

Overcoming agonism: the idea of conflict in political liberalism



by
Iwry Pestana

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Abstract

The thesis aims to explore two competing currents in political thinking, namely agonism and liberalism and to offer an argumentative defence for the latter by maintaining its consensual aspects while not discounting the idea of conflict as part of its political theory. Accordingly, it will offer a realist version of liberalism that goes beyond the mainstream liberal view that solely rest on normative consensus as it intends to revive liberalism through a non-utopian conception as envisioned by Judith Shklar. Consequently, the objective of the argument is to explain the attraction of fundamental liberalism components based on a specific type of liberalism that resists the moralist tendencies and the erasure of conflict as identified in Chantal Mouffe's political philosophy. To this end, the thesis will firstly highlight the Mouffean critique of liberalism as the fundamental anchor of agonism, while Judith Shklar's liberal philosophy will serve to articulate the ideal of political confrontation in the defence of liberalism based on realistic concerns. This is imperative since for political thinkers such as Shklar, who are grounded on realist perspectives regarding the societal ordinance, both conflict and plurality are unavoidable aspects of a liberal democratic society. This leads to an understanding of desirable social and institutional behaviours based on a particular liberal thought that is capable to offer a concrete answer to the question of how individuals can actually reach some kind of consensus for society's order. The thesis will thus contribute to our understanding of how the realistic consensus aspect of Shklar's idiosyncratic liberalism can be clearly distinguished from other major liberal strands.

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Introduction

Two distinct approaches in political thought regarding modern democratic theory

Without a doubt the existence of a democratic political structure is not always a guarantee that all citizens live under a democracy's roof.¹ In an ideal world, individuals should not only be safeguarded from harm, but also from being pushed around for their own benefit.² Shklar argues that, liberalism is at risk without representative democracy and an accessible, fair, and independent court that is open to appeals, as well as a diverse range of politically engaged parties.³ It's important to remember this since more than tacit processes of dominance, what characterizes the state is precisely its capacity to violently enforce the fulfilment of its determinations, without losing its legitimacy. Considering that the existence of several requirements, institutions, laws, etc., does not necessarily prevent large segments of the population from being excluded from the democratic system, it is plausible to state that issues such as violence and injustice can interfere not only with the way people vote, but most importantly with the dynamics of democratic governments' functioning. It is perhaps important to emphasize that oppression is not an inert concept nor is it just related to ethnic discrimination. It changes and may indeed be very camouflaged or open, since state apparatuses can hide oppression through institutionalised mechanisms such as voting to impose a will or persecution towards those who think differently than those in power. Such acts impede the individual's complete realization within society by inhibiting their political aspirations and will. For example, it might be the case of a disadvantaged group that does not have the necessary strength to enforce their voting rights. It might well be that their value will be diminished, especially if it is commonly believed that using their voting rights will not provide them with the fundamental opportunities they are entitled to.⁴ Another good example to illustrate this situation might be the case where, in fact, individuals feel without any kind of representation within the political sphere to stand up for them and their needs. So, fair elections among other liberal democratic characteristics such as equal political participation although necessary are not sufficient to constitute a defensible form of democratic liberalism which encompasses individuals different views, dignity and social position.

¹In fact, the last annual survey carried out by *Democracy Index*, which assesses the state of democracy shows that only 8.4% of the world's population lives in a fully democratic society whereas more than a third live under an authoritarian regime. The study was carried out across 167 countries in 2020 and it includes five basic measures: election process and plurality; government functioning; political engagement; democratic political culture; and civil rights. For more information and full report see the following:

<https://www.economist.com/graphic-detail/2021/02/02/global-democracy-has-a-very-bad-year>

² Shklar, J. 1990. *The Faces of Injustice*, p.90

³ Shklar, J. 2004. *The Liberalism of Fear*. In: Young, S.P. *Political Liberalism: Variations on a Theme*, p.164

⁴ Gutman, A. 1996. *How limited is liberal government?*. In: Yack, B. *Liberalism Without Illusions: Essays on Liberal Theory and the Political Vision of Judith N. Shklar*, p.77

Various authors have dedicated themselves to questioning and deconstructing the modern concept and the very notion of contemporary democracy within society. Among these authors is Chantal Mouffe that has great influence in the debate of contemporary politics. The perspectives of Mouffe on agonist democracy had a huge influence not only as an academic resource on political debate and strategy for the left⁵ but also as a direct influence in high political places. A good example of this is her overall influence on Latin America politics, especially regarding her direct impact on the shifting of the modern populist strategy in the Argentinian democracy.⁶ Mouffe's democratic theory challenges the conventional liberal models based on contemporary features of universalism and individuality by offering a radical new democratic model instead. She aims to show that any political consensus or agreement on the subjects of social relations cannot be achieved since, conflict, diversity and plurality are part of the very notion of democracy. She points out that:

*"it is only when we acknowledge the dimension of 'the political' and understand that 'politics' consists in domesticating hostility and in trying to defuse the potential antagonism that exists in human relations, that we can pose what I take to be the central question for democratic politics."*⁷

The process of negotiation through many hegemonic structures in the constitutive tension comprises of liberal democratic policy. This political tension, which is represented along the boundary of the political spectrums, can only be temporarily calmed by means of pragmatic agreements between political groups which as previously mentioned might leave an individual without any political voice or mobility. In consequence, Mouffe's democratic radicalism claims to be the most responsive alternative to liberal democratic models from the point of view of difference among identities and social conflicts.⁸ By referring to a secondary source, according Carl Schmitt who influenced Mouffe's thinking⁹, liberal thought displaces the realities of politics, being capable of only offering a liberal criticism as such, since it would tend to deny the true essence of the political. Within this analogy, liberalism then leans towards neutrality to deny the political and its controversial character with the consequence of its inability to make decisions. Although for Schmitt, the solution is a democracy which resembles a totalitarian state, the aforementioned denial of the political also has something to do with individualism, which has the inclination to distrust any and all institutions that restrict individual freedom.

"there exists a liberal policy in the form of a polemical antithesis against state... institutions which restrict individual freedom... but absolutely no liberal politics, only a liberal critique of politics...liberal

⁵ For a further perspective on this, see: Mouffe, C. 2018. *For a left populism*.

⁶ Beasley-Murray, M. 1998. *Peronism and the Secret History of Cultural Studies: Populism and the Substitution*. University of Minnesota Press Stable, p.189-217. Available from: <https://www.jstor.org/stable/1354555>

⁷ Mouffe, C. 2000. *The Democratic Paradox*, p.101

⁸ Mouffe, C. 2018. *For a Left Populism*, p.2, 37-38

⁹ Mouffe, C. 2000. *The Democratic Paradox*, p.36-57

thought evades or ignores state and politics and moves instead in a typical always recurring polarity of two heterogeneous spheres, namely ethics and economics, intellect and trade, education and property.”¹⁰

Interestingly enough, Shklar pragmatically shows that democracy and its institutions does not conquer the domination of injustice¹¹ and this alone can end up fostering domination or systemic exclusion in the political arena for the least well-off political agents and their representees when considering the ties of social relations. Therefore, it can be argued that democracies that rely exclusively on democratic methods or universal ideals would be unable to protect other distinctly liberal principles. As a result, democratic liberalism relies on constitutional restrictions that extend beyond the defence of democratic ideals such as a universal form of consensus since this value itself can be limited and often without an explicit political commitment to institutions and freedom. Additionally, defining the relation of a variety of views under a universal normative democratic consensus is insufficient in order to understand the notion of abuse and injustice in the political sphere. Consequently, liberalism should be constrained to politics and propositions to restrict potential power abusers in order to relieve the burden of individuals who can conduct their lives according to their own views and interests, as long as they do not obstruct others from doing the same. It is critical to understand institutional designs and their representation and how to really institutionalise values of justice to soften the state's acts of coercion in the face of pluralistic democratic societies. Thus, liberalism needs to be sceptical of efforts to harmonize conflicting values in order to empower individuals towards the protection of their freedoms, so they are not left out and against institutionalized abuse. Defending a form of liberalism that goes beyond universal principles, which is one of the sources of agonistic criticism with regard to conflict and the realization of both the political and individual, becomes interestingly necessary for the justification of coexistence rules for modes of living driven by different and immeasurable notions of the good. On the basis of these considerations, a non-utopian liberal perspective as found in Shklar also adds up to the need of understanding the weight that liberalism bears as well as its harmful repercussions, uncertainty of moral issues, and its implications for government as well as individuals. All of which are comfortably in her political range.

This thesis is motivated by a presentation and argument regarding liberalism in the sense of disagreement between these defined thoughts. Liberalism is not seen as a political theory in the face of agonism which denies the terms of such theorization as insufficient for the field of politics due to its consensual nature. Therefore, the research will investigate the agonist theory's interpretation of liberalism and compromise as a problematic mechanism to be overcome in the middle of the political process. It will be specifically concerned with democracy in modern political philosophy, considering

¹⁰ Schmitt, C. 2007. *The Concept of the Political*, p.70

¹¹ Shklar, J. 1990. *The Faces of Injustice*, p.91

the normative relevance of the comprehensiveness of the Mouffean concepts, their accuracy, and motivation. From considering her criticism of contemporary liberalism, consensus and deliberation as a central figure of which does not allow the confrontation and the evolution of the political debate to holding fundamental rights within her radical conception of conflict as a fundamental part of democracy and the total realization of the individual within it. As an antidote, the thesis will attempt to provide an account of liberalism based on Shklar's thinking as way to salvage liberalism as an appraisal of modern democratic politics. According to scholar Stanley Hoffmann, through her major contribution, the liberalism of fear, Shklar raises important questions such as emphasis on the citizenship issue, the tensions between the individual and the collective (not simply the state), and on the dialectic of inclusion and exclusion in the liberalism of fear.¹² All of which links to her other important observations such as conflict and justice in *The Faces of Injustice* and matters of political virtue in *Ordinary Vices*, offering not only a great contrast to the Mouffean perspectives when it comes to social political relations under the democratic roof but also for the understanding of power relations and actions under a unique liberal view. Through the gaps left by the Mouffean thought, the thesis will attempt to show that liberalism has in itself the necessary tools and argument to respond to its criticisms, offering not only a realistic perspective of liberalism but also of approaching the questioning of conflict, consensus and citizenship in a rational manner based on Shklar. It will try to suggest, in the face of agonism's alleged shortcomings, that liberalism is, in effect, an unavoidable political theory with its antagonist perspective regarding boundaries, capable of providing a consensual component that delivers a completely realistic approach inside of itself, capable of not just contributing to democratic legitimacy in its own terms but that it might indeed be the best alternative. Clearly, it is not possible to reconcile two ideologies that not only arose from incongruent philosophical backgrounds, but also point to divergent solutions. Liberal democracy seems to provide a moralised explanation of democratic authority, based on the values of inclusion, accountability, and reaching an agreement between equals. In this context, the record of the origins for political realism, which encompasses intellectuals such as Carl Schmitt and agonists such as William E. Connolly and, for this matter, Chantal Mouffe, will find in Judith Shklar, with her suspicion of utopian philosophy, a critical thinking capable of providing the conditions required to realistically explain an antagonistic form of democratic consensus in the liberal domain alongside other important issues such as the ones mentioned so far.

The discussion is organised as follows. In chapter one, the study will focus on highlighting the concept of agonistic democracy, within the framework of Chantal Mouffe's political thought, taking into

¹² Hoffmann, S. 1993. *Judith Shklar as Political Thinker*. Political Theory. May, 1993, Vol. 21, No. 2 (May, 1993), Sage Publications, Inc, p.174. Available from: <https://www.jstor.org/stable/191812>

consideration the notion of essential rights, emphasizing the structural factors that encourage the reference of conflict within her political perspective and the criticism of consensus in contemporary politics where the challenge is implicit in the form of an antagonistic struggle aiming to domesticate political conflict. In chapter two, the aim will be to offer an antagonistic perspective of democracy since individuals can't always agree on what is just, progressing towards a realistic liberal perspective in support of a definition of liberal democracy that is opposed by Mouffe and the agonist theorists. In particular, the liberal thought of Shklar, especially that of the liberalism of fear will be used in order to defend an ideal of tolerance and consensus as the best justification criterion for contemporary society without forgetting other important aspects of her political thought such as the matters of justice, cruelty and political vices within society. Shklar is not just relevant because her thought is grounded on important features such as those but also because she offers a unique perspective of pluralism along these matters without forgetting the real feelings of the wronged. The objective is that the reader can, during the course of the thesis, understand the critical points of the agonism in relation to liberalism, such as the criticisms of mainstream consensus, so the abstract level of the liberalism presented here can be better understood as relevant for both the debate and political order of society. Thus, not just offering a factual response to consensus-conflict notion as such but going beyond that premise by considering important matters of the political life that can be sometimes unnoticed such as political justice and scruples. The success of the research will lie in its ability to provide, in the end, a plausible conception of political legitimacy that can be thought of as a normative basis for contemporary democratic societies based on this particular liberal strand.

1. Chapter One: An introduction to Mouffe's radical view

It is argued that democracy has been notably marked by a distortion of its real purpose and by the widening discrepancy between the interests defended by the representatives and the desires of society in general. Mouffe states this clearly. She argues that it is no longer possible to imagine the democratic society as a society that has achieved the goal of complete harmony in social interactions. In order for it to be democratic, no single social actor may indeed claim to represent a totality.¹³ Still, the essential issue in democratic politics is not how to remove power, but how to create forms of power that are compatible with democratic principles. In this sense, the democratic system in contemporary states which contemplate a public space free for debate, must also accept the inevitability of conflicts, passions and contradictions. If one denies the individual's ability to experience new political aspirations by limiting democracy to a deliberate and logical agreement and by embracing neutrality, it might be that the possibility of new aspirations present in every individual

¹³ Mouffe, C. 2000. *The Democratic Paradox*, p.21-22

is denied and so is their chance to shape a form of representation which is capable of standing up for their values. The democratic system cannot be sustained only within a reality of consensus, but requires the presence of conflict of interest as something natural and inherent in the nature of every human being. The fact is that people will always be divided, as they all have different concepts regarding societal ordinance. Thus, the search for a hegemonic consensus makes people not only more apathetic, but also political parties considering that the distinction of political ideas and values are left in the background. If one considers the modern democratic scenario, it wouldn't be unreasonable to state that political parties with different ideologies give up their identity to become more appealing focusing on satisfying a large majority which can end up fostering the idea of one feeling completely unrepresented or having their voice unheard. The distance between representatives and represented is something tangible. The figure of the politician faces the risk of complete discredit, as there is no longer a process of building political identities in a specific democratic way. The corrosion of the democratic representative system is present. Mouffe argues that:

*"To satisfy their desire for a 'voice', existing representative institutions have to be transformed and new ones established, so as to create the conditions for an agonistic confrontation where the citizens would be offered real alternatives. Such a confrontation requires the emergence of a genuine left able to offer an alternative to the social liberal consensus dominant in centre-left parties. The case of Greece can, I think, serve as an illustration of such an"*¹⁴

Furthermore, the decadence of the conflict of ideas in pursuit of a majority for the consolidation of hegemony can be argued to be part of a recent shift in the political sphere. The formerly powerful mainstream parties have seen its foundation crumble as they fall into constant compromise with other parties in order to govern. Consequently, this might cause inconvenient and uncertain coalitions leading to an estagnized political sphere. This is why it is impossible to achieve a rational public agreement with the aim of a pluralist democracy. There cannot be such a consensus. As a transitory outcome of a provisional hegemony, one must acknowledge that every agreement arises as a stabilising of power, always including some type of exclusion.¹⁵

Mouffe attempts to show, as Schmitt did, that liberal reliance on the need for unity obscures actual conflicts within communities and, as a result, fails to differentiate political positions, especially those on the left and right spectrums.¹⁶ Appropriating in part of the criticism of Schmitt's liberalism exposed beforehand, she maintains that the liberal language of rights (that is, the legal instruments, based on the courts and jurisprudence, such as the 'negative freedom' of Constant and Berlin) would have overlapped and been contrary to the language of virtue, of participation in the government of the

¹⁴ Mouffe, C. 2013. *Agonistics: thinking the world politically*, p.120

¹⁵ Mouffe, C. 2000. *The Democratic Paradox*, p.104

¹⁶ Mouffe, C. 1993. *The Return of the Political*, p.3-8

state (positive freedom expressed in civic republicanism).¹⁷ Considering this argument, it is fair to deduce that the legal institutions forged by liberal thought, from constitutionalism and human rights to the instruments and jurisprudential practices, could often be obstacles to the realization of democracy itself, of positive freedom and, in particular, social justice, which today has been somewhat transferred to human rights where these depend fundamentally on political-democratic participation to materialize. Within this context, liberalism would be refractory to politics, as well as, consequently, to all legal institutions built by the liberal thought since the situation of the citizen as a result of the radical democracy ideal is demonstrated to be highly important, as it recognises that the citizen is more than merely a bearer of individual rights. Such argument leads one to think about the compatibility or not between political rights in the liberal era. Mouffe points out that:

*"For, at the heart of the very concept of political modernity, it is important to distinguish two traditions, liberal and democratic, both of which... are articulated only in the nineteenth century and are thus not necessarily related in any way. Moreover, it would be a mistake to confuse this 'political modernity' with 'social modernity'..."*¹⁸

The traditional components of politics like conflicts, antagonisms and power relations are 'forgiven' by a usually liberal perspective that regulates a diversity of interests without the necessity for a greater degree of decision-making. In fact, this moralization of politics is therefore a mischaracterization, as the policy discussion is not based on liberal rationalism and impartiality. In *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, Mouffe (and Laclau) states that in conflict and division one "will never be able to leave their particularities completely aside" and that "without conflict and division, a pluralist democratic politics would be impossible."¹⁹ If one considers the notion of conflict as essential for democracy as does Mouffe, important scholars that holds consensus and deliberation in high esteem, such as Rawls and Habermas, in which Mouffe is very critical about, cannot apply the theory of rational consensus, as the essence of democracy is conflict. Democracy theory, as found in Rawls' or Habermas philosophy has been influenced by views in recent decades that stress the mechanisms for generating consensus, therefore, by seeking to erase conflicts by eliminating human relations, deliberation allow only private interests to occupy places of power. Mouffe argues that, both Habermas and Rawls solutions may differ, but they both share the belief that via proper deliberative mechanisms, the tension between individual rights and liberties and claims for equality and popular involvement may be resolved.²⁰ The work of Mouffe opposes this trend and thereby underlines the irreducibility of the conflict, upholding the concept of an "agonistic democracy" where

¹⁷ *Idem* (p.37-38)

¹⁸ *Idem* (p.10)

¹⁹ Laclau, E & Mouffe, C. 2001. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p. xvii-xviii

²⁰ Mouffe, C. 2000. *The Democratic Paradox*, p.8

rivals face each other while not being enemies. She explained that in this kind of democracy there may even be a consensus, but it is transient and it is a provisional hegemony one. Furthermore, it denies the intrinsically conflictual nature of modern pluralism by postulating the possibility of a non-exclusive public sphere of discourse that may achieve reasonable consensus. One cannot understand that concluding a discussion is always a decision that limits any other opportunity and for which responsibility should never be rejected by using the mandates of universal norms or principles.²¹ For Mouffe, considering that a political identity is only constituted within a society through disputes against different antagonistic positions, the political has the status of social ontology. A decently social power might arise, trying to broaden the pluralistic principles of conflict without restricting both the social and political spheres. In the social field, identity development can occur in an instance of power. Power, not as something before identities, but as something which crosses the social objective of their formation. Thus, she seeks to demonstrate that conflict, contrary to consensus, is both central and fundamental in the context of modern democracies and can never be removed.

With that in mind, the objective of the chapter is to further the understanding of the Mouffean thought by drawing observations on the issues raised by Mouffe regarding consensus, conflict and the idealization of the individual into the political sphere by exploring the shortcomings of liberalism. Firstly, it will present the influential consensual aspects of the Rawlsian-Habermasian democratic thought and its limitations under Mouffe's critiques. Secondly, it will offer Mouffe's view regarding conflict as an essential part of democracy, offering valuable insights regarding the structuring and conflict between agonism and antagonism and how Mouffe's agonistic democracy is a response to the panorama that the author identifies as post-political. Thirdly, it will explore the agonism perspective as the solution to overcome liberal democracy by offering important insights regarding the crisis of representative democracy by highlighting the importance of participation in the political sphere, the motivations in rethinking radical democracy without forgetting the importance of rights. This is extremely important since agonistic democracy is centred on a very specific form of conflict, and that it can only occur under certain institutional conditions. To contextualize and to situate the reader regarding the shortcomings of the Mouffean thought, the chapter will move towards the attempt to highlight the issues or potential issues with the agonist political view before offering a conclusion for the chapter as such.

1.1 The Habermas-Rawls consensus debate in liberal democracy

Despite the ideological deviations, both Habermas and Rawls have in common the appreciation for human reason and the belief that, given the appropriate circumstances, it can guide one towards the

²¹*Idem* (p.105)

direction of overcoming the moral dilemmas and the correct reasoning of politics and public life. Additionally, they both share an important idea within democratic theory that idea being deliberative democracy. For political philosophers such as Rawls and Habermas, it is important for people to participate in real rather than hypothetical dialogue in a variety of public fora.²² In this sense, deliberative democracy contends that the practise of citizenship goes beyond mere political participation, necessitating a more direct participation of persons in the realm of the public sphere, in a sustained framework of debate and reflexive critique of norms and social values. The definition of the public sphere is critical for deliberative democracy since it is a forum for communicative deliberation, a place where people engage with one another and discuss political decisions, resulting in a network of communicative procedures aiming at mutual justifications to enable mutual reciprocal clarification of citizens and the formation of public opinion and consensus. Similarly, for Mouffe, but with a different approach in opposition to this consensual pluralist interpretation, mechanisms such as civic and political engagement would be indicative of a radical democratic theory. That is, to refuse the reduction of democracy to electoral institutions and seek ways to carry out, more effectively, the promises of popular sovereignty and political equality. Participation concerns decentralization, direct participation, and dissemination of democratic procedures for public apparatus. To an extent, although a modern reading of participation approaches duality between democratic unit and antagonist democracy, the focus of its most important versions is not overcoming the conflict as seek by Habermas or Rawls. On the contrary, it could mean that the generalization of democratic practices would provide a way to deal with disagreement and to express divergences. However, Jane Mansbridge interestingly points out through her study which deals with democracy and equality that:

“face-to-face democracy does not guarantee equal participation, let alone equal power. Without comparative data, however, one cannot tell whether the situation is worse or better than it would be in a representative, secret ballot democracy... in a classic face-to-face democracy... participation is unequal... Since participation is unequal, power is probably even more so.”²³

The strands influenced by Habermas or Rawls emphasise consensus as a constitutive aspect of a just society. Firstly, in Rawls' *Theory of Justice*, the emphasis is on the importance of impartiality explicitly reflected in the *veil of ignorance* which prevents each individual from understanding his or her place in society their abilities, personal characteristics, and desires.²⁴ The basis on which differentiated

²² Goodin, R.E. 2008. *Innovating Democracy: Democratic Theory and Practice After the Deliberative Turn*, p.39

²³ Mansbridge, J.J. 1983. *Beyond Adversary Democracy*, p.100

²⁴ It is a hypothetical condition within the *original position* in which social justice and the distribution of means are allocated fairly, as though by an individual who should choose the laws and monetary frameworks of society without understanding what role the person in question would hold in that society. It is important for the parties to be uninformed of their social position in relation to all the attributes and needs they may have in order to certify that individuals are not benefited in terms of principles selection for a well-ordered society.

interests, that is, the conflict of interests, can be created is excluded. Considering *A Theory of Justice*, thanks to the *veil of ignorance*, the *original position*²⁵ eliminates the obstacles and allows reason to manifest. Its result is the adoption of unanimously accepted principles.

*"Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain... The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair."*²⁶

Thus, the partiality and the fact that one sees the world from a particular position and that one tends to develop interests associated with this position is an evil to be overcome, which leaves aside political debate and conflict.

According to Rawls' ideal, at all times of the decision-making process, which is presented as divided into four successive stages in force that remove the decision makers of their particular positions. 1) the original position and the choice, by the agents, of the principles that will guide the society of the future so that it is considered fair; then, (2) the stage of drafting the constitution, according to the principles (principle of equal freedom for all and principle of difference, found in the first stage); then, (3) comes the stage of the legislature, in which specific laws are voted, according to what was decided in stages 1 and 2; finally, (4) judges and officers to exercise the laws in specific cases, as well as citizens' compliance with laws.²⁷ Thus, one has a good example in contemporary political thought, dissolving the political judgment, necessarily partially, by a type of judicial judgment guided by a criteria of impartiality. Within this perspective, Rawls presents a "depolitized" technocracy since the justice must be determined in perpetuity through deliberation under hypothetical conditions before the advent of the government and the initiation of politics. Thus, it can be argued that is exactly through examples such as the one presented that Rawls theory of justice receives criticism for its lack of practicality and theoretical concreteness regarding the reality of the political sphere. For instance, Mouffe points out that:

*"The way he envisages the nature of the overlapping consensus clearly indicates that, for Rawls, a well-ordered society is a society from which politics has been eliminated."*²⁸

Another illustration that relates more to modern democratic societies is the fact of pluralism that is articulated in *Political Liberalism*. In his posterior effort for defining his theory as within the political

²⁵ The *original position* is an essential feature of Rawls's social contract explanation of justice that aims to bring a sharp hypothesis to encourage individuals to decide by a starting point, the standards of justice that can be applied to a given society without being able to use self-justifying means to obtain privilege at the cost of others from that same society. In other words, it is a viable concept created to make sure that the sense of justice (of the two principles within *justice as fairness*) happens. For a full explanation of the *original position*, see Rawls, J. 1999. *A Theory of Justice*, p.10-19.

²⁶ Rawls, J. 1999. *A Theory of Justice*, p.11

²⁷ *Idem* (p.171-175)

²⁸ Mouffe, C. 2000. *The Democratic Paradox*, p.29

sphere with a realist aspect, the ideas of the *original position* and the *veil of ignorance* lose centrality bringing the notion of an *overlapping consensus* regarding reasonable comprehensive doctrines. The *overlapping consensus* implies how proponents of a variety of comprehensive doctrines which obviously mean opposing conceptions of justice are able to agree on simple principles of justice that underpin the basic social frameworks of democratic institutions. A modern democratic society is distinguished not only by a plurality of comprehensive theological, philosophical, and moral doctrines, but also by a plurality of doctrines that are incompatible with one another while remaining within the bounds of what is reasonable.²⁹ Rawls claims that the plurality of competing and irreconcilable theological, philosophical and moral ideologies that define a democratic political culture is an inevitable consequence of the practise of human reason's abilities when carried out under free and enduring basic institutions.³⁰ Thus, despite solid incongruities in the definition of fairness regarding individuals, if such concepts can result in identical political judgments based on justice, it would be through an *overlapping consensus*. At that stage, Rawls assumes that one lived amongst a plurality of doctrines, all reasonable in their own terms but incompatible with each other. Therefore, one is obliged to allow opposing doctrines because one do not have the necessary instruments to decide, in a convincing way for all, which one is correct. But the problem is to ensure social stability and the application of principles of justice with universal validity. In the Rawlsian perspective of justice, pluralism is a challenge to be met rather than a virtue (like in the modern liberal tradition). It stems from the lack of reason; therefore, the political process takes on an epistemological dimension: the questions asked by society must be answered and the task is to find methods to increase the probability of achieving them. In addition to this epistemological conception of politics, there is a concern about reducing the level of conflict in society. The *overlapping consensus* of reasonable doctrines seeks to ensure that no group will challenge the central elements of the social order. For Rawls at least a large majority of its politically engaged citizens must gladly and freely support a durable and secure democratic system, one that is not split into conflicting ideological confessions and antagonistic social classes.³¹ Furthermore, according to Rawls:

*"there are doctrines that reject one or more democratic freedoms is itself a permanent fact of life...This gives us the practical task of containing them—like war and disease—so that they do not overturn political justice."*³²

In this view, it can be argued that Rawls' philosophy leads to political irrelevance. Either the questions are settled definitively, or should be "kept off the table" such as various debates based on religion as

²⁹ Rawls, J. 2005. *Political Liberalism*, p.xvi

³⁰ *Idem* (p.3-4)

³¹ *Idem* (p.38)

³² *Idem* (p.64)

abortion for instance. Furthermore, it can be stated that people as active citizens have political rights which include, above all, the possibility to present claims to institutions, based on their own conceptions of justice. With a public agenda reduced to the minimum and the emphasis given to the individual claim to the instituted power, the space of conflict is completely eliminated and pursuing these claims becomes not only impractical but irrational which makes the Rawlsian theory more relevant to political-moral questions rather than actual practicalities. According to Hampshire:

*"Respect for a process can, as a matter of habit, coexist with detestation of the outcome of the process, and this particularly in democracies."*³³

Moving on, the course of the Habermasian thought presents a different approach but holds a similar idea that of Rawls. However, the superiority of impartiality in the deliberative process judgment is more nuanced and less central. Habermas points out that:

*"an empirical specification of public opinion in a comparative sense is today the most reliable means for attaining valid and comparable statements about the extent of democratic integration characterizing a specific constitutional reality."*³⁴

More importantly, it recognises that the implicit goal of all communicative interactions is consensus. In comparison to instrumental or strategic action, what distinguishes communicative action in the Habermasian case is the quest for comprehension among participants in the public sphere. Individuals must be on an equal footing and have freedom to express themselves. In *Between facts and norms*, Habermas argues that:

*"The distribution of compensations only follows from an equal distribution of rights, which in turn results from the mutuality of recognizing all as free and equal members. Under this aspect of equal respect, subjects have a claim to equal rights."*³⁵

The claim founded in *Between Facts and Norms* seeks to demonstrate that the rule of law and democracy have a conceptual or internal linking, rather than only a historically dependent connection. As the only basis of legitimacy, the proceduralist interpretation of law privileges the communicative presuppositions and procedural requirements of democratic opinion - and will-formation as the sole source of legitimation.³⁶

For the enrichment of the debate, within this consensual deliberative context, the requirement of impartiality in Habermas is more complex than in Rawls. The *original position* simply nullifies the differences between individuals which leaves the possibility of arguing that for the lack of distinctiveness, the dialogue between identical abstract reasons is, in fact, a monolog. In Habermas, it

³³ Hampshire, S. 2000. *Justice is Conflict*, p.46

³⁴ Habermas, J. 1989. *The Structural Transformation of the Public Sphere*, p.244-245

³⁵ Habermas, J. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p.418

³⁶ *Idem* (p.449-450)

is possible to follow a path that replaces the search for impartiality with the inclusion of multiple social positions. Instead of a single perspective that encompasses everything because it is not situated (*veil of ignorance*), there are an innumerable of perspectives that collectively cover everything since it is situated everywhere. However, he treats public opinion as the source of political power, in a process in which the public expresses itself through liberals, elections and parliament, responsive to it. In this sense, it can be argued that deliberative democracy ceases to be a revolutionary movement to become a justification of the liberal order. It corresponds to a revaluation of the spheres of civil society as a space for implementing deliberative practices. Habermas points out that:

*"First, a robust civil society can develop only in the context of a liberal political culture and the corresponding patterns of socialization... it can blossom only in an already rationalized lifeworld. Otherwise, populist movements arise that blindly defend the frozen traditions of a lifeworld endangered by capitalist modernization."*³⁷

In this sense, it can also be argued that Habermasian deliberative theory falls into the same idealised criteria that often brings criticisms to liberalism that was mentioned beforehand.

*"The deliberative model of democracy does not represent a counterfactual thought experiment... I understand such a theory to be elucidating the already implicit principles and logic of existing democratic practices. Among the practices that such a theory of democracy can elucidate are the significance of deliberative bodies in democracies, the rationale of parliamentary opposition, the need for a free and independent media and sphere of public opinion, and the rationale for employing majority rule as a decision procedure."*³⁸

What is left of the initial formulations is the appreciation for mechanisms to reduce conflict and to reach consensus, within these existing practices. Additionally, both Rawls and Habermas are references to the perception that the conflict of interests is a problem to be overcome. A well-ordered society must be able to produce its norms with the minimum conflict, either through the validity of impartiality or by being open to communication, consequently, the argument of others. From a radical perspective, it can be argued that such posture has a strong anti-political component in search of a harmonious community where political disputes, whose open manifestation is one of the characteristics of democracy would not allow society flourish. This is one of the main points of the criticism developed by Mouffe who notes that:

*"in order to radicalize the idea of pluralism, so as to make it a vehicle for a deepening of the democratic revolution, we have to break with rationalism, individualism and universalism. Only on that condition will it be possible to apprehend the multiplicity of forms of subordination that exist in social relations and to provide a framework for the articulation of the different democratic struggles - around gender, race, class, sexuality, environment and others."*³⁹

³⁷ *Idem* (p.371)

³⁸ Benhabib, S. 1996. *Democracy and Difference: Contesting the Boundaries of the Political*, p.84

³⁹ Mouffe, C. 1993. *The Return of the Political*, p.7

With this in mind, the next section will address important issues, starting with the approach of Mouffe's radical thought and its relevance to the political debate when it comes to conflict and how conflict itself is a fundamental part of a pluralistic democracy.

1.2 Conflict as constitutive of democracy

The search for hurrying social and political transformations toward an egalitarian democratic society in which different individuals could develop their own plans proved increasingly challenging in the face of the rise of new movements through liberal democracy.⁴⁰ While dialogue and deliberation are crucial points for the creation of a democratic political culture, when considering the agonist perspective, it should be noted that one should not overestimate such a thing. It is worth remembering that democracy have largely opened the way for nonviolent confrontation and contradiction without direct aggression in the societal, financial and political spheres. Its success, as it is, is linked primarily to the ideological and personality aspects of disputes that are highly important both for accurate interpretation of their origins and to the search for successful forms of their resolution. Consequently, contemporary disputes are often not just conflicting of interest but often conflicts of values, where struggles of different political ideologies and groups are founded on a strict understanding of a narrative of thought containing a particular structure, mindset opposition, and awareness of various interests at times. According to Mouffe:

"The liberal idea that the general interest results from the free play of private interests, and that a universal rational consensus could come out of free discussion, blinds liberalism to the phenomenon of the political..."⁴¹

There is a need to remember that such a perspective will manifest in an effort to overcome (agonism) or balance (antagonism) the conflictual norms of democracy. If, on the one hand, such dispute ends in a combination of interests, capabilities, and preferences in a system of standards that allows for consensus and contractual relationships, creating order and ensuring accurate social predictions. On the other hand, these structures focusing on the underlying consensual stability become inappropriate leading to the rupture of political society due to its apathy.

For agonism, democracy is not about discussion, the ethics of words and consensus. If one remove conflicts from its concept, one is faced with an imposed consensus which represses, hides, rejecting inconsistencies, disagreements, desires, principles and world views that are still present, even under the surface. Thus, without speaking of the agonistic aspects of political life, socio-political systems cannot be reflected. It is impossible to eradicate conflicts, critical positions, or alternate forms of understanding and the practise of democracy in the name of consensus, balance, moderation,

⁴⁰Mouffe, C. 1993. *The Return of the Political*, p.86

⁴¹*Idem* (p.111)

viability, government and peace. Failure to do that would end up hiding, in a fatalistic attitude, the resigned acceptance that incomplete democracies exist, and seem to be unmodifiable. Mouffe states that:

*"We have, in fact, to acknowledge that the victory of liberal democracy is due more to the collapse of its enemy than to its own successes. Far from being in excellent health, there is growing disaffection with political life in the Western democracies and clear signs of a dangerous erosion of democratic values."*⁴²

Negotiation, dialogue, and joint agreements are interpreted as instances that would allow for the avoidance of confrontations, which, from a liberal perspective, would be highly dangerous to the future of the current democratic system. But why is there such a steadfast denial of the conflict? Why the proposals pointing to its abolition? Why is one so obstinate about denying its existence? What one sees under these views is an understanding of the social transformation that does not consider class struggle as the underlying force of tradition in contemporary communities. Such consequences force the left to reconsider their policies and directions, especially in light of the emergence of new social movements and how their demands can be assimilated into a more inclusive political agenda. Reflections on post-political, or, to put it another way, politics perceived as a practical organization of social interests, catch Mouffe's attention after the triumphalism of liberal democracies and the role of the third way, which, by reconciling right and left components, aimed to overcome the current tension between the two spectrums. Moreover, with globalisation and a universalization of liberal democracy, one should foresee a cosmopolitan future for stability, development and human rights in the world.⁴³

A society without antagonisms is therefore post-political since everyone begins as a single group under the same legal-political system, challenges can be addressed without committing to ideological initiatives on any political spectrum. In reality, the word 'ideology' itself is increasingly eroding since social and economic disparities are not explained by speeches and policies of a class in place of others, and there are several more distortions in the allocation of resources that can be eventually mitigated by varied changes and timely forms of state intervention in the economic area. There are two tendencies in the deterioration of social identities: firstly, the constitution; and secondly, the individualization and its weakening. In constitutional terms, social identities in post-traditional cultures no longer indicate an antagonism between *we/they*. In terms of individualisation, this suggests a substantial exhaustion of the senses found within communities and modes of social representation. New threats of a global nature expose people to unknown incertitude and impede,

⁴² *Idem* (p.117)

⁴³ Mouffe, C. 2005. *On the Political*, p.1

not to mention, the party spin-off that characterises the conflict of *we/they*. Gradual changes provide for some major developments in the post-political world such as solving antagonisms, neutrality solutions or transitions that take place from and within an institutional framework. The overall contribution to the emergence of forms of cooperation embedded in various public spaces reflects overcoming antagonisms: differences and clashes between different viewpoints and perceptions of the world can be resolved by an openness to discourse, which is often marked, at least in principle, by an approach of conciliation and tolerance. The political debate is seen as a discussion between persons whose aim is to build new solidarity and to spread the foundations of active trust. Conflicts can be pacified thanks to the "opening" of different public domain, as individuals with very different interests decide on various problems and create a relationship of reciprocal tolerance that enables them to work together by conversation. Conflicts can be pacified. Of course, there would be disagreement, but it should not take the form of an enemy.⁴⁴

One of the difficulties with this approach, though, is that it is impossible to differentiate between the various social policy initiatives. Since the separation of divergent political projects is impossible, the way people relate to those projects is affected. It is then that Mouffe draws attention to the emergence of nationalist parties, which seek to rise to a disgusted and under-represented electorate by breaking from the existing trends of normal and conciliatory politics.

*"When we examine the state of democratic politics in all the countries where right-wing populism has made serious inroads, we find a striking similarity. Their growth has always taken place in circumstances where the differences between the traditional democratic parties have become much less significant than before."*⁴⁵

These parties bring with them ideas and directions that run contrary to the foundations and ideals of western democracy when confronted with the system. It is definitely a contribution to the development and increasing stabilisation of the post-political landscape, though it is not responsible for the emergence of such parties. The growth of the above parties, however, does not only reflect the arrival of underrepresented viewpoints, but also a frontal questioning of the most fundamental rules that make up the dynamics of political parties, especially in relation to pluralism. The way these groups compose conflicts also means that they exclude or even fight against what is new. Political programmes focused on expressions of nationalism and homeland have xenophobia and other forms that strengthen the delimitation and imposition of one identity on the others. They attack the very principles that underlie the democratic way of life. Despite this, these parties are reinforcing an argument of considerable importance: the democratic dynamic lies in the mobilisation of collective forms, such as the population, who are not limited to particular isolated individuals. Once the split

⁴⁴ *Idem* (p.48)

⁴⁵ *Idem* (p.66)

between political projects is transposed through the administration of conflicting interests, the manifestation of the political is characterized by the maintenance of the status quo, that is, a significant portion of the rhetorical expression of populist parties lies in criticising the *establishment*, proposing real alternatives and important transformations.

“They also provide people with some form of hope...Of course, it is an illusory hope, founded on false premises and unacceptable mechanisms of exclusion ...But when they are the only channels for the expression of political passions, their pretence to represent an alternative is very seductive.”⁴⁶

Thus, that’s what helps one to understand the importance of conflicts in the political landscape in liberal theories. This conflict requires seeking analytical contributions in which the position of the irrational is not rationally mediated in its entirety in the form of impulses and inclinations. Asserting the inevitable character of the political struggle often requires speaking about how, once opposing, multiple viewpoints somehow can coexist without being distorted in a larger and so-called impartial political endeavour.

It can be argued that recognising that discrepancies with social principles and fundamentals cannot be overcome or reconciled definitively with a rational approach focused on negotiations and agreements. It also includes understanding that no structural arrangements alone would therefore be able to propose impartial options and alternatives and thus fail to circumvent the desires of the established parts. In this way, the political contradictory existence is inevitable. If the disagreement is inevitable, it does not conclude that it must be framed in terms of annihilation of the opposite side, and it is for this cause that Mouffe develops the distinction between antagonism and agonism. The antagonism represents a conflict in which one of the sides’ existences is jeopardised as a result of the existence of another, or it is a tension that is formed in terms of friend/enemy. The conflict arises when a certain social area is formed by the use of these terms, with this mechanism obstructing opposing forces to its formation. Since it carries with it the risk of dissolution, the enemy is someone to be fought, but never completely eradicated. It is important to emphasize that although such conception (the political) is based on Schmitt’s thought, she takes a slightly different direction here:

“The systematic theory of liberalism concerns almost solely the internal struggle against the power of the state.’ However, the liberal attempt to annihilate the political is, he says, bound to fail. The political can never be eradicated because it can derive its energy from the most varied human endeavours: ‘every religious, moral, economic...transforms itself into a political one if it is sufficiently strong to group human beings effectively according to friend and enemy’.”⁴⁷

In this sense, the antagonism itself is antithetical to some sort of pluralism in a democratic framework, and Schmitt himself could not envision a place for it in the democratic culture. The deciding factor in

⁴⁶ *Idem* (p.71)

⁴⁷ *Idem* (p.12)

Mouffe's theorization is how Schmitt emphasizes the decisively relational character of the political relationship, something that William E. Connolly has so well discussed.

*"An identity is established in relation to a series of differences that have become socially recognized. These differences are essential to its being. If they did not coexist as differences, it would not exist in its distinctness and solidity. Identity is... a slippery, insecure experience, dependent on its ability to define difference and vulnerable to the tendency of entities it would so define to counter, resist, overturn, or subvert definitions applied to them. Identity stands in a complex, political relation to the differences it seeks to fix."*⁴⁸

One side cannot be removed without the other being removed. That is why, as has previously been pointed out, attacks on the *establishment* are essential to populist parties' policy in the middle of Mouffe's post-political panorama. Bearing in mind that the parties which make up the system are no longer able to define the competing ventures and differentiate themselves, in this process, they lose their own identities and characteristics. Populist parties, in the opposite direction, constitute their identity from a very punctual opposition to the system and all those who are somehow classified as the enemies of the people. When the antagonistic link is established, predictions are created to invoke affective arrangements conveyed around the political project (i.e. fear, pride). The mobilisation of affections itself happens because the links between entities and individuals are formed, making that the political project's task to make up these connections in its micro-political dimension. They exploit the lack of identity of the other parties to constitute their own identity and, in the process, differentiate themselves from the others. Thus, it is established the political relationship highlighted in Mouffe, that is, identity is established in terms of differentiation and an exterior factor, which, necessarily, is fundamental to its constitution. Irrespective of the name assigned to this exteriority, political identities cannot be established without it. To illustrate: there is some modern-day examples such as immigrants who want to take the jobs of nationals, corruption in the political sphere, racial issues. In this sense, the main theoretical problem that Mouffe faces in the return of the political lies in avoiding extremes. In one side, if a relationship between a friend and an enemy expresses a conflict where, in addition to a common denominator, the parties do not have a symbolic space in which to keep them and do not acknowledge the legitimacy of the other side's demands, on the other, paths for political post-politics lead to compromise and negotiations with the parties concerned. The expression of disputes must be developed so as to allow the contradicting parties to recognise, separating themselves from their relations with the friend or enemy, that the other can formulate valid claims and have the right to defend them and to see that they cannot find logical solutions to their deadlocks. Pluralism is preserved through conflict without jeopardizing the limits that configure democracy, the concept of agonism leads one to be ready to face political views and projects, to

⁴⁸ Connolly, W. E. 2002. *Identity\Difference: Democratic Negotiations of Political Paradox*, p.64

increase the diversity of political prospects and to refine and redefine opposing positions in this process.⁴⁹ With regard to the complexities of a democratic game and limitation of forces, severe and reliable opposition to the established power might be more effective than dividing the powers themselves. A stable democracy demands a confrontation of valid political positions. This is what is more about the Left-Right confrontation. This conflict must be sufficiently strong forms for collective identity for political mobilisation.⁵⁰ Since agonism and antagonism focus on confrontation, it must be further developed how different opposing relations express themselves. In the context of the various perspectives developed by collective identification forms, issues relating to the expansion and/or limitation of rights, along with the extension of public policies related to certain social problems are brought into the centre of discussion. The confrontation of ideas comes with arguments and reasons, which enable the same problem to be explored from many different perspectives, at least in theoretical terms.⁵¹ Mouffe points out that:

*"While antagonism is a we/they relation in which the two sides are enemies who do not share any common ground, agonism is a we/they relation where the conflicting parties, although acknowledging that there is no rational solution to their conflict, nevertheless recognize the legitimacy of their opponents."*⁵²

They perceive themselves as members of the same political association while they're at dispute, as sharing a symbolic common space in which such a confrontation occurs. Therefore, the challenge of democracy may be to transform antagonism into agonism. Lefort himself noted that the indeterminacy of his fundamentals and the historical contingency of political ventures are among the features of modern democracy, which at any given moment prevails.⁵³ More detailed considerations would not, however, permit neutral responses to confrontations, where the personality of each party is formed by a gesture of exclusion, policy choices often reflect one view at the detriment of others. The agreement listed would apply to the room where there is a conflict of positions, including the preservation of the pluralism of positions, a prerequisite for such conflicts to continue. Democracy means political equality, specifically, the inclusion in decision-making of all members of the political class as equals and the equal ability for everyone to affect the result. Inclusion raises the likelihood that people who make suggestions will turn out to be more impartial in their views, as they have to listen to those with diverse positions to which they would also answer. Even if the political actors are not in agreement with the results, the fairness of the vote must be accepted if there is an open democratic debate mechanism.⁵⁴ Where Mouffe does not overlook the value of compromise on the

⁴⁹ Mouffe, C. 2013. *Agonistics: Thinking the World Politically*, p.xi-xii

⁵⁰ Mouffe, C. 2005. *On the Political*, p.30

⁵¹ *Idem* (p.19)

⁵² *Idem* (p.20)

⁵³ Lefort, C. 1988. *Democracy and Political Theory*, p.16

⁵⁴ Young, I.M. 2000. *Inclusion and Democracy*, p.52

history of democracy, she insists that opposition cannot be condemned as a destabilising anomaly of democracy, by contrast, it is essential to democracy. There is a consensus and opposition insofar that the life of the second depends on the structural requirements given by the first, that is to say the rules of the game which enables the various, opposing viewpoints, to be within a certain limit where rights are protected, as will be mentioned of in the next section.

“Consensus is needed on the institutions constitutive of democracy and on the... values informing the political association...liberty and equality for all...but there will always be disagreement concerning their meaning and the way they should be implemented. In a pluralist democracy such disagreements are not only legitimate but also necessary.”⁵⁵

In this way, the consensual solution does not foster societal reconciliation, but rather fosters the proliferation of antagonisms. Furthermore, the loss in participation in the civil and political arena of western society was one of the striking features of political philosophy over recent decades. Perceptions that stress the importance, necessity and possibilities in consensus in politics and democracy have therefore become prominent over time for achieving a political pluralism that has hitherto occupied a hegemonic role.

According to Mouffe, present democratic political philosophy, whether based on the objective assessment of preferences (aggregative model) or on moral deliberation (deliberative model), cannot recognise the passion role as one of the main political driving forces.⁵⁶ Regarding the model of deliberative democracy, Mouffe makes it clear that, contrary to popular belief, such a model cannot refute democratic liberalism. Reinterpreting the principle of common sovereignty, it sees in democracy a communicative force created by the consolidation of a logical consensus. As a result, the modern-day deliberative democracy strives to uphold classic liberal principles insofar as it reconciles reason in the creation of constitutional choices and institutional authority. This perspective, while having good intentions, tends to prioritise deliberation as a means of individual inclusion in the public sphere. It suffers from many critical flaws, including the fact that it is completely impossible to obtain a rational consensus that does not imply exclusion.

“Rawls and Habermas want to ground adhesion to liberal democracy on a type of rational agreement that would preclude the possibility of contestation. This is why they need to relegate pluralism to a non-public domain... It highlights the fact that the domain of politics - even when fundamental issues like justice or basic principles are concerned — is not a neutral terrain that could be insulated from the pluralism of values... where rational, universal solutions could be formulated.”⁵⁷

Thus, Mouffe points to the paradox that is present in modern democracy, in the face of what she points out to be a fundamental tension between the logic of democracy and the logic of liberalism.

⁵⁵ Mouffe, C. 2005. *On the Political*, p.31

⁵⁶ Mouffe, C. 2005. *On the Political*, p.24-25

⁵⁷ Mouffe, C. 2000. *The Democratic Paradox*, p.92

Based on the thought of Schmitt portrayed in the introduction, it turns out that modern master democracy is founded on misunderstanding between the liberal ethics and the type of the political democratic identity between citizens. The conflict between individual liberalism, overloaded with an ideological connotation, and the democratic feeling that is guided by political values results in crisis.⁵⁸ To illustrate: it can be argued that this can be seen in the fact that the bureaucratic domination of the state is growing more and more in societies that apparently intend to take into account the rights of the individual. And, often, this domination is not expressed in a repressive and absolute instance, but in a control instance that actually uses the individual more than controls him. As will be seen later in the next section, citizens' rights are of the utmost importance for any democratic project including that of Mouffe. Thus, this suggestion of individualism might appear seductive but may in reality disguise a conflict between individuals and the state which disregards the social and political relationships. With this in mind, the next section will highlight important issues in terms of social-political relations such as representativeness, conflict and consequently rights as parts that constitute Mouffe's philosophical thinking in order to fill some important gaps of radical political conflict.

1.3 Mouffe's agonistic politics as the solution to liberalism

As noted beforehand, Mouffe, following the steps of Schmitt, believes that the liberal democratic vision refuses to accept the opposing component that makes up the political. As a result, the author disagrees with advocates of a consensual model of democracy, especially that of Habermas and Rawls explicitly because of their consensual aspects. Current liberal thought is unable to comprehend the essence of politics, especially its confrontational aspect, and this inability jeopardises democratic politics itself. This is why Mouffe's philosophy advocates legitimising the confrontation and valorising the dissensions. Within this perspective, it disagrees strongly with liberal theories which seek, in some logical way, to prevent conflict. In reality, this agreement only depicts a hegemonic discourse that has stabilised itself in control and removed those who felt otherwise. Therefore, the belief that logical consensus is an ultimate solution to social problems is an imaginary one. Mouffe's principle whose point refers to the current categories of political indeterminacy and hegemony, was the work *Hegemony and Socialist Strategy: towards a Radical Democratic Politics* written in conjunction with Ernesto Laclau. With regard to 'post-Marxism', she rightly comes to terms with pluralism and with liberal-democratic institutions, denying the determinism of Marxist historical-scientific materialism and affirming that the greatest mark of modernity is democracy, especially its ability to dissolving certainties and allowing one to visualize that the social is always undecidable and contingent.⁵⁹ Due to this undecidability of the social, Mouffe uses Gramsci's concept of hegemony and a theory of

⁵⁸ Mouffe, C. 1996. *The Return of the Political*, p.106

⁵⁹ Laclau, E & Mouffe, C. 2001. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p.xi,4

discourse, recognizing that any political order can only exist through a discursive hegemonic articulation, which structures different positions of particular subjects in a chain of equivalence so as to build rivalling different antagonistic positions, a universality.⁶⁰ She (and Laclau) points out that:

*"is vital for democratic politics to acknowledge that any form of consensus is the result of a hegemonic articulation, and that it always has an 'outside' that impedes its full realization. Unlike the Habermasians, we do not see this as something that undermines the democratic project, but as its very condition of possibility."*⁶¹

Her political strategy seeks to articulate freedom and equality in such a way that the tension between these two principles is never resolved, a configuration that the author believes is the most prudent form to preserve democratic-liberal values and institutions. To really grasp the political experiment of modernity without succumbing to the desire to abolish it, Mouffe believes that distinguishing between democracy and liberalism, as well as political liberalism and economic liberalism, is important.⁶² The key point, then, is to correctly identify this new political project attempt focusing on the critic of liberalism and to deepen democracy's modernity abandoning the influence of enlightenment.⁶³ With this in mind, she attempts to replace practical Kantian rationale, affirmed as universalist, with an Aristotelian notion of phronesis, fundamentally different from the criteria of empirical experience and which rescues the principles of logical or probable, often based on *ethos*, that is, on actual historical and cultural circumstances of a particular culture or tradition. Mouffe's use of the idea of tradition is primarily derived from Gadamerian metaphysical hermeneutics, with the aim of explaining the shortcomings and imperfections of human knowledge, which can only be conceived as inserted in historicity.⁶⁴ Thus, Mouffe wishes to highlight the prospect of reinterpreting the liberal-democratic tradition and its ideals of democracy and equality, which are open, indeterminate, and heterogeneous. As a result, she aims to show, in accordance with Schmitt's definition of the political, that confrontation, opposed to consensus, is both basic and essential in the sense of western democracy and can never be removed. In this case, rational consensus led democracy to the wrong path, because instead of creating institutions to balance competing desires and ideals, democratic thinkers and policymakers should focus on the establishment of a public domain of agonist struggle, in which various hegemonic political objectives can be challenged. In this way, the consensual solution does not foster societal reconciliation, but rather fosters the proliferation of antagonisms. Furthermore, the loss in participation in the civil and political arena of western society was one of the striking features of political philosophy over recent decades. Perceptions that stress the importance,

⁶⁰ *Idem* (p.ix, x,xi)

⁶¹ *Idem* (p.xviii)

⁶² Mouffe, C. 1993. *The Return of the Political*, p.10

⁶³ *Idem* (p.21)

⁶⁴ *Idem* (p.12-17)

necessity and possibilities in consensus in politics and democracy have therefore become prominent over time for achieving a political pluralism that has hitherto occupied a hegemonic role.

Although Mouffe will later disagree with Schmitt's theory about the existence of an insurmountable contradiction between liberalism and democracy, she does not fail to ponder and value the insights evidenced in the thought of the referred scholar, which contribute considerably to the understanding of the deficiencies of liberal democracy.⁶⁵ Therefore, although she does not see liberal democracy as doomed to failure, Mouffe proposes a reinterpretation of the subject, which allows the construction of a set of practices that will allow the creation of what she calls "democratic citizens". She defends that it is a series of activities that make the formation of democratic people possible that is currently at stake in allegiance to the democratic institutions. This is not about logical reasoning, but about the accessibility of democracy and individuality.⁶⁶ And here it reaches an essential point in Mouffe's theoretical design. She makes it clear that she agrees with the defenders of deliberative democracy about the necessary redefinition of the democratic standard. However, she sees proposals that are based on rational consensus to be truly counterproductive.

*"Democratic individuals can only be made possible by multiplying the institutions, the discourses, the forms of life that foster identification with democratic values... although agreeing with deliberative democrats about the need for a different understanding of democracy, I see their proposals as counterproductive... we need to formulate an alternative to the aggregative model and to the instrumentalist conception of politics that it fosters."*⁶⁷

Therefore, what is necessary, given the current context, is to resume the political participation of citizens, which, according to Mouffe, has been diverted to other instances.⁶⁸ However, such participation will not necessarily lead to the consolidation of rational consensus. On the contrary, it tends to highlight the natural conflicts of life in society with even greater emphasis. In this context, it is necessary to recognize the dimension of antagonism and its unavoidable character in human relationships, which is inherent to the pluralism of values by force in contemporary society. Through this, arise the agonistic model of democracy defended by Mouffe that is able to capture the nature of the political.

Indeed, if power relations are inevitable, they must be made compatible with democratic values. Considering that any political order is the expression of a hegemony, of a specific pattern of power relations, political practice cannot be understood as simply representing the interests of pre-constituted identities, but as constituting these own identities in a precarious and always vulnerable

⁶⁵ *Idem* (p.108)

⁶⁶ Mouffe, C. 2000. *The Democratic Paradox*, p.95

⁶⁷ *Idem* (p.96)

⁶⁸ *Idem* (p.96)

terrain. For her, the growth of various religions, as well as of moral and ethnic fundamentalisms, is the direct consequence of the democratic deficit that characterizes most liberal-democratic societies.⁶⁹ There is, therefore, that the primary issue to be faced by democratic politics does not lie in the elimination of power and the construction of consensus. On the contrary, it is necessary to create forms of power that are more compatible with democratic values, so that there is not an insuperable gap between power and legitimacy. It must be understood that if any power is able to impose itself, it means that it has been recognized as legitimate. On the other hand, if legitimacy does not constitute an a priori foundation, it means that it is based on a successful power.

A suitable distinction between "politics" and "political" should also be made. The first is the component of the antagonism which is implicit in the interaction between humans, an antagonism which can take many forms and appear in various social interactions. The other suggests a variety of activities, discourses and structures that aim to construct a certain order and coordinate human coexistence under often contradictory circumstances.⁷⁰ This question, which came to rationalists, is not how to try to reach a consensus without exclusion, since this would result in the eradication of the political. In the sense of tension and diversity, the strategy aims to build solidarity. It is also apparent that the Mouffeian perspective does not seek to overcome conflict and opposing ties. These partnerships are, after all, completely natural and implicit in the "political" aspect. Therefore, from the point of view of agonistic democracy, they make absolute sense, which accepts and tolerates the legitimacy of the opponents.

"Envisaged from the point of view of agonistic pluralism, the aim of democratic politics is to construct the 'them' in such a way that it is no longer perceived as an enemy to be destroyed, but as an 'adversary', that is, somebody whose ideas we combat but whose right to defend those ideas we do not put into question..."

Additionally:

*"An adversary is an enemy, but a legitimate enemy, one with whom we have some common ground because we have a shared adhesion to the ethico-political principles of liberal democracy: liberty and equality."*⁷¹

In reality, an agonistic conflict becomes a real necessity for the very life of democracy in the scenario envisaged here. It is, after all, very probable for the enemies to stop disagreeing, but this does not mean that the conflict between them is removed. Furthermore, pacts or deals may also be formalised

⁶⁹ *Idem* (p.96)

⁷⁰ *Idem* (p.101)

⁷¹ *Idem* (p.101-102)

as components, and are of course part of everyday life in politics. To clarify her terminologies, Mouffe points out that:

*“Introducing the category of the adversary requires complexifying the notion of antagonism and distinguishing two different forms in which it can emerge... Antagonism in struggle between enemies, while agonism is struggle between adversaries...envisaged from the perspective of ‘agonistic pluralism’ the aim of democratic politics is to transform antagonism into agonism.”*⁷²

A significant distinction between the deliberative democracy paradigm and agonistic pluralism is that the primary challenge of democratic governance in ‘agonistic pluralism’ is not to exclude emotions from the public domain in order to allow for reasoned compromise, but to mobilise certain passions into democratic designs.⁷³ Therefore, it is what may at best be termed the conflictual consensus, as the agonistic battle between competing parties in politics is never removed. After all, this confrontation occurs in society's everyday life itself and cannot be excluded by logical utopian consensus. Democracy must be understood as an atmosphere of disputes and confrontations, as pointed out by Mouffe so far, which is the rational and inevitable outcome of the heterogeneity of ideals in democratic society. Additionally, it is obvious that such contradictions are the very motor for mainstream interest in politics, having in mind Mouffe's critique of the ideal of deliberative democracy that too much focus on consensus and the failure of confronting contribute to apathy and dissatisfaction with political participation.⁷⁴ Consequently, it can be argued through this perspective that this further confirms the crisis of authority that is permeating the political scenario of today. The idea of democracy as an agonistic atmosphere is thus firmly reinforced by the need for an important public engagement in politics as a way of combating the vicissitudes of the system as Mouffe states herself:

*“The current blurring of political frontiers between left and right is harmful for democratic politics, as it impedes the constitution of distinctive political identities. This in turn fosters disaffection towards political parties and discourages participation in the political process.”*⁷⁵

Therefore, it is also necessary to reanalyse the role played by political parties in the democratic-representative context, in order to verify whether they constitute an adequate environment for the consolidation of popular participation in politics, in compliance with the agonistic democracy proposed by Mouffe. However, there is no question of invalidating the efficiency and the need for such a system. On the contrary, as seen in the previous section, in addition to democratic-participatory practices, reflections on conflict as part of democracy is part of how Mouffe's agonistic democracy can be a response to the panorama that the author identifies as post-political.

⁷² *Idem* (p.102)

⁷³ *Idem* (p.102)

⁷⁴ *Idem* (p.104)

⁷⁵ Mouffe, C. 1996. *The Return of the Political*, p.5

Moving on, it is extremely important that, within this conflicting ideal of democracy, the rights of citizens within this sphere are openly recognized as means not only to form distinctive political identities but also to create boundaries within the conflictual political arenas. Fundamental rights often define structures which seek to guarantee fundamental existential aspects of citizens' lives covering both their political, individual and social security domains. All of them are critical for the most detailed understanding of human rights and contributes to guaranteeing human dignity. In this sense, a healthy society necessitates the conflict of representative political positions. If this is not present, there is often the risk that the political struggle will be replaced by a clash between non-negotiable moral values or essentialist modes of identification.⁷⁶ The plurality of views not only makes for more vocalisation on topics affecting individual populations, but it may also have a direct effect on aspects of material disparity, such as economic inequality. This compatibilization, however, must be built and expressed correctly, since the plurality of viewpoints does not always correlate with the problematization of wider social problems. Connolly incorporates a considerable observation for Mouffe's project:

"While there are tensions between deep pluralism and the reduction of economic inequality, at a most basic level each sets a condition of possibility for the other...To make progress in either reducing economic inequality or extending diversity is to improve the prospects for progress..."⁷⁷

A pluralist society allows one to view constitutional rights from a variety of viewpoints, using them based on the unique experiences of each community. The various types of distinction - sexual, economic, political, and cultural - carry with them the potential of redefining the conventional definition of any of these words in a wide range of contexts. To illustrate: in the evolution of the western world, demands that bring into question various aspects of gender differentiation in order to increase women's equality have resulted in dramatic improvements in the nature of human rights such as the right to vote, to be elected, and to work, among other things, as well as significant consequences in the fields of criminal and civil law. However, these demands required a normative structure which enabled their development, including their legitimization. This is only one example of how the extension of the areas of representation shown by the pluralism described by Connolly will have significant material implications for communities that begin to present their particular views.⁷⁸ The relation between basic rights and the political circumstances in which they are created and changed needs to be emphasised in this approach. In brief, it is essential to recognise the contribution of democratic mobilizations to the development and strengthening of positive fundamental rights

⁷⁶ Mouffe, C. 2014. *Democracy, Human Rights and Cosmopolitanism: Agonistic Approach*. In: Douzinas, C & Gearty, C. *The Meanings of Rights: The Philosophy and Social Theory of Human Rights*. Cambridge, p. 183

⁷⁷ Connolly, W.E. 2005. *Pluralism*, p.8

⁷⁸ *Idem* (p.145-147)

within the framework of radical democracy of Mouffe. Although the author seems to discover this relation, protected by the recurrent concept of a realistic context, the existence of certain rights requires a more precise treatment because of a specific dynamic which tends not only to develop with other institutions, but also to limit political conflicts. Furthermore, clashes for new rights focus on the identification and security of life forms that appear to be overlooked by the state authorities as well as by third parties in their basic needs and shortcomings. At this point, legislation becomes a deciding tool for the form of Mouffe-theorized political confrontation. Paul Patton's points out that:

*"To say that someone has a right to something is to say that they have a particular kind of entitlement such that others, or governments, are under an obligation to provide it or at least not to prevent their obtaining it."*⁷⁹

Fundamental rights will be the basis of legitimization of rights claims that have not yet been accepted in an agonistic sense. To illustrate: in order for those people to condemn the act abortion, they must therefore defend their objections by way of fundamental rights to be able to demonstrate their stance in accordance with the social context of the controversy. The job of justification does not mean, in essence, to seek a fair and impartial check in the direction of dispute through laws, but to allow for the settlement of mutual conflicts of interests via non-violent and predictable procedures. While Mouffe does not discuss the topic directly in this respect, it is not feasible to expect the parties to agree on the significance and breadth of fundamental rights in a fierce political debate on the contentious topic. While the function of justification cannot in theory have a compromise that reconciles and therefore satisfies all parties' desires, in order to harness the emotions and expectations policies in either direction, the work of the argument offers a visualisation of competing interests and viewpoints. New motivations develop and shape societal aspirations to shift the view of existing rights. Thus, legal victories appear, at least in the long term, to cement political success. When there is a substantial weaving between consensus and opposition, it follows that there must collapse into the conflict between the continuity of circumstantial, yet persistent agreements materialised in democratic systems and times of destabilisation linked to the modes of disagreement redefining these agreements. The previously mentioned circular relationship between political conflict and the dynamics of the institutions surrounding it enables the normative contents of the right to the extent and the nature of multiformity in policy space to be adjusted gradually. Institutions tend to represent the degree of composition of their productive social ties and political powers. Not only the normative content, as legal standards, arbitrarily establishes an order to which disputes must respect and delegate, but even the conflicts gradually intervene and influence the scope and content of regulations. Citizens demands for constitutional recognition and vice versa. Constitutions embody a

⁷⁹ Patton, P. 2014. *History, Normativity, and Rights*. In: Douzinas, C & Gearty, C. *The Meanings of Rights: The Philosophy and Social Theory of Human Rights*. Cambridge, p. 233

diverse identity that constitutes constitutional order; therefore, the complicated world is embodied in the constitutions and not the other way around. In short, under the theorization suggested by Mouffe, a potential position for constitutional rights is to integrate the common context between divergent groups, setting boundaries and modes of institutionalised practise.⁸⁰ The significance and scope of the normative contents therefore opens up to a dynamic system, in which the opposing and conflict-forms are structured and altered at the same time. Because of this that discrepancies are part of the social constitution itself and have an epistemological meaning, it is logically necessary to conceive pluralism as a means of democratic organisation as the constituent of democracy. Mouffe develops this carefully. However, the variety of institutional frameworks to strengthen and secure dispute spaces must also be explored which include considering specific regulatory structures such as institutional design, the performance of courts, constitutions itself and the basic rights it covers. Thus, it is precisely with this in mind that the next section will address some gaps in the Mouffean thinking regarding the lack of abstraction and articulation when it comes to the full realization of agonism.

1.4 The problems of the agonist view in Mouffe

In her more recent *Agonistics: Thinking the World Politically*, Mouffe states that “we live in a world in which there are indeed many perspectives and values, but due to empirical limitations, we will never be able to adopt them all”. Furthermore, she has “shown that this type of perspective, which is dominant in liberal political theory, has to negate the political in its antagonistic dimension in order to thrive.”⁸¹

Mouffe suggests that the refusal to allow 'the political' to be agonistic is what prohibits liberal philosophy from appropriately envisaging politics. It is not by merely ignoring or hoping that the political aspect will vanish in its antagonistic dimension. This is the typically liberal gesture, which only contributes to the impotence which marks liberal thinking in the face of the development of antagonisms and modes of violence which, according to its philosophy, are of the past when rationality had not yet managed to contain what is known as dated passions. Besides, she believes that the liberal thinking is also oblivious to politics because of its individualism that prevents it from understanding the formation of collective identity.⁸² With this in mind, Mouffe claims that after accepting some logical and moral values other than western ideals and according to the impossible removal of antagonisms and hegemonic conflicts, a multipolar society would emerge, however, it wouldn't

⁸⁰ Mouffe, C. 2013. *Agonistics: Thinking the World Politically*, p.68

⁸¹ Mouffe, C. 2013. *Agonistics: Thinking the World Politically*, p.3-4

⁸² *Idem* (p.4)

necessarily be a democratic one.⁸³ Nevertheless, in what can be argued to be a contradiction, Mouffe seems to assert that democratic principles such as reconciliation could become a vital part for Muslim states.⁸⁴ According to Mouffe:

*"It is to be hoped that the confrontation between Islamists and secularists takes an agonistic form, not an antagonistic one, and that a common terrain among them is found so as to provide the basis of a 'conflictual consensus'."*⁸⁵

Here again is found the lack of practicality of the agonist theory. Aside from the illusion of encouraging a non-secular government to be extremely contestable and divisive, it resembles the (liberal) universalism that Mouffe seems to be fighting, as it suggests that democracy is a universalizable concept and that the rationale for the western democratic ideal would be present in every society.

The most essential challenge for political liberalism is achieving a degree of consensus while retaining people's fundamental views, which are sometimes conflicting. As a result, liberalism entails enacting norms that create a space for people to express themselves in a way that is acceptable to others, as well as a way that allows for dialogue and mutual respect. The liberal democratic system, based on the cosmopolitan versions, represents the triumph of politics on the basis of common reason. Thus, the fundamental issue is the creation of necessary protocols on the basis of a theoretically fair compromise to create a consensus. As a result, it is important to reject cosmopolitanism's plastered models and embrace the creation of a multipolar world, which necessitates the presence of a multitude of decision centres. As Massimo Cacciari has already pointed out (who Mouffe uses to outline her idea of a multipolar initiative), that is, to strive for the creation of a form of international law focused on the idea of regional hubs and cultural communities federated within themselves in the acceptance of their complete autonomy.⁸⁶ Cacciari's proposal can be viewed as a kind of federal union in which the component units are not limited to nation-states and in which regions play an important part.⁸⁷ However, one can argue that a multipolar world couldn't be less conflicted than a unipolar one. If, on the one side, there could be less tensions when only one superpower ignores certain cultures, on the other, one could have several superpowers dismissing the cultures that are traditionally under their control. Also, there could be a rise in rivalry between the now-equivalent forces, which might spark or resurrect larger-scale wars not seen in a long time.

⁸³ *Idem* (p.28)

⁸⁴ *Idem* (p.36-39)

⁸⁵ *Idem* (p.38)

⁸⁶ Mouffe, C. 2005. *On the Political*, p.117

⁸⁷ Mouffe, C. 2013. *Agonistics: Thinking the World Politically*, p. 53/ For further observation of his ideas in 'The Philosopher Politician of Venice: Interview with Massimo Cacciari', by Yvon le Bot, with Marco Semo and Anna Spadolini, *Soundings* 17, 2001, 25—34.

A similar issue arises as Mouffe contests the widely held belief that moral change requires recognition of liberal-democratic government, which is thought to be the only one capable of introducing basic human rights institutions.⁸⁸ As seen in the penultimate section, rights play an important role in Mouffe's thought. With that in mind, she opposes this claim but not the concept of human rights, arguing (with the help of Raimundo Panikkar) that human rights can be viewed in a variety of forms and have other 'functional counterparts' in various societies:

*"Once it is acknowledged that the dignity of the person is what is at stake in human rights, the possibility of different manners of envisaging this question becomes evident, as well as the different ways in which it can be answered."*⁸⁹

This idea has very rich implications for the cultural and political pluralism discourse as it reflects a profound appreciation for other cultural practices, since the sense is that western modernity is just a form for responding to different forms of equivalent change in the world that are historically and culturally unique. But if pluralism is broadened and intensified, this concept need not exclude the somewhat thinner, still universalizable ideal, of human dignity, which already has undeniable symbolism, especially in Kant's philosophy. Mouffe also claims that a minimum degree of consensus on liberal-democratic institutions is required, but that agreement can only be reached by arbitrary acts of inclusion and exclusion regarding these institutions.⁹⁰ Although, if these entities have a certain level of consensus within a given democratic society, will they not be jeopardised if an opponent group completely disagrees with them? If avoiding crises, as liberalism often does, is much worse than confronting them, how can it be it is not contradictory to assert that democratic-liberal institutions must be safeguarded and respected specifically in order to prevent the contradictions that would inevitably rip a particular institutional order apart?

Moving on, it is impossible to overlook the importance of the creation and exploration of other intellectual traditions in a historical context. While Mouffe is correct in her assessment of political life as indecisive, her most left-wing ideological suggestion is viewed as a self-evident fact since it provides no further justification for her political-ideological stance. She (and Laclau) points out that:

*"Of course, every project for radical democracy implies a socialist dimension, as it is necessary to put an end to capitalist relations of production, which are at the root of numerous relations of subordination; but socialism is one of the components of a project for radical democracy, not vice versa."*⁹¹

Nothing leads one to conclude that the subordination that exists in capitalist production relations would be abolished solely and literally if capitalism were to be overthrown. The experience of the

⁸⁸ *Idem* (p.30)

⁸⁹ *Idem* (p.31)

⁹⁰ *Idem* (p.14)

⁹¹ Laclau, E & Mouffe, C. 2001. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, p.178

Soviet Union's demise demonstrated just the reverse, as there was just a change in actual dominance in regard to the production of goods and services, from economic to political dominance. In this way, there are no significant discrepancies between the different mechanisms in terms of issues of dominance and subordination, since both capitalism and socialism have hierarchical instances of control that dictate how, where, and what should be created. Both systems are regulated but with their own perspective accordingly. Thus, it is problematic to sustain the idea that the modern democratic ideal would be a property value of the left. As a result, if democracy is an instrument for the pluralization of arguments toward subordinate ties as shown, there is no reason to believe that this democracy, even if radical, must have a socialist component or eliminate capitalism. To contextualize, if Mouffe insists in liberal-democratic institutions, it seems sceptical to claim that all one has to do to get away from it, is to accept that consensus is elusive, given the fact that it is not explicitly clear of how she came to believe in the lack of enforcement from liberalism. Furthermore, Mouffe connects this democratic proposal to a "socialist policy," without specifically stating that this strategy is preferable to, say, a free market structure. It is important to note that prominent figures regarding the creation of the modern state, such as Hobbes (a connection between liberalism and capitalism is not permitted, at least in the works of Hobbes which concerned the enforcement of safety by the state), haven't made any transparent claim regarding economic structures. Marx himself (in *Das Kapital*) who has influence on Mouffe's thought, didn't provide an analytical economic strategy or structure for the kind of society he envisioned, he rather just presented a critical analysis of capitalism. In this way, a significant portion of the modernity theorists are criticising the industrial economy globalisation and modern democracies which largely appropriated modern techniques and naturalised economic relations and other types of conflict as legislation.

1.5 Conclusion

The post-political component is defined by removing the conflicting dimension to the establishment of rationally achieved consensus from the political. This postulate resolving political spectrum contradictions and considering political differences in antagonisms. The usage of Schmitt confronts the inevitable strategic nature of the confrontation. It means preventing not only the political as a way of managing diverging agendas but also competing rivalry by consensus. In elaborating the idea of agonism, one of the aspects of Schmitt's influences in her philosophy, Mouffe suggests an articulation of opposition and agreement, which, in turn, will allow the preservation of differences and pluralism of opinions in a number of institutional settings.

This is why it is necessary to reconsider fundamental rights as components that strengthen the conditions of agonistic democracy on an institutional level, in particular with regard to the pluralism of viewpoints and the definition of boundaries of confrontation. In order for democracy not to run the

risk of paving the way for its own demise, these elements must be agreed by consensus and valued by the parties concerned, irrespective of their ideological tendency and their political project. One of the implications without setting these limits is the shift from agonism to antagonism, i.e. the replacement of a reverence for the opposing position, which, simply because it is unpleasant, opens up a space of refining the position itself, an emphasis on annihilating the other and, indirectly, suppressing dissidence and pluralism. The thesis at this stage attempted to highlight the potential importance of constitutional rights as components that would integrate this structural context in which the parties to an agonistic conflict need to share if they want to preserve the conditions of political pluralism present in democratic societies. This is important as Mouffe leaves an empirical gap open in her theory that implies its practicality. As the fundamental values of this pluralism can be brought into the legal system, such as democracy, equality and dignity, it should be applied to every person. This becomes interesting because given the lack of an empirical structure, the agonist theory risks falling into the same criticism that Rawls' theory of justice gets. On *the return of the political* she points out that:

*"what Rawls presents as political philosophy is simply a specific type of moral philosophy, a public morality to regulate the basic structure of society."*⁹²

Although her concept is more realistic, there is no specification on how this would develop into an applicable theory. How can agonistic spaces be created and consequently increased? How to deal with those excluded from the agonistic arena in a democratic system, considering that the political dimension always provides for exclusions? How will the agonistic paradigm be used to maximise the degree of involvement and inclusion of identities? The aim of this paper is not to address those questions, but to problematize them. In this way, in contrast to the first, she argues that antagonistic relationships must be transformed into agonist relationships, and is a moral discourse toward the radicalization of democracy. To put it another way, this involves creating new laws and spaces for disputes so that the points of antagonism in cultures can be easily replaced by positions and structures that begin to govern agonistic tensions. The issue is that Mouffe does not specify if it would have an effect; it does not go beyond the scope of this claim. This prospect of functioning inclusion/ exclusion of rights to a multitude of desires and identities has an impact only on hegemonic rearrangements, which are specifically made possible by social openness. However, it is clear that integration must be followed by a political battle on the part of those who are socially excluded. But, being omitted might imply that one does not even have the means to advocate for inclusion. Being removed will lead to political apathy, based on the belief that fighting is futile. Maybe it would be necessary to understand the role of generalised processes, such as how Forst believes in tolerance in connection with political

⁹² Mouffe, C. 1996. *The Return of the Political*, p.56

deliberations, to evaluate the logic of opposing positions.⁹³ The continuation of the dispute from a political viewpoint relies on agreement on standards that enforce limitations, protecting the areas in which prospective pluralism is possible. In particular, it would seem that Mouffe's core challenge is to become a proven theoretical model. Still, though, the deliberative paradigm remains limited to a consensus-based deconstruction. It also stands at the extent of the accomplishment of two ideas. The ideals of the first are based on power relations and antagonism, and concern the nature of the political. Any political philosophy founded on the principle of truth must be taken into consideration as ontological components. The ideals of the second is the fundamental concept of agonistic thought, namely the transformation of the antagonistic relations into agonistic relations, replacing the enemy group with that of the adversaries. But it turns out that there is no continuation for this as such. She does not develop this normative thinking further enough to the point of proposing new democratic structures, such as a new kind of parliament addressing cultural and non-economic policy problems, institutionalised political arenas and so on. Mouffe sets out a theory which opens up various opportunities for contemporary democracy thought, no doubt. However, since the modern democratic basis is based in the epistemological dimension, appropriate political institutions or activities must be considered which would implement the agonistic ideal. Despite these important contributions, it can be argued that Mouffe's thinking has indeed some contradictions. Mouffe's endeavour ends up falling into the same trap of neutrality because, once defending that a democracy would be an arena devoid of a specific content. Again, why would the diverse democratic struggles imply a socialist dimension? Second, if rational consensus is impossible, how then does the author come to assume the need to preserve democratic-liberal institutions? Mouffe's conception of confrontation struggles because it does not accept the principle of conflict-based deliberation. That has two consequences: on the one hand, the idea of conflict is unsustainable, and on the other hand, the possibility of antagonism transforming into agonism is unlikely to explain itself. An immanent characteristic of the dispute is that if the conflict is interpersonal, it presupposes someone against another. Although on the political scene of Mouffe specific discrepancies are to be articulated and confronted, two opponents cannot conceive of their differences as infinite or irreversible and compare them even. They did not conclude either that without comparing them they are ineradicable. Any analogy should be based on traditional assumptions. So, to even grasp this 'against' it takes a sort of consensus.⁹⁴ The need to preserve this important and central liberal conception of doing politics in

⁹³ Forst, R. 2013. *Toleration in Conflict: Past and Present*, p.504-506

⁹⁴ Erman, E. 2009. *What is Wrong with Agonistic Pluralism? Reflections on Conflict in Democratic Theory*. *Philosophy & Social Criticism* 35(9):1039-1062. Project: Civil Society and Deliberation as Remedy for the Crisis of Liberal Democracy and the Challenge from Political Equality, p.7-8. Available from: <https://www.researchgate.net/publication/249626030>

order to accomplish her goals seems quite hypocritical as will be seen in the next chapter. Acting for a purpose means acting according to a standard and standards between subjects are established in intersubjectivity, therefore, one could say that radical conflict have no emblematic space since it could lead one towards pure aggression instead.

The liberal thought developed by Shklar, which essentially has the centrality of placing cruelty at the center of the discussion of contemporary liberalism, manages to objectively offer a democratic perspective based on democracy and equal rights capable of offering a political order that prevents abuse from governments. For, and more importantly, in not accessing a greater understanding of the epistemological project of modernity itself, Mouffe does not realize that this project planned to build its own democracy, is not verifiable when she states that liberal and democratic projects are not necessarily related. In adopting a specific form of characterisation regarding political liberalism, Shklar's thought offers important observations to respond to certain arguments that are common to liberalism and were raised in this chapter, such as the idea of a liberalism based in a certain kind of universality, its conflictual aspects and its emphasis on individualism rather than community.

2. Chapter Two: Towards a defence of liberalism

As seen in chapter 1, despite Mouffe's rejection of conventional liberal political thought, she holds the opinion that this political regime must be neutrally based on disputed interests. Perhaps, then, the old debate about the possible incompatibility of majority rule and human rights, just takes a new form:

*"The liberal democratic model, with its particular conception of human rights, is the expression of a given cultural and historical context...Such a model of democracy is constitutive of our form of life and it is certainly worthy of our allegiance, but there is no reason to present it as the only legitimate way of organizing human coexistence and to try to impose it on the rest of the world...Democracy, understood as 'rule by the people', can therefore take other forms – for instance, forms in which the value of community is more meaningful than the idea of individual liberty."*⁹⁵

Even though it has diverse ramifications, liberalism is based on the commitment to freedom that is always seeking to moderate the relationship between individuals, their rights and the coercive action of state in which they are inserted. Although problematic at times, it can be argued that liberalism has played a significant role throughout time in safeguarding such concerns at least to a certain extent, therefore, it is not necessary to dismiss liberalism entirely.

Shklar's political theory is both realistic and concerned with the elasticity and limits between state and the individual, especially if one really considers her liberalism of fear, which goes beyond the mere assumption of universalism. The liberalism of fear, for example, may appear to be an essentialist ideology because of its focus on the prevention of foreseen evils. If one is looking for a guide to political

⁹⁵ Mouffe, C. 2013. *Agonistics: Thinking the World Politically*, p.30

practise, then this is true, but it avoids the current trend of giving broad ethical guidelines for everything.⁹⁶ Additionally, her theory also tends to assume as a premise a complete moral scepticism, starting from a voluntarist foundation of values, offering not only important insights about the core ethical values for the ordinance of the political society but also for matters of public morality. It is realistic enough to embody important values to situate liberalism itself while avoiding the issues identified by Mouffe.

In order to overcome agonism, it is important to point out and remember that the key challenge of the agonistic perspective is that it does not successfully develop itself as a model, staying stuck in the deconstruction of deliberation and not progressing in recognising how an agonistic democracy should deal with the issue of exclusion while still maintaining the role of taming the antagonistic conflict. Within the context of the antagonism/agonism distinction, which restricts the field of critique to the already hegemonic strands of political philosophy, this becomes an unavoidable issue. Mouffe's critique of consensual political and democratic views stands in the way of the absence of one factor, dominance. While the term appears in her work from time to time, particularly in the essential understanding that the specificity of democracy is not the absence of dominance and brutality, but the creation of a collection of structures by which they are restricted and disputed, it has little weight in its reflection. She argues that:

"Indeed, this can lead to violence being unrecognized and hidden behind appeals to rationality", as is often the case in liberal thinking which disguises the necessary frontiers and forms of exclusion behind pretences of 'neutrality'"⁹⁷

If one understands this normative thinking as the motive for many of the most relevant political conflicts, then antagonism resurfaces, not as the wild drive that needs to be recognized in order to be better contained, but as an active dimension, always present in political practice. Consequently, the arguments of Shklar where the plurality of views is taken into consideration, and so is the aim to protect society from the abuse of power becomes vital, especially concerning the possibility of parties excluding or even contesting new disputes when they make up conflicts within an agonist framework. This could involve mechanisms such as racial intolerance and other manifestations that reinforce the demarcation of one group over the other. Consequently, conflict as in the agonist view has the potential to become a problem for society as such. Shklar argues that:

"A concern for human freedom cannot stop with the satisfactions of one's own society or clan. We must therefore be suspicious of ideologies of solidarity, precisely because they are so attractive to those who

⁹⁶ Shklar, J. 1989. In: Rosenblum, N. *Liberalism and the Moral Life*, p.31

⁹⁷ Mouffe, C. 2000. *The Democratic Paradox*, p.22

find liberalism emotionally unsatisfying, and who have gone on in our century to create oppressive and cruel regimes of unparalleled horror.”⁹⁸

Furthermore, there is no doubt that contemporary society is increasingly diverse politically and in terms of regulation. As a result, the multiple views on ordinance principles are frequently incompatible and, in some cases, contradictory. This definitely is one the key differences of Shklar’s thought compared to mainstream liberal philosophers such as those that Mouffe often refers to. The proliferation of competing ideologies and the widening gap between them makes it nearly impossible to reconcile all of the legal standards to which one is subject and harmonise the existing diversity of legal regimes within the confines of a shared worldview.

Considering the existence of pluralism as a truth about democratic societies without forgetting the established formulation of the problem of authority and the state, the chapter intend to present how one might offer a vindication of contemporary liberal theory that justifies itself to precisely contrast with Mouffe's idea of a universal kind of liberalism and consensus as such. The idea is to defend a very peculiar kind of liberalism which shows that Shklar's political thought differs from other mainstream strands like that of Rawls' and it does not intend to defend liberalism as such since Shklar considers it to be problematic. Firstly, it will present and defend a liberal formulation where conflict is in fact within the political range of liberalism without ignoring the matters of justice that surrounds the political sphere. This is important since the distinction of misfortune and injustice when it comes to politics is often forgotten. It will look at why Shklar opposes the traditional concept of justice based on *The Faces of Injustice* and what's wrong with it, concentrating on fundamental issues such as pluralism which is permanent and also offering concrete principles to sharpen ones understanding of injustice and to consequently avoid them. Indeed, injustice while difficult, if not impossible to remove, may serve as a basis for consensus. Secondly, the thesis then shifts to a non-utopian type of liberalism, that of fear, that does not fully dive into idealism and universal ideals. Although sceptical and not holding it above everything else, consensus is still important and realistically achievable without the shortcomings pointed out by Mouffe. Therefore, section two will make the defence of liberalism as a political theory by presenting Shklar non-utopianism as means to avoid the idea of a one kind of liberal consensus without forgetting the idea of both conflict and fear which is Shklar main contribution to modern political philosophy. Thirdly, to enrich the awareness of Shklar’s political thought, section three will present arguments regarding important implications of her account, as in *Ordinary Vices*. This can be both valuable for furthering the understanding of this unique type of liberalism by drawing

⁹⁸ Shklar, J. 2004. *The Liberalism of Fear*. In: Young, S.P. *Political Liberalism: Variations on a Theme*, p.163

important observations beyond the mainstream consensual goal of liberal political philosophy for matters of public morality and action in contemporary politics.

2.1 The importance of recognising injustice

It is not unreasonable to believe that injustice occurs frequently in private and public lives. Important philosophers in the field of politics and morality have attempted to overcome or at least lessen the influence of this paradigm in many ways.⁹⁹ The liberal theory based on Shklar's thought, more objectively, goes beyond the mere assertion that injustice is a simple act of lack of justice.¹⁰⁰ Considering injustice as a mere denial of justice overlooks or silences a substantial percentage of the complaints made by those who believe they have been wronged. Victims of injustice commonly allege slights that go beyond simple deviations from accepted norms and principles. As a result, injustice is an independent phenomenon in and of itself, referring to its autonomy from any preceding set of justice norms, as well as its essential character as an unconditioned reality immediately perceived by ones morality.¹⁰¹ If one is to take this view of injustice from Shklar seriously, then, it is extremely important to understand what is wrong with the normal model of justice since it wouldn't be unreasonable to assert that if one is a member of a social organisation that may or may not result in unfair outcomes, one divides responsibility and deals with the consequences. Given the length of this section, there will be three subsections in order to facilitate the grasp of Shklar's political thought regarding the normal model as well as injustice. Indeed, this can be very helpful since Shklar's liberalism doesn't disregard the flaws of contemporary society and its settings which can certainly be a source of change.

Explaining the normal model of justice

Individuals expectations of their legitimate treatment exceed those of any legislation or theoretical system. The normal model offers an equally at home depiction of justice in popular opinion and philosophy. It depicts justice as a set of rules and fundamental principles for dividing provisions and obligations within a society, and it advocates for the formation of functional non-partisan establishments to ensure that these fundamental rules and principles are followed. Not that this paradigm of justice is unaware of injustice, but it tends to portray injustice as something unusual, consequently, injustice arises when one deviates from any of these standards in line with the normal model of justice.¹⁰² By challenging that idea, Shklar points out that:

⁹⁹ For an examination of different theories of justice, see: <https://plato.stanford.edu/entries/justice/#Scan>

¹⁰⁰ Shklar, J. 1990. *The Faces of Injustice*, p.9-14

¹⁰¹ *Idem* (p.15-16)

¹⁰² *Idem* (p.17)

*"The normal model, far from establishing justice, merely allows personal disorder to become socially systemic; it simply perpetuates injustice. Such is its effect and social function."*¹⁰³

It can be argued that the traditional concept of justice misses numerous complaints from individuals who believe they have been victims of injustice, but their perceptions of unfairness aren't limited to violations of observable laws and principles. The normal model of justice places high value on defining, justifying, and exercising authority, as well as protesting about passive injustice, which occurs when authorities and private individuals are denied the ability to prevent offences when they could and should, in the main rule and principles of justice.¹⁰⁴ To simplify, one may argue that it is oblivious to passive injustice, which entails failing to prevent or combat evil when one has the capacity and chance to do so. Indignation among victims, on the other hand, is not necessarily triggered by violations of established rules and values. When one take this into consideration, it is obvious that an intimate grasp of a normal model of justice is not only incapable of capturing all the phenomena that surround one's feeling of injustice, but it also tends to strengthen the power of the powerful ones and consequently diminishing the victims. In addition, it would be plausible to suggest that at times, those who are most affected by currently unacknowledged forms of injustice seldom have access to the intellectual and political resources required to create alternative justice models. Therefore, dismissing accusations about various acts of injustice becomes relatively trivial since there are a lot of conflicting and hopelessly subjective assessments within the normal model. Not less important, there is the possibility of individuals being tricked by this model of justice, whereas mentioned, is surrounded by powerful people and people lacking the necessary ability of recognizing the difference between misfortune and injustice. Therefore, those who deviate from the established norms and values would be implicitly marginalised in this form of interaction.

Shklar's objections and insights to the normal model of justice

The well-known notion of injustice as the lack or refusal of justice is intimately related to the normal model of justice. The stress of Shklar on injustice is first aimed at protecting and enhancing liberal and pluralist objectives. It enables her to build a more multi-faceted image of liberalism that is not limited to the consensual aspect of justice. It stresses the abundance of moral discrepancies and the variety and irreconcilability of communal life obligations. The matter doesn't lie in the absence of defending moral principles but since there are numerous, they are inconsistent collective life views, and many of these disputes cannot be fairly resolved because justice itself is one of the most controversial concepts of all. Rather than eliminating the clash of principles, the liberal order provides a space for it to soften. In fact, settlements are often discussed, many of them are far apart from the justice system,

¹⁰³ *Idem* (p.22)

¹⁰⁴ *Idem* (p.5)

however, in contrast to the most common and prominent interpretations of liberal pluralism, Shklar's conception appears to establish a difference between justice and what one takes as expectations regarding social procedures, which relates to one's concerns about injustice. The intense quest for consensus on core concepts of justice by liberal pluralists thereby undermines one of the main advantages of plurality, for instance, the access to a broader range of conflicting sources of insights. To regulate the procedures of justice bodies, restrictions on divergence accentuate the justice system role (which as seen, isn't always fair) in light of their constitutional duties. For instance, it's worth considering that fact that speaking and being talked to are located in different social strata, and this has a considerable impact on the substance of what is being done when it comes to justice. But victims' viewpoints can offer information on how justice is constructed politically. Due to its only focus on culpability, it can be argued that the existing legalistic concept of global justice is therefore, inadequate. These factors alone might imply that the claim to justice emerges not from common understandings, but rather from disagreement, protest and opposition to a few shared conceptions of justice. With this in mind, it can be argued that it is impossible to formalize all kinds of rules in a diverse society when there are many different norms and procedures regarding justice. Shklar points out that:

*"Our subjective, personal experiences are too various and incommunicable to be fit into general rules of conduct and the attempt to impose them tends to backfire. Far from reducing our cruelties, rules simply redirect and formalize our ferocity."*¹⁰⁵

Additionally, the focus on unanimity on fundamental justice values, undermines one of the most essential objectives of liberalism which is to safeguard individuals from the cruelty and arbitrariness of coercive power. Shklar argues that:

*"The impulse to blame the government, though often grossly unfair and irrational, is nevertheless not in itself irrational. Injustice is, properly speaking, a social offense of the powerful, and we should make sure that they have not wronged us."*¹⁰⁶

Since Shklar goes beyond the assertion of injustice as a breach of observable norms and principles, this assumption that links all injustice to recognised standards of justice illustrates what Shklar called legalism, where according to her, only general legislation that satisfies the most basic demands of peace and order in society can be considered law. All else is forced and not natural.¹⁰⁷ Injustice is not a social truth that one can uncover, but rather a political judgement that one should make. According to Shklar:

¹⁰⁵ *Idem* (p.26)

¹⁰⁶ *Idem* (p.65)

¹⁰⁷ Shklar, J. 1964. *Legalism: Law, Morals, and Political Trials*, p.24

"we must recognize that the line of separation between injustice and misfortune is a political choice, not a simple rule that can be taken as a given."¹⁰⁸

The critique of Shklar concerning legalism in the way one thinks about justice has many effects. In addition to being beneficial for the understanding of the normal model, that is, to discern the importance between injustice and misfortune, it shows that injustice must be addressed as a policy where one must recognise that such judgements are political, not legal, since one cannot be certain that the difference between misfortune and injustice is accurate, even if one meticulously applies the standards. Making political judgments about misfortune and injustice allows not only the alteration of procedures, but also their revision in the face of new perspectives and intel, considering that the social power relations are in constant change. Additionally, a victim's accusation passive injustice, makes the line between misfortune and injustice even more complicated as authorities and private individuals refuse to prevent wrongdoing when they have the power and responsibility to do so. Besides the failure of the normal model regarding pluralism, an important point that can sometimes be overlooked is the fact that it would also make people indifferent to preventable harms, even if these wrongs aren't considered unjust by the legalistic definition of justice. To illustrate: in western societies people are born into a political system, where through socio-economic cooperation they generate wealth and pay taxes for the ordering of a given society. Suppose that in the event of an unavoidable natural disaster where the effects of those disasters could have been prevented or even mitigated but were not. For instance, this can happen due to lack of capacity of emergency services, some kind of structural inspection negligence regarding the construction of properties and so on where those taxes were created for in the first place. Failure in many respects where lives could have been saved therefore turns misfortune into injustice since the authorities in charge didn't act as they should have. If public authorities shirk responsibility for catastrophes which might have been anticipated or averted, and when one does not use their powers and ability to avoid cruelty to people who are restrained, they can be judged guilty of passive injustice. Thus, the greater ones authority, the greater one liability for accusations about it. As a result, one is more prone to detect passive injustice in politicians and other public agents equipped with the authority of the political community to predict and avoid damage. Consequently, there is no such thing as a natural boundary between misfortune and injustice as it is unacceptable if one does nothing to alleviate suffering when they have the ability to do so.

Since the distinction of injustice is explicitly political, and that individuals are indeed inertly unjust considering that they tend to close their eyes to routine wrongdoing acts¹⁰⁹, one has a lot to worry

¹⁰⁸ Shklar, J. 1990. *The Faces of Injustice*, p.5

¹⁰⁹ *Idem* (p.46)

from authorities who feel they have both the consent and the coercive authority of society. For example, insensitive politicians who never consider the indirect damage that the passionate rhetoric of their choice does to persecuted minority are passively unjust, inflicting their victims a profound sense of injustice. One might be stopped from acting until a law is breached but one does not have to wait for the results of such misbehaviour to find out delinquencies or to be exasperated by the injustice suffered. Indeed, one of Shklar's major merit is to emphasise the crucial moral and political implications resulting from so-called ineffective prioritisation and categorization decisions. However, since injustice in most cases appears to be a special concern for community members, this proposal significantly reduces victims' capacity to attract ones attention and interest. Shklar points out that:

*"Accusations of injustice are often the sole resort open, not only to the victims, but to all citizens who have an interest in maintaining high standards of public service and rectitude. They can also discourage passive injustice, which is the refusal of both officials and of private citizens to prevent acts of wrongdoing when they could and should do so."*¹¹⁰

She realises that the public authorities' perspective on these matters might provide some insights that cannot be gathered from a distant perspective while addressing the emphasis on injustice. However, in public assessments on injustice in contrast to the sufferer, these opinions are already too common. The position of government officers on events after all prevails over the distribution of scarce resources through legislation, administration and public debate. In the judgements on passive injustice and fair law, if one does not have access to the necessary standards of fairness, such as impartiality, and emphasis on the trustworthiness and neutrality of any standards one proposes, it tends to blind one to characterising the decisions that they made. In particular, this concentration blinds one to the fact that it favours some voices and drown others in making these judgements. Victims of the negligence, arrogance and senselessness of the powerful have far more to get our attention than their screams of injustice. In this sense, the normal model of justice takes this means of capturing ones attention away from the victims of passive injustice and depoliticizes many of their concerns about their pain. Its proponents encourage individuals who feel they are victims of the breach of accepted justice norms to focus their concerns, in consequence, the traditional concept of justice deprives victims of passive injustice of this method of gaining ones attention, depoliticizing many of their complaints about their distress. While typical conceptions of justice and injustice often begin in the juridical sphere, it can be argued that often, relatively powerful groups in any community generally decide how these models are achieved in practise. As mentioned beforehand, such arrangement can increase the power of the powerful since it tends to disregard the surroundings of justice as such, for example, the victims perspective. Unsurprisingly, it can also be argued that these organisations are keen to downplay passive injustice since the more attention is given to accusations

¹¹⁰ *Idem* (p.5)

of passive injustice, the higher the demands on their resources and attention. Once one distinguishes that each justice model is appealing the correction of misconduct regarding essential values, complaints about injustice that do not fully match the system that an existing society have learned to use, will become more feasible. The point is that, by taking into consideration the aspects of the normal model highlighted so far, one would notice additional facets that one wouldn't have within the standard concepts of justice:

*"The normal model of justice, to which we cling, is not really given to investigating the character of injustice or its victims. It does not tell us everything we should know about either one. Indeed, it's very aims prevent it from doing so."*¹¹¹

This can detract from the inevitability or inherent nature of justice norms. Justice must have a public and shared purpose to fulfil its function. Whilst a short discussion of injustice occurs for many versions of the normal model, it just introduces the kind of behaviour that the standards are designed to prohibit or eradicate. The aim of injustice is to remind one what has to be avoided¹¹², therefore, inequality is the actual foundation and genesis of injustice, and the old idea of justice is exposed as a manifestation of inequality, which has a life of its own that no system of justice, no matter how good, can ever hope to eradicate.¹¹³ The normal model recognition of victims is limited to comparing their condition to the regulations, which is insufficient.¹¹⁴ Therefore, one should embrace the victims' perspective into ones knowledge of injustice so that one may more effectively save others from suffering. So, justice is a social responsibility framework that seeks to impose order on these conflicting and difficult societal demands. As a result, these expressions of injustice may contribute to the political discussion about current concepts, laws, and institutions of justice.

It is important to note that, through offering a more constructive view regarding the normal model, Shklar states that the modern state makes possible, amid its failings, a normal model of justice to be defended.¹¹⁵ She claims that parliamentary democracy is the best policy response to the sense of deprivation in competitive pluralism, where inequality is unavoidable and so is conflict. For instance, unlike agonism which doesn't seem to be capable of providing a normative framework as a system, Shklar points out that:

*"constitutional democracy does provide the best available political response to the sense of injustice.... even the best political systems inevitably generate sources of resentment. At least democracy does not silence the voice of the aggrieved and accepts expressions of felt injustice as a mandate for change, while most other regimes resort to repression."*¹¹⁶

¹¹¹ *Idem* (p.49)

¹¹² *Idem* (p.17)

¹¹³ *Idem* (p.87)

¹¹⁴ *Idem* (p.37)

¹¹⁵ *Idem* (p.19)

¹¹⁶ *Idem* (p.85)

In democratic politics, considering victims' feelings of injustice is critical since democracy is founded on moral equality where all individuals' lives are valued, and citizens have the ability to use their political power to oppose injustice. Shklar argues that:

*"In principle, therefore, democracy should respect the sense of injustice and grant it considerable scope. Ever since we became "created equal," all our claims are supposed to matter, and when they are disdained we are expected to protest in public."*¹¹⁷

Shklar believes that victims' voices must always be heard first, not just to determine if officially recognised societal norms have been violated, but also to listen to how they understand the issue.¹¹⁸ This does not, however, imply that victims have the last say in matters of justice. As mentioned beforehand, victims, like all individuals, can have limited knowledge or even experience; as a result, they may have strong motives for personal retaliation, leading them to overlook the broader consequences of such actions and the difficulty of generalising acts of retaliation into political procedure.

As a matter of principle, democracy must listen to the voice of dissent, hear it out, assess its message, and act, even if it frequently acts with tiresome torpor.¹¹⁹ Although democracy fails to deliver swiftly on their imminent promises, at least it does not stifle the voice of dissent. It is sometimes inconvenient, but it is a necessary tool for social order. Besides, there is strong proof that most people have considerable cognitive inclinations towards maintaining trust in established organisations. However, if individuals encounter a certain incident of injustice, they will change their long-standing beliefs.¹²⁰ If this concept of Shklar is brought into the political sphere more openly, it can be argued that if the current liberal mechanisms with some of its flaws has been standing for so long, it means that it has its virtues and offers a satisfactory minimum security for the people on it albeit imperfectly.

Contrasting Shklar's political thought on justice with mainstream liberalism strands

It wouldn't be unfair to claim that, even if unconsciously, theorists who are deeply concerned with justice, might fall into the trap of considering injustice as nothing, but breach of justice. Just like many scholars such as Mill and Rawls, Shklar liberalism assigns the moral conflict considering a monistic standard, in other words, it gives priority to what one thinks when there is a conflict between moral claims as the most important norm for their philosophy. For example, according to Rawls, it is not permissible to violate the two principles, particularly the one of equal liberty.¹²¹ According to Mill, one

¹¹⁷ *Idem* (p.86)

¹¹⁸ *Idem* (p.81)

¹¹⁹ *Idem* (p.106)

¹²⁰ *Idem* (p.109)

¹²¹ Rawls, J. 1999. *A Theory of Justice*, p.53

is not allowed to harm other individuals and should only interfere in the immense of this happening.¹²² For Shklar, as seen so far and as will be seen later in more depth, one is not free to treat others unjustly and cruelly. It is interesting to draw these comparisons, even if in a short way, so that Shklar's liberalism becomes even more abstract and distinct, especially because she explicitly links Mill's liberalism to the idea of the normal model of justice.

To begin with, Mill, as a utilitarian, thinks that all conflicting values may be limited to a primary ideal, utility, and that freedom is defined as the capability to act in accordance with this general rule.¹²³ A person has the freedom to do whatever that directly affects him in the first instance, and only that which does not harm others. As a result, the harm principle serves as the overarching guideline for determining moral disagreements. For example, while one should support the well-being of others, one must never impede on their freedom to do so. However, because this principle also allows individuals to injure themselves, paternalistic restrictions on personal liberty are often unjustified, it only applies to people who are incapable of self-government, hence paternalism is permissible solely for them.¹²⁴ Nevertheless, for Shklar paternalism is unfair, and is certain to evoke feelings of injustice.¹²⁵ Ordinary explanations, such as Mill's, begin with the premise that, like so many other moral notions, justice is best defined by its antithesis. In Mill's view, injustice is simply a lack of justice in an obvious and contextual sense, because injustice is shown from the beginning as the sort of behaviour that normal legal justice is supposed to eliminate. True, his major objective was to show why fairness is the first of the social virtues and why it is a moral responsibility for all of us. His goal was not to compile a complete map of all known types of injustice and their prevalence. Mill argues that:

*"Who shall decide between these appeals to conflicting principles of justice? Justice has in this case two sides to it, which it is impossible to bring into harmony, and the two disputants have chosen opposite sides; the one looks to what it is just that the individual should receive, the other to what it is just that the community should give. Each, from his own point of view, is unanswerable; and any choice between them, on grounds of justice, must be perfectly arbitrary. Social utility alone can decide the preference."*¹²⁶

Still, Mill couldn't stand thinking about the worst historical events, therefore, he saw injustice as just the starting point for a healthy and cheerful conception of justice. Although inequity is unlikely to disappear, ordinary justice is assumed to be sufficient for regulating it in reality and comprehending it in theory.¹²⁷ But since utility is Mill's monistic standard, individuals could become so impersonal due

¹²² Mill, J.S. 1859. *On Liberty*, p.13

¹²³ *Idem* (p.14)

¹²⁴ *Idem* (p.74)

¹²⁵ Shklar, J. 1990. *The Faces of Injustice*, p.119

¹²⁶ Mill, J.S. 1863. *Utilitarianism*, p.56

¹²⁷ Shklar, J. 1990. *The Faces of Injustice*, p.18-19

to utilitarianism, that they would no longer be able to take into consideration the particular values of each individual. In this situation, it might be claimed that everything would be permitted as long as it produced the greatest possible public happiness, resulting in a majority dictatorship with justice playing a minor part. Whenever an act of breaking commitments enhanced the general welfare, utilitarianism would be prepared to fail any justice process. Even if there were a set of regulations requiring an individual to consider the societal repercussions of acting on a rule that permitted him to breach commitments under exceptional circumstances, justice would still be violated and ignored. Shklar does not appeal to religious standards and, in order to pardon or to forgive acts of cruelty, she does not appeal to any supposedly higher norm such as Mill's utility principle, or Rawls highly consensual aspect as will be next highlighted. When assessing whether or not an act is good or wrong, less sceptical liberals turn to what they perceive to be a higher norm, such as Mill's utility and harm principle. In this sense, Shklar's ideals differs from that of Mill's because by focusing on cruelty the need to advocate a multivalued approach to moral conflict isn't needed, instead cruelty is put forward as a monism. But exactly because for her, cruelty is the highest standard, this alone is the evilest to be fought and it does not justify acts of injustice and cruelty by reference to any other standard. What is anticipated is a framework that ensures a tenuous equilibrium and prevents the emergence of unacceptable actions. The first public duty is to prevent exceeding the maximum level of injustice, so instead of an ideal society, one shall have a decent society as a minimum.

Shklar's philosophy contrasts with Rawls' wishes for the prevention of harm to fellow citizens, where readiness for justice is the first social institutional virtue founded on principles of fairness for the social order. For example, given the *veil of ignorance*, where individuals represent the majority of a society in choosing the principles of justice, it can be argued that from a practical perspective these representatives would have similar powers to public political agents. Thus, partiality is similar to politicians regarding the decisions that have to be taken within a society, whether it is a fair one or not. Involuntarily, the open scope for deliberation becomes subjective because if on the one hand the idea is to obtain a just society, on the other, it has random people in charge of this decision which can end up with groups of people being victimized or excluded in the formation of the basis of a social order. In this sense, Shklar's liberalism gives focus on understanding societal necessary commitments through justice and cruelty, unlike the political liberalism in Rawls' moulds where justice is grounded on an idealistic distributive paradigm where the nature of injustice resides in a type of inequality that can be basic social goods, opportunities, material resources or capabilities:

"While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and responsibility must be accessible to all. One applies the

second principle by holding positions open, and then, subject to this constraint, arranges social and economic inequalities so that everyone benefits."¹²⁸

In this sense, Rawls' theory refers to identifying those social needs with justice and to treat them as starting norms of what justice demands. It wouldn't be unreasonable to suggest that these views are usually put forward by theorists to balance the institutional ordainment of society having in mind certain parameters and to give good reason for the normal model of justice where a type of legalistic liberalism in which commitment to the liberal order occurs by consensus on abstract and universal principles such as freedom and equality, balanced and enclosed in a constitutional systematisation in the face of political conflict. In *Political Liberalism* Rawls argues that political values has three characteristics:

*"First, their principles apply to basic political and social institutions (the basic structure of society); Second, they can be presented independently from comprehensive doctrines of any kind (although they may, of course, be supported by a reasonable overlapping consensus of such doctrines); and Finally, they can be worked out from fundamental ideas seen as implicit in the public political culture of a constitutional regime, such as the conceptions of citizens as free and equal persons, and of society as a fair system of cooperation."*¹²⁹

Unlike Rawls' political liberalism, Shklar's liberalism isn't about finding abstract principles that everyone can agree on or an *overlapping consensus* of all rational people to govern society's basic structure. It goes even farther by considering the fact that, as human beings and possibly victims, one is affected by emotions and historical experience. No utopian picture of what may be attained is offered by Shklar, whether it be one that believes in the potential of human nature or that moral development is necessary. If one just examines what one should be and do, at the very least Shklar argues, one will be able to shorten the contradiction between liberalism's theoretical perspectives and its practical application.¹³⁰ Shklar's political liberalism has no difficulty with the truth of pluralism and its value whereas Rawls's political liberalism does and functions to solve it. The reality of pluralism, of conflict between values as a rule, undermines any general theory of principles in the form of a utopian version where priority is given to political deliberation. Shklar's liberalism portrays itself as a modest liberal enterprise that, while acknowledging the ontological fact of pluralism, it does not hold big universal rational models in high regard. It is devoid of the Rawlsian optimism. It rather is a sceptical liberalism focused on avoiding the worst rather than finding the ideal or the most reasonable balancing society. In the sense it is doubtful the feasibility of imagining a unified ethical framework that arranges all values such that they no longer contradict with one another. And it is by considering Shklar's affirmation¹³¹ that there cannot be a decent, just or stable social relationship, but only anxiety,

¹²⁸ Rawls, J. 1999. *A Theory of Justice*, p.53

¹²⁹ Rawls, J. 2005. *Political Liberalism*, p. 453

¹³⁰ Shklar, J. 1990. *The Faces of Injustice*, p.16

¹³¹ *Idem* (p.18)

mutual misconception and insecurity, without the legal institutions and faiths that support them, that one is able to address important democratic issues for the strategy of overcoming the obstacles of liberalism such as agonism. With that in mind, the next section will present arguments for a unique perspective on consensus standing on a non-utopian outlook based on Shklar and her liberalism of fear as a way to justify her political thinking without forgetting this important liberal value.

2.2 A distinctive consensus in the liberalism of fear

So far, it is clear where Mouffe stands in relation to liberalism, however, within her philosophy, there is the feeling that liberalism can't be in fact concrete. If her thought is based on the idea that liberalism isn't a political theory, is there a way to address any of the critiques levelled at liberalism by using liberalism itself? According to Shklar's definition of liberalism, which she defines as a political theory rather than a "philosophy of life," has only one major goal, that is, to maintain the political conditions required for the exercise of personal freedom.¹³² For political class members to be able to make their own judgments without fear or being influenced by the absence of the state, a government restricted by personal rights and freedoms is required. She points out that:

*"It is a political notion, because the fear and favor that have always inhibited freedom are overwhelmingly generated by governments, both formal and informal."*¹³³

As noted in section 2.1, it would be difficult to satisfy individual requests, and only centralised powers could create the space and environment for free personal deliberations by institutionalisation of rights and impartial procedures in this situation of generalized fear (like the state of nature in classical political theories, i.e., Hobbes). As a result, it is reasonable to infer that if and when individuals fail to recognise the most basic concept of reciprocal tolerance, one's ideas or even principles will cease to function.¹³⁴ From this point of view, rights are interpreted as tools to defend against public oppression, or literally as a restriction on other people's freedom regarding each other. It would be the way to follow one's own ideals for every person or social community. Moreover, the liberalism of fear is distinguishable from a "liberalism of rights," with rights expressing the realisation of a more moral reality and guiding social change, and from a "liberalism of self-improvement" in which the demands of liberty have the same as to encourage self-realization.¹³⁵ In this sense, Mouffe's criticism of liberalism with regard to it being the only means to obtain the ordering of this right, finds alternatives within the liberal theory itself. Legitimacy and tolerance are merely protective measures against reciprocal violence. If one allocates the descriptive impact of ethical disputes solely to the ontological

¹³² Shklar, J. 2004. *The Liberalism of Fear*. In: Young, S.P. *Political Liberalism: Variations on a Theme*, p.149

¹³³ *Idem* (p.149)

¹³⁴ Buchanan, J.M. 1975. *The Limits of Liberty: Between Anarchy and Leviathan*, p.5

¹³⁵ Shklar, J. 2004. *The liberalism of fear*. In: Young, S.P. *Political Liberalism: variations on a theme*. p.151-154

reality of incompatibility, one can end up perpetuating unjust power structures rather than attempting to recognise and resolve them. Furthermore, Shklar, as could be previously observed (section 2.1) and taking a different approach from that of Mouffe, suggests that her vision is significantly different from that of Rawls. Again, there is more to liberalism than a universalized idea for society. She expressly avoids Rawls' emphasis on building and maintaining an *overlapping consensus*, arguing that his confidence in the ability to secure this agreement is naive and therefore risky inasmuch as it manifestly ignores the tragic lessons of history and thereby not only enables, but encourages, fresh cruelty and horrors.¹³⁶

In view of the moral pluralism, the most critical principles of public coercion are inevitably disputed by people with equal freedom of conscience, speech and association. Shklar does not agree, though, that the liberalism of fear has a problem here. On the contrary, when one can demonstrate how the prohibition of cruelty, the *summum malum* of Shklar's social life, can be universalized, each person will need the same safeguards as anyone else. It is important to believe that everyone is always in fear and thus therefore they should assert human rights regardless of their views of goodness. In addition, if a tolerance principle has been established, each person will then have cause to agree, to make it effectively and to reproduce those rights. To illustrate: in reality, it can be argued that it is objectionable for the government to be funded by an institutionalised religion. Each individual has the right to freely choose what he or she believes, and there are compelling reasons against the plausibility of any religious entity or even the nature of a super-sensitive truth. Any time the government uses dogmatic logic to limit one's rights and the freedom of one's colleagues in denial, it contradicts their deepest ethical beliefs. However, considering the existence of the state's freedom of faith and legal assurance, as a minority, one will have more to lose than to gain by questioning the authority of the official religion. Instead of two sides fighting, one would benefit more from being a 'tolerated' minority. Such political importance is undeniable. Each party would gain more than it could by attempting to achieve its own ethical values by agreeing to a minimum level of coexistence among various parties. Buchanan affirms that "*the mutual gains should be apparent to all parties*".¹³⁷ In this way, a constitutional pact would ultimately benefit all parties equally.

While Shklar do not directly reflect her theory' on Hobbes, the normative shortcomings as minimum requirements for a *modus vivendi* between possible enemies supports the understanding of the problem of consensus and conflict within pluralism. One cannot simultaneously guarantee a

¹³⁶ For a further reading see Young, S. Avoiding the Unavoidable? Judith Shklar's Unwilling Search for an Overlapping Consensus. *Res Publica* **13**, 231–253 (2007). Available from: <https://doi.org/10.1007/s11158-007-9026-y>

¹³⁷ Buchanan, J. 1975. *The Limits of Liberty: Between Anarchy and Leviathan*, p.59

prudential agreement between adversarial groups by, on the one side, contesting collective means of coercion within themselves and, on the other, the expectation of the effectiveness of equitable rights of contracting parties. Since each individual's rationale for the moral restraint is determined by the portion of 'fear' he will produce in others, or in fear of once in power persecuting his fellow people, justice can only contemplate those communities who can make this portion successful. For example, one can imagine the acknowledgment of rights between the two main social groups which have the ability to "pacify" the majority of society, pacificated by equal conditions, which eliminates systemised fear.¹³⁸ In addition, reciprocal tolerance without foundations can be argued to be weak itself. Not just that any societal reconfiguration of authority would imply a return to the state of fear, one could expect intergenerational tensions to remain ongoing. Unlike for example Rawls, Shklar conceives her liberalism as being independent of any philosophy or ethical ideas, it is nonutopian as she states that "to be alive is to be afraid".¹³⁹ However, the liberalism of fear is equally concerned with violations of state authority in all governments. It is concerned about government officials' excesses at all levels of government, which it feels will disproportionately affect the poor and vulnerable. It is self-evident to compare the poor's history to that of the various elites. The assumption, which is well-supported by the page of political history, is that certain government officials will act lawlessly and violently in little and major ways unless they are stopped.¹⁴⁰ There can be no clear factual solution to the question of what constitutes the proper exercise of authority to protect others from suffering. In most cases, political rather than factual judgments are used to respond to these queries. These judgments are intrinsically linked to the degree and intensity of claims and counterclaims made by those who want to blame others for their suffering and those who wish to evade accountability. It is unreasonable to expect complete justice from exceptional public leaders or anybody else who wields power effectively. As Shklar believed, ordinary people do have such ability, since even a simple closeness to wrongs may give us substantial power to avoid them.¹⁴¹ In this sense, in Shklar's thought, the liberalism of fear can be linked to the idea of liberal democracy safeguarding citizens against the violations of the strongest, by controlling government and dividing authority. Liberalism was justice.¹⁴² Hoffman points out that:

*"She was passionately concerned with the significance of political concepts and theoretical issues for the daily lives of people, and one could derive from works, especially her later ones, a set of modest proposals about the kinds institutions and policies that would flesh out the liberalism of fear, carry the politics of inclusion, and provide good government for people"*¹⁴³

¹³⁸ Barry, B. 1995. *Justice as Impartiality*, p. 162-164

¹³⁹ Shklar, J. 2004. *The Liberalism of Fear*. In: Young, S.P. *Political Liberalism: Variations on a Theme*, p.157

¹⁴⁰ *Idem* (p.155)

¹⁴¹ Shklar, J. 1990. *The Faces of Injustice* p.40-42

¹⁴² Hoffmann, S. 1993. *Judith Shklar as Political Thinker*. *Political Theory*. May, 1993, Vol. 21, No. 2 (May, 1993) Sage Publications, Inc, p.178-179. Available from: <https://www.jstor.org/stable/191812>

¹⁴³ *Idem* (p.179)

For instance, to contextualize, it is also worth noting that Shklar denies the radical concept of conflict unlike Schmitt and Mouffe. Aiming at Schmitt more specifically, Shklar uses a political trial perspective where one side tries to eliminate its political enemies. To accept that would be to accept Schmitt's friend-enemy perspective. She points out that:

*"there are political societies in which political persecution and political trials are rare and constitute an insignificant part of politics. So the political trial can hardly be said to reflect the essence of politics. There is more to politics than that."*¹⁴⁴

Society as whole constitutes a set of laws that differentiate between what is good and bad, legal and illegal and so on, where individuals get judged and rewarded by their actions. The intellectual uniqueness of liberalism, as presented by Shklar, is its capability to accommodate a multitude of conflicting philosophies while still being the only philosophy that avoids the myth of unification. She states that:

*"It would be childish, however, to imagine that democratic attitudes and institutions constitute an adequate response to the sense of injustice. It is not even plausible. The procedures of consent may be the best we can do, but they do not conquer the dominion of injustice."*¹⁴⁵

In certain respects, it confirms the hegemonic accusation of liberalism's opponents, but it is still vigilant not to allow disagreement to become a source of cruelty, terror, or unnecessary conflictual. This, after all can be debated to be a good thing having in mind that is extremely important not to cross important rightful boundaries. For instance, as a reply to the Mouffean radical view: Shklar isn't interested in consensus or agonism as ends in themselves; instead, she sees disagreement as a precondition for independence since it implies the absence of a homogenising case, which also implies the adoption of a consensus. With regard to the democratic critic regarding liberal individualism in modern democracy, she doesn't overlook its flaws as the Mouffean radical view can suggest even though she believes it to be the most appropriate model for society.¹⁴⁶ Shklar would most certainly endorse the Left's accusation that behind the impartiality of liberalism there is a fighting dogma as Charles Taylor points out.¹⁴⁷ Simply because she would wish to disregard the delusion of value-freedom, not the appreciation and defence of one's own belief.

¹⁴⁴ Shklar, J. 1964. *Legalism: Law, Morals, and Political Trials*, p.149

¹⁴⁵ Shklar, J. 1990. *The Faces of Injustice*, p.91

¹⁴⁶ *Idem* (p.85)

¹⁴⁷ Taylor, C. 1994. *Multiculturalism*, p.62

2.3 Liberalism, *Ordinary Vices* and implications for contemporary political society

It can be noticed by now that, when it comes to realistic terms, the liberalism of Shklar has a distinct connotation. It may be suggested that she viewed contemporary liberalism like a delicate political belief struggling with an identity crisis.

*“Liberalism itself, Shklar argued, had taken on the guise of its old conservative adversary, including through a heavy dose of frequently religious pessimism (while socialism seemed bankrupt for the moment too)”.*¹⁴⁸

Liberalism is a daunting and demanding philosophy that necessitates respect for contradiction, ambiguity, and the dangers of liberty. Shklar has an interest in the issue of heritage not only of liberalism, born from cruelty of early religious civil wars, but the most enduring and problematic rivals of liberalism as such.¹⁴⁹ As seen so far, her philosophical goals are therefore to explain liberalism as a philosophical approach, which aims at ensuring the political conditions required to exercise personal freedom by avoiding acts of injustice and cruelty by the public authorities. *Ordinary vices*, the book where she originally presented the concept of the liberalism of fear mentioned in the previous section (which is without a doubt one of her most significant ideas), examines the harmful influences, ambiguities and moral matters that specific depravities the liberal character, and its observations for government and individuals. Nevertheless, one must also reconsider and recognise that some vices are unavoidable and, at times, indispensable features of democratic politics.

Freedom habits are formed both in private and in public, and a liberal personality may easily be envisioned. It cannot, however, be imposed or even encouraged by the exercise of political power. This does not make liberalism's tasks any simpler, but it does not jeopardise its ethical framework.¹⁵⁰ By putting cruelty first vice in *Ordinary Vices*, Shklar acknowledges correctly that it is not just about vehemently opposing it. When one puts it first, one responds to the recognition that one fears nothing but fear. Because fear of fear is irreducible, it does not require any more reason. It may be both the start and the end of political establishments like rights.¹⁵¹

Cruelty has, in fact, long been an element of the political game. Society have observed the cruelty of the murders of innocent people throughout the years as a result of political ideological disputes. Outside ideological disputes, activities such as corruption by public officials endanger the lives of countless people. What else could it be but cruelty? Everyone is bound to make mistakes, no doubt, but when one understands that politics is nothing more than a conundrum of seeking and knowing

¹⁴⁸ Ashenden, S & Hess, A. 2019. *Between Utopia and Realism: The Political Thought of Judith N. Shklar*, p.25

¹⁴⁹ Shklar, J. 1984. *Ordinary Vices*, p.5

¹⁵⁰ *Idem* (p.5)

¹⁵¹ *Idem* (p.237)

deceit, cruelty becomes unavoidable. Consequently, one will get to the conclusion that regarding a policy that prioritises the intentional imposing of suffering over all other political imperatives. It is not always the case that a person does not identify pretence when he/she sees it, or that he/she ignores the atrocities done in their name (by a politician for example). The truth is that society in general learnt to accept its unimportance. It is as if cruelty and hypocrisy became both irrelevant. The deficiencies in policymaking, the denial of liability for transgression, the inability to respect norms happens occasionally with publicity. What occurs is that individuals retreat into their privacy, isolating their accountability for political cruelty. By making use of Machiavelli, Shklar claimed that he understood that no one governs their equals with cruelty, but his lesser subjects exclusively.¹⁵² Shklar wanted individuals not to rejoice in the shining of their restraints, but to establish policies in which one anticipate and demand equality. To clarify: order can be equated to administered violence since the use of power is constantly antagonistic and established in contrast to other powers. As a result, it's possible to argue that ferocity is the apex of political life. Excellent weapons also come before good laws for this reason. While cleverness and persuasion have their place, violence is always a necessary checkpoint. As could be noticed in the previous section, the notion of the common good originates when private interests are subordinated to a specific order that is in some way regulated for the avoidance of such occurrences. In contrast to classical philosophies, freedom appears as a magnitude, not as a direct component or defining attribute of the state. That is, it will be larger or smaller depending on the institutional design derived from the relationships between institutions and the interests involved. Consequently, it is of great importance for individuals to acknowledge the institutions and models around them. Governments are coercive, and no liberal ever forgets that. It is not a sufficient description, but it encourages calls for small government and justice as the primary public virtue, and it emphasises the political relevance of prioritising cruelty as an effort to lessen the risks to liberty posed by state power.¹⁵³

Hypocrisy is another factor that is often overused in the political sphere. It may be argued that in order to gain the people's trust, a political agent may appear pleasant, human, religious, honest and so forth even if such characteristics do not exist or that it is in their best interests to act otherwise. The employment of stratagems such as accentuating the benefits gained while hiding setbacks and culpabilities, as well as attributing unpleasant things to others while keeping them for oneself, is characteristic of political art. As a result, hypocrisy is regarded as a crucial instrument in the political game, which agents can employ depending on their requirements and desired outcomes. Indeed,

¹⁵² *Idem* (p.28)

¹⁵³ *Idem* (p.244)

hypocrisy is one of the few vices that holds liberal democracy according to Shklar.¹⁵⁴ But, what Shklar wants to highlight is that although hypocrisy is indeed necessary, one should aspire for a life in which hypocrisy does not pass through the reflections of politics. She claims that the fundamental norm of western democracy is the consensus of the governed but consent itself is not readily obtained and maintained, depending on a certain level of hypocrisy.¹⁵⁵ Perhaps no other criticism of our policies is more widespread than its hypocrisy. The political class' war and its willingness to approve principles only to undermine them publicly or privately, ends up fostering the decline in public trust and its representatives. Every act of power necessitates the delivery of genuine statements that justify and ensure the implementation of legal norms or policies that regulate social order. However, in order to fulfil this function, "the truth" is obliged to appear as not hypocritical, to deceive and appear as if it is the only one. In this sense, Shklar interestingly points out that:

*"It is not difficult to show that politicians are often more interested in power than in any of the causes they are ardently proclaim."*¹⁵⁶

Hypocrisy, then, is inextricably linked to power. It is not a delinquent addiction, but a powerful tool that secures control and authority. In this game, the agent who does the hypocritical operation most efficiently maximises its activity. Similarly, it serves as a power source and is a necessity for the exercise of authority where in power relationships, hypocritical speeches are used to disguise the true nature of the relationships within politics. Accusing an opponent of hypocrisy during a political argument, according to Shklar, is a kind of psychological warfare aimed at shattering his self-image.¹⁵⁷ She also points out that:

*"It is, therefore, easier to dispose of an opponent's character by exposing his hypocrisy than to show that his political convictions are wrong... Eventually, the ideological discourse puts hypocrisy at the forefront of political sins."*¹⁵⁸

As a result, tackling the topic of hypocrisy and its nuances necessitates a shift in the discussion's parameters since it isn't just a matter of attempting to discover those acts and actors that deceive a valid truth. Power-based ideologies impose a restricted, relative and socially determined set of truths. Ultimately, it has to do with power interactions and power structures and not just the agents. To illustrate: the hypocrite activity entails a discursive exteriorization that omits or partially or completely conceals some core facts, allowing them to successfully orient the meaning of action and its outcomes through rationalisation resources. The agent conceals what it believes to be true in order to maximise the benefits of its operation in the power-political game. As a result, hypocrisy cannot be viewed only

¹⁵⁴ *Idem* (p.248)

¹⁵⁵ *Idem* (p. 70)

¹⁵⁶ *Idem* (p. 48)

¹⁵⁷ *Idem* (p.64-66)

¹⁵⁸ *Idem* (p.70)

as the result of agents acting with malice in their hearts. It is socially constructed and connected to power systems and regulations. In order to make their activity more successful and correctly to the demands of the power game, the agent becomes hypocritical. An example would be the use of conjuncture facts to wear other political adversaries or to encourage a crisis to recur in order to undermine a group at the top and strengthen themselves and their group as an alternative to it. Fact-distortion tactics are routinely utilised to enhance the image of the other party's political contender. Calling an enemy evil may backfire, however accusations under the circumstance of hypocrisy can disarm one.¹⁵⁹ Furthermore, if the political players struggle with right above wrong, and everything else, the discovery that their rival is not up to his own professed standard will only discredit each other.

To contextualize, there is resistance in power relationships, and there is diversity in how socially generated truths are interpreted. Political agents see themselves through the tangled structure of power, attempting to affirm their beliefs in the face of socially established realities. Therefore, hypocrisy is a factor that democracy must most of all accept, not only for the sake of defending personal rights, but in particular to curb the intellectual warfare of rivals. As a result, hypocrisy has been pervasive, and the charge of hypocrisy has become a widely accessible insult to liberalism. Politics becomes a process of prevarication and unmasking as each side attempts to undermine the legitimacy of its opponents. If one considers the hypocritic aspect mentioned beforehand, liberal states are particularly vulnerable because of their adherence to principles of public justice, compassion and equitable rights under the law which permits acts of immoralities. What is stated and achieved can never be disconnected, therefore, this critic of the void left by liberalism is somewhat marginalized like in the agonist critic. Secondly, it is foolish to assess a nation by the standards which its leaders represent, liberal or not. What can be stated is that a nation will be assessed on the criteria that it is often forgotten about. If society is sickened with government's prerogatives and unnecessary plight on the helpless, either politically or monetarily, one must rank cruelty first with the challenge of broadening the public debate about the political system and in the conviction that the construction of a conception of what justice is cannot be restricted to the direct actors of the state system.

2.4 Conclusion

Power relations, contrary to popular opinion, are much more complex than usually envisioned and aim to hide their presence so that they can be justified and tolerated in everyday life. Shklar's thought offers a great combination of analysis from understanding the flaws of the normal standards of justice

¹⁵⁹ *Idem* (p.67)

to drawing concrete considerations to safeguard individuals' rights and bring moral awareness to into politics.

Firstly, political responsibility can present opportunities of progress for society since it necessitates action in the political ambit based on the public debate in order to change unfair systems. A liberal political system is characterised by the establishments of a pluralist society with diverse centres of authority and institutionalised rights. Therefore, one must work hard to develop and implement a fair political system, because it is not only up to official institutions to do so, but also up to the normal individual to safeguard and enforce their political rights in order to avoid acts of wrongdoing wherever it occurs. Additionally, the identification of the inextricable characteristic of politics in liberal democratic states as citizens' moral differences raises the issue of what kind of structures and processes may be required for mediating and fostering a consensus. If this isn't followed properly, political conflict can be used as a manifestation of reaction against social patterns of oppression. Secondly, by elevating the concept of fear and justice above consensus, Shklar's liberalism not only bring to surface observations on injustice matters that normal people may suffer but also how such actions can be predicted. The liberalism of fear can be of real importance for the weakest in society since it focuses on the constant tension that exists in the world between the strongest, especially those occupying political places and the less privileged. With its objective being to assure the freedom of individuals, the acknowledgment of such perspective explicitly portrays the excesses of agents and their potential to make things worse. Such boldness on liberal political theory need not decide between traditions that are not hostile or not to its aspirations, nor does it have to consider the claims of any traditions inherently false, simply because it does not try to meet the scientific standards for all rational thought¹⁶⁰, rather focusing on arbitrariness and its essences. Thirdly, considering Shklar's perspective on society's vices, it can be argued that acting virtuously does not imply being virtuous. Thus, one must always be aware of the interests of public agents because within a political dispute, they can use mechanisms that although bearable should not be used extravagantly. Shklar has rightly been able to show that politics is not immutable and can have many faces. Vices, as in her account, doesn't just bring one's attention to the virtuosity of political groups within society but also draws important observations regarding them as part of the political process that still in place in western society that although imperfect can be proven to be pragmatically efficient. Politics does not rule out the inclusion of ethics and justice, as well as political agents cannot ignore integrity in their actions at any time.

¹⁶⁰ Shklar, J. 1989. In: Rosenblum, N. *Liberalism and the Moral Life*, p.26

By adding up some of these observations, it is conclusive that individuals can't solely be dependent on the state's power to protect their safety, as instead, its agents can become promoters of insecurity and fear among people. Shklar's liberalism, in that its main aim is to protect the constitutional state as the essential political condition for democracy, offers a strong realistic political perspective for contemporary politics rather than a moral ideology. Though her scepticism is subverting widespread arguments for a liberal traditional consensus, its genealogy is fundamentally designed rather than subverted to vindicate liberalism. Thus, the belief that reducing cruelty should be the primary goal of liberalism can form a widespread ideal that virtuosity involves efforts against tyranny, arbitrariness or interference, especially when powerful people are accountable for injustice. It is plausible to claim that fear drives people to define and safeguard human dignity in front of the powerful, thankfully, it finds in Shklar, a very concrete political perspective able to systemise this thought. Consequently, a methodology that goes deeper than the surface of political and legal institutions, plays an important role to prevent the abusive and unlawful use of power through negative freedom, that is, a sphere of rights surrounding the person that renders the intervention of the state unacceptable, as well as the requirement for someone to do something illicit. The state is neither a people's will nor a static entity. It's the gradual evolution of logics and institutions in response to the aspirations of economic and cultural influential seeking to organise society. Even though liberalism recognises the state as a necessary evil from a pragmatic standpoint, its form of existence must always be made bearable by limiting the exercise of power institutional models and their agents in order to attain a fairer society.

3. Conclusion

This research focuses on the role of confrontation in democratic politics, as realistically understood. Throughout the thesis, I attempted to explain both the agonist and liberal perspectives on the topic. The thesis' core point is that, through investigating two incompatible currents of political thought, liberalism has the necessary tools to continue to be a major player in political societal ordinance, recognised both in concrete terms without discounting the idea of some kind consensus necessary for social order. Additionally, it covered important characteristics already known across society such as virtue and justice in the political sphere that are closely related.

Since the main objection to liberalism on this thesis was its consensus aspect, why in the first place should liberalism be considered incompatible with conflict? It can be argued that some contemporary political realists such as Mouffe often share a criticism of moralised political philosophy, condemning it of descriptive sloppiness and normative irrelevance. As was seen in the first chapter, the comprehensiveness of the agonist view is more than just a criticism of liberal political philosophy's current modes and represents a constructive political description, which underlines the independence

and agreement of politics in its own terms. In Chapter one I looked at the threat to liberal democracy that agonism appeared to bring by discussing the nature of the agonist movement by considering some of its essential matters such as the shortcomings of liberal consensus, political participation and rights. In the last section, I highlighted the shortcomings in this paradigm that led us, in the following chapter, to defend liberalism based on realistic terms as the best model for society grounded on Shklar's thought. Chapter two tried to critically prove that liberalism might offer a method of consensual political debate in tune with the current reality of contemporary democratic politics in order to transcend agonism in political discourse. It sought to show that liberalism is consistent with the demands of current democratic politics in realistic terms and able to put liberalism on a practical basis by getting involved with characteristics of real-life politics such as potential abuse of power and injustice as in the current settings. Shklar's political accounts as the liberalism of fear, vices and a unique perception on justice, offered not only a plausible realistic perspective concerning the consensual aspect of liberalism in a different nuance but also introduced a panorama that is often forgotten about in the modern political word, that is, the extent of some of the vices that liberal political society has to bear as part of its functioning.

Moving on, understanding that liberal democracy is the result of two incompatible logics, and that there is no way to reconcile them with specifications, is one of Mouffe's most important arguments for democratic politics:

*"Once it is granted that the tension between equality and liberty cannot be reconciled and that there can only be contingent hegemonic forms of stabilization of their conflict, it becomes clear that, once the very idea of an alternative to the existing configuration of power disappears, what disappears also is the very possibility of a legitimate form of expression for the resistances against the dominant power relations."*¹⁶¹

This may not be the point. Different conceptions of liberal political justice (theories that explicitly call themselves liberals), may differ so substantially from one another about the same problem, that aggregate them under the label of liberalism is tantamount to emptying the concept of any useful meaning. Therefore, it would be extremely difficult for liberal thought to be hegemonic, since, in the first place, only very tenuous lines of argument could maintain its theoretical cohesion. The reason why it is not cohesive lies in the different normative reasons that underlie some of the most fundamental liberal principles. Much more than different, they are sometimes contradictory to each other. Therefore, the conclusion that can be drawn, is to note that a generic defence of consensus within a plural society says little about what it means to defend a liberal conception. This is not to say

¹⁶¹ Mouffe, C. 2000. *The Democratic Paradox*, p,5

that there are no clearly anti-liberal positions on the problem. A clear example to contrast is that of Mouffe when she points out that:

*"the aim of democratic politics is to construct the 'them' in such a way that it is no longer perceived as an enemy to be destroyed but as an 'adversary', that is, somebody whose ideas we combat but whose right to defend those ideas we do not put into question."*¹⁶²

One is clearly faced with a non-liberal way of conceiving the problem of political authority and democracy. One sees that this way of understanding democratic legitimacy differs radically from the way that liberalism understands the function and the possibility of such legitimacy. However, determining exactly why, requires a systematic investigation. For this, the confrontation between different reasons for sustaining consensus within the political sphere is fundamental. Again, there is no doubt that Mouffe is right in highlighting the need to preserve the political project of modernity, its ideals and its institutions (human rights, constitution, separation of powers, etc.). However, it is misleading to intend to completely abandon the modern epistemological project, since this project was also one of those responsible for not only democratic order but societal in general. As mentioned in chapter's two introduction, the fundamental problem with the agonistic approach is that it fails to grow as a model, remaining trapped in the deconstruction of deliberation and attacking consensus. It does not offer enough perspectives to deal with the matter of exclusion without forgetting its antagonistic conflict-taming role. What one can do, however, is to defend the arguments in the clearest and most accurate way possible in the hope that they will help to resolve or simply contribute to the concrete problems of politics. The moral commitment to a democratic way of life obliges us to uphold to a certain level a principle of tolerance and consensus. Shklar points out that:

*"A decent society requires a bundle of positive conditions, among which peace and a general spirit of tolerance are certainly not insignificant."*¹⁶³

It is impossible to formalize all kind of rules in a diverse society when there are many different norms and procedures. So, if one considers the fact of dominance, the notion that an essential consensus should exist in relation to ethical-political ideals is inconceivable because one imagines that priorities are abandoned in the quest to do this, that is, to fully dive into idealism and the rejection of the political. To illustrate: the manifestations of antagonistic politics can occur within the current institutional framework, in which interests and worldviews that do not reconcile and whose struggle is resolved temporarily, with the defeat of one side. But the dominated groups have incentives to challenge the established order, if not neutral, reflecting their own relations of domination. Shklar points out that:

¹⁶² *Idem* (p.102)

¹⁶³ Shklar, J. 1990. *The Faces of Injustice*, p.45

“When social circumstances or ideological change create new expectations that run counter to all previous assumptions, who is to say what rules, if any, do or do not permit a group to feel victimized? Did they make the rules in the first place? Who did and to whose benefit? If there are rules to decide such conflicts, they are far from settled once a challenge is raised.”¹⁶⁴

An efficient and on-going citizen involvement system that nobody gains or losses at all times can be the greatest approach to bridge the gap between fixed expectations and demands for public change.¹⁶⁵ Thus, instead of completely discarding western society’s structure, and since agonism kind of fails to provide its own framework, it would be better to eliminate only the actual overly optimistic conception (by putting cruelty first Shklar makes this very clear), which does not consider at all that there is a difference between the conclusions of the epistemological limits that it has established and the many normative prescriptions that it has created. By establishing liberalism on realistic grounds that stress the value of current democratic practises and structures, as well as consensus, one might see that it is not needed to overcome the current political situation to achieve any utopian dream for a new type of politics. By leveraging the ability of current political practises without closing doors to future considerations, liberalism may handle the features of competing politics and practical conception within and by itself. If political agonism can push democracy back to the ground, liberalism can help to raise and spread political dimensions which are fully valid in political life without forgetting the importance of pluralism and conflict.

As such, this thesis attempted to resurrect political liberalism to demonstrate that a commitment to the value of political disagreement does not have to be synonymous with extreme agendas. In doing so, it attempted to ground liberalism not only in a realist perspective but also demonstrate how consensus and political democracy (and practice) could well coexist without the utopian criticism around it. If agonism is mostly concerned with conflicting initiatives, it would be fair to conclude that it plays an important role in democratic politics. It is important to deliberate in order to deal with these substantive discrepancies, where one side cannot necessarily impose its will on the other. These differences are governed by persuasion and engagement practises in democracies. It is also up to those who advocate democracy to remember these points as well as to rehabilitate, wherever possible within their own strands, the means of common political confrontation without losing sight of what is just. That's what I sought in this thesis, albeit imperfectly. The defence of individual rights, some kind of consensus and impartiality between different moral conceptions, are necessary elements for the composition of a healthy democratic society. Such necessity is the fundamental objective of liberal theory. The reason for approaching the concept of consensus when analysing the different conceptions of political liberalism must be understood as follows: what is the specific answer that

¹⁶⁴ *Idem* (p.37)

¹⁶⁵ *Idem* (p.121)

each liberal conception of political justice offers to a common problem, namely, the need to justify, in specific cases, the legitimization of the establishment even though one cannot expect unanimous consent from citizens. The obsession with retaining possibilities and broadening the spectrum of liberalism in politics thus helps to enlarge the practical perception of politics, which can be too limited and restricting in and of itself. When these subjects are incorporated into an entirely unique study, one expects that their intentions, such as the role of conflict resolution in democracy, are more well interpreted than if they were studied separately. Rather than merely breaking with other political opinions or just filling a gap in the literature in one of several liberal defence scenarios I hope to have brought new light on how one can think of some of the political aspects discussed here. Although liberalism has evolved in many forms over time, it is possible to believe that its core concerns are still bound to principles that can be too utopian to be achieved in reality and that avoid much of the current democratic policy practises that are needed. Thus, rhetoric, liberalism, conflict and compromise can be conceived in a different manner, linking it to wider political debates without leaving the political realism around the context of society and democracy aside, which Shklar does brilliantly.

To conclude, considering the fact that societal problems are nearly hard to address outside of the political system, reforms that lead to a reassessment of the existing political system's practises are urgently needed, as are reforms that can restore liberalism's capacity to point out for future directions. An endeavour toward political, civic, and citizen education is vitally needed in order to not only protect, but also to extend, the gains of the civilising process, such as civil, political, and social rights. Without this level of awareness, the disillusioned and dissatisfied populace with politics may retreat and perhaps embrace their oppressor, which is one Shklar's main concern. The concept of political power is related to political disputes inserted in institutions and in the daily coexistence of individuals in a society. Perhaps this might be the source of inspiration to take this research further in the future. To spread solid and realistic liberal ideas in order to deeply understand the power relations of political systems, its flaws, and somehow shed to some light to its reform. As Shklar notes, it is naturally inconceivable that all potential kinds of inequality and unjust sentiments to be listed. However, one's voice is particularly important in democratic politics because politicians' unfulfilled pledges may be acts of public wrong, refusals to acknowledge rights or general civic duty breaches.¹⁶⁶ Individuals should be aware of their surroundings and how they are inserted into the democratic political life in order to decrease the line of state coercion and arbitrariness so they can preserve their rights.

¹⁶⁶ Shklar, J. 1990. *The faces of injustice*, p.108

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