Disagreement without reconciliation: Democracy, equality and the public realm

Benjamin Arditi*

National University of Mexico

Nancy Fraser claims that the public sphere did not live up to the assumption of strict equality envisioned by Arendt and Habermas. She also believes that socioeconomic equality is a necessary condition for a truly democratic public realm. This is problematic not because equality is an unworthy goal but because it ties its pursuit to classical narratives of emancipation and hence to an ethos of reconciliation, at least implicitly. I argue instead that public space is structured around an ethos of polemicization and propose two criteria to frame its relation with equality. One is that public space comes into being through a polemic about the status of the given. This polemic tests the boundary between public and private and very often reconfigures it. The other criterion is that equality is always a contested equality to come. This is not because it takes the shape of a delayed presence – of an ideal equality that is simply not-yet-here – but because it can never find a resting point: the question of equality opens up whenever there is an attempt to verify it.

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The problem of inclusion and the assumption of equality

Many of those sympathetic towards Arendt and Habermas are suspicious about their belief in a golden age of the public realm, whether in the Greek city-state or in the bourgeois public sphere of the eighteenth century. This is because both took for granted that public space was open and therefore did not raise the question of inclusion – of who were entitled to enter the space of speech and critical debate among equals. It is a surprising oversight, especially in the face of the all too obvious exclusion of women and the exploited in ancient Greece and in eighteenth century Europe: neither the polis nor the early modern liberal sphere were open to the underclass.

This is a valid reproach. For Habermas, ‘The public sphere of civil society stood or fell with the principle of universal access. The public sphere from which specific groups would be eo ipso excluded was less than merely incomplete; it was not a public sphere at all’ (Habermas [1962] 1989, pp. 85,
He also believes that the decline of this sphere began only in the nineteenth century, when special interest associations invaded it and rational-critical debate yielded to compromise fought out or imposed nonpublicly, in which case he assumes that access was not a significant problem in the heyday of the liberal public sphere. This is a doubtful assumption. As Ryan says, ‘Even the barest outlines of women’s political history are sufficient to call into question a characterization of the last century as a blanket, undifferentiated decline of public life’ (1993, p. 263). Robbins sympathizes with this view when he writes that Walter Lippmann correctly observed in *The phantom public* that a sovereign and omnicompetent citizen is an unattainable ideal (1993, pp. vii–xxvi). It never actually existed and it is pointless to expect that everybody will actively engage in public debates, ever. In fact, says Robbins, the public sphere is actually healthier today than it was in the past. He asks, ‘For whom was the city once more public than now? Was it ever open to the scrutiny and participation, let alone under the control, of the majority?’ (1993, p. viii).

Arendt also disregards inclusion, but for other reasons. Pitkin points out that she reduces ‘good’ public space to men and exploiters only, which suggests an elitist view unconcerned by questions of justice (Pitkin 1981, pp. 335–336, 338). This arises from Arendt’s clear-cut distinction between the private and the public. She sees the prepolitical domestic world of the household as a mere condition of possibility for the existence of a free public space. Private matters are the concern of the household and cannot become public. The rise of the social, that is, the visibility of necessity – of matters concerning subsistence – can only impoverish the common world of political peers as it eventually reduces politics to administration and the agonal spirit to behavioural conformism (Arendt 1958, pp. 33, 28–39, 43–45). In this way Arendt side-steps the question of inclusion and fails to address what happens with the efforts of women and servants to enter public space.

Yet without inclusion, how can one talk of equality? Exclusion reduces the public sphere to a select club, and restricts equality to the few who are deemed fit to join and run that club. It is the first obstacle for the right to speak and be heard by others. It does not matter whether it is in the liberal public sphere or in the more specialised publics of workers, women, gays, immigrants, or other publics that developed alongside that sphere. People must first ‘count’ as members to participate in the Habermasian rational-critical debates that create an informed public opinion, or to engage in what Arendt calls agonistic contests for recognition among one’s peers, the *homoioi*. The demand for universal access and the recognition as equals has been the key demand voiced by proletarians in the pursuit of the franchise and women in the struggle against a patriarchal division of labour, to mention just two examples of the count of the uncounted.

Even if open access is not a problem, it is still far from certain whether those who enter the public sphere enjoy the strict equality assumed by Arendt
and Habermas. Admittedly, they both associate equality with the political equality of the citizen. Habermas considered the public sphere to be egalitarian not because it eliminated social differences, but because it disregarded status altogether. Power, prestige, and economic dependencies were held in suspense and people related to one another as peers (Habermas 1989, p. 36). His critics do not see this suspension of differences – which is meant to produce a certain ‘as if’ of equality – as sufficient. They maintain that the question of parity of speech and status arises once people enter the public sphere, for the voices of claimants are not necessarily equal. ‘Inclusion’ (through citizenship) establishes a form of parity that remains compatible with ‘inequality’ (of status or power). As in Orwell’s celebrated line, ‘All animals are equal but some animals are more equal than others’, in the public realm some peers may be more equal than others. This is argued from various angles. Arendt, says Lefort, entertains two equally naive beliefs. One is that speech is the sole medium of persuasion; the other is that speech cannot transmit inequality of power (Lefort 1988, pp. 53–54). Nancy Fraser raises a similar point with regard to Habermas, disclaiming the power-neutrality of speech and the possibility of bracketing inequality of status. She appeals to feminist research to show that deliberation can also function as a mask of domination (Fraser 1993, p. 119). Unless one assumes a public space of zero degree of culture, says Fraser, the inequality of speech resources turns out to be considered a constitutive trait of the Habermasian public sphere despite formal inclusion in it (p. 120, also see Alexander 2007 on the cultural mediation of inequality). This weakens Habermas’ case for unrestricted rational-critical debate among peers, in the sense that reason is neither the sole medium of persuasion nor a power-neutral means of engagement. Similarly, Perelman and others have shown that practical reason depends as much on rational discourse as it does on the capacity of public speakers to persuade the listener through rhetorical skills (Perelman 1971, see also Manin 1987). The uneven distribution of these skills is a symptom of the lack of strict equality in the public sphere.

A reconciled society?

While critics show that the assumption of strict equality does not hold, they do not dispute the necessity of such assumption. Some endorse the idea of an egalitarian society that is just as problematic. The work of Fraser on the public sphere is a good example. Like Rousseau and Marx, she considers ‘rough socio-economic equality as a precondition of participatory parity’, and adds that the achievement of this parity is essential for a democratic public sphere. ‘[A]n adequate conception of the public sphere’, she says, ‘requires not merely the [Habermasian] bracketing, but rather the elimination, of social inequality’ (Fraser 1993, p. 136, see also Fraser 1995, pp. 288–289, 295). She compares two types of society, actually existing stratified society, and a
hypothetical model of a post-bourgeois, multicultural egalitarian society. The basic framework of stratified societies, she says, generates inequalities that place social groups in structural relations of domination and subordination. Such asymmetry would not arise in egalitarian societies, for while these admit cultural heterogeneity, they are ‘societies without classes and without gender or racial divisions of labor’ (pp. 122–123, 125–128). The struggle against the inequalities of stratified societies is based on the notion of ‘subaltern counterpublics’. These refer to parallel discursive arenas where subordinate groups of women, workers or gays invent and circulate counterdiscourses concerning their identity, needs, interests, etc. (p. 123). Parallel arenas facilitate the achievement of participatory parity. They have a dual nature. ‘On the one hand, they function as spaces of withdrawal and regroupment; on the other hand, they also function as bases and training grounds for agitational activities directed toward wider publics’ (p. 124).³

Three things stand out in this argument. First, the conceptual engagement with the theory of the public sphere: Fraser’s ‘parallel discursive arenas’ are meant as a counterpoint to Arendt and Habermas’ view of the public sphere as a single, overarching public domain. Like others, she maintains that the publics of women, workers and gays developed alternative norms of public speech and coexisted with the liberal public of the bourgeoisie in a relation of competition and conflict (Fraser 1993, p. 16). She also introduces a useful distinction between weak and strong publics. Weak ones developed alongside the bourgeois public sphere as sites of debate and opinion-making whereas strong publics – such as legislative bodies – encompass both deliberation and the capacity to sanction binding decisions, although more recently we could also speak of hybrids that combine features of both types of publics (pp. 134–136). Second, there is a political intent in her take on the public sphere. This is because it combines a normative claim – equality is better than inequality and effective democracy requires equality – with an existential wager that asks us to take sides in the opposition between an unequal, stratified society and a future egalitarian one. And then there is a strategic move: if parallel discursive arenas are depicted as counterpublics, it is because they are part of a strategic logic aimed to redress the inequality of stratified society, and hence are passageways between an unacceptable present and a desired state of affairs where there would be no structural relations of domination and subordination.⁴ Finally, the notion of equality is used in two senses. It appears as substantive equality, that is, as the overcoming of socio-economic asymmetries arising from class differences, and as participatory parity to overcome structural relations of dominance and subordination, which evokes a much wider notion of power than the one operating at the level of relations of production (pp. 120–121). Her hypothetical model of an egalitarian society has managed to secure both, allowing for a multiplicity of publics as well as for ‘the possibility of combining social equality, cultural diversity and participatory democracy’ (pp. 127–128).
I have two reservations about this way of linking parallel discursive arenas, counterpublics and the assumption of strict equality. One revolves around the model of an egalitarian society. If the new society has cancelled inequality, then parallel discursive arenas would have to shed the qualification of counterpublics: if these were devices to redress inequality, in relation to what would they remain ‘counter’? This is not a problem per se because one could simply speak of parallel arenas, except that parallelism without any further qualification can lead to the proliferation of self-enclosed publics of women, gays, blacks or immigrants coexisting in a progressive apartheid of sorts. Fraser seems to realise this danger of fragmentation or rather segmentation of the public sphere. Yet she dismisses it either by a feat of institutional engineering, claiming that there would be at least one public where people could intervene on common issues or by assuming that self-enclosure would be avoided because every public involves many perspectives that give rise to internal differences and antagonisms (Fraser 1993, p. 127). This might be the case, but the belief in a peaceful coexistence of sorts requires a rather massive leap of faith which is at odds with the admission that antagonisms remains. This is because antagonisms involve divisions and potentially confrontations between collectives of us and them as well as the deployment of strategies of power and resistance. The outcome of antagonistic relations would re-inscribe the asymmetries characteristic of power relations within an egalitarian public space. Dominance and subordination would then be immanent and Fraser would have to concede that full equality – her call for the elimination of inequality (pp. 121, 136) – is an impossible objective. She does so indirectly when she speaks of rough equality (p. 121), but then the distinction between stratified and egalitarian societies becomes unstable. It would rest on the degree of inequality rather than on the presence or absence of inequality, which begs the question of what is the threshold of tolerable inequality acceptable in post-stratified societies.

The second reservation follows from the preceding one as it refers to the actual assumption of strict equality. The argument that substantive equality is a necessary condition for participatory parity is in line with a long political and philosophical tradition from Rousseau to Marx and beyond. We can agree that it is a worthy objective; together with solidarity, another Cinderella of the French revolution, it is perhaps the most salient remaining feature distinguishing socialists from liberals. The problem, though, is that once it is shown that there is no real equality in the public realm, whether in the polis studied by Arendt or in the field of public opinion that emerged from eighteenth century European salons in Habermas’ account, is there a case for arguing that there ought to be strict equality in order to sustain a proper public scene?

For Fraser the answer is a clear yes: ‘political democracy requires substantive social equality’ and ‘an adequate conception of the public sphere requires not merely the bracketing, but rather the elimination of social inequality’
This of course prevents us from applying the qualifier ‘democratic’ to societies where capitalist relations are dominant and turns current public arenas into mere travesties of publicness. It also makes it clear that the move to a post-bourgeois egalitarian society is actually a radical political programme that links the fulfilment of equality with regime change in the strong sense of the word. Indeed, to say that the achievement of equality requires the institution of an egalitarian society commits the analysis to an understanding of political transformation modelled around holistic narratives of emancipation. In the past, at least in the Marxist tradition, these narratives measured political reform against the maximalist standard of a proletarian revolution. Mere political emancipation seemed unworthy or at least ineffectual for the revolutionary task of transforming society when it was contrasted with the radical – yet philosophically suspect – horizon of human emancipation discussed by Marx in *The Jewish question*.

It is not difficult to see an ethos of reconciliation at work in this way of conceiving emancipation. This is implicit in the conception of the good society envisioned by Fraser. We already know that the latter is one ‘without classes and without gender or racial division of labor’ and with rough socio-economic equality as a precondition of participatory parity (1993, pp. 125, 133), although as seen earlier, she radicalises the requisite condition of substantive equality by affirming that there is no participatory parity unless systemic social inequality is eliminated. Two consequences follow from this elimination. On the one hand, her post-bourgeois egalitarian society could foster an exponential growth of the agonal spirit so dear to Arendt. Public arenas, no longer threatened by inequality of power or socio-economic resources, would become stages where everyone could pursue immortality through their deeds and words. On the other hand, in the absence of inequality or relations of domination, the publics of this society would come close to being stages for debating common administrative affairs of the polity. Either way, this model of the good society maintains an uncanny closeness to the Hegelian and Marxist thesis of the end of history where fundamental oppositions have come to an end, either through the advent of reason or of a classless society.

**A liberal-democratic take on the public realm and equality**

While inclusion as equals is a legitimate political demand, no statutory recognition of equality can prevent the emergence of polemics concerning its meaning, scope, or validity. The question of the uncounted, as Rancière has shown, is the enduring source of the wrong that institutes politics as the *mise-en-sens* and *mise-en-scene* of a disagreement concerning whether community exists or not. I will discuss this in the final section. In the meantime I want to propose a first way of posing the relation between equality and the public realm without the marks of an ethos of reconciliation. For this we
need to invert the argument about equality. Instead of linking it to a type of society or presenting it as a precondition of democratic politics, one could argue, as liberal-democrats and some liberal socialists do, that public space is a site for the pursuit of many objectives, including contending conceptions of equality and participatory parity.

This inversion has two advantages. Firstly, it maintains the goal of widening the scope of equality without resorting to holistic narratives of change, and therefore sidesteps the classical and by no means unproblematic distinction between reform and revolution without committing us to a minimalist or even defeatist political perspective. Bobbio once observed that today the question of democracy is less ‘who votes’ than ‘on what issues one can vote’ (Bobbio 1989, pp. 156–157). He was referring to the extension of democracy beyond the liberal-democratic arena of electoral representation, that is, beyond a mode of empowerment that Macpherson (1965) describes as the capacity to make and unmake governments through the exercise of the franchise. We can say something similar in the case of equality. Instead of relating it to an idealised public realm where equality is no longer an issue, intervention in existing publics can extend and deepen equality beyond its current parameters and therefore take it in the direction of what we might call a social rather than the usual electoral mode of empowerment. The second advantage of the said inversion is that this expands the field of progressive politics by multiplying the scenarios and objectives of collective action. Egalitarianism becomes a never-ending objective pursued by different groups in different times and places and therefore turns out to be a contingent outcome of political interventions.

The expression ‘going public’ illustrates this point. Despite Arendt’s (or Habermas’) claim to the contrary, inequality is compatible with equality in the shared common world of public space. It is not because the common world is not inclusive enough but because the notion itself is silent about the magnitude of each one’s share in it. Sharing involves a whole, the split of the whole into parts, and certain claims on those parts. The notion of sharing is unconcerned about the size of the parts, about the relations between the holders, or about the relations between these and that which is claimed. The criterion of equality (of parts, claims, and claimants) does not arise; neither does the problem of legitimacy (of the claims). Two persons can be said to share a house even if one of them occupies most of the rooms. Prima facie one can describe the asymmetrical configuration of this shared space but there is no way of judging if the division is fair or the eventual complaints of the lesser occupant are just. The same applies to public space. One might depict it as a common world, but this does not guarantee the equality of people’s share in it. And as we will see in the next section, it does not even ensure that one will count as a shareholder.

This is why one resorts to demonstrations, party coalitions or networks of organizations, movements, NGOs, and so on: these are ways to enhance the political voice of groups in public space. When one’s voice does not count, at
least not beyond the minimum threshold of equality as persons and as citizens, it is necessary to acquire weight to be heard. A demonstration is a show of strength (numbers of participants and capacity for disruption) that can be an end in itself or may be accessory to something else like being heard by a particular addressee or set of addressees. The greater the weight, the easier it is to be heard, to become an interlocutor of particularised addressees of the statement or demand. This helps to qualify the voice of a group in relation to others, to introduce an issue in the political agenda, or to jump-start negotiations to modify a state of affairs (a piece of legislation, a governmental policy, or an authority’s inaction on a pressing problem). So ‘going public’ is a means to reach objectives despite the lack of strict equality. It involves the identification of a cleavage, the promise that it will be addressed, the discursive construction of a figure of whatever stands for the disputed object, the leadership of a group in the pursuit of this objective, conflicts with other groups – in brief, the type of relations one expects in political games.

Two observations follow. The more obvious one is that initial juridical and political equality in the public realm attempts to bracket asymmetries stemming from class, gender, race, or religion, but cannot wish them away. These give rise to continual fissures in the ‘we’ that shares what Arendt calls the common world of the public realm. These fissures create a series of socially unequal – and usually conflictive – ‘wes’ in that realm. Yet the initial equality provided by inclusion in public space is also a condition of possibility for socially or culturally unequal peers to pursue broader equality as well as many other objectives through speech and action in concert. Sometimes it is also a sufficient condition. But often it is not, which leads to the second observation: one cannot always derive the actuality of whatever stands for the goal solely from the initial equality of those who are included in public space. The pursuit of any objective usually requires a political supplement. If Hobbes could claim that covenants without the sword are worthless, we can agree that formal equality without a political supplement is ineffective.

People go public to acquire greater visibility, weight and attention, whether through protests and demonstration or through more institutional modes of intervention like party coalitions, organised interest groups and social movements. These are means to make the most effective use of the initial equality as citizens and persons in the pursuit of a range of objectives in public space. As Leca put it, citizenship is ‘a resource which permits more of the socially disempowered to acquire a greater political competence and to defend their interests more effectively … [it] facilitates the politicization of social protest, the conquest of the public space by interests that have been excluded’ (Leca 1993, p. 20).

That is why a major aspect of the democratic revolution centred on the enlargement of the range of claims and claimants included in public space, not around substantive equality as a precondition for that space. Processes of subjectification around markers of class, gender, or race transformed private
issues into publicly debated ones. Movements that gathered around these issues have resurfaced time and again, striving to overturn their unequal standing in society. They have done so because inequality is bound to reappear at different times and in different places, and to adopt diverse meanings according to the various ways in which the challengers present it. This pursuit of equality, or rather, this public engagement to overturn inequalities, also shapes the terrain of struggle: public space is a site of confrontations that is also modified by those confrontations. Power and resistance – and the concomitant asymmetries these engender – are thus neither accidental nor regrettable shortcomings of public space. They are immanent to public space. That is why there can only be contingent political crossing, that is, why crossing the gap of inequality by connecting equality to a type of society – which easily slips into the idea of a reconciled society – is either unwarranted or based on a maximalist conception of change as total re-foundation of the whole.

The ethos of polemicization and the politics of equality to come

One possible criticism of the narrative of public space outlined above is that it leaves the fundamentals of domination and subordination untouched. This is because the way it handles inequality – whether it is derived from economic deprivation, racial prejudice, sexism or homophobia – never rises above piecemeal reforms. In contrast, the type of structural change advocated by Fraser is radical indeed, assuming that we can agree about what we mean by ‘radical’ after ditching the Jacobin referent of total re-foundation of society.\(^6\) The charge of reformism is a fair objection, but it also misses the point; the conventional or liberal-democratic account is bound to frame the interplay between equality and publicness within the horizon of reformist politics. The reason I have invoked it is not to dwell on the magnitude of change but to show that it is possible to decouple the question of equality from the requisite condition of a new society – and therefore move away from classical narratives of emancipation – and at the same time speak about drives to equalization as occurrences that make a difference in people’s lives. There is indeed a zone of indistinction between constituent power and constituted power as the latter has maintained a constituent capacity to re-institute the given. This is what mainstream groups advocating gay, women and black rights have been doing for many decades. Their actions have had relevant policy outcomes ranging from legal reforms to programmes of affirmative action and women quotas in political parties. They have also fostered cultural and behavioural shifts despite the stifling moral codes of political correctness that have often burdened their struggles for equalization.

But this conventionally ‘liberal’ narrative can also be interrogated for other reasons. One is that the reference to gays, women or blacks as ‘groups’ suggests that we are dealing with sociological categories with their
corresponding places in society. As long as the unit of analysis consists of identifiable places, which are by definition parts of a given social distribution or existing field of experience, we are dealing with parts rather than entities that come into being as effects of political action. This does not mean that one cannot speak of groups. We do it all the time. It simply means that we need to highlight that challenges to inequality are efforts to modify the setting as well as endeavours that configure and modify the nature of the intervening entities. A second possible criticism is that the understanding of equalization in the conventional narrative – with its attendant categories of perfectibility, temporality, embeddedness, and so on – is still marked by a perception of equality as something you get (or not) and thus remains in the vicinity of a metaphysics of presence. By this I mean that the not-yet-here condition of equality is a way of speaking of a presence to come that is simply a delayed presence: equality does not yet exist, and perhaps tomorrow it won’t either, but eventually it might be ours to take. The politics of equalization of the subaltern would then consist of getting more of whatever passes for equality, whether in this society or in the next, and preferably get enough of it in order to declare that equality is a done thing. Fraser’s critique of Habermas has traces of both themes. This is because ‘women’, ‘gays’ and others appear largely as given entities and the question of equality is framed by a particular understanding of the setting rather than by producing a subject of enunciation that was not evident in that setting. And second, because the radical alternative she proposes involves a passage from a present condition of lack to a future fullness incarnated in a hypothetical post-bourgeois society that will turn inequality into a thing of the past.

There is, however, another way of constructing the relationship between equality and public space. Like the liberal-democratic one, it remains critical of classical or holistic narratives of emancipation, or rather, it does not depend on them, but unlike either of these, it modifies the status of resistance and equality. Instead of groups it speaks of modes of subjectification, and instead of looking at equality as a statutory right, a universal referent or a structural condition it conceives it as a presupposition that must be verified continually. This approach builds on Jacques Rancière’s understanding of disagreement as an object of politics and as a method of political enquiry. The contours of disagreement emerge from his distinction between ‘police’ and politics as well as from his claim that processes of political subjectification refer to the constitution of the demos as the name of an outcast, ‘of those who are denied an identity in a given order’ (Rancière 1992, p. 61). Precisely because this condition of being the part of the no-part, the demos cannot be a pre-existing entity but refers instead to a political subjectification that occurs in the ‘in-between’, spacing or interval that opens up when a certain ‘we’ embarks in a process of de-classification from the place assigned by the existing order and of identification with that which it is not but could well become
by modifying the existing setting. For Rancière all society, be it hierarchical or post-bourgeois, is bound to wrong equality, and politics, which for him is a rare occurrence, is the practice of dissensus which seeks to verify equality – or rather its absence – by putting it to the test of a disagreement.

Let me unpack these ideas briefly. Police and politics are different ways of symbolising the common. For the former, ‘society consists of groups dedicated to specific modes of action, in places where these occupations are exercised, in modes of being corresponding to these occupations and these places’ (Rancière 2001, Thesis 7, 2004, p. 6). It is the logic of ‘groups’ with their attending places. Politics, in contrast, is marked by dissensus as it ‘exists when the natural order of domination is interrupted by the institution of a part of those who have no part’ (Rancière 1998, p. 11). It refers to processes of political subjectification or production of a capacity of enunciation that was not identifiable before and whose identification modifies the existing order. This subversion of the order of police revolves around equality, or rather, around its presupposition. Politics is the noise that the people or demos introduce into the well-ordered domain of the city though ‘the verification of the equality of any speaking being with any other speaking being’ (Rancière 1992, p. 59). While this verification already presupposes that the status quo has wronged equality, this wrong has to be demonstrated and verified in a polemic. Politics demonstrates the existence of a wronged part as the part that has no part or proper place in the existing order of police and sets itself the task of re-partitioning the world. That is to say, politics is a quarrel about the perceptible givens which calls the social/political, private/public divide into question. It shows that there is one world or partition of the sensible lodged in another, that these worlds clash, and that it is possible to transform one world into another (Rancière 2001, Thesis 8, 2004, p. 7).

The device for this verification is disagreement, or polemic, which is not the same as an agonistic contest or an oratorical match in a debating society. It refers instead to a speech situation where the interlocutors understand and don’t understand what the other is talking about: it is less about arguing than about what can be argued, which is the reason why disagreement is the concern of politics (Rancière 1998, pp. x, xii). From this standpoint, making the case for equality does not amount to establishing an agreed referent to judge whether it exists or not but involves instead putting whatever passes for equality to the test of a disagreement to verify its status – to demonstrate whether, to what extent and in what way there is equality or simply a lot of hot air. Such a demonstration breaks away from something like Habermas’ communicative rationality. This is because polemicization does not pose a regulative idea, that is, the assumption that people act as if they could eventually understand one another and arrive at an agreement about the meaning of equality. To put it shortly, which also means leaving out the subtleties of the argument, the resolution of disagreement – if there is such thing as a resolution – is not agreement but the transformation of the given or the defeat
and/or assimilation of the insurgents into the existing order of police. This does not entail the maximalism of an all-or-nothing position and does not preclude negotiations among the interlocutors. It simply highlights the expressive and disruptive ethos of disagreement or polemization at work in political performances (see Arditi and Valentine 1999, pp. vi–xiv). Disagreement without reconciliation becomes not so much the sign of the failure of democratic politics and the public realm as rather their constitutive marker.

Two consequences follow from this ethos. One is that if political insurgencies introduce dissensus in the gentrified domain of police, then disagreement is either a symptom of the absence of community or a dispute about whether or not we have a community. Either way, the status of the community is at stake and prevents the self-identity of its people or, to put it differently, those who share in Arendt’s ‘common world’ of the public realm never add up or there is always a remainder that is unaccounted for. Political insurgencies consist of the production of fugitive communities – an expression that is clearly indebted to Sheldon Wolin’s notion of fugitive democracy (Wolin 1996, p. 43) – for the handling of a wrong because politics requires the demonstration that another world or way of organizing the sensible can emerge and this demonstration itself creates a public scenario for dealing with the perceived wrong. This means that the public realm is not simply a space of inscription of egalitarian and other demands. It is also what comes into being through the very handling of a wrong.

The second consequence is that the pursuit of equality no longer proceeds by opposing egalitarian and structurally unequal society in terms of a simple presence or absence of inequality. This is partly because even if one concedes that there are various modes of organizing the given, some more preferable than others, all of them wrong equality at one time or another. Strictly speaking, then, the label ‘egalitarian society’ is a misnomer and the belief in its final realisation becomes a bogus notion. This is not a defeatist view and does not lead to political paralysis. To claim that final equality is unreachable is not the same as saying that transformative action is futile and that nothing ever changes. All police is exposed to the possibility of further reconfiguration or reinstitution whenever and wherever politics interrupts consensus in the process of demonstrating that there is a part of those without a part, of those whose equality has been denied. The pursuit of equality through polemization is not pegged to a holistic narrative of change and does not always or necessarily demand the creation of a new society in toto. As mentioned earlier, every constituted power retains a constituent capacity that can – and often does – transform the regions of the given. Equality turns out to be episodic because it is a presupposition that must be verified time and again: its pursuit is a task of Sisyphus and its champions will never be rewarded with a seventh day of rest in the shape of an egalitarian society. To borrow a Derridian trope, equality turns out to be equality to come in the sense that it is constitutively deferred rather than postponed to a future time when it will finally arrive.
Notes

1. The bulk of the literature focuses on the Western narrative of the public sphere that has become the master or theoretically dominant narrative vis-à-vis other modes of constitution of publicness like those in the Islamic world or in Confucian China (Eder 2006, p. 608). While this exposes Arendt, Habermas et al. to the charge of intellectual parochialism, it is also true that these thinkers are reflecting on the narrative that shaped their own experience of what the public sphere is about.


3. Fraser hasn’t changed her views on this. All she says is that her critique did not go far enough. It took for granted the Westphalian frame of political space and claims that this has become a disputable assumption: the discussion about publicity in critical theory must now call into question the frame of the territorial state (Fraser 2007, pp. 12–14).

4. Fraser borrows the term ‘counterpublics’ from Rita Felski’s work on feminism (Fraser 1993, p. 140, n. 21), although it can also be traced back to the writings of Oskar Negt and Alexander Kluge in the 1970s. Negt discusses his use of the term in an interview with Krause (2006). Fraser admits that counterpublics might well be antidemocratic and non-egalitarian but they still contribute to expand discursive space by introducing new issues into the public agenda (Fraser 1993, p. 124).

5. Habermas shares this assessment. In a roundtable on his work on the public sphere, Fraser asked him: ‘What are the social and economic conditions for effective participation in a non-exclusionary and genuinely democratic public sphere? Isn’t economic equality – the end of class structure and the end of gender inequality – the condition for the possibility of a public sphere, if we are really talking about what makes it possible for people to participate? Is capitalism compatible with this?’ For better or worse, Habermas’ response leaves no doubt about what he thinks of this way of conceiving emancipation and the public realm. ‘I have to get over the shock to answer such a question’, he says. ‘As I understand you, you are saying, Let’s try to be early socialists, political socialists, and utopian socialists and then say what we think the design should be… I don’t think that there can be any type of revolution in societies that have such a degree of complexity; we can’t go back anyway, in spite of all the romanticist antimovements. For academics, revolution is a notion of the nineteenth century’ (Habermas 1993, pp. 468–469).

6. But the Jacobin referent itself is disputable, either because it is metaphysical in its belief of total re-foundation or because it is inconsistent in the radicalism of the radical change it claims to incarnate – the new is never wholly new because remnants of the past survive in the new society. On this matter and for a proposal about how to use the adjective ‘radical’ in contemporary politics see Arditi 2007, pp. 110–118.

7. Rancièr’s distinctions can be deconstructed. As this task exceeds the scope of this article I simply mention in passim that the stark contrast between police and politics could be recast in order to allow for the contamination of one by the other. One might then be able to speak of a ‘politics of police’, an oxymoronic expression that allows us to identify a zone of indistinction between constituent and constituted power in all collective action. Frontiers between ‘groups’ and processes of subjectification would then become less stable than what he suggests.
Note on contributor

Benjamin Arditi is Professor of Politics at the National University of Mexico (UNAM). His research focuses on the question of the political and the limits of the liberal conception of politics. He is the editor of Post-liberal democracy? (Barcelona, 2005) and the author of Politics on the edges of liberalism: difference, populism, revolution, agitation (Edinburgh, 2007). He co-edits ‘Taking on the political’, a book series on continental political thought published by Edinburgh University Press, and is currently preparing a monograph on the becoming-other of politics.

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