting and subversive attitude as part of an ongoing process of revolutionising.

In conclusion I have argued that such a culture can be supported and encouraged by open and revisable institutions, which seek not to instil a principle, but simply to support critical thought. Thus I suggest it is necessary for post-structuralist radical democrats to consider in more detail the design of such institutions, whilst also continuing to investigate if there are structural factors preventing the development of this type of institution. Overall I hope to have demonstrated that reading post-structuralist and perfectionist accounts of democracy together is a productive exercise

that can move contemporary radical democratic theory into new, as yet unexplored areas in search of a deeper and more meaningful democracy.

Concluding remarks: the future of radical democracy

My aim in writing this thesis was to ask how it might be possible to re-establish the radical democratic project as offering a viable alternative to dominant contemporary democratic theory *and* practice. Sharing motivation with many post-structuralist thinkers, I object to the contemporary consensus that there is *no alternative* to our current liberal-democratic capitalist paradigm,¹ seeing that this leads to a de-politicisation of the public sphere that is instead simply administered and managed.² The analysis shared by post-structuralist thinkers featured herein, is that this has led to social problems across western democracies that are fuelled by resentment that both state and regional level governments seem powerless to solve, such as apathy, extremism, terrorism, environmental disasters, pollution, and international crime; growing inequalities of resources, wealth, and income; as well as a failure to overcome injustices inflicted in the name of difference of gender, sexuality, race and class. In the aftermath of a UK general election fought amidst fears that the extremist right wing British National Party would win its first parliamentary seat; and with a backdrop of continuing war in which hundreds of young soldiers continue to die in Afghanistan in an ill-fated battle against Islamic militants; and whilst recession threatens to ensure that inequalities in income, health and social mobility look set to grow at an increasingly faster pace, these concerns do not seem to be diminishing, whilst the bland electoral choice saw British voters choose between 3 main parties with broadly similar agendas to manage social injustice, but not to truly tackle it. Thus the post-structuralist concern remains relevant and I would argue, increasingly urgent.

Seeing that there was still a considerable gap between post-structuralist proposals and the ability to get to a point where these could be practised and developed by ordinary democratic citizens, I was prompted by the urgency I sensed in post-structuralist writings, and the shortcomings in their own proposals, to look further afield for clues as to how radical democracy could be related to the individual lives of citizens, and what this would require in terms of institutions and supporting mechanisms. In

¹ As it is painted by liberal capitalism (Dean, 2009, p.49).

² Žižek, 2009, p.34

finding a promising answer in the detailed work of Stanley Cavell, I developed an argument as to how his Emersonian perfectionism could benefit post-structuralist radical democracy, yet in doing so, it was necessary to show that he too was motivated by a like concern about the freedom to not only express one's voice, but also to be heard, which does not seem to be prevalent in more mainstream contemporary liberal thought.

Indeed, let us recall for a moment our initial problem concerning how *all* may become confident in moving from the initial hesitant 'leap over the smallest ditch' to the free movement necessary of enlightened, more human beings, as envisaged by Kant. Having accepted Kant's definition that this is about individuals being able to speak for themselves, I have shown how from both the post-structuralist and Cavellian perspectives, Rawlsian liberalism did not pay enough attention to allowing individuals to reach a situation in which they could do just that.

The post-structuralists contended that Rawls' overlapping consensus was neither possible, desirable nor necessary since it could never free democracy from the hegemonic power relations that continue to suppress voices, leading to resentment due to the way this is masked by a façade of justice. In contrast, Cavell's concerns were that the Rawlsian formula provides a mechanism whereby the conversation can be cut short, again reducing the commitment to dispose oneself to the voice of others, whilst leaving their resentment and frustration to build, unabated. Thus, despite his intentions to take the 'distinction between persons seriously', Rawls failed to consider that this may require considering how we may listen to those people, in order to better comprehend their distinctions. Perhaps, this is based on a Kantian belief that those we do not hear are simply lazy and cowardly, or perhaps he sees the problem of societal guardians as something that could be overcome through political liberalism. Either way, my observation in the introduction was that the Kantian failure to attend to those who are denied, in any sense of the word, the opportunity to speak for themselves has somehow leaked into Rawlsian liberalism, and, due to his phenomenal influence on contemporary liberal thought, it is to be assumed, that he may have influenced this thought likewise.

Post-structuralist thinkers instead seek to think about democracy in revisable terms, such that the promise of democracy is that it is always looking forward to the democracy which is to come, thereby avoiding entrenchment of values and oligarchic leadership. Their work also comprises a call for this openness to be rooted at the societal, rather than the institutional level, via a culture of dissent or a more stable democratic ethos of critical reflection and respect for the other, in order to provide a receptive outlet for resentment and the possibility of response. Yet having noted the failure of post-structuralist thinkers to attend to the ways in which democratic subjects are formed, I turned to examine Cavell's work on the development of democratic subjectivity. Through his elucidation of Emersonian Perfectionism, Cavell argued that the critical democratic subject emerges through a life of self-reflective thought, challenging convention in order to move continually toward an unattained, yet attainable self that is to come, which seems to take the stance of Derrida's democracy *á venir*.

However, Cavell's work does not help us address the Kantian oversight of how voice is excluded, due to his silence on the topic of social power. This chasm removed Cavell's work on democratic subjectivity from the sight lines of radical democratic post-structural theory who could not accept that his hopes for creating a political culture of conversation and perfectionism could ever be strong enough to fight the oppression of an entrenched political order; whilst Cavell seems unwilling to attend to the fact that social power can be so strong that voices cannot break into the conversation.

In order then, to be able to use Cavellian aversive thinking as a complement to the post-structuralist calls for dissent or a democratic ethos, Jacques Rancière's work, supplemented by that of Christoph Menke, was useful as it illustrated how voices can, albeit rarely, succeed in finding chinks in the police order, and thereby break into the conversation, subsequently rendering Cavell's work of value to the radical democratic project. Rancière enables us to recognise that in order to break through the police order, as post-structuralists want to do, we need to stage a moment of politics. Hence, through looking at their life anew to identify areas of injustice, and then appropriating rights they do not have by imitating the actions of others, the exploited and their supporters, can seek to get their voices heard.

Therefore, against the post-structuralist conception of politics as power relationships, we see with Rancière that politics ‘is not made up of power relationships; it is made up of relationships between worlds’.³ However, using Tully and Menke, I have shown how these worlds are not two wholly separate entities, but overlay one another, occupying the same space. Furthermore, I have argued that a moment of politics need not be considered such a rare occurrence. Instead, I have posited that it could be made more likely through institutionalising a culture that encourages aversive/critical thinking which creates a Rancièrean attitude of dissent that will enable us all to find, expose, and exploit weaknesses in the police order, to evoke response before suffering and resentment builds to intolerable and destabilising levels. This is based on my argument that such moments, although impossible to guarantee can still be made more possible through the existence of social movements working to build and develop a political culture. Furthermore, I have suggested that we should attend to how such a culture may be institutionalised to offer some degree of stability alongside greater responsiveness to suffering and injustice.

Given the broad scope of this project, I recognise that I have perhaps raised more questions than I have been able to answer. Indeed, I have sought to present an unusual configuration of thinkers in the hope of creating productive friction from their resulting juxtaposition. I hope that I have not sought to smooth over or ignore points of disagreement between the thinkers featured in this work. Nor have I sought to present them, even in the chapters on post-structuralists, as a unified whole. However, despite the differences that evidently remain amongst them, I hope to have emphasised the overriding desire that they all share for a more democratic, just and equal world, where a plurality of voices are able to emerge, in conflicting, but productive dialogue, rather than descending into a Žižekian resentment-fuelled more violent and chaotic world.

³ Rancière, 1999, p.42

I believe that this thesis has uncovered areas that would benefit from further work. Amongst these, I highlight the area of neo-Gramscian pedagogical projects, and the task of attending to how such a political culture may be institutionalised, as noted in Chapter 5. In particular the work of Paolo Freire and Henry Giroux, and possibly even Gramsci himself, would add to this discussion. Also, considering Rancière's prolific writings on the place of art in society and its relationship with politics, and given my critique of his work, it would be an obvious extension of my argument of chapter 5 to discuss the way in which art may be able to form a part in developing a political culture, especially movements that seek to subvert the ordinary, such as the Theatre of the Absurd.⁴

However, there are also further questions concerning what consideration of the work of other post-structuralist thinkers may add to post-structuralist radical democracy as I present it here. Most notably, if I had more time and space, I would have liked to include greater consideration of the thought of Michel Foucault, and also that of Slavoj Žižek, whose more apocalyptic brand of post-structuralist thought did not seem to chime so well with the more optimistic works presented here. However, I do hope to extend my thought to cover the work of such thinkers in future projects.

My overall aim has been to draw on the strengths of the complementary desires of the featured theorists, and ask how this creative juxtapositioning of thinkers could take radical democratic thought forward into new areas, that offer greater potential for informing democratic practice. I felt that this was a more positive and productive approach than focusing on the differences between these thinkers. My intention has been to propose (re)establishing the radical democratic project, not as a revolutionary project, but as a revolutionising project, that will continue interminably, in the enlightenment spirit, to help enable all to think and speak for themselves, to engage together in the search for greater justice, whilst listening to those expressions of injustice that will always arise along the way. This is intended as neither an idealist nor defeatist project, simply as an honest one, that admits that human fallibility means that all systems of organisation will inevitably have their faults. Yet, at the same time, I wish to emphasise that we human beings are endowed with the capacity to study and

⁴ For more on this topic see Esslin 2008.

observe the life around us, to aim to continuously re-conceptualise the construction and manipulation of the world and its relationships, to think about how best to utilize them to bring about greater accord with our emancipatory understanding of democratic values to ease suffering and ease frustration and resentment. It seems to me that it is only through an active engagement with such a task that we will ever be worthy of calling ourselves democrats.

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