The Democratic Paradox

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Caminante, no hay camino,
Se hace camino al andar

Antonio Machado

CONTENTS

The essays collected in this volume have been written in the last five years. Most of them have already been published, some in a different version. One of them, a paper given at a conference, appears here for the first time. The introduction and the conclusion were written especially for the book but incorporate ideas developed in several articles which are not included.

I am conscious that, as far as some of the central themes are concerned, there is a certain amount of reiteration. If I have decided to leave them in their original form, it is because it would have been impossible to eliminate those repetitions without affecting the intelligibility of the argument made in each piece.

The issues discussed in *The Democratic Paradox* constitute the continuation of a reflection initiated jointly with Ernesto Laclau in *Hegemony and Socialist Strategy* and later pursued in *The Return of the Political.* The political events which have taken place since this last book was published, with a growing tendency for social-democratic parties to move towards a consensual politics of the centre, have reinforced my conviction that it is urgent for political theory to provide an alternative framework to the dominant one in democratic political theory. Grasping

the fundamental flaws at the core of the 'third way' requires coming to terms with the conflictual nature of politics and the ineradicability of antagonism, which is precisely what the increasingly fashionable 'deliberative democracy' approach is at pains to deny.

It was while reading these texts again for publication that I realized that, albeit in different ways, all of them were highlighting the paradoxical nature of modern liberal democracy. Since the distaste for paradoxes is widespread among the rationalist thinkers with whom I am arguing, I decided that this was the aspect of my current work worth emphasizing. Hence the title of this volume.

THE DEMOCRATIC PARADOX

Albeit in different ways, all the essays collected in this volume deal with what I call 'the paradox' of modern democracy and they try to examine its diverse political and theoretical implications. My reflection begins with an enquiry into the nature of modern democracy, which I think is far from having been properly elucidated. To start with, what is the best way to designate the new type of democracy established in the West in the course of the last two centuries? A variety of terms have been used: modern democracy, representative democracy, parliamentary democracy, pluralist democracy, constitutional democracy, liberal democracy. For some people, the main difference with ancient democracy lies in the fact that in larger and more complex societies direct forms of democratic rule are no longer possible; it is for that reason that modern democracy has to be representative. Others, like Claude Lefort, insist on the symbolic transformation which made possible the advent of modern democracy: 'the dissolution of the markers of certainty'.[1] In his view, modern democratic society is a society in which power, law and knowledge experience a radical indeterminacy. This is the consequence of the 'democratic revolution', which led to the disappearance of a power that was embodied in the person of

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the prince and tied to a transcendental authority. A new kind of institution of the social was thereby inaugurated in which power became 'an empty place'.

I think it is vital to stress, as Lefort does, the emergence of a new symbolic framework and the modern impossibility of providing a final guarantee, a definite legitimation. However, instead of simply identifying the modern form of democracy with the empty place of power, I would also want to put emphasis on the distinction between two aspects: on one side, democracy as a form of rule, that is, the principle of the sovereignty of the people; and on the other side, the symbolic framework within which this democratic rule is exercised. The novelty of modern democracy, what makes it properly 'modern', is that, with the advent of the 'democratic revolution', the old democratic principle that 'power should be exercised by the people' emerges again, but this time within a symbolic framework informed by the liberal discourse, with its strong emphasis on the value of individual liberty and on human rights. Those values are central to the liberal tradition and they are constitutive of the modern view of the world. Nevertheless, one should not make them part and parcel of the democratic tradition whose core values, equality and popular sovereignty, are different. Indeed, the separation between church and state, between the realm of the public and that of the private, as well as the very idea of the *Rechtsstaat*, which are central to the politics of liberalism, do not have their origin in the democratic discourse but come from elsewhere.

It is therefore crucial to realize that, with modern democracy, we are dealing with a new political form of society whose specificity comes from the articulation between two different traditions. On one side we have the liberal tradition constituted

by the rule of law, the defence of human rights and the respect of individual liberty; on the other the democratic tradition whose main ideas are those of equality, identity between governing and governed and popular sovereignty. There is no necessary relation between those two distinct traditions but only a contingent historical articulation. Through such an articulation, as C. B. MacPherson was keen to emphasize, liberalism was democratized and democracy liberalized. Let's not forget that, while we tend today to take the link between liberalism and democracy for granted, their union, far from being a smooth process, was the result of bitter struggles. Many liberals and many democrats were perfectly aware of the conflict between their respective logics and of the limits that liberal democracy imposed on the realization of their own objectives. Indeed, both sides have constantly tried to interpret its rules in a way that was better suited to their aims. From the theoretical point of view, some liberals like F. A. Hayek have argued that 'democracy [is] essentially a means, an utilitarian device for safeguarding internal peace and individual freedom',[2] useful as long as it did not endanger liberal institutions but to be discarded when it did. Other liberals have followed another strategy, arguing that were the people to decide 'in a rational manner' they could not go against rights and liberties and, if they happened to do so, their verdict should not be accepted as legitimate. From the other side, some democrats have been keen to dismiss liberal institutions as 'bourgeois formal liberties' and to fight for their replacement by direct forms of democracy in which the will of the people could be expressed without hindrances.

The dominant tendency today consists in envisaging democracy in such a way that it is almost exclusively identified with the *Rechtsstaat* and the defence of human rights, leaving aside

the element of popular sovereignty, which is deemed to be obsolete. This has created a 'democratic deficit' which, given the central role played by the idea of popular sovereignty in the democratic imaginary, can have very dangerous effects on the allegiance to democratic institutions. The very legitimacy of liberal democracy is based on the idea of popular sovereignty and, as the mobilization of such an idea by right-wing populist politicians indicates, it would be a serious mistake to believe that the time has come to relinquish it. Liberal-democratic institutions should not be taken for granted: it is always necessary to fortify and defend them. This requires grasping their specific dynamics and acknowledging the tension deriving from the workings of their different logics. Only by coming to terms with the democratic paradox can one envisage how to deal with it.

As my discussion of Carl Schmitt's theses in Chapter 2 makes clear, democratic logics always entail drawing a frontier between 'us' and 'them', those who belong to the 'demos' and those who are outside it. This is the condition for the very exercise of democratic rights. It necessarily creates a tension with the liberal emphasis on the respect of 'human rights', since there is no guarantee that a decision made through democratic procedures will not jeopardize some existing rights. In a liberal democracy limits are always put on the exercise of the sovereignty of the people. Those limits are usually presented as providing the very framework for the respect of human rights and as being non-negotiable. In fact, since they depend on the way 'human rights' are defined and interpreted at a given moment, they are the expression of the prevailing hegemony and thereby contestable. What cannot be contestable in a liberal democracy is the idea that it is legitimate to establish limits to popular sovereignty in the name of liberty. Hence its paradoxical nature.

A central argument in this book is that it is vital for democratic politics to understand that liberal democracy results from the articulation of two logics which are incompatible in the last instance and that there is no way in which they could be perfectly reconciled. Or, to put it in a Wittgensteinian way, that there is a constitutive tension between their corresponding 'grammars', a tension that can never be overcome but only negotiated in different ways. This is why the liberal-democratic regime has constantly been the locus of struggles which have provided the driving force of historical political developments. The tension between its two components can only be temporarily stabilized through pragmatic negotiations between political forces which always establish the hegemony of one of them. Until recently, the existence of contending forces was openly recognized and it is only nowadays, when the very idea of a possible alternative to the existing order has been discredited, that the stabilization realized under the hegemony of neo-liberalism – with its very specific interpretation of what rights are important and non-negotiable – is practically unchallenged.

Once it is granted that the tension between equality and liberty cannot be reconciled and that there can only be contingent hegemonic forms of stabilization of their conflict, it becomes clear that, once the very idea of an alternative to the existing configuration of power disappears, what disappears also is the very possibility of a legitimate form of expression for the resistances against the dominant power relations. The status quo has become naturalized and made into the way 'things really are'. This is of course what has happened with the present Zeitgeist, the so-called 'third way', which is no more than the justification by social democrats of their capitulation to a neo-liberal hegemony whose power relations they will not challenge,

limiting themselves to making some little adjustments in order to help people cope with what is seen as the ineluctable fate of 'globalization'.

I want to stress that my aim in the essays collected in this volume is at the same time political and theoretical. From the political standpoint what guides me is the conviction that the unchallenged hegemony of neo-liberalism represents a threat for democratic institutions. Neo-liberal dogmas about the unviolable rights of property, the all-encompassing virtues of the market and the dangers of interfering with its logics constitute nowadays the 'common sense' in liberal-democratic societies and they are having a profound impact on the left, as many left parties are moving to the right and euphemistically redefining themselves as 'centre-left'. In a very similar way, Blair's 'third way' and Schröder's 'neue Mitte', both inspired by Clinton's strategy of 'triangulation', accept the terrain established by their neo-liberal predecessors. Unable – or unwilling – to visualize an alternative to the present hegemonic configuration, they advocate a form of politics which pretends to be located 'beyond left and right', categories which are presented as outdated. Their objective is the creation of a 'consensus at the centre', declared to be the only type of politics adapted to the new information society, all those who oppose their 'modernizing' project being dismissed as 'forces of conservatism'. However, as I show in Chapter 5, when we scratch behind their rhetoric, we quickly realize that in fact they have simply given up the traditional struggle of the left for equality. Under the pretence of rethinking and updating democratic demands, their calls for 'modernization', 'flexibility' and 'responsibility' disguise their refusal to consider the demands of the popular sectors which are excluded from their political and societal priorities. Worse even, they

are rejected as 'anti-democratic', 'retrograde' and as remnants of a thoroughly discredited 'old left' project. In this increasingly 'one-dimensional' world, in which any possibility of transformation of the relations of power has been erased, it is not surprising that right-wing populist parties are making significant inroads in several countries. In many cases they are the only ones denouncing the 'consensus at the centre' and trying to occupy the terrain of contestation deserted by the left. Particularly worrying is the fact that many sectors of the working classes feel that their interests are better defended by those parties than by social democrats. Having lost faith in the traditional democratic process, they are an easy target for the demagogues of the right.

The political situation just described, characterized by the celebration of the values of a consensual politics of the centre, is what informs my theoretical questioning. This is why I put special emphasis on the negative consequences of envisaging the ideal of democracy as the realization of a 'rational consensus' and on the concomitant illusion that left and right have ceased to be pertinent categories for democratic politics. I am convinced, contrary to the claims of third way theorists, that the blurring of the frontiers between left and right, far from being an advance in a democratic direction, is jeopardizing the future of democracy.

My aim in this volume is to examine in which way political theory could contribute to breaking the current deadlock and to creating some conditions for a possible solution to our present predicament. A significant part of my reflection consists in bringing to the fore the shortcomings of the dominant approach in democratic theory which, I argue, is unable to provide the necessary tools for such an endeavour. In scrutinizing the problems with such an approach I come to the conclusion that the 'consensus model' of democracy which informs both the

theories of 'deliberative democracy' and the proposals for a 'third way politics' is unable to grasp the dynamics of modern democratic politics which lies in the confrontation between the two components of the liberal-democratic articulation. In other words, it is the incapacity of democratic theorists and politicians to acknowledge the paradox of which liberal-democratic politics is the expression which is at the origin of their mistaken emphasis on consensus and sustains their belief that antagonism can be eradicated. It is such a failure which impedes the elaboration of an adequate model of democratic politics.[3]

In the field of political theory this is particularly evident in the recent attempts by John Rawls and Jürgen Habermas to reconcile democracy with liberalism which are discussed in Chapter 4. Both authors claim to have found the solution to the problem concerning the compatibility of liberty and equality which has accompanied liberal-democratic thought since its inception. Their solutions are no doubt different, but they share the belief that through adequate deliberative procedures it should be possible to overcome the conflict between individual rights and liberties and the claims for equality and popular participation. According to Habermas such a conflict ceases to exist once one realizes the 'co-originality' of fundamental human rights and of popular sovereignty. However, as I indicate, neither Rawls nor Habermas is able to bring about a satisfactory solution, since each of them ends up by privileging one dimension over the other: liberalism in the case of Rawls, democracy in the case of Habermas. Given the impossibility of an ultimate reconciliation between the two logics which are constitutive of liberal democracy, such a failure was of course to be expected, and it is high time for democratic political theory to abandon this type of sterile search. Only by coming to terms with its

paradoxical nature will we be in a position to envisage modern democratic politics in an adequate manner, not as the search for an inaccessible consensus – to be reached through whatever procedure – but as an 'agonistic confrontation' between conflicting interpretations of the constitutive liberal-democratic values. In such a confrontation the left/right configuration plays a crucial role and the illusion that democratic politics could organize itself without them can only have disastrous consequences.

In Chapter 4, I propose to 'redescribe' (to put it in a Rortyan way) liberal democracy in terms of 'agonistic pluralism'. This, I argue, is the best way to acknowledge the tension between its constitutive elements and to harness it in a productive way. I therefore disagree with those who declare that accepting the impossibility of reconciling the two traditions commits us to endorse Carl Schmitt's trenchant verdict about liberal democracy, namely, his thesis that this is a non-viable regime, given that liberalism negates democracy and that democracy negates liberalism. While I consider that Schmitt's critique provides important insights and that it should be taken seriously, my position, developed in Chapter 2, is that this ultimate irreconcilability need not be visualized on the mode of a contradiction but as the locus of a paradox. I state that, while Schmitt is right to highlight the different ways in which the universalistic liberal logic is in opposition to the democratic conception of equality and the need to politically constitute a 'demos', this does not force us to relinquish one of the two traditions. To envisage their articulation as resulting in a paradoxical configuration makes it possible to visualize the tension between the two logics in a positive way, instead of seeing it as leading to a destructive contradiction. Indeed, I suggest that acknowledging this paradox permits us to grasp what is the real strength of liberal democracy.

By constantly challenging the relations of inclusion–exclusion implied by the political constitution of 'the people' – required by the exercise of democracy – the liberal discourse of universal human rights plays an important role in maintaining the democratic contestation alive. On the other side, it is only thanks to the democratic logics of equivalence that frontiers can be created and a demos established without which no real exercise of rights could be possible.

One needs to stress, however, that this tension between democracy and liberalism should not be conceived as one existing between two principles entirely external to each other and establishing between themselves simple relations of negotiation. Were the tension conceived in this way, a very simplistic dualism would have been instituted. The tension should be envisaged instead as creating a relation not of *negotiation* but of *contamination*, in the sense that once the articulation of the two principles has been effectuated – even if in a precarious way – each of them changes the identity of the other. The regimes of collective identities resulting from this process of articulation are ensembles whose configurations are always something more than the addition of their internal elements. As always in social life, there is a 'gestaltic' dimension which is decisive in understanding the perception and behaviour of collective subjects.

Visualizing the dynamics of liberal-democratic politics as the space of a paradox whose effect is to impede both total closure and total dissemination, whose possibility is inscribed in the grammars of democracy and liberalism, opens many interesting possibilities. To be sure, by preventing the full development of their respective logics, this articulation represents an obstacle to their complete realization; both perfect liberty and perfect equality become impossible. But this is the very condition of possi-

bility for a pluralist form of human coexistence in which rights can exist *and* be exercised, in which freedom and equality can somehow manage to coexist. Such an understanding of liberal democracy, however, is precisely what is precluded by the rationalist approach which, instead of acknowledging the ineradicability of this tension, tries to find ways of eliminating it. Hence the need to relinquish the illusion that a rational consensus could ever be achieved where such a tension would be eliminated, and to realize that pluralist democratic politics consists in pragmatic, precarious and necessarily unstable forms of negotiating its constitutive paradox.

This coming to terms with the paradoxical nature of liberal democracy requires breaking with the rationalist dominant perspective and calls for a theoretical framework which acknowledges the impossibility of constituting a form of social objectivity which would not be grounded on an originary exclusion. This is why a continuous thread in my argumentation is to highlight the importance of a non-essentialist approach informed by post-structuralism and deconstruction for a proper understanding of democracy. A key thesis of my work has been for some time that a rationalist approach is bound to remain blind to 'the political' in its dimension of antagonism and that such an omission has very serious consequences for democratic politics. Such a perspective was already introduced in *Hegemony and Socialist Strategy*[4] and in *The Return of the Political*,[5] and several chapters in this book are a continuation of those analyses. In Chapter 3, I also examine what I consider to be Wittgenstein's very important contribution to the elaboration of a non-rationalist approach to political theory. I suggest that we find in the late Wittgenstein many insights which can be used to envisage how allegiance to democratic values is created not through rational argumentation

but through an ensemble of language-games which construct democratic forms of individuality. Against the current search – in my view profoundly mistaken – for a legitimacy that would be grounded on rationality, Wittgenstein's view that agreement is reached through participation in common forms of life, as a form of 'Einstimmung' and not of 'Einverstand', represents a path-breaking perspective. Equally important for a truly pluralistic approach is his conception of 'following a rule' which, I argue, can help us with visualizing the diversity of ways in which the democratic game can be played.

The work of Jacques Derrida is also relevant for my project. In his case, it is the notion of the 'constitutive outside' which helps me to emphasize the usefulness of a deconstructive approach in grasping the antagonism inherent in all objectivity and the centrality of the us/them distinction in the constitution of collective political identities. In order to avoid any misunderstanding, let me point out that the 'constitutive outside' cannot be reduced to a dialectical negation. In order to be a true outside, the outside has to be incommensurable with the inside, and at the same time, the condition of emergence of the latter. This is only possible if what is 'outside' is not simply the outside of a concrete content but something which puts into question 'concreteness' as such. This is what is involved in the Derridean notion of the 'constitutive outside': not a content which would be asserted/negated by another content which would just be its dialectical opposite – which would be the case if we were simply saying that there is no 'us' without a 'them' – but a content which, by showing the radical undecidability of the tension of its constitution, makes its very positivity a function of the symbol of something exceeding it: the possibility/impossibility of positivity as such. In this case, antagonism is irreducible to a

simple process of dialectical reversal: the 'them' is not the constitutive opposite of a concrete 'us', but the symbol of what makes *any* 'us' impossible.

Understood in that way, the constitutive outside allows us to tackle the conditions of emergence of an antagonism. This arises when this us/them relation, which until then was only perceived as simple difference, began to be seen as one between friend and enemy. From that moment on, it becomes the locus of an antagonism, that is, it becomes political (in Schmitt's sense of the term). If collective identities can only be established on the mode of an us/them, it is clear that, under certain conditions, they can always become transformed into antagonistic relations. Antagonism, then, can never be eliminated and it constitutes an ever-present possibility in politics. A key task of democratic politics is therefore to create the conditions that would make it less likely for such a possibility to emerge.

To see democratic politics from such a perspective is precisely the aim of the project of 'agonistic pluralism' delineated in Chapter 4. A first step in my argumentation is to assert that the friend/enemy opposition is not the only form that antagonism can take and that it can manifest itself in another way. This is why I propose to distinguish between two forms of antagonism, antagonism proper – which takes place between enemies, that is, persons who have no common symbolic space – and what I call 'agonism', which is a different mode of manifestation of antagonism because it involves a relation not between enemies but between 'adversaries', adversaries being defined in a paradoxical way as 'friendly enemies', that is, persons who are friends because they share a common symbolic space but also enemies because they want to organize this common symbolic space in a different way.

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