Which Public Sphere for a Democratic Society?

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My aim in this presentation is to offer some reflections concerning the kind of public sphere that a vibrant democratic society requires. I want to scrutinize the dominant discourse which announces the "end of the adversarial model of politics" and the need to go beyond left and right towards a consensual politics of the centre. The thesis that I want to put forward is that, contrary to what its defenders argue, this type of discourse has very negative consequences for democratic politics. Indeed it has contributed to the weakening of the "democratic political public sphere", and it has led to the increasing dominance of juridical and moral discourse, dominance which I take to be inimical to democracy. I submit that the increasing moralization and juridification of politics, far from being seen as progress, a further step in the development of democracy, should be envisaged as a threat for its future.

I.

There are many reasons for the weakening of the democratic political public sphere. Some have to do with the predominance of a neo-liberal regime of globalization, others with the type of individualistic consumer culture which now pervades most advanced industrial societies. From a more strictly political perspective, it is clear that the collapse of communism and the disappearance of the political frontiers that have structured the political imaginary during most of this century have led to the crumbling of the political markers of society. The blurring of the frontiers between right and left that we have steadily witnessed in western countries and which so many are celebrating constitutes, in my view, one of the main reasons for the growing irrelevance of the democratic political public sphere and has disastrous consequences for democratic politics.

In other contexts, I have shown how the current celebration of the centre and the lack of effective democratic alternatives to the present order are at the origin of the growing success encountered by right-

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wing populist parties. When passions cannot be mobilized by democratic parties because they privilege a "consensus at the centre", those passions tend to find other outlets, in diverse fundamentalist movements, around particularistic demands or non-negotiable moral issues. When a society lacks a dynamic democratic life with a real confrontation among a diversity of democratic political identities, the terrain is laid for other forms of identification to take their place, identifications of an ethnic, religious, or nationalist nature which lead to the emergence of antagonisms that cannot be managed by the democratic process.

Here I will concentrate on the reasons for and consequences of the decline of a properly political discourse and its replacement by a moral, and in many cases even a moralistic one. I see this phenomenon as indicating the triumph of a moralizing liberalism which pretends that antagonisms have been eradicated and that society can now be ruled through rational moral procedures and remaining conflicts resolved through impartial tribunals. Hence the privileged role of the judges and the fact that it is the legal system which is seen as being responsible for organizing human coexistence and for regulating social relations. Since the problems of society cannot be envisaged any more in a political way, there is a marked tendency to privilege the juridical terrain and to expect the law to provide solutions to all types of conflict.

As a political theorist, I am particularly concerned with the pernicious influence which political theory is playing in this displacement of politics by morality and law. Indeed, in the approach which under the name of "deliberative democracy" is fast imposing the terms of the discussion, one of the main tenets is that political questions are of a moral nature and therefore susceptible to a rational treatment. The objective of a democratic society is, according to such a view, the creation of a rational consensus reached through appropriate deliberative procedures whose aim is to produce decisions which represent an impartial standpoint equally in the interests of all. All those who put into question the very possibility of such a rational consensus and who affirm that the political is a domain in which one should always rationally expect to find discord, are accused of undermining the very possibility of democracy. As Habermas, for instance, puts it: "If questions of justice cannot transcend the ethical self-understanding of competing forms of life, and existentially relevant value conflicts and oppositions must penetrate all controversial questions, then in the final analysis we will end up with something resembling Carl Schmitt's understanding of politics".[1]

This theoretical trend that conflates politics with morality, understood in rationalistic and universalistic terms, has very negative consequences for democratic politics because it erases the dimension of antagonism which I take to be ineradicable in politics. It has contributed to the current retreat of the political and to its replacement by the juridical and the moral which are perceived as particularly adequate terrains for reaching impartial decisions. There is therefore a strong link between this kind of political theory and the demise of the political. In fact, the current situation can be seen as the fulfilment of a tendency which is inscribed at the very core of liberalism, which, because of its constitutive incapacity to think in truly political terms, always has to resort to another type of discourse: economic, moral or juridical.

This is very clear in the work of John Rawls who gives the Supreme Court as the best example of what he calls the "free exercise of public reason", in his view the very model of democratic deliberation. Another example can be found in the work of Ronald Dworkin who in many of his essays gives primacy to the independent judiciary which is seen as the interpreter of the political morality of a community. According to him all the fundamental questions facing a political community in the field of employment, education, censorship, freedom of association, etc. are better resolved by the judges, providing that they interpret the constitution by reference to the principle of political equality. There is very little left for the political arena.

Even pragmatists like Richard Rorty, despite carrying out a far-reaching and important critique of the rationalist approach, fail to provide an adequate alternative. Indeed, the problem with Rorty is that, albeit in a different way, he also ends up by privileging consensus and missing the dimension of the political. To be sure, the consensus that he advocates is to be reached through persuasion and "sentimental education", not through rational argumentation, but he nevertheless believes in the possibility of an all-encompassing consensus and therefore in the elimination of antagonism.

But this is to miss a crucial point, not only on the primary reality of strife in social life, and the impossibility of finding rational, impartial solutions to political issues but also about the integrative role that conflict plays in modern democracy. A well-functioning democracy calls for a confrontation of democratic political positions. If this is missing there is always the danger, as I pointed out earlier, that this democratic confrontation will be replaced by a confrontation between non-negotiable moral values or essentialist forms of identifications. Too much emphasis on consensus, together with aversion towards

confrontations, leads to apathy and to disaffection with political participation. This is why a democratic society requires debate about possible alternatives. In other words, while consensus is necessary, it must be accompanied by dissent. Consensus is needed on the institutions which are constitutive of democracy and on the ethico-political values that should inform the political association, but there will always be disagreement concerning the meaning of those values and the way they should be implemented. In a pluralist democracy such disagreements should be considered as legitimate and indeed welcome. They provide different forms of citizenship identification and are the stuff of democratic politics.

II.

In order to defend and deepen the democratic project what is urgently needed is an alternative to the dominant approach in democratic political theory, one that would help revitalize the democratic public sphere by making us realize the need for political forms of identification around clearly differentiated democratic positions and the possibility of choosing between real alternatives. This is why, against the two existing models of democratic politics, the aggregative and the deliberative one, I have argued for a model of "agonistic pluralism", one which acknowledges the role of power relations in society and the ever present possibility of antagonism. According to such a view, the aim of democratic institutions is not to establish a rational consensus in the public sphere but to defuse the potential for hostility that exists in human societies by providing the possibility for antagonism to be transformed into "agonism". What I mean by this is that in democratic societies the conflict cannot and should not be eradicated but that it should not take the form of a struggle between enemies (antagonism) but between adversaries (agonism). This is why, in my view, the central category of democratic politics is the category of the "adversary", the opponent with whom we share a common allegiance to the democratic principles of "liberty and equality for all" while disagreeing about their interpretation. Adversaries fight against each other because they want their interpretation to become hegemonic, but they do not put into question the legitimacy of their opponents to fight for the victory of their position. This confrontation between adversaries is how I understand the "agonistic struggle" which I take to be the very condition of a vibrant democracy.[2]

The specificity of this approach is that it is a way of envisaging democracy which – contrary to other conceptions – recognizes the dimension of what I have proposed to call "the political", i.e. the potential antagonism inherent in social relations, antagonism which can take many forms and which can never be absolutely eradicated. I have distinguished this notion of "the political" from "politics" which refers to the ensemble of discourses, institutions and practices whose objective is to establish an order, to organize human coexistence in a context which is always conflictual because of the presence of "the political". The aim of democratic politics, as I have already indicated, is to create the institutions through which this potential antagonism can be transformed into "agonism", that is a situation in which instead of having a friend/enemy relation, we will have a confrontation between adversaries.

In order to avoid any misunderstanding, let me stress that this notion of the adversary needs to be distinguished sharply from the understanding of that term that we find in liberal discourse. According to my understanding of "adversary", and contrary to the liberal view, the presence of antagonism is not eliminated, but "tamed", so to speak. In fact, what liberals call "adversary" is simply a "competitor". They envisage the field of politics as a neutral terrain in which different groups compete to occupy the positions of power, that is, their objective is simply to dislodge others in order to occupy their place, without putting into question the dominant hegemony and profoundly transforming the relations of power. It is simply a competition among élites. In my case, however, the antagonistic dimension is always present since what is at stake is the struggle between opposing hegemonic projects which can never be reconciled rationally; one of them needs to be defeated. It is a real confrontation but one that is played out under conditions regulated by a set of democratic procedures accepted by the adversaries.

Of course, such a view would be anathema to the advocates of deliberative democracy and of the third way who will no doubt condemn it as "Schmittian", but I submit that this is the condition for revitalizing democratic politics and for reversing the dangerous trend of disaffection with democratic institutions that we are witnessing today. This would indeed provide a way in which passions could be mobilized towards democratic designs.

III.

So far I have concentrated on the shortcomings of current theories of democratic politics in order to show how they contribute in shaping the end of politics *Zeitgeist* which prevails today and which impedes our envisaging the democratic public sphere in an adequate way. Now I would like to examine a different but related trend, the fashionable thesis that we have entered a new phase of "reflexive modernity" in which the adversarial model of politics has become obsolete, which has been put forward by Ulrich Beck and Anthony Giddens. I intend to bring to the fore the consequences of that kind of perspective and its strong connection with the current dominance of a moralistic discourse. Those who announce the disappearance of the adversarial model claim that the friend/enemy model of politics is characteristic of classical industrial modernity, the "first modernity", but that we now live in a different, "second" modernity, a "reflexive" one, in which the emphasis should be put on "sub-politics", the issues of "life and death". Those are for Beck, "All the things that are considered loss, danger, waste and decay in the left-right framework of bourgeois politics. Things like concern with the self, the questions: who am I? what do I want? where am I headed?, in short all the original sins of individualism, lead to a different type of identity of the political: life and death politics".[3]

In the same vein, Giddens distinguishes between old-fashioned "emancipative politics" and "life politics" which he defines in the following way: "Life politics concerns political issues which flow from processes of self-actualization in post-traditional contexts, where globalizing tendencies intrude deeply into the reflexive project of the self, and conversely where processes of self-realization influence global strategies".[4]

As in the case of deliberative democracy which I have criticized at the beginning, albeit in a different way, what is at the basis of this conception of reflexive modernity is the possibility of elimination of the political in its antagonistic dimension and the belief that relations of friend/enemy have been eradicated. The claim is that in post-traditional societies we do not find any more collective identities constructed in term of us/them, which means that political frontiers have evaporated and that politics must therefore be "reinvented", to use Beck's expression. Indeed, Beck pretends that the generalized skepticism and the centrality of doubt which are prevalent today preclude the emergence of antagonistic relations. We have entered an era of

ambivalence in which nobody can believe any longer that they possess the truth (a belief which was related to the continuation of antagonisms). Any attempt to speak in terms of right and left or to organize collective identities on the basis of common objectives and to define an adversary is thereby discredited as being "archaic" or "Old Labour" (to speak like Tony Blair).

I am very concerned by the fact that discourses like deliberative democracy or reflexive modernity are usually presented as the really progressive ones, better adapted to the present stage of democracy. In fact, the main consequence of visualizing our societies in such a "post-political" manner is to impede the articulation of any possible alternative to the current hegemonic order. Those approaches render us unable to think in a political way, incapable of asking political questions and of putting forward political answers.

We should also be aware of the fact that this incapacity is reinforced by the centrality played today by the discourse of human rights which has displaced all the other discourses. Indeed, human rights currently serve as a substitute for the socio-political discourses which have been discredited. As Marcel Gauchet has argued,[5] they have become the organizing norm of collective consciousness and the standard of public action. The problem, as he indicates, is that such a discourse does not allow us to grasp why things are as they are and how they could be changed. In fact the insistence on human rights in many cases tends to disqualify the very idea of looking for an explanation because to try to understand is seen as a way to find excuses for what is deemed "unacceptable". This is why very often the ideology of human rights lives off denunciation. It commands a politics of intentions which is indifferent to the consequence of its actions, a politics of good sentiments and therefore not vulnerable to criticism.

IV.

If we now put together all these different elements, we can begin visualizing the ideological framework in which the dominant consensus is inscribed. Such a consensus has two faces, neo-liberalism on one side, human rights on the other. Do not misunderstand my point. I am not saying that human rights should be seen as simply the ideological superstructure, or cover of neo-liberalism. I believe that human rights represent a constitutive component of modern democracy and that they need to be valued and fought for. The problem arises when they

become a substitute for a truly political discourse and when democracy is reduced to the defence of human rights at the expense of its other dimension, that of popular sovereignty. Such a move impedes an understanding of the nature of modern democracy, which consists in the articulation of two different traditions, the liberal tradition of rule of law and individual liberty with the democratic tradition of equality and popular sovereignty. This tendency to privilege exclusively the liberal component and to present the democratic element as having become obsolete has serious political consequences. It is at the origin of the growing success of right-wing populist parties which pretend to re-establish popular sovereignty against the élites.

It is also in the context of the current hegemony of liberalism that we can make sense of the moralistic discourse which has become dominant today and which has displaced any real political argumentation. Of course many people celebrate such a displacement, which is seen as the proof that democracy has entered into a new, more mature phase in which morality has replaced old style confrontational politics. However, if we examine the question closely, it quickly appears that this is far from being the case. Politics, with its supposedly old-fashioned antagonisms, has not been superseded by a higher stage of moral concerns. Politics is still very much alive, except that it is now played out in the moral register. Indeed, frontiers between us and them, far from having disappeared, are constantly being established but since the "them" cannot be defined in political terms any more – given that the adversarial model has supposedly been overcome – those frontiers are drawn in moral categories, between "us the good" and "them the evil ones".

To put it in another way, the consensus at the centre which is supposed to include everybody in our so-called post-traditional societies cannot exist without the establishment of a frontier because no consensus, or no common identity for that matter, can exist without drawing a frontier. There cannot be an "us" without a "them" and the very identity of any group depends on the existence of a "constitutive outside". So the "us of all the good democrats" needs to be secured by the definition of a "them". However, since the "them" cannot be defined as a political adversary, it can only be defined as a moral enemy, as the "evil them". In most cases it is of course the "extreme right" which is going to provide this "evil them" which is required by the very existence of the good democrats. This reference to the "extreme right" is not very helpful because it has become an undefined category in which are lumped together without any discrimina-

tion a manifold of movements of very different nature, from the skinheads to right-wing populist parties. This blurs their differences and specific characteristics and impedes the designing of an adequate strategy to fight against them politically. But of course, from the point of view of the "good democrats", such differences do not really matter. What is at stake for them is not a political analysis but the delimitation of a "them" which will provide the conditions of possibility for the "us".

The concern I want to share with you is that this type of politics played out in the moral register is not conducive to the creation of the "agonistic public sphere" which I have argued is necessary for a robust democratic life. When the opponent is not defined in political but in moral terms, he cannot be envisaged as an adversary but only as an enemy. With the "evil them" no agonistic debate is possible, they must be eradicated. They are usually conceived as the expression of a moral plague; there is therefore no need to try to understand the reasons for their existence and success. This is why moral condemnation often replaces a proper political analysis and the strategy is limited to the building of a "cordon sanitaire" to quarantine the affected sectors.

It is rather ironical to realize that in the end the approach that claims that the friend/enemy model of politics has been superseded contributes to the very revitalization of the antagonistic model of politics, but this time in a way which is not amenable to a transformation of antagonism into agonism. Instead of helping to create a vibrant agonistic public sphere thanks to which democracy can be kept alive and deepened, all those who proclaim the end of antagonism and the arrival of a consensual society might in fact be jeopardizing democracy by creating the conditions for the emergence of antagonisms that will not be manageable by democratic institutions.

V.

I will end by addressing another issue which also concerns the way we should envisage the conditions of a democratic public sphere. It is clear that we are today confronted with a set of problems which cannot be tackled at the level of the nation-state but only in a wider context. If we accept the theoretical perspective that I have been delineating here, it is evident that this wider context cannot be coextensive with the whole planet. Democratic governance requires the existence

of units, "demoi", where popular sovereignty can be exercised and this entails boundaries. It is in my view a dangerous illusion to imagine the possibility of a cosmopolitan citizenship that would be based exclusively on an abstract idea of humanity. To establish the conditions for an effective democratic self-governance, citizens need to belong to a demos where they can exercise their rights of citizenship, and that would not be available to a cosmopolitan citizen. This does not mean of course that those political units should be identical with the nation-state. There are very good reasons to argue in favour of the coexistence of smaller and bigger units, according to diverse forms of belonging and the kind of issues that need to be decided. So, globalization could be envisaged in terms of a "double regionalization": on one level the formation of a number of regional unions of diverse nation-states like the European Union which would themselves be composed of sub-regions composed of parts of various nation-states. This would create the conditions for a new form of pluralism that would greatly enhance the capacities for popular participation at different levels.

This is why I find the diverse attempts to elaborate a new form of federalism particularly interesting. Here I have in mind several proposals which have been made by Massimo Cacciari the former mayor of Venice who calls for a Copernican revolution that would radically deconstruct the centralist-authoritarian-bureaucratic apparatus of the traditional nation-state.[6] According to Cacciari, the modern state is being torn apart as a consequence of two big movements: one micro-national, and another one supra-national. On one part from the inside, under the pressure of regionalist or tribalist movements. On the other part from the outside, as a consequence of the growth of supranational powers and institutions and of the increasing power of world finance and transnational corporations. He sees federalism as the answer to such a situation. But his is a very special type of federalism which he calls federalism "from the bottom", and that he opposes to the federalism "from the top" – which is, for instance, the one being proposed as a model for the European Union. This federalism from the bottom would recognize the specific identity of different regions, of different cities, not to isolate them, to separate them from each other but on the contrary in order to establish the conditions of an autonomy conceived and organized on the basis of multiple relations of exchange between those regions and those cities. Such a federalism would combine solidarity and competition; it would constitute a form of autonomy exercised in systems which are integrated in a conflictual mode.

Such ideas require, of course, further development but I find them very suggestive. If we want to prevent the consequences of globalization from being the imposition of a single homogenizing model of society and the decline of democratic institutions, it is urgent that we imagine new forms of associations in which pluralism could flourish and where the capacities for democratic decision could be enhanced. Against the anti-political illusions of a cosmopolitan world-governance, and against the sterile and doomed fixation on the nation-state, I believe that the type of federalism advocated by Cacciari provides promising insights. By allowing us to envisage new forms of solidarity based on recognized interdependence, it could constitute one of the central ideas around which the democratic forces could get organized in a plurality of democratic public spheres, and this would put life into the agonistic struggle which (as I have argued) is the defining characteristic of democratic politics. Moreover, this new federalism should not be seen as being specific to Europe, and it could stimulate the development of other regional units with their specific identities, units in which the global and the local could be articulated in many different ways and in which diverse types of links could be established within a context that respects differences. This would allow us to keep the democratic process alive and to envisage how it could be deepened in a radical democratic direction.

NOTES

1. Jürgen Habermas, "Reply to Symposium Participants", *Cardozo Law Review*, volume 17, March, no. 4-5, 1996, p.1493.
2. For a development of this argument, see Chantal Mouffe, *The Democratic Paradox*, Verso, 2000.
3. Ulrich Beck, Anthony Giddens and Scott Lash, *Reflexive Modernization*, Polity Press, 1994, p.45.
4. Anthony Giddens, *Modernity and Self-Identity*, Polity Press, 1991, p.214.
5. Marcel Gauchet, "Quand les droits de l'homme deviennent une politique", *Le Débat*, no. 110, mai-août, 2000.
6. Some of those ideas can be found in an interview with Cacciari, "The Philosopher Politician of Venice", *Soundings*, no. 17, Spring, 2001.