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Pictures of Democratic Engagement: Claim-Making, Citizenization and the Ethos of Democracy*

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When thinking about practices of democratic engagement, it is useful to consider the circumstances under which questions concerning such practices arise. It is noteworthy, but not surprising, that contemporary political theorists consistently begin from some perplexing or dislocating moment, which then inspires the move to thinking of politics in terms of practices of democratic engagement.¹ This move can and does take many forms. Some political theorists seek to eliminate traces of contingency from political life, while others take contingency to be the starting point, if not the spur for, thinking about politics in general and democratic politics specifically. In this chapter I focus on

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¹ Any account of democratic engagement should consider a range of questions, including (1) the articulation/expression of demands, addressing questions such as ‘what are the political processes involved in the articulation of demands, and how do they relate to democracy?’; (2) the conditions of possibility of the staging of such demands, of making them visible; here the relevant questions to think about concern the circumstances under which novel demands appear on the political scene; as well as (3) a further set of questions concerning what we may expect of each other as democratic subjects, both in the process of this making visible of demands and in their further negotiation and contestation; the latter set of issues raise questions regarding what I would call ‘democratic responsiveness’.

two theorists, both of whom start from the centrality of contestation (rather than a consideration of norms, rights and rules) in developing their respective accounts of democratic engagement. The pictures of democratic engagement that we find in the works of James Tully and Ernesto Laclau are distinctive, yet have enough in common to allow for useful insights to emerge from a reading that seeks to contrast these pictures without, however, assuming that they cannot be mutually supplementary.

As in Heidegger, for whom the character of equipment is revealed when it no longer functions as we expect, so for Cavell we elicit criteria in moments of crisis or perplexity. In this chapter, I will suggest that the views of Heidegger and Cavell in this respect correspond in an important sense to our political practices. It is when a practice is challenged, or is shown to be inadequate, that we are called upon to recount its criteria, to reconsider the point of the practices in which we engage.² I take the criteria so elicited to be functions of the judgements that we are prepared to make. They are not abstract norms set up over and above our practices, but the sedimented results of our practices, and they remain open to contestation and rearticulation.

Something like this view seems to me to inform the different conceptions of democratic engagement to be found in Tully's and Laclau's writings. Yet, while accepting this common ground, they articulate different ways of thinking about the ethos that would be commensurate with democratic forms of engagement. Importantly, they also relate differently to the range of activities and sites of engagement that would count as democratic. In this chapter I seek to flesh out these differences, while thinking about their intellectual roots in the two thinkers. I also reflect on the consequences of these differences for what we consider to be the democratic activities in which citizens and non-citizens alike engage.

² A. J. Norval, *Aversive Democracy*, Cambridge: Cambridge University Press, 2007, p. 63.

1. Contestation through the articulation of demands

Let me turn, first, to the articulation of demands and the concomitant construction of collective political identities that form the core of Laclau's writings. Sketching out an imaginary example, Laclau suggests that we think of politics in terms of the category of demands:

Think of a large mass of agrarian migrants who settle in . . . shantytowns on the outskirts of a developing industrial city. Problems of housing arise, and the group of people affected by them request some kind of solution from the local authorities. Here we have a *demand* which initially is perhaps only a *request*. If the demand is satisfied, that is the end of the matter, but if it is not, people can start to perceive that their neighbours have other, equally unsatisfied demands – problems with water, health, schooling and so on.³

Where does this emphasis on demands come from? For Laclau, it arises from the need to develop a non-substantive starting point for political analysis generally. As he puts it:

If we want to gauge the specificity of a[n] . . . articulatory practice, we have to isolate units smaller than the group . . . The smallest unit . . . corresponds to the category of 'social demand'.⁴

Regarding the nature of articulatory practices and their relation to agency, Laclau argues further that:

Political practices do not *express* the nature of social agents but, instead, *constitute* the latter. In that case the political practice would have some kind of ontological priority over the agent – the latter would merely be the historical precipitate of the former. To put it in slightly different terms: practices would be more primary units of analysis than the group – that is, the group would only be the result of an articulation of social practices.⁵

³ E. Laclau, *On Populist Reason*, London: Verso, 2005, p. 73.

⁴ Ibid. In this, Laclau's analysis follows the move from Saussure to Hjelmslev in linguistics, shifting analysis from the level of the sign to that of the *glosseme*.

⁵ E. Laclau, 'Populism: What's in a Name?', in F. Panizza, ed., *Populism and the Mirror of Democracy*, London: Verso, 2005, p. 33.

As is clear from the above, the key practice on which Laclau focuses is that of the articulation of demands. A social demand, he argues, has to be distinguished from a request. In each case it (the request or the demand) has to be 'addressed to an instance different from that within which the demand was originally formulated'.⁶ A *request*, he argues, has the following structural features: it is addressed to an instance that has decision-making power; the authority of this body is not put into question by the request and finally, the request is punctual in character (it is not 'the tip of an iceberg or the symbol of a large variety of unformulated social demands').⁷ That means that in contradistinction to demands, requests have as a non-verbalized assumption the legitimacy of each of the elements of the process: 'nobody puts into question either the right to present the request or the right of the decisory [sic] instance to take the decision'.⁸ That is, requests function within institutionalized processes, and the assumption is that the request can be satisfied in a non-antagonistic, administrative manner.⁹

Demands, on the contrary, are requests that have not been satisfied. If a variety of demands remain unsatisfied, 'multiple frustrations' may trigger a process of equivalential reaggregation. In this case, each demand is/becomes the tip of an iceberg, such that each manifest claim is presented as one among a larger set of claims. Like requests, demands are also addressed to authorities (indicating the vertical character of demands: they are addressed by citizens to authorities), but there is no longer the expectation that institutions could or would satisfy the demands. In this case, the articulatory practice takes an anti-institutionalist form, yet one that is developed in the expectation that the existing institution be transformed in the process of struggle.

Laclau also distinguishes between different forms of collective identification on a similar basis. In the case of requests and isolated demands, the form of identification remains 'isolated'. He calls these

⁶ Ibid., p. 36.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

democratic demands.¹⁰ Where a plurality of demands remains unsatisfied we may find that through equivalential articulation, a broader social subjectivity is constituted. In this case, it is called a *popular* demand.¹¹ Laclau argues that the latter, at an incipient level, begins to constitute 'the people' as a historical actor.

From this, it is clear that there is an important relation for Laclau between equivalential articulations and democracy. Some form of this relation was already present in his early work with Chantal Mouffe, where they suggest that the subversive power of democracy (emerging from the French Revolution and in the Declaration of the Rights of Man) provides the discursive conditions that make it possible to propose different forms of inequality all as illegitimate and anti-natural, and thus equivalent to one another, allowing the spread of equality and liberty into increasingly wider domains.¹² In *On Populist Reason*, he argues that democracy is grounded on the existence of a democratic subject or 'a people', whose emergence depends precisely on the horizontal articulation between equivalential demands.¹³ 'The people', as we have seen, he argues, does not refer to a pre-existing, substantive entity, such as a nation or ethnic group. Instead, it is a signifier for collective subjectivity per se, which emerges in and through the process of making demands.

A unifying signifier such as 'the people' play a dual role. On the one hand, it has an *active* role of representation as it *constitutes* the unity of a collectivity in the process of representing them; it does not simply reflect a pre-given totality. On the other, it *represents* a collectivity. Should the active or constitutive function of representation prevail without attention to the fact that a particular 'actor' is being represented, the link between the representative and the represented risks being broken. But if the representative simply reflects the represented, there is no possibility of drawing together a number of distinct demands into a

¹⁰ This is a somewhat counter-intuitive way of thinking of democratic demands. I return to this issue later.

¹¹ Laclau, *On Populist Reason*, p. 74.

¹² E. Laclau and C. Mouffe, *Hegemony and Socialist Strategy*, London: Verso, 1985, pp. 154–5.

¹³ Laclau, *On Populist Reason*, p. 171.

unity which exceeds the specificity of each of the demands. Hence, the *political* function of representation is of necessity one of maintaining the tension between the two extreme points of the continuum.

Notwithstanding these important points, Laclau does not elaborate what might make 'a people' or any other collectivity specifically *democratic*. Laclau also does not address a further crucial dimension of the relation between the articulation of demands and the constitution of a people, namely, the fact that a demand constitutes not only an oppositional relation *to* the state or to authority but also a relation *between* citizens of a democratic community. The assumption of an internal relation between the constitution of chains of equivalence among diverse demands and the possibility of the formation of a democratic community allows Laclau to posit democracy as an *imaginary horizon*, a space in which demands for equality and difference may be inscribed. Democracy from this perspective is more concerned with a certain mode of identification – and a particular way of life – than with formal political structures.¹⁴ Yet what exactly this form of life might entail, and what more could be said about the mode of identification appropriate to democratic subjectivity, is left largely unaddressed. This is a lacuna to which James Tully's writings speak directly.

2. James Tully and practices of citizenization¹⁵

In *Public Philosophy in a New Key*,¹⁶ as well as in a range of other publications, James Tully articulates a conception of political

¹⁴ Ibid., p. 169.

¹⁵ Tully argues that 'members of constitutional democracies become "citizens" not only in virtue of a . . . set of constitutionally guaranteed rights and duties enabling them to participate in the institutions of their association. They also acquire their identity *as* citizens – a form of both self-awareness and self-formation – in virtue of exercising these rights' (J. Tully, *Public Philosophy in a New Key*, Two Volumes, Cambridge: Cambridge University Press, 2008, p. 99). Furthermore, 'Citizenship is not a status given by the institutions of the modern constitutional state and international law, but negotiated practices in which one becomes a citizen through participation' (Tully, *Public Philosophy* II, p. 248).

¹⁶ Henceforth in the text *Public Philosophy*.

contestation which, like Laclau, starts from a conception of contestability that runs all the way down. With regard to democratic practices, both Laclau and Tully suggest that their contestability is not something to be regretted and overcome.¹⁷ Tully's position here is drawn from a Wittgensteinian account of use and meaning, as a 'negotiated practice' among participants in relations of practical interaction, in which 'the possibility of going on differently is always present', which in turn is situated clearly within an agonistic approach. As Tully argues:

This pragmatic linguistic freedom of enunciation and initiation – of contestability and speaking otherwise – within the weighty constraints of the inherited relations of use and meaning is . . . internally related to a practical (extra-linguistic) freedom of enactment and improvisation within the inherited relations of power in which the vocabulary is used.¹⁸

Drawing on this account, in conjunction with insights from Arendt and Foucault, he further outlines a series of ways in which we (citizens) can engage in different forms of reasoning together (persuasion, dialogue, inquiry, negotiation, information-seeking, deliberation and eristic dialogue),¹⁹ and can 'act otherwise' so as to contest the given norms and rules constraining our practices. These include,

1. Ways of acting otherwise within the rules of the game, modifying practices in often unnoticed, yet significant ways;
2. Raising problems about some aspect of a rule of the game, with the aim of modifying the practice;
3. Refuse to be governed by such practices by confrontation and struggle (including direct action, liberation, decolonization, revolt

¹⁷ Tully, *Public Philosophy* II, p. 110. Tully argues that any practice of governance will be 'democratic' 'just in so far as the members of the organisation have some say and the opportunity to negotiate the way and by whom the power to govern their conduct is exercised in the organisation' (Tully, *Public Philosophy* I, p. 155).

¹⁸ Tully, *Public Philosophy* II, p. 245.

¹⁹ These forms of reasoning are practical, not theoretical, are agonistic in character and any agreements reached are always partial or conditional, 'open to reasonable redescription and challenge' (Tully, *Public Philosophy* I, p. 163).

and so on); where strategies of reform and problematization are unavailable, it is possible to²⁰

4. Turn aside from governance relations and create alternative civic relationships.

Tully's account rests upon a prior shift in focus from the traditional emphasis in political theory on rights and duties, fundamental principles and constitutional essentials – what one may call the framework conditions – to 'being in dialogue over how and by whom power is exercised, which takes place both within and over the rules of the dialogues'.²¹ He argues in this respect, that:

What shapes and holds individuals and groups together as 'citizens' and 'peoples' is not this or that agreement but the free agonistic activities of participation themselves.²²

Hence, in line with his general approach, these are not abstract possibilities. Rather, they are situated and discussed within the context of what he calls a dilemma of democratic citizenship. This dilemma, he argues, consists in the fact that there are very different ways of being a citizen.²³ Broadly speaking, one can distinguish between modern and diverse or cooperative modes of citizenship, where a mode refers to an 'ensemble composed of a distinctive language of citizenship and its traditions of interpretation on the one hand, and the corresponding practices and institutions' on the other.²⁴ Tully puts it thus:

The first way is to participate in the official institutions of representative democratic governments available to us at the local, national and global level. I call this *modern citizenship*. The other way is to participate outside or alongside these official institutions in a wide variety of

²⁰ Tully, *Public Philosophy* I, p. 24.

²¹ *Ibid.*, pp. 146–7.

²² Note that Tully further argues that 'When these activities are unavailable or arbitrarily restricted, the members of a political association remain "subjects" rather than "citizens" because power is exercised over them without their say, non-democratically' (Tully, *Public Philosophy* I, p. 147).

²³ I return at the end of the chapter to a further specification Tully gives to this dilemma, namely, the structural constraints that modern forms of citizenship impose upon participants.

²⁴ Tully, *Public Philosophy* II, p. 246.

different ways. I call this cluster of alternative ways of being an active citizen *cooperative citizenship*. Both ways . . . involve citizens acting together in public and for the sake of public goods by exercising their civic response-abilities.²⁵

In discussing the conception of contestation that informs Tully's arguments, I shall explore different aspects of the contrasting picture he paints between the different modes of being a citizen. Before doing so, it is useful to reflect somewhat further on these different possibilities of acting and being, and the ways in which they differ from and echo some aspects of the picture of democratic engagement outlined by Laclau. Once the distinction between modern and diverse modes of citizenship is introduced, the four options specified can be further divided into two groups, with the first two roughly corresponding to participating in the official institutions and sites of modern democratic governance, while options three and four correspond more closely to diverse citizenship in that they seek to capture ways of acting alongside or outside of existing institutions.

Attempting to map Laclau's account of democratic claim-making onto these four options has interesting results. At first sight, his account corresponds to the first two options: acting otherwise within the rules of the game so as to modify them resonates with his emphasis on the centrality of articulatory practices to politics; these precisely are hegemonic struggles. Laclau's intellectual debt here is clearly Gramsci's conception of war of position. Raising problems about some aspect of the rules of the game, with the aim of modifying the practices – the second option – comes closest to the practice of articulating political demands (rather than making requests, which take the terrain of engagement for granted). However, despite these similarities, Laclau's account here is one that is overwhelmingly vertical – demands are addressed to the state – while Tully's focus is on the horizontal relations between citizens. Option three, namely confrontation and struggle with a view to refuse to be governed, is a central part of Laclau's conception of politics as

²⁵ J. Tully, 'A Dilemma of Democratic Citizenship'. Paper delivered at the University of Victoria, 8 May 2010. Emphasis in original.

struggle for hegemony. But here once more there is a significant difference: for Laclau, politics is and remains informed by a struggle *for* hegemony; one could even argue that the telos of engagement in politics is hegemony, while Tully more clearly considers the possibility of withdrawing from the existing terrain of struggles, and setting up alternatives outside of state structures and institutions (option four).

Tully	Laclau
	Requests Engaging in existing institutions Adminstrative, non-political action
Acting otherwise within the rules of the game Engaging in existing institutions	Articulatory practices Engaging in existing institutions
Problematizing an aspect of the rule Engaging in existing institutions with a view to modify them	Articulating demands Engaging in existing institutions with a view to modify them
Refusal to be governed: strategies of resistance Anti-institutional	Refusal to be governed: strategies of resistance Anti-institutional, hegemonic struggles
Creating alternative spaces of existence Extra-institutional	

On this reading, Laclau is a theorist of political engagement and struggle, while Tully considers both engagement and disengagement as modes of operation.²⁶

From modern to diverse/cooperative citizenship

First in *Public Philosophy*, and later in subsequent publications such as his lead essay for this volume, Tully sets out to provide an account

²⁶ It should be noted that the conception of populism outlined in Laclau’s most recent work tends to emphasize confrontation and struggle – frontal opposition – as what is truly democratic, while engagement on the extant institutional terrain is sometimes treated as the mere administration of things, devoid of real politics.

of changes in the ways we conceive of citizenship. (This is not merely a descriptive account. Rather, it seeks to outline a particular *ethos* of citizenization.²⁷ I return to this issue at the end of the chapter.) This is done through providing a contrast between modern and diverse conceptions of citizenship, by drawing on conceptual developments, while situating these in the context of major historical processes (e.g. the development of the nation state, colonization, globalization). Tully's reading provides an account that is at once incisive, acute and historically sensitive, while not eschewing conceptual and normative issues and implications of the positions outlined.

The broad contrast looks something like this: the key features of modern citizenship, associated with modernization and colonization, includes the 'status an individual has relative to a set of institutions'²⁸ and the groundwork for this status is laid by the imposition of a formal structure of law such that 'outside the rule of law, there is no civilization and no citizenship'.²⁹ Hence, the focus is on citizenship as a 'universalizable legal status, underpinned by institutions'.³⁰ This conception of modern citizenship, 'with its membership codes, rights and duties', also characterizes 'all other practices of citizenship in relation to its unique form as the universal standard'.³¹ It thus operates as the telos for societies on their way to full, modern citizenship and in the process it denigrates and rates as inferior any alternatives.³² This is a familiar picture.

In contrast to this, diverse citizenship is associated with 'a *diversity* or multiplicity of different *practices* of citizenship in the West and the

²⁷ Tully argues that the distinction between 'democratic constitutional principles . . . and political ethos (modes of civic conduct) is analogous to the distinction between moral principles and ethics, or ethos' (Tully, *Public Philosophy* I, p. 145).

²⁸ This status is normally fleshed out in terms of four rights, with associated duties, including (1) civil liberties (liberties of the moderns, including the liberty to participate in the private economic sphere, to enter into contracts etc.); (2) participation rights (rights of the ancients); (3) social and economic rights; and (4) minority rights. Tully, *Public Philosophy* II, pp. 250–5.

²⁹ Tully, 'A Dilemma of Democratic Citizenship'.

³⁰ Tully, *Public Philosophy* II, p. 248.

³¹ Ibid.

³² Ibid., p. 268.

non-West'. Here the emphasis is on its diversity of forms, characterized not in terms of 'universal institutions and historical processes' but in terms of 'grass-roots democratic or civic *activities* of the "governed"',³³ so that citizenship is not a legal status, but a set of negotiated practices. As we have already noted, these negotiated practices go all the way down.³⁴ It is through participation in activities that one 'becomes a citizen'.³⁵ Citizenship is not simply assigned on the basis of a legal status.³⁶ Traditional political theory, Tully suggests, overlooks these activities of citizenization since they privilege rights, rules and institutions as what must be presupposed by these activities.³⁷ As a result, in contrast to civil citizenship that is institution-based, civic citizenship 'exists in relations',³⁸ where relations of governance are approached from a standpoint of citizen as agent (not as governed subject)³⁹ and where the freedom of the *Spielraum* is emphasized and practices of self-formation become central.⁴⁰ Law here is treated not as a set of institutionalized rules set over and against citizens, who must obey, but as a 'practical art'; 'the living rule of law is the pattern of interplay and interaction of the negotiated practices'.⁴¹ Diverse citizens

³³ Ibid., p. 247. Emphasis in Original.

³⁴ As Tully puts it: 'It comprises civic activities and the ongoing contestation and negotiation over these practices by the participants and by those subject to and affected by yet excluded from them, and so on in turn. There is never the last voice or word' (*Public Philosophy* II, p. 270).

³⁵ Tully, *Public Philosophy* II, p. 248.

³⁶ Tully suggests that there are three ways in which the distinction between institutional status and practice is being made: (1) Civil/civic: civil citizens have legally guaranteed opportunities for participation; in the case of civic citizenship the emphasis is not on rights and duties, but on 'abilities, competences, character and conduct acquired in participation' (p. 271). The former marks a duty enforced by authorities, whereas the latter suggests creative engagement. (2) Libertas/freedom: liberty is a condition of being at liberty, thanks to the law; whereas freedom is not an opportunity but a manifestation: 'It is not a matter of official civil liberties and offices being open to participation . . . but of the citizenry *experiencing* a civic way of life that makes it a free city' (p. 272). (3) Use and practice (*usus*) brings into being a right (*ius*): 'Institutionalised rights come into being from the practice of corresponding activities and are . . . guaranteed by these activities' (p. 273).

³⁷ Tully, *Public Philosophy* II, p. 269.

³⁸ Ibid., p. 274.

³⁹ Ibid., p. 276.

⁴⁰ Tully draws on the work of Johan Huizinga, *Homo Ludens*, for the argument that game playing is freedom. See Tully, *Public Philosophy* I, p. 137.

⁴¹ Tully, *Public Philosophy* II, p. 287.

employ ‘contextual and comparative genres of reasoning,’ ‘starting from the local languages and negotiated practices of citizens on location and compare and contrast their similarities and dissimilarities with each other from various standpoints, in contrast to the ‘universalizing rationalities’ of modern citizenship.⁴²

Thus, we have an account of practices and modes of citizenship that divide into two clearly defined categories with sedimented, legal status and institutionalized forms of citizenship on the one hand, and more dispute-based, non-institutionalized, activity-based practices on the other. On the face of it, and despite differences in nuance and detail, this account is not far from that provided by Laclau, who also divides contestatory activities between institutionalized and non-institutional politics on the other. It is now necessary to turn to Tully’s account of the subject formation associated with each mode of citizenship so as to see whether this contrast holds up when focussing on these aspects of the account.

Modes of citizenship and self-formation

One does not become a practitioner blindly. The requisite abilities are acquired in pre-linguistic interaction and by more or less elaborate and reflective practices of the self on the self in the course of learning one’s way around in a specific relationship.⁴³

Tully consistently emphasizes the critical activities and consequences associated with diverse citizenship. He argues, for instance, that a civic (in contrast to a civil) public sphere comes into being where ‘those who are subject to a closed governance relation take it out of the darkness of the “private sphere” of being unquestioned. . . . subjecting it to the light and enlightenment of public scrutiny.’⁴⁴ One of the most important consequences of these critical activities is the fact that from the perspective of diverse citizenship, modern citizenship is disclosed

⁴² Ibid., p. 270.

⁴³ Ibid., p. 278.

⁴⁴ Ibid., p. 284.

as but one historical form among others. Hence, the critical attitude associated with diverse modes of citizenship has the capacity to 'free us from the hold of the globally dominant language of modern citizenship' so as to de-subalternize other modes of citizenship.⁴⁵

In contrast, modern citizenship is portrayed as uncritical and passive: a status is bestowed upon the citizen by law. Tully argues as much:

A person has the status of citizenship in virtue of *being subject to* civil law in two senses: to an established and enforced system of law and to the 'civilising' pacifying or socialising force of the rule of law on the subjectivity (self-awareness and self-formation) of those who are constrained to obey over time.⁴⁶

This status inculcates a modern or juridical conception of subjectivity, which is abstract and independent in character.⁴⁷ Insofar as participation is emphasized, it is limited to 'juridical citizens exercising democratic rights within modern institutions'.⁴⁸

Struggles within and against these modern, 'civilizing' processes, such as struggles to be included in modern citizenship and to extend the use of political rights beyond the official public sphere – are described as 'struggles *for* new kinds of citizenship', that include acts of civil disobedience and rebellion. Importantly, Tully argues that these struggles *cannot* be called practices of citizenship in the modern tradition: 'what are seen as activities of citizenship by the civic tradition – struggles for new forms of recognition and extensions of citizenship – *fall outside of* modern citizenship with its institutional/status orientation.'⁴⁹

The ethos of citizenization

This account of the different modes of citizenship-subjectivity is accompanied by an additional discussion of the ethos of each of the

⁴⁵ Ibid., p. 249.

⁴⁶ Ibid., p. 250.

⁴⁷ Ibid., p. 250.

⁴⁸ Ibid., p. 253.

⁴⁹ Ibid., p. 256. Emphasis added.

modes of citizenship. For instance, Tully argues that the questioning characteristic of diverse citizenship takes the form of what he calls 'civicization': that is a practice of 'non-violently negotiating and transforming the governance relationships' from the ground up. In *Public Philosophy*, Tully already suggests that non-violent action is the mode of activity that embodies the telos of practices of citizenization. Although Tully does not use this language, he argues that 'distrust and violence begets distrust and violence' and that this history of non-violence teaches us that 'there is another more powerful way that leads to peace'.⁵⁰ In 'A Dilemma of Democratic Citizenship', this argument is stated more forcefully. Here the argument is interwoven from the outset into both the pictures of citizenship that are presented.

In the case of modern citizenship, the violence structuring all relations is foregrounded: others are treated as things 'to be coerced, disciplined, reconstructed and socialised';⁵¹ the violence of the modern history of colonialism is emphasized and the antisocial character of the modern citizen – as articulated in theorists such as Hobbes, Kant, Darwin, Marx, Mill and Freud – is emphasized. In this picture:

Humans are basically antisocial, and antagonistic, and therefore untrustworthy outside of the coercive institutions of the modern state . . . Therefore, humanity needs a master to impose the basic institutions of social cooperation on these anti-social beings that will lead up through the stages of development and socialisation.⁵²

By contrast, in the case of cooperative citizenship, non-violence and peaceable interactions are foregrounded (Ghandi, Martin Luther King, but not Mandela). Indeed, the ethos of cooperative citizenship is specified more closely now as one of non-violence and of cooperation:

⁵⁰ Ibid., p. 295. For an incisive discussion of the role of history in Tully's analysis, see, B. Honig and M. Stears, 'The New Realism: From Modus Vivendi to Justice', in J. Floyd and M. Stears, eds, *Political Philosophy versus History?* Cambridge: Cambridge University Press, 2011, pp. 177–205.

⁵¹ Tully, 'A Dilemma of Democratic Citizenship', p. 28.

⁵² Ibid., p. 12.

As we have seen, modern citizenship is founded on the premise that came into vogue in Europe in the 18th century: namely, that individuals, classes, races and civilizations are basically antisocial and antagonistic. This is the premise that underwrites the conclusion that institutions of modern democratic citizenship must be coercively imposed. For the cooperative tradition, this premise is another false dogma of modernisation.⁵³

Cooperative citizenship emphasizes 'relationships of mutual cooperation and love among all forms of life on the planet' and these relationships, Tully suggests, 'are *more basic* than relationships of antagonism'.⁵⁴ This, he argues, is so in two senses. First, social relations of mutual aid actually are the most basic of social relationships and more competitive relations are parasitic on them. Second, these relations 'are themselves embedded in yet deeper ecological relationships of cooperation and mutual assistance among all the diverse forms of life on the planet'.⁵⁵ Hence, the differences between Tully and Laclau in this respect run deep, arising as they do from almost diametrically opposed conceptions of human subjectivity.

3. Further reflections

Let me now begin to reflect on what we can gain from Laclau and Tully's readings respectively, before posing some questions that stand in need of further reflection. In both cases, as I have argued, contestability is a central feature of the respective accounts, and in both cases, it goes 'all the way down', or so it seems at first blush. (There are, in each case as we have just seen, aspects of the account that do not seem to be open to contestation. These come into view more clearly when the accounts are contrasted with one another.)

⁵³ Ibid., p. 32.

⁵⁴ Ibid., Emphasis added.

⁵⁵ Ibid., pp. 32–3.

In both cases, although with different inflections, the authors posit something approaching a dichotomic division between, on the one hand, institutionalized and, on the other, anti- and extra-institutional modes of political engagement and action. There is a strong emphasis on and critical reading of the domain of sedimentation, institutionalization, the law and juridical subjectivity in both Laclau and Tully. This is contrasted to that of the diverse, action- and practice-oriented activities falling in the extra-institutional, issue-oriented domains. As noted, for Laclau the emphasis, nevertheless, remains on *hegemonic* practices, that is, on the principle possibility of change and rearticulation of existing institutions and relations.

In terms of subject formation, both authors emphasize the constitutive character of political action. Whereas Laclau's focus is on the constitution of collective agency, Tully's is on 'becoming a citizen.' However, it is also in this domain that the most important divergences appear. Laclau's account of subjectivity clearly falls within what Tully calls the modern citizenship, with its focus on antagonism and conflict. This, for Laclau, constitutes the heart of politics. As we have seen, Tully contrasts what he sees as the key features of this ethos of modern citizenship – violence, control, discipline and antagonism – to that of a peaceable, cooperative mode characteristic of diverse citizenship. The positing of these sharp divisions between modes of subjectivity corresponding to particular forms of political engagement and contestation, of course, reflects wider agreement in political theory on the institutional/extra-institutional divide and in some sense, does not come as a surprise. However, each of the authors *complicates* that picture by introducing further nuances: for Laclau, the institutional is both the crucial site of hegemonic struggle, and the site of non-political, administrative action. Tully, on the other hand, seeks to highlight the extra-institutional as a site of the development of alternative ways of living, which could act as invitations to a different way of doing things.⁵⁶ Even though this is not a point Tully develops, such invitations, no doubt, stand in need of

⁵⁶ Tully, *Public Philosophy* II, p. 308.

generalization through a series of possible political practices, of which hegemonic struggles are one possibility. I would like now to reflect for a moment on whether these divisions necessarily follow from the theoretical presuppositions and conditions stipulated by each author.

I have dealt at length with this question in relation to Laclau's arguments elsewhere. So let me just summarize my argument here. His position changes over time with regard to the institutional/non-institutional division. In *On Populist Reason* it corresponds to the non-political, administrative/political divide. By contrast, in *Hegemony and Socialist Strategy* and elsewhere in earlier writings, Laclau emphasizes the centrality of a Gramscian strategy of 'war of position' to his account of hegemony, which must be exercised in the institutional as well as in the extra-institutional domain, the terrain of civil society. Political engagement and struggle, per definition, is not limited to one or the other. The struggle for hegemony includes the creation of new myths and their generalization into new political imaginaries that can inspire change and reorder existing relations.

On the question of the centrality of antagonism to subject formation there is complete consistency in Laclau's writings over time. From the start Laclau transforms the Saussurian distinction between syntagm and paradigm into an account of difference and equivalence where the drawing of political frontiers is given a privileged status. This results, ultimately, in his failure to distinguish between the individuation of identity on the one hand, and the formation of antagonisms on the other.⁵⁷ The consequence of this failure is the privileging of antagonism as a mode of subject formation. Indeed, it becomes the paradigmatic form of subject formation to the exclusion of (most) others. It also has serious consequences for his account of democracy. Earlier I have noted his distinction between democratic and popular subject positions, and the consequent emaciated account of democracy that follows from it. The failure to give sufficient attention to the specificity of a

⁵⁷ I discuss this further in A. J. Norval, 'Frontiers in question', *Acta Philosophica*, 2: 51–76, 1997.

democratic form of identification, I would argue, arises directly from this emphasis on frontier formation and the centrality of antagonism, as a paradigmatic form of political engagement.

If Laclau overemphasizes the antagonistic dimension, it is underplayed in Tully's work on diverse modes of citizenship. The reason for this, as we have seen, can once again be traced back to the way in which the division between modes of citizenship has been accounted for. There is no doubt that Tully characterizes the division between modern and diverse citizenship in a dichotomic fashion. As we have seen, this is the case both with respect to what is characterized as the ethos of each mode of citizenship, and with respect to the characteristic form of engagement and self-formation associated with each mode. Diverse citizenship is portrayed as sensitive to local languages and traditions, as multiple and nuanced, as open to diversity and plurality, as engaged in conversation, negotiation and contestation that takes a non-antagonistic form. The account of modern citizenship, by contrast, focuses more on its imposition on those not already included (the poor, women, minorities, indigenous populations and colonized nations, among others). In the face of standard accounts of modern citizenship, and of the continuing practices associated with it, this is no doubt a crucial and necessary corrective. Nevertheless, the account sits uneasily with some other dimensions of Tully's approach. Let me turn to those now.

4. Citizenship and agonism

*Playing games is primordial and shared by every civilisation. It is the activity associated with and often equated with fun. Moreover, following Burkhardt and Nietzsche, game playing usually involves an 'agonal' or contestatory element.*⁵⁸

As I have indicated, Tully draws on Arendt, Foucault and Wittgenstein among others to develop an account of political engagement that is

⁵⁸ Tully, *Public Philosophy* I, p. 137.

serious about contestation, suggesting contestability goes all the way down. In this, Tully's work is truly exceptional and radical, attracting the ire of legal political theorists for whom the idea, for instance, of basic constitutional rules as contestable, is an anathema and who would reject the shift from constitutional democracy to democratic constitutionalism.⁵⁹

In Volume I of *Public Philosophy* Tully outlines a general account of the agonistic freedom of citizens that has as its focus the playing of games. This account informs the shift from a focus on rights and abstract norms, to a form of reasoning in media res, as Owen puts it in his contribution to this volume. Instead of placing the theorist over and above the *demos*, the theorist is in the *demos* and every reflective citizen is treated as a public philosopher.⁶⁰ The resulting approach is a form of practical philosophy, oriented towards working on ourselves 'by working on the practices and problematisations in which we find ourselves.'⁶¹ However, we should note that Tully does not seek merely to provide thick descriptions à la Geertz, but to provide a *critical* form of engagement with the conditions of possibility of those practices and forms of governance within which we find ourselves.⁶² This is done through providing a critical survey 'of the languages and practices', supplemented by historical genealogies.⁶³ The primacy of practice is fleshed out in terms of the agonistic games of freedom we play.

Public Philosophy articulates one of the most radical responses available to the question: 'citizenship for whom?' On the first page of *Public Philosophy* he states that the term 'citizen' refers:

to a person who is subject to a relationship of governance (that is to say, governed) and, simultaneously and primarily, is an active agent in the field of a governance relationship. While this includes the official sense of 'citizen' as a recognised member of a state, *it is*

⁵⁹ Ibid., p. 4.

⁶⁰ Ibid.

⁶¹ Ibid., p. 16.

⁶² Ibid.

⁶³ Ibid., p. 17.

obviously broader and deeper, and more appropriate and effective for that reason.⁶⁴

Here, citizen is a term that denotes *an active participant in the games of governance*, but is not restricted to citizenship in a narrower sense (a recognized member of a state). This is an extremely powerful conception for it allows us to characterize the activities of *all* those engaged in active contestation, regardless of their strict institutional status, as activities of citizens. This sense of citizenship also resonates with Tully's equally radical and powerful conception of democracy. Democracy, he argues, should also be understood in non-restrictive terms. That is, 'democratic games of modifying the rules of governance are not restricted to the formal institutions of constitutional democracy but can occur in *any* practice of governance'.⁶⁵ As Tully rightly argues:

If the terms 'democracy' and 'participation' are used to refer only to the formal institutions of representative government, then . . . local and global struggles to democratise decision-making in dispersed practices of governance will not be seen as democratic practices.⁶⁶

All the elements of the account here cohere together to draw a radical picture of democracy, citizenship and 'becoming a citizen' through participation in the multiplicity of relations of governance and games of politics shaping, informing and restricting our lives.⁶⁷ However, how precisely this account maps onto the division between modern and diverse citizenship stands in need of further clarification. I now turn to a closer consideration of this division.

⁶⁴ Ibid., p. 3. Emphasis added. This is echoed elsewhere in the text. For instance, Tully argues that 'Citizenship . . . is a form of identity that we come to acquire by being "free citizens", by engagement in the institutions of self-rule of a free people' (Tully, *Public Philosophy* I, p. 162).

⁶⁵ Tully, *Public Philosophy* I, p. 154.

⁶⁶ Ibid., p. 156.

⁶⁷ However, Tully also considers a more restrictive account of citizenship that foregrounds its insertion in a constitutional democracy. Here the domain of agonistic freedom is considerably narrower. This more restrictive account of citizenship also raises questions with regard to the division between modern and diverse modes of citizenship. I turn to a consideration of this issue in the concluding parts of this chapter.

5. Agonistic ethos?

There are two aspects of this division on which I would like to comment. One concerns the ethos associated with diverse citizenship, while the other concerns the characterization of the division between the two key modes of citizenship itself. Given the emphasis on game-playing as a feature of all civilizations, the characterization of agency as *homo ludens* and the centrality accorded to the playing of games as a contestatory activity, it is difficult to see how the sharp division between the two modes of citizenship can be maintained. If indeed, we are *homo ludens* then the game-playing will cut across the division. But so will the possibility of critical engagement, which as we have seen earlier, is primarily reserved for the account Tully provides of diverse citizenship. The concern here is whether Tully's account comes closer to and echoes the problems of a Habermas and a Rawls in this respect. This becomes very clear in their treatment of 'newly emergent democratic claims'⁶⁸ that are approached as if they always already could have been argued 'according to the protocols of public reason.'⁶⁹ Honig argues a similar point with respect to Habermas.⁷⁰ What is at stake here, as she points out, is how we *read* the past. In *Public Philosophy*, it seems that a reading of modern citizenship predominates that paradoxically underplays and even writes out the struggles constitutive of that tradition in favour of a focus on its sedimentation in law and institutions. This is what allows the sharp contrast with diverse citizenship to be set up, and what allows struggle and contestation to be reserved for the latter. To put it differently, the reading of the modern tradition of citizenship perhaps gives too much weight to the picture informing the self-constitution of that tradition, a picture that, as we know from Habermas and Rawls,

⁶⁸ As Jason Frank argues in his analysis of the staging of dissensus in Frederick Douglas's speeches, Rawls's account reads the arguments put forward by Douglas and Phillips suggesting that they '*could* have argued according to the protocols of public reason, and that had they had opportunities for proper reflection they *would* have argued in this way'. J. Frank, *Constituent Moments*, Durham: Duke University Press, 2010, p. 226.

⁶⁹ Frank, *Constituent Moments*, p. 226.

⁷⁰ B. Honig, 'Between Decision and Deliberation: Political Paradox in Democratic Theory', *American Political Science Review* 101 (1): 1–17, 2007.

privileges the working out of reason over time, rather than struggle and contestation as the basis of all discourses of right. In seeking to reserve contestation for the diverse tradition, Tully risks repeating that picture.

Part of the reason for this, is the argument put forward by Tully that despite advances made by reforms to the module of modern citizenship:

these reforms have been *self-limiting* because they have taken place within and accepted the background institutions and processes that are claimed to be the basis of democratic citizenship. (A dilemma of democratic citizenship. They are *not open to democratic challenge* and negotiation by those who are subject to them and their effects worldwide.)⁷¹

Hence the focus on alternative forms of citizenship seeking to criticize 'the *enclosure* of citizens' response-abilities within official representative institutions'.⁷² Although there is no doubt a significant measure of truth in this assessment, counter-examples abound, sufficiently so that we need to take heed of what they signify. This is the case both for struggles within and over one of the most sedimented institutional terrains, namely that of the law, as well as over the boundaries of citizenship. While there may well be as many setbacks and instances of misfires as there are of successful struggles, where these struggles succeed, on Tully's own account, we need to treat them as potentially exemplary cases. One case in point would be the contestation, waged under the Aliens Tort Claims Act, by Khulumani, a post-transitional social movement, campaigning to bring a number of large corporations to book over their aiding and abetting of the apartheid regime. Though

⁷¹ Tully, 'A Dilemma of Democratic Citizenship', p. 15. Emphasis added. In *Public Philosophy* I, Tully argues that citizens frequently run up against unjustifiable limits: 'In any of these activities, there is always a vast ensemble of relationships that are not open to negotiation' and that "structure" and limit the foreground field of possible actions' (p. 296). If citizens try to bring these structural relationships into the space of negotiation, 'they are met with refusal, often because the structural relationships are the very basis of the unequal power and universal claim to authority of the hegemonic partners' (p. 296).

⁷² Tully, 'A Dilemma of Democratic Citizenship', p. 17.

the legal battle is not yet over, the movement has succeeded precisely in making visible an alternative way of conceiving of what is due to citizens in post-transitional contexts, such as the South African one, as well as putting corporations on notice, when operating in exploitative contexts.⁷³ Similarly, on the issue of the limits to citizenship, there are numerous struggles by illegal immigrants, *sans-papiers* and others that have managed to contest and challenge existing entitlements and the lack thereof.⁷⁴ Such struggles both make visible the extent to which all rights and entitlements finally rest on the taking of rights, as Honig suggests,⁷⁵ rather than the version of liberal rights discourse that writes struggle and contestation out of the self-understanding of modern liberal democracies. It also highlights the continuing importance of democratic engagement in institutional sites, where struggle for an alternative way of doing things remain of the greatest importance.

Let me now turn to the second question, namely that of ethos. In the earlier discussion of modes of citizenship and the question of ethos, I have noted a shift in terminology: Tully moves from using the term 'diverse citizenship' to that of 'cooperative citizenship'. This is obviously an important change, and it is so for two reasons. Let us look first at the shift in terminology. Characterizing the alternative tradition as 'diverse', Tully emphasizes the multiplicity, plurality and non-closure of this tradition, in terms of the range of activities it captures, the modes of subject formation and of reasoning. This characterization takes the form of what I would call, following Cavell, non-teleological perfectionism. It captures the sense in which the critical engagements and contestations call forth alternative possibilities of being and acting, but it does not – and I think this is important – prefigure the form those contestations may take. Once the term 'cooperative citizenship' is introduced, this situation changes. We no longer have a non-substantive, non-teleological

⁷³ See A. J. Norval, "No Reconciliation without Redress": Articulating Political Demands in Post-transitional South Africa, *Critical Discourse Studies* 6 (4): 311–21, 2009.

⁷⁴ See, for instance, P. Nyers, 'Abject Cosmopolitanism: The Politics of Protection in the Anti-deportation Movement', *Third World Quarterly* 26 (6): 1069–93, 2003.

⁷⁵ B. Honig, *Democracy and the Foreigner*, Princeton: Princeton University Press, 2001, p. 99.

picture of contestation. Rather, this picture is replaced with a rather thicker, more substantive sense of the form and direction of contestatory practices. Notwithstanding the obvious historical importance of what is introduced as exemplary instances of the tradition – ranging from the activities of Ghandi and Martin Luther King to self-governing, democratic cooperatives – this shift in terminology quite drastically closes down the range of possible candidates for participation in the diverse tradition. There also seems to be a shift in terms of the range of possible contestatory activities in relation to existing institutions and traditions. Whereas in *Public Philosophy* Tully argues for a wide range of ways of acting differently, in ‘A dilemma of democratic citizenship’ there is a turn to a focus on ways of participating ‘outside or alongside’ official institutions.⁷⁶ Taken in conjunction with the emphasis on the structural limits posited by modern citizenship, there seems to be a move away from a ‘war of position’ in Gramscian terms, to an argument for engagement in activities of agonistic freedom that circumvents existing institutions, working alongside or outside them. Tully clearly seriously entertains the question of the difficult relation between cooperative citizens and modern reformers, arguing that it is a dilemma whether their activities will cancel one another out and work at cross purposes. Despite the fact that he suggests that cooperative citizens are ‘happy to join modern “reform citizens” . . . if they are effective’,⁷⁷ the paradigm case of cooperative citizenship increasingly seems to be non-violent, citizenship-based movements re-appropriating democratically relevant capacities ‘rather than seeking to reform modern citizenship from within or to overthrow the capitalist system from without.’⁷⁸ While this picture may be an attractive one, it is one that introduces important limitations and serious consequences for the way in which we think of democratic engagement. Although one has to lament the use of violence in politics, it is no doubt also true that violence not only begets violence as Tully suggests, it sometimes plays a part in allowing the fashioning

⁷⁶ Tully, ‘A Dilemma of Democratic Citizenship’, p. 1.

⁷⁷ *Ibid.*, p. 23.

⁷⁸ *Ibid.*, p. 25.

of less violent politics. As Honig and Stears put it, it may be the case that 'every Ghandi needs a Bhagat Singh, every Martin Luther King Jr a Malcolm X'.⁷⁹ Moreover, as they further point out, excluding these elements of democratic struggle from consideration may leave us ill-prepared for what may be required in the fight for justice and equality,⁸⁰ and certainly limits, with serious consequences, the range of activities that may legitimately be included under the category of democratic engagements. Beyond the difficult question of force and violence, the shift to alternative sites of self-governing risks shunning the more traditional, institutional sites of engagement, sidelining important struggles and the possibility of making a difference within such sites, for citizens and non-citizens alike.

6. Contestation, claim-making and a democratic ethos

*Contest means play.*⁸¹

At the start of this chapter, I argued that it is when a practice is challenged, or is seen to be inadequate or questionable for some reason, that we are called upon to recount the criteria of and to reconsider the point of the practices in which we engage, which we value and defend or criticize. It is precisely in this sense that the practices of citizenization described by Tully facilitate the making visible of aspects of the modern tradition that would otherwise remain hidden from view, thus continuing to underwrite practices of domination. The aspect-change brought about by such practices, in genealogical fashion, brings into view both the specificity of the modern mode of citizenship and highlights alternatives. If approached from the perspective of a

⁷⁹ Honig and Stears, *The New Realism*, p. 203.

⁸⁰ *Ibid.*, p. 201.

⁸¹ J. Huizinga, *Homo Ludens: A Study of the Play Element in Culture*, Boston: Beacon, 1955.

non-teleological perfectionist starting point, then both practices of citizenization and the articulation of demands may be viewed as forms of contestation that enact games of agonistic freedom. Taking a non-restrictive account of citizenization as exemplary of such games of contestation allows one to engage with challenges and modifications to existing regimes and practices of governance, without excluding, per definition, either a range of practices that do not conform to the model of either antagonistic forms of identification (Laclau) or an explicitly cooperative ethics (Tully). Each of them exemplifies a specific mode of citizen engagement, and neither should be taken as primary. Agonism – ‘reciprocal incitation and struggle’ – does not admit of these restrictions.

It is important that the range of possibilities of acting otherwise available to us is not restricted by premature exclusion, and that we also seek to develop practices of democratic engagement that reflect explicitly on the various possibilities, thinking about the circumstances under which we would engage in one rather than another form of action. What are the conditions that drive citizens to turn away from existing institutions? What are the consequences for democratic action of such a turning away from society? I have suggested that for Tully this possibility arises because of the inherent limitations he discerns in modern forms of citizenship. However, should we question this account of limitations, as I have suggested we do, the possibility of turning a move *away* from society into one that is simultaneously *towards* society, arises.⁸² As Cavell puts it, such turning may surprise us. Thinking about a turning away from society as simultaneously opening up a turn towards it allows us to notice that the alternative ways of being and acting that are conceived of on the margins of society may become critical tools to re-engage society. Laclau’s work on hegemonic struggle stands as a reminder that extra-institutional politics should

⁸² I discuss the idea of such turning in more depth in ‘Moral Perfectionism and Democratic Responsiveness: Reading Cavell with Foucault’, *Ethics & Global Politics* 4 (1): 207–29, 2011.

not remain isolated; we should seek, through struggle, to re-establish articulations between the institutional and non-institutional domains. This, precisely, is the serious work done by such alternatives: democratic re-engagement through exemplary ways of living and acting is a well-spring of democratic imagination, and a source of critical change in society.