Towards an Agonistic Account of Democracy, Conflict, and Institutions

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Contrary to Francis Fukuyama's prediction concerning the establishment of liberal democracy as the consummate horizon of politics in the twenty-first century, current Western political theory holds a more contested relationship to democracy.[1] In a way, it is true that the last decades have globally confirmed the establishment of a certain democratic fundamentalism, which rejects any discussion outside the principles, values, and procedures of liberal democracy. This is a process the corollary of which contains all sorts of criticisms of Western democracies as corrupt, bureaucratised, and inoperative regimes, and, as such, it is one that still holds liberal democracy as the best suited political regime for well-governed societies. Nonetheless, in another way we have also witnessed a reconfiguration of the democratic experience beyond the notion of government or political regime. Different political processes have aimed to challenge both local and global orders by means of a relocation of democracy as a primary signifier for emancipatory political struggles, and thus the task of thinking democracy beyond liberalism has set a primary goal for critical theory. It is as if the historical transformation that took place at the end of the twentieth century had made democracy the nucleus of both the expansion of liberalism and its criticism. In other words, as Wendy Brown posits, the concept of democracy has become an empty, contested and re-appropriated signifier for both defenders and critics of contemporary society.[2]

One of the axes of the criticism of liberal democracy today revolves around the relationship between democracy and conflict. Far from constituting a hindrance to social order or a form of destabilisation, different authors have argued not only that conflict can nourish democracy in different ways, but furthermore that it is only by a staging of conflict that democracy actually exists. This *agonistic* turn in democratic theory values conflict as a way in which the political subject of the "people" is not taken as a given fact, but constructed, produced and put in motion by a political process. By refusing to equate the political subject of the people with the electoral behaviour of a given national population, or with the rights that constitutions ascribe to its citizens, different intellectuals such as Hannah Arendt, Claude Lefort, Miguel Abensour, Ernesto Laclau, Chantal Mouffe, and Jacques Rancière have contributed to an interrogation of democracy beyond the boundaries of liberalism, and have been prone to relocate the democratic experience alongside different notions of "revolt", "emancipation", "resistance" or "liberation". In this sense, this turn has invited us to rethink the place of conflict against traditional accounts of normative democratic theory, primarily

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[1] See Francis Fukuyama, *The End of History and the Last Man* (New York, NY: The Free Press, 1992).
[2] See Wendy Brown, 'We are all Democrats now…', *Theory and Event*, 13(2), (2010).

concerned with finding the best model of democratic institutions that guarantee the government of society.

Liberal approaches of democracy have criticised this agonistic turn as an oversimplification of democracy. From a liberal point of view, this emphasis on conflict is anarchic or anti-democratic since it does not yield an account of democratic institutions and government. According to Joseph Yvon Thériau, the different projects of radical democracy reduce the democratic experience to its contentious dimension because they condense the experience of self-government of the moderns to a 'rebellious subjectivation'.[3] In consequence, he argues, half of the history of democracy is erased in there being no analysis of the *pole of generality* of government; that is, the pole that aims to form the common world from the infinite plurality of existences and protests. Since there cannot be democracy without reasoned power, mediated through itself, the experience of politics ultimately disappears in the projects of radical or agonistic democracy. In short, from a liberal standpoint, there is no democracy if conflict does not find the mechanisms to achieve compromises on the common good, hence the maxim: "there is no democracy without democratic government".[4] As a result, this liberal critique undermines projects of agonistic democracy because of its "poor" understanding of government and institutions.

Conversely, anarchist, autonomist, or insurrectional approaches criticise the agonistic relation between conflict, institution, and democracy as a reformist project. Many radicals involved in these traditions agree that the ensemble of practices, values, and institutions considered democratic should be discarded altogether because of the entanglement of liberal democracy with capitalism or neoliberalism. In consequence, they embrace notions of political action as insurrection, autonomy, or destitution, and this in order to preclude any "compromise" with the existing social order.[5] By placing action at a distance from the state and its game of representations and institutions, recent works by Giorgio Agamben[6], the Collective Manifestement,[7] or the Invisible Committee[8] point towards this direction. Their

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[3] Joseph Thériault, 'L'institution de La Démocratie et La Démocratie Radicale', in *Démocratie et Modernité. La Pensée Politique Française Contemporaine* (Rennes: Presses universitaires de Rennes, 2015), 229-238, p. 233. Translation is mine.
[4] ibid., p. 235.
[5] Tracing the genealogy of this critical tradition exceeds the purpose of this article; here, I can only call attention to some of its forms, in no way exhaustive. For a view of insurrection as refusal of 'permanent solutions', see Hakim Bey, *T.A.Z.: The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism* (Brooklyn, NY: Autonomedia, 2003), p. 139. For an analysis of horizontal forms of organisation that neglects the strategic use of democratic institutions, which will be further developed in this article, see John Holloway, *Change the World Without Taking Power* (New York, NY: Pluto Press, 2010).
[6] See Giorgio Agamben, 'What Is a Destituent Power?', *Environment and Planning D: Society and Space*, 32 (19), (2014), 65-74.
[7] See Collective Manifestement, *Manifeste Du Dégagisme* (Bruxelles: Maelström, 2017).
[8] See The Invisible Committee, *The Coming Insurrection*, trans. by Semiotext(e) (Los Angeles, CA: Semiotext(e), 2009); The Invisible Committee, *To Our Friends*, trans. by Robert Hurley (Los Angeles, CA: Semiotext(e), 2015); The Invisible Committee, *Now*, trans. by Semiotext(e) (Cambridge, MA: MIT Press, 2017).

need to break with the figure of the Revolution and the tragedy of constitutive power provides the aim of dynamic destitution—or "becoming ungovernable"—which undermines institutions as ways to capture or destroy the potential for political action. From this point of view then, this tradition undermines projects of agonistic democracy because of its alleged reformist character that only reproduces the state's capture of political action via an institutional framework.

The aim of this text is to dispute both of these critiques. Drawing on the tradition of agonism—which I extend beyond Arendt or Mouffe to include authors such as Lefort, Abensour and Rancière—I make the case for a productive relation between political action, conflict, and democratic institutions. First, I analyse the projects of Lefort and Abensour, who consider conflict as intimately related to democracy. Nonetheless, I argue that their formulation of conflict as an ontological dispute ultimately reinstitutes an identity between the State, the law, and violence which hinders a productive relation between action and institution. Second, I analyse the project of Rancière as one that detaches conflict from any social ontology and thus allows us to provide an agonistic account of the link between conflict and institution. Third, against the liberal critique, I draw on Rancière's work to make the case for an agonistic version of democracy that relocates political action as linked, but not identified, to the problem of institution—either by using previous rights to find its ways of appearing, or else by inscribing its meaning in new configurations of the common world. Fourth, against the insurrectionist critique, I argue that the problem of institution is also related to practices of representation and political imagination that are pivotal for democratic agonism. Finally, I conclude with some remarks around the project of an agonistic democratic theory.

Conflict and democracy: Machiavellian ontologies of desire

Hannah Arendt's main philosophical task delves on the notion of action as the mode by which politics unfold, as she theorised the ways in which action brings up a public space of appearance.[9] Thus, Arendt runs against a major version of political philosophy that aims to establish the circumstances under which human societies can regulate collective life and appease the adversities of social division and conflicts (i.e., liberalism). As unbearable, intolerable, or inadmissible as these divisions are for the community, Arendt firmly defends that politics is not to be understood as a matter of conflict-resolution or management of societal division. Hence, for Arendt, pursuing "good sociality" as a theoretical goal reduces politics to the mere government of a population and administration of a territory, or to the deployment of an instrumental technique of governing social bonds. In addition, her analysis highlights that critical projects by which politics is identified with "power" and

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[9] See Hannah Arendt, *The Human Condition* (London and Chicago, IL: The University of Chicago Press, 1958).

"domination", which induces us to mistakenly ignore the particular modalities of political action. Therefore, she argues, politics is neither a strategic operation aiming at the conquest of a dominant position nor an instrumental organisation of the social. Politics is to be understood as an action capable of revealing the singularity of an actor at the heart of the community, of building a space of common visibility and a common world.

Nevertheless, Arendt's analysis finds a limit when it comes to the understanding of the relationship between plurality and conflict as a constitutive dimension of politics. While her concept of power is keen to pose a crucial difference between domination and violence, Arendt risks to underestimate the importance of the conflict dimension that arises from every political initiative.[10] And so, even if Arendt recognises this agonistic character of political relation, she does not make of it a constitutive dimension of politics.

In order to understand democracy beyond this shortcoming of Arendt, French philosopher Claude Lefort proposes to consider conflict against Liberal and Marxist traditions, where conflict is interpreted as a confrontation of interests or social classes that can be surpassed, in the first case by the authority of the State, and in the second one by the revolutionary movement that erases the existence of social classes. In contrast, Lefort argues that politics is based on a principle of permanent conflict as a form of social ontology. It is on the works of Machiavelli that Lefort founds the source of this thought, particularly on the struggle between the desire of the Great to oppress the people and command the city of Florence and the desire of the oppressed to escape this order. This is not a dispute of interests, arising from differences of status or the distribution of wealth, but the contraposition of two parties of the social body whose confrontation gives rise to a historical dynamic, constitutive of the life of the city. Moreover, even if this type of division takes on an economic process, the struggle is not based on any economic opposition. That is why the social division always reappears in new forms:

> The destruction of a ruling class has given not a homogeneous society, but a new figure of social division. This is not, we observed, a de facto division; that is why the supposed triumph of the people is accompanied by a new split between a small number who wish to command, oppress, possess, and the others. The republic, the free institutions live only from the gap of two desires. The fecundity of the law depends on the intensity of their opposition and, since there is no doubt that the desire of the Great, if it does not encounter any obstacle, continues to increase, the intensity of the opposition depends on the strength of the resistance of the people.[11]

It is precisely because it is not a de facto division that the restructuring of social and economic conditions precludes the abolition of conflict. Thus, what Lefort shows through Machiavelli

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[10] See Hannah Arendt, *On Violence* (New York, NY: Harcourt Brace, 1969).
[11] Claude Lefort, *Écrire: À l'épreuve Du Politique* (Paris: Calman-Levy, 1992), pp. 173–74. Translation is mine.

is that conflict is not a state that politics overcomes by governing and constructing a harmonious totality. Instead, conflict constitutes the matrix of a political dynamic that makes possible the inscription of the human action in a horizon of freedom. This dimension of freedom stems from the fact that conflict is not the product of a struggle for domination *by* the dominated. Since the people do not really desire to exercise power, but rather they only wish not to be oppressed, their struggle to challenge domination brings an irrepressible claim of freedom: if the desire for freedom that agitates people is, so to speak, without object, it is because there is no desire to occupy power, but to challenge it.

Fascinated as he was by the movements of liberation against the Soviet Union in Hungary, Czechia and Poland in the second half of the twentieth century, Lefort relocated the irreducibility of this freedom-related conflict into a productive relationship with the law. Opposing the Marxist lecture of the Rights of Man as the rights of the bourgeoisie,[12] he posits law as arising from the desire for freedom, implying that democratic conflict shapes the way in which rights are established.[13] Far from being opposed, freedom and law are mingled through political conflict, so that the emergence on the political scene of a popular desire is inseparable from a movement of reconfiguration of the law. However, and this is the crucial point, Lefort only evokes the figure of the people as an instance of negativity, a pole of insurgency that could not come to power, otherwise it would no longer exist as the indefinite power of protest. More than a subject, the people are above all the 'agent of the desire for freedom', so even if Lefort puts forward a productive link between law and freedom, or institution and conflict, it came with the price of reducing the people to a pole of non-power or perpetual resistance.[14]

Miguel Abensour, a contemporary of Lefort, radicalises this ontology of conflict by relocating it as the opposition between democracy and the State. Given that the State must necessarily sanction these struggles for liberation in order to transform them into rights, Abensour equates Lefort's productive link between freedom and law as a project that unequivocally strengthens the State. Rooted in a singular reading of both Marx and Machiavelli, according to which real democracy allows the free expression and the free action of the *demos*, Abensour posits that social movements are thus captured by the State, since their struggles have to be recognised as legitimate. People, in this sense, cannot really be a subject of politics unless the State disappears, as it is an 'organizing form capable of substituting itself for the action of the people, and, finally, to stand up against it'.[15] In this

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[12] See Karl Marx, 'On the Jewish Question', in *The Marx-Engels Reader*, ed. by Robert Tucker (New York, NY: Norton & Company, 1978), pp. 26–46.

[13] See Claude Lefort, 'Droits de l'homme et Politique', in *L'invention Démocratique: les limites de la domination totalitaire* (Paris: Fayard, 1981), pp. 45-83.

[14] Claude Lefort, *Le Travail de l'œuvre: Machiavel* (Paris: Gallimard, 1972), p. 477.

[15] Miguel Abensour, *La Démocratie Conte l'Etat: Marx et Le Moment Machiavélien, Suivi de 'Démocratie Sauvage' et 'Principe d'anarchie'* (Paris: Editions du Félin, 2004), p. 10. Translation mine.

sense, Abensour puts forward an intricate antagonism between the stability of the State and the free action of the people and advances his idea of insurgent democracy as fully opened to the 'agonistic scene which has the "natural" and privileged target of the State'.[16]

This identification between domination and the State in Abensour seems to reject any link between conflict and institution in order to celebrate the moments of irruption of the power of the people that confront the State. In this case, I find the aforementioned critique of Joseph Yvon Thériault completely justified: the Abensourian approach undermines any effort of institutionalisation as a way of undoing democracy. Abensour's analysis is victim of a certain "mystification of power", namely to think that the power exercised by the State is always a constraint, while the power exercised by the people would always be a form of liberation in relation to domination, which is either an idealisation or an over-simplification. Thus, in his redemption of an insurgent democracy by means of a social ontology of conflict, Abensour reintegrates the identity between law, power and domination that Arendt and Lefort had effectively shattered. In this regard, the project of moving democracy away from a political regime or a form of government drifts unequivocally into the aporia whereby democratic conflict and institution are not only distinct but contradictory: democratic action is either suppressed by its institutionalisation or it is inhibited by the State. Therefore, there is a clear separation and contradiction between the political and the institutional arena, which makes impossible a moving away of democracy from this movement of perpetual resistance.

If we are to move away from these critical perspectives that posit a sharp opposition between institution and the political, but still hold conflict as a disruptive force that nourishes democracy, how can we provide an agonistic account of democratic institutions?

Politics as the redistribution of the sensible

If we are to look for ways of avoiding this aporia, it is worth exploring the works of Jacques Rancière, for his understanding of democracy moves away from any notion of "original division" or social ontology such as the one Lefort and Abensour draw from Machiavelli. Rancière's ideas on democracy aim to singularise politics through an egalitarian capacity. In *Disagreement*, Rancière returns to an anthropological foundation of the category of equality: the language that allows people to express the just and the unjust. There is, he argues, a *logos* that structures social orders of obedience that supposes two things of those who obey: that they understand the order and that they realise that it is necessary to obey, and in order to do that, Rancière tells us, 'you must already be equal to the one who commands you. It is this equality that founds every natural order'.[17] Thus, the *disagreement* that is the basis of politics

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[16] Abensour, *La Démocratie Conte l'Etat*, p. 14.
[17] Jacques Rancière, *Disagreement: Politics and Philosophy* (University of Minnesota Press, 1999), p. 16. Henceforth cited in text as (*D*, page number/s).

for Rancière is not the confrontation of two constituted groups, nor of a desire to dominate against the desire to resist. On the contrary, conflict is linked to 'the incommensurability of two logics: that of the police and that of equality' (*D*, 32). The 'police' is conceptualised as a form of distribution of bodies within the community that designates the forms of doing, being, saying, or feeling and distributes each to a function or task to ensure the common good. Thus, the police is above all a sensible order of what can be said or seen, one that designates certain forms of acting as part of common sense and others as a mere noise. That is why, according to Rancière, politics is about the reconfiguration of this sensible order when it is confronted with its own contingency, when a form of manifestation displaces its limits and brings out new ways of saying, doing and feeling. Consequently, politics acts *on the police*, as well as on the institutional background that reproduces it. In this vein, it does not make sense to consider that subjects, groups, actions, or desires—following Lefort's term— are intrinsically political:

> If everything is political, then nothing is. So while it is important to show, as Michel Foucault has done magnificently, that the police order extends well beyond its specialized institutions and techniques, it is equally important to say that nothing is political in itself merely because power relationships are at work in it. 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 (*D*, 32).

Moreover, Rancière argues that democracy is not a set of institutions or a type of regime among others, but '*the* regime of politics in the form of a relationship defining a specific subject'.[18] In other words, democracy constitutes 'politics mode of subjectification if, by politics, we mean something other than the organization of bodies as a community and the management of places, powers, and functions' (*D*, 99). Democracy does not identify itself with the State or the political regime; it is, on the contrary, 'the name of a singular disruption of this order of distribution of bodies as a community that we proposed to conceptualize in the broader concept of the police', 'the name of what comes and interrupts the smooth working of this order through a singular mechanism of subjectification' (*D*, 99). Democracy, in this sense, is characterised firstly by a specific sphere of appearance of the people, and secondly by specific actors of politics who are neither agents of the State apparatus nor parts of society, but collectives that displace these identities. Thirdly, by litigation closely related to a process of political subjectivation. Thus, the project of singularising politics in Rancière is enforced by an analytical distinction of democracy from the political system, the State, and institutional arrangements in general, although, as we will see, this does not entail a rejection of the links between conflict and institution as Abensour stated. Most importantly, for Rancière, it is not because of a desire against domination that politics exists within the community, either against the dominant groups or against the State, but rather because of the staging of the exclusions and miscalculations of the distribution of the sensible order, at the

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[18] Jacques Rancière, 'Ten Theses on Politics', *Theory and Event*, 5(3), (2001), 1-16, p. 5.

moment when the logic of the equality comes to both destabilise and to displace the borders of this distribution and to ensure the very conditions of a new configuration of the police. There is no overcoming of the conflict between these two logics, any more than a stabilisation of the social order thanks to the resistance of the dominated facing the dominants.

It is important to measure to what extent this incommensurability is rooted in a particular conception of *logos* in Rancière, since language and rationality are not a universal trait related to understanding, but the proper space of a disagreement. According to him:

> Many situations of speech in which reason is at work can be thought of in a specific structure of misunderstanding that is neither ignorance requiring additional knowledge nor misunderstanding calling for a scarcity of words. The cases of disagreement are those where the dispute over what talking means is the very rationality of the speech situation. Two interlocutors hear and do not hear the same thing in the same words. […]. The disagreement concerns less the argumentation than the arguable, the presence or the absence of a common object between an X and a Y. It concerns the sensitive presentation of this common, the very quality of the interlocutors to present it. […]. The structures of disagreement are those where the discussion of an argument refers to the dispute over the object of the discussion and the quality of those who make it an object (*D*, xii).

What is noteworthy in this reformulation of *logos* is that conflict is linked to the possibility of existence of a common world between those who are in dispute; that is, between those whose words refer to the object and experience and those that impose over this order the structure of another community that holds a redistribution of a sensible order. In other words, it is a conflict over the very existence of the common between those who have a part and those who do not. If politics is a confrontation over the common world, what is debated first is not what is legitimate or not, or what is expected from a certain form of government, but whether a common world actually exists. It is for this reason that for Rancière the link between the two logics becomes the measure of the 'relations of parts and parts, the objects liable to give rise to litigation, the subjects capable of articulating it. It produces both new inscriptions of equality in freedom and a new sphere of visibility for other demonstrations. In this sense, the greatest differences between Rancière and other agonistic accounts of politics, actions, and conflict can be summarised as follows: 'Politics is not made up of power relationships; it is made up of relationships between worlds' (*D*, 42).

As I have shown, the incommensurability between the logic of police and that of equality is not derived from a theory of society that has an original division within it, nor from a conception of politics that brings resistance against domination as the political action par excellence. On the other hand, the *disagreement* identified in this thought is not due to the opposition of the groups or actors, but to a conflictual relationship within the *logos* that designates a common sense, even a common world. This is not to deny that there is a

relationship of domination between one group and another, but rather to reconfigure this confrontation as essential to the problematic of a social order that codifies bodies, objects, and words. In this case, democracy would no longer be that form of society that has inscribed conflict within it, as was the case for Lefort, nor would it designate a perpetual movement of resistance towards institution, as Abensour posits, but a dynamic reconfiguration of the common world, where political action is not understood as a struggle for power or domination.

Beyond liberalism and insurrectionism: an agonistic dimension of democratic institutions

Even though Rancière's and Arendt's philosophical and political projects are highly different, it is possible to draw connections on the question of the institution of a common world as the horizon of political action. Although Arendt did not develop this dimension of political conflict in relation to democracy, her analysis was keen to effectively design different forms of articulation between action and institution. According to Laura Quintana, it is possible to retain a critical-relational interpretation of the articulation between action and institution in Arendt.[19] She argues that, for Arendt, an institution can be seen as a plot or matrix of relationships that, without being able to incarnate or completely condition political freedom in legal forms, does open spaces for interventions that tend to confront or re-modulate those forms. The temporality of political action in this case is still that of the interruption, an opening of gaps, but they are to be prolonged and enhanced by inscriptions left on the institutions that they confront, and in the fragmentary and discontinuous history that they can also institute. Now, then, it is close to this interpretation discussed by Quintana that we can account for a notion of political action, in relation to both Arendt and Rancière, that bring democratic agonism to an emancipatory account of the *pole of generality* confronting universalist institutions such as the law. Beyond seeking to manifest its outright opposition to the institution, democratic conflict entails a process in which the borders that fix an institution to a univocal sense are reconfigured. This is not the process by which a disruptive action escapes from all regime of representation, but that of an action in which a sensible world is instituted.

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[19] According to Quintana, it is possible to identify three modes of articulation between political action and institution along the works of Arendt. First, a notion of action as an event that would completely exceed all institutional layout, which would in turn only 'order' or 'normalize' the emergence of political freedom. Second, a mythical perspective according to which certain institutional orders, particularly the system of revolutionary councils, can be understood as spaces in which political freedom can be realised. And third, a critical-relational interpretation that does not assume a sharp opposition between action and a constituted order but tries to reconsider the instituting power of the action. It is only this third mode that I will discuss in a dialogue with Rancière. See Laura Quintana, '¿Cómo Prolongar El Acontecimiento?', *Argumentos*, (2013), 120-39, p. 122.

In order to refute both the Marxist opposition between "real" and "formal" democracy, and the Liberal harmony between democratic action and the forms of constitutional government, Rancière makes the case for considering politics as a process bringing together the logic of government and the logic of equality without reducing either one to the other. Against the Marxist tradition—though we can extend this argument against the Abensourian notion of "insurgent democracy" or against the insurrectionist critique considered later—he argues that there is no distinction to be made between the 'real people' and those playing the 'games of forms and institutions' (*D*, 87-8). If there is a gap between, on the one hand, the people as an ideal, legal, and political representation of the preambles of founding texts such as codes and constitutions, and on the other, the real people of the social and workers' movement, the problem is not the ideological gap between the truth of the people and its formal representation. The political problem, Rancière argues, is the question about what kind of sphere of appearance of the people can be created starting from this gap, how it can turn effective what is inscribed, and how it may redistribute a field of common experience. And so, from the agonistic point of view we try to pursue, the problem is not to denounce the beliefs of representation and institution, but to account for the ways political action surpasses, relocates, or redeploys institutions to extend their materialisation.

Against the liberal account of institutions and democratic people, an agonistic account does not identify both of them. If democracy describes the emergence of these spheres of appearance, then the subject it refers to is neither the agent of the state apparatus nor part of society—the representatives and their constituents—but a non-identitary subject that displaces the forms of identification of the sensible order. Yet, these "forms of emergence", taken as political actions, have an effect on the institutional mechanisms of the police and use whatever mechanisms they can get from it. According to Rancière:

> The forms of democracy are the forms taken by the emergence of this appearance, of such nonidentary subjectification and conducting of the dispute. These forms of emergence have an effect on the institutional mechanisms of politics and use whatever mechanisms they choose. They produce inscriptions of equality and they argue about existing inscriptions. And so they are in no way oblivious to the existence of elected assemblies, institutional guarantees of freedom of speech and expression, state control mechanisms. They see in these the conditions for being exercised and in turn modify them. But they do not identify with them. And still less can they be identified with individuals' ways of being (*D*, 100-101).[20]

Hence, Rancière allows us to overcome the liberal critique of agonistic democracy around the gaps between conflict and institution. Firstly, this does not reduce the democratic experience to a contentious process of insurgence or resistance to the State, but rather analyses the ways in which conflict takes support in democratic institutions to establish a

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[20] My emphasis.

struggle around the common world. Secondly, it does not erase the pole of generality related to the constitution of a demos from the infinite plurality of individuals, but rather argues that a non-identitary conception of the demos accounts for the ways in which the generality inscribed in codes and constitutions is materialised through democratic action. In certain occasions then, political action is manifested and assured by institutions that at some point were produced by past actions. From this perspective, rights become reasons for the manifestation of possible worlds, making use of institutional regimes and heterogeneous practices. Thirdly, it does not preclude a discussion over the compromises on the common good but relocates the disagreement on the very distribution of functions, places, and ways of being that constitute the limits of the arguable. Fourth, it does not erase the dimension of government, but it refuses to identify the forms of constitutional government with the forms of democratic action.

Conversely, in his refusal to accept the distinction between the "real" and the "formal", Rancière's approach also undermines any attempt to reify the link between rights, domination, and violence. Nowhere has Rancière developed with more clarity the implication of this analysis than in his article 'Who is the subject of the Rights of Man?', which constitutes a milestone in post-Marxist thought around human rights.[21] By considering the Rights of Man as not being identified with particular subjects or ways of being, and thus providing a tool for the staging of dissensus that is proper to emancipatory democratic politics, his criticism of any attempt to depoliticise the language of rights insists that their political value as institutions cannot be separated from the scenes of democratic struggles where these are exceeded, enacted, reconfigured or replaced.[22]

I would thus like to point to another dimension of the link between action and institution, not in the sense of "strategic" tools for political actions, but as horizons of politics against the

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[21] See Jacques Rancière, 'Who Is the Subject of the Rights of Man?', *The South Atlantic Quarterly*, 103(2-3), (2004), 297–310. For a similar analysis on the language of rights, see Jacques Rancière, *Hatred of Democracy* (Brooklyn, NY: Verso Books, 2014), pp. 61–62.

[22] The article has since been met with important literature judging Rancière's (mis)interpretation of authors such as Arendt and Agamben, his relationship to other post-Marxist thinkers in the analysis of human rights, and his analysis of contemporary cosmopolitan struggles that enact these principles in different ways. See, in particular, Seyla Benhabib, *Exile, Statelessness, and Migration: Playing Chess with History from Hannah Arendt to Isaiah Berlin* (Princeton, NJ: Princeton University Press, 2018). In particular, I agree with Benhabib in that Rancière's quick dismissal of Arendt as a figure of "archi-political" thinking hinders our understanding of how close their projects can be in terms of a political action related to a "new beginning" or a "reconfiguration of a sensible order". This, in turn, informs my approach to both authors as figures of agonism. For other criticisms, see also Justine Lacroix, 'A Democracy Without a People? The "Rights of Man" in French Contemporary Political Thought', *Political Studies*, 61(3), (2013), 676-90; Justine Lacroix, 'The "Right to Have Rights" in French Political Philosophy: Conceptualising a Cosmopolitan Citizenship with Arendt', *Constellations*, 22(1), (2015), 79-90; Daniel McLoughlin, 'Post-Marxism and the Politics of Human Rights: Lefort, Badiou, Agamben, Rancière', *Law and Critique*, 27(3), (2016), 303-21; Andrew Schaap, 'Enacting the Right to Have Rights: Jacques Rancière's Critique of Hannah Arendt', *European Journal of Political Theory*, 10(1), (2011), 22-45.

background of the insurrectionist critique. While slogans about "becoming ungovernable" first appeared in French demonstrations around 2016, it is clear that the theoretical landscape of insurrectionism had found its place long before this. Their hatred of institutions, representations, and of any vertical thickness indicates that the horizon of political action is to "*destitute*" the social order, to disable institutions, to ruin the foundations of what is there. Today, this scene of radical politics seems in a hurry to end with the "theatre" of representations in favor of the "pure presence". In the terms of the Maniféste du dégagisme: 'for the first time, it is not a question of taking the power but to "simply" dislodge the one who holds it, to empty the place which it occupies, to dethrone it. This is where detachment [dégagement] is different from revolution'.[23] It is worth asking what kind of uprisings, potentialities, or limits are brought up by this notion, but for now I will only retain their point that the greatest danger for insurrection would be the fact that it actually institutes something, that it somehow enters into the game of narratives, imitations, and representations. What price is paid if the question over *what to do* is replaced for the question of *how to undo*? Alternatively, can we not displace this danger by following the multiplicity of inventions, practices, and affirmations that surround us, as well as the way in which they build a common world as the horizon for emancipation?

If what separates insurrection from revolution is the refusal of representation, then the project of agonistic democracy should refuse to understand representation as the betrayal of an underlying social reality. As Rancière points out in a recent interview:

> It is necessary to leave the pseudo-radical logic which disqualifies as a mere appearance the battle over the institutions and the procedures of politics and sends all political equality to a deceptive instrument of the domination of Capital. This logic shares the official view: presupposes that the representative system is the simple expression of an underlying social reality. […]. *Representation is not an expression or instrument of the class struggle, it is a form of existence: not the passive expression of a pre-given reality but an effective matrix of construction of the common, of production of meanings, of behaviors and affects. [...]. What made it [the French revolution] a revolution is the extraordinary invention of institutions and symbols, it is its work of recreation of the perceptible and the thinkable. It is this political imagination that has changed the world.*[24]

In this regard, the problem with the insurrectionist critique can be precisely its lack of political imagination, its emphasis on an uncorrupted, pure emancipation, which ultimately fails to see that it is in the deploying of new meanings, symbols, narratives, and figurations that the potentiality of action can also intervene in a given political struggle. What I have set out to show, following Rancière, is that this deploying is neither completely exterior not

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[23] Collective Manifestement, p. 6.
[24] Jacques Rancière and Éric Hazan, *En Quel Temps Vivons-Nous?: Conversation Avec Eric Hazan* (Paris: La Fabrique, 2017), p. 62. Translation and emphasis mine.

identical to current existing democratic institutions, and that to delve into the question of their articulation allows democratic agonism to overcome the pitfalls of both liberalism and insurrectionist critiques.

Both Arendt and Rancière rejected the practice of political philosophy as a discourse undermining the plurality of the world for the sake of the philosophical truth or as a way to reducing politics to the logic of government. I argue, therefore, that if we are to build an agonistic democratic theory it should be oriented towards the articulation of action and conflict as lively parts of democracy, as the tradition of agonism as shown, but also oriented to rethink politics or democracy outside of the realm of pure domination and the reification of the link between institutions, law and violence. This also entails inquiring about the way in which current political practices redeploy different forms of narratives, fictions, and symbols that relocate democracy into emancipatory struggles. In this sense, taking action, conflict, and institution as its basis, democratic theory can develop an account of the processes by which the scenes of appearance of the people put into question the distributions of functions, places and words, and consider the institution of a common world as the horizon of politics.

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