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## The Right to Politics and Republican Non-Domination

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### Abstract:

Against pronouncements of the recent demise of both democracy and the political, I maintain that there is, rather, something amiss in our societies with the process of *politicization* in which social grievances are translated into matters of political concern and become object of policy making. I therefore propose to seek an antidote to the depoliticizing tendencies of our age by reanimating the mechanism transmitting social conflicts and grievances into politics. To that purpose, I formulate the notion of a 'fundamental right to politics' as the opposite of the *techne* of policy-making. I articulate this right via a reconstruction of the logical presuppositions of democracy as collective self-authorship. I then recast the concept of non-domination by discerning two trajectories of domination – 'relational' and 'systemic' ones, to argue that in a viable democracy that takes full use of the right to politics, dynamics of politicization should take place along both trajectories; currently, however, matters of systemic injustice get translated in relational terms and politicized as redistributive concerns.

Key words: protest, non-domination, neoliberalism, democracy, rights

### **The demise of the political, the death of democracy?**

"We have a vote, but not a voice!", "We are not against the system, the system is against us!" – The Spanish *Indignados*<sup>1</sup> have been ingenious at coining slogans that conveyed the political exasperation of our times. The former outcry speaks of the injustice of political impotence; the latter – of the tragedy of giving up the fight.

Why has it become impossible to be heard, even as the voice of protest has become louder and more articulate? It has become something of a truism to assert that, in the clash between neoliberal globalization and popular democracy, democracy has fallen victim to global capitalism. Much before the financial meltdown inaugurated the policies of austerity and the stewardship of national economies was taken over by the economic experts of Brussels and the World Bank, it had become clear that in a globalized, bureaucratized, technologized world, the opportunities for ordinary citizens to participate in decision-making have become non-existent. As Stuart Hall put it over 35 years ago, when discussing the Thatcherite commitment to free market economics and autocratic political rule, "under this regime, the market is to be free; the people are to be disciplined".<sup>2</sup> Since then, policy has taken the shape of the dictum *There Is No Alternative* (known as the abbreviation "TINA") which Margaret Thatcher adopted as her hallmark, after borrowing it from Herbert Spenser's formulation of social Darwinism a century earlier, as she turned its survival-of-the-fittest functionalist logic into kernel of policy.<sup>3</sup> Under TINA's dominium, it is *raison d'économie* that assumes the role of *raison d'état* – as a policy logic committed to national economies' survival within cut-throat international competition, regardless of the social cost of said survival. Thus, it seems that behind the bemoaned demise of democracy stands the very demise of the political.

In a piece titled "The Political" of some five years ago, Jürgen Habermas, joining other similar pronouncements of the death of the political, formulates thus the diagnosis: "In the latter half of the 20th century politics was still able to wield a steering influence on the diverging subsystems...

today, as economic globalization progresses ... 'the political' has been transformed into the code of self-maintaining administrative system".<sup>4</sup> Our societies seem to be trapped in the limbo that systems theory sketched: autopoietic functional systems operate by default, keeping us equally away from the heaven of democratic self-rule as from the hell of an economic, moral and cultural crisis. The solution Habermas advocates here, joining other prominent voices, is to urgently reanimate democracy.<sup>5</sup>

Yet, democracy is hardly dead.<sup>6</sup> Something more tragic has happened to it: rather than disabling it, neo-liberal managerialism has high-jacked it, putting it to the service of its economistic libido. In order to break free of the state of limbo, we need to sharpen the diagnosis of the 'death of democracy through the death of the political'. There is something amiss, I will argue, not with democracy, but with the process of **politicization** -- that is, the process through which social grievances get translated into matters of political concern and become an object of policy making. It is in the course of this process that democracy gets high-jacked by neoliberalism and put to its service. Thus, in order to save our drowning democracy, we need to discern more carefully the **enabling conditions** that energize democratic self-rule as a process in which widely-shared social concerns become effectively addressed policy issues. I therefore propose to seek an antidote to the depoliticizing tendencies of our age by reanimating the mechanism transmitting social conflicts and grievances into politics. As a step in this direction, I will formulate a 'fundamental right to politics' as an overarching concept that captures both the logical presuppositions of the notion of democracy and the practical conditions that enable it as a form of institutionalized political practice.<sup>7</sup>

Let me begin by zooming in on our current predicament so as to discern the particular 'circumstances that enslave' us, as Max Horkheimer would advise us critical theorists to proceed.<sup>8</sup> What has been widely condemned as breakdown of democracy and substitution of administration for politics, in fact takes place as a process in which democratic deliberation, electoral competition and representation – the key mechanisms of modern democracies – are mobilized in giving a mandate to experts tasked with securing national economic survival (if not prosperity), while navigating the stormy waters of global economic integration.<sup>9</sup> Significantly, in the midst of the financial meltdown of 2008-2010, voters in Europe massively brought back to power those very center-right parties whose neoliberal economic policies admittedly caused the financial-turned-economic-turned-social crisis. It is also worth noting that even when political forces opposing the neoliberal hegemony come to power after remarkable popular mobilization, as did the radical left party Syriza in Greece, they remain in service to the neoliberal agenda of economic viability and competitiveness. Such forces get stuck in a crisis management mode: the TINA policy doctrine wrecks our societies as rising unemployment, economic precariousness, and increased work pressures are the combined social costs of the global competition policy dictum (costs incurred on many groups in society, not only on its economically weakest members), but all that TINA's political rivals manage to do is engage in humanitarian crisis-management. This is by no means a revival of contestatory politics in which the very rules of the game are challenged and alternatives compete for public endorsement.

To make matters worse, the typical for neoliberalism tactics of public authority's offloading its social responsibility to society are now being invoked in the name of democracy, which remains an ultimate source of political legitimacy. Not only is the left failing to propose a macro alternative to the neoliberal abdication of social responsibility, but it is compounding the problem with positions that strangely echo a neoliberal discourse of anti-statism, thus further absolving political elites and public authority of obligations to rule in the public interest.<sup>10</sup> As the discourse for more democracy has become part of the problem, calling on democracy to save itself would be akin to telling a drowning person: "you have the right to life, so swim on; you can do it, we believe in you, attagirl!"

The demoting of democracy to generating popular backing for the expert policies of neoliberal global economic competition has brought to light a right that we come to realize we've had at the very moment when we are about to lose it – I will name it 'the right to politics': a right to dynamics of contention and contestation among policy alternatives. The concept 'right to politics' expresses the intuition that the people have a right that politics, rather than technocratic expert rule, be the process that decides their collective fate -- if politics is to be understood not just as a matter of power struggle among competing actors for *occupying* political office but also doing so for the sake of affecting the rules, and thus, the direction, of our collective existence, thereby enabling some societal control of the processes that shape our life. If we are to reclaim democracy, I shall argue, we need to begin by articulating and reclaiming this right to politics. Without it, other rights we hold dear become void of their political vitality even as they remain valid normative benchmarks.

However, I do not presume to craft yet another right and add it to the ever growing inventory of rights that are deemed indispensable to decent human existence. Such an ambition would require me to engage in a philosophical construction – a process in which the content of rights is derived from a philosophically more fundamental entity – for instance, the way human rights have been derived from, and grounded on, human dignity.<sup>11</sup> I prefer to take an alternative path – one that directs the investigation into the necessary presuppositions (logical and empirical) underlying human practices – a path of rational reconstruction rather than philosophical construction.<sup>12</sup> This will allow me to discern the right to politics as being already available immanently in the practice of democracy as self-rule. In what follows, I will present the right to politics as being an immanent *logical presupposition* that makes the right to democracy thinkable, coherent with an understanding of democracy as collective authorship of binding rules rather than as granting a popular mandate for expert rule. I will place a special emphasis on the experimental nature of democracy, and the particular notion of agency it implies as a practice of collective self-rule. I will enact this immanent reconstruction of the right to politics within a narrative about the ‘constitutive’ story of democracy – a story of the indispensable elements that compose democracy’s logical constitution.<sup>13</sup> In the last part of this analysis, I will re-cast the notion of republican non-domination (which stands in logical opposition to liberal autonomy) by distinguishing between ‘relational’ and ‘systemic’ trajectories of domination. This will allow me to clarify the particular deficiencies of politicization that mark our current predicament, and point out the direction in

which the right to politics is to be activated in order to recover those political dynamics that sustain democracy.

## **The right to politics – an immanent presupposition of the right to democracy**

### **a) democratic experimentation**

My entry point into such an 'immanent' articulation of the right to politics is the focus that some of the earliest accounts of modern democracy place on the experimental nature of democracy as political practice. Thomas Jefferson's famous pledge to democracy comes readily to mind: "I have no fear that the result of our experiment will be that men may be trusted to govern themselves without a master."<sup>14</sup> We find the centrality of the experimental logic also in Tocqueville's description of the young democracy in America – an open, experimental society with a dynamic, though fragile, political order: "In that land the great experiment was to be made, by civilized man, of the attempt to construct society upon a new basis... theories hitherto unknown, or deemed impracticable, were to exhibit a spectacle ...."<sup>15</sup>

The agonistic self-correction that democracy incessantly performs follows the logic of what Kant has described as reason, *fallible* reason, making experiments with itself in a process of open-ended, self-reflexive examination of itself, without a pre-ordained standards and goals. Importantly, the object of experimentation is not external to the experimenting subject (as in the manner of the natural sciences).<sup>16</sup> Similarly, democracy's ultimate power is to play with its own power. Experimentation, in turn, implies availability of choices,



risk-taking, and welcoming the uncertainty of the outcomes of experimentation. It would not be fair to burden democracy with the expectation that it will always get things right. Democracy's penchant for experimentation makes it faulty and incoherent, and we can neither object to this fragility nor despise it – experimentation is the *modus operandi* of democracy, it is its operative principle and therefore to protest democracy's fallibility (and endorse instead the security of expert rule, be it based on popular consent) means rejecting democracy altogether. This experimental character of democracy issues the right to politics – the right that binding political rules be designed in a dynamic process of uncertain, open-ended *bricolage*, rather than expert political engineering.

#### **b) democracy as self-authorship**

The second element in the constitutive story of democracy is an account of self-rule not as a matter of correct *representation* of the collective self, but as active *authorship* of societal rules. In order to engage the right to politics in an open-ended experimentation, it would not do to invoke democracy as representation of the popular will, as per the original republican vision – as this would negate the very nature of open-ended, a-teleological, experimentation. Neither would it suffice, however, to equate self-rule with autonomy, as per the intuitions of philosophical liberalism. We are currently held hostage by the notion of political autonomy, of independence as self-sufficiency. In the neoliberal condition, self-reliance (individual responsabilization) has become a tool of domination. “Get people off of

dependency and on to lives of self-sufficiency”, is the typical call of neoliberal hegemony, urged in the name of democracy .The freedom given to citizens in the formula of democracy as individual self-reliance amounts to granting them the freedom of blaming themselves for their failures.

If liberal notions of self-rule as individual self-sufficiency and the old republican visions of a cohesive community governing itself through proper representation would not do, what alternative is there at hand? We need to undertake, as Seyla Benhabib has suggested in this forum, a “re-translation of republicanism” away from these categories, and I will now proceed to table a proposal on the form of retranslation we need. Such an alternative emerges not within the solutions offered within republicanism and liberalism as philosophical traditions, but in their very dispute about the notion of autonomy best befitting democracy. Republicans from Rousseau to Tocqueville and Jefferson (but also Dostoyevsky --a liberal socialist) have pointed out that although liberal autonomy (that is, freedom as non-interference) might be a worthy value, it does not put us in charge of ourselves -- it does not allow us to think the larger conditions of our collective existence, to question and re-craft the framework within which personal autonomy is granted.<sup>17</sup> In this sense choice and individual freedom are perfectly compatible with domination. As we know, the standard answer republicanism offers – of representing the general will of the community rather than the particular and partial preferences of its individual members contains the risk of sacrificing the individual to the community, of forcing pluralism into uniformity, of instigating intolerance to difference and dissent. However, the two positions find a mutual accommodation once the principle of non-domination as non-interference is

'translated' into a principle of non-domination that refers to the capacity to control the powers that shape our collective existence (the powers of the globally integrated markets in the case at hand), free of the original republican proviso of representation of a purported collective will. Within such a retranslation, conflicts within the pluralism of interests acquire value as a catalyst of the disclosure of the structural sources of domination – a point to which I will return later.<sup>18</sup> It is in this sense that a redesigned republican notion of non-domination implies a right to politics – politics as contestation of the very framework of our collective existence, thus submitting democratic experimentation to the goals of non-domination.

### **c) democratic agency**

And here I come to the third constitutive element of democracy that contains as its logical presupposition the right to politics – namely the particular notion of agency that democracy as self-rule implies. In unfolding this part of the argument, I will take my cue from the defense of a “fundamental human right to democracy” Seyla Benhabib has advanced.

Benhabib proceeds from a discourse-theoretic account of human rights within which the subjects of rights are not just “rights-bearing” but also “reason-giving”: (1) the rights-bearing person is an agent with a capacity for communicative freedom and (2) citizens address validity claims to one another in recognition of a common and equal capacity for communicative freedom.<sup>19</sup> The very practice of claims-articulation addressed to others presupposes an active agent who recognizes and honors the active agency of others. Thus, a fundamental right to democracy emerges on grounds that, as

Benhabib puts it “a robust right to self-government is essential for being able to make justifiable claims concerning the valid range of variation in the articulation of human rights at all”.<sup>20</sup> The capacity to formulate goals of action and justify them with reasons to others that Benhabib makes central in her ontology of the rights-bearing person allows us to valorize properly the active agency demanded for a viable conception of democracy as experimental self-authorship.

In other words, notions of moral autonomy and mutual respect that are commonly taken to underpin the idea of equal rights, are insufficient to engender democracy as the political incarnation of (collectively exercised) moral autonomy. Equality of citizenship (as the political expression of equal moral autonomy) is a necessary but insufficient condition for democracy as self-rule. We need to link the dynamic side of democratic experimentation to the notion of political equality in order to account for the political agency of a self-legislating people. If, as Charles Taylor has argued, for a viable conception of human rights we need to conceive of people as “active cooperators in establishing and ensuring the respect which is due them,”<sup>21</sup> then for a viable conception of democracy we need to conceive of people as active cooperators in challenging, establishing and ensuring the rules of social co-existence that bind them. This implies that we see others as right-deserving and rights-pursuing active agents –not subjects who profit from a fair social order, but authors of the social order to which they are subjected. Without recognizing the inherent value of conflict and contestation in the process of democratic policy-making, and the value of citizens’ engaging in conflict (within which consensus might emerge), values such as equality of

citizenship and shared prosperity and security become products of political consumerism, best achieved via granting popular mandate to policy experts.

In the formula adumbrated here, democracy stands as an enterprise of communicative articulation of (often radical) conflicts of interests and values – as such, it presupposes that (1) participants are awarded equal agency; (2) they justify to each other their conflicting pursuits as being merit-worthy (3) all enact that agency of self-rule – it cannot be delegated, outsourced to experts or professional politicians in the name of assumed public interest. The right to politics is implied in this essential communicative freedom, as the proper political application of this freedom is to engage in the contestation of existing rules of social cooperation in view of actors' particular circumstances and perceptions of personal and collective interests.

It is in this sense that the right to politics actuates the right to democracy, in the same way that what Arendt named “the right to have rights” actuates human rights. These ‘meta rights’ (and in this category I include what Reiner Forst has conceptualized as ‘the right to justification’) are simultaneously inherent in other concepts of rights as their logical presuppositions and as empirical conditions enabling the practice of rights.<sup>22</sup>

### **The trouble with politicization: on relational versus systemic domination**

It is time to return to the original concern driving this analysis. As I argued, our frustrations with democracy's impotence and with the demise of the political express the intuition that widely shared social maladies are not being

transmitted into the political sphere as a valid object of policy-making. Where does the 'transmission mechanism' break down?

To elucidate this point, I will return to the issue of democratic self-authorship as non-domination and develop it further by distinguishing two types of unfreedom which I will name *relational* and *systemic* domination.<sup>23</sup> I will claim that, to exercise self-authorship, a political community needs to be able to challenge the societal order with regard to both these trajectories of domination; currently, however, no political dynamics take place along the systemic one. Let me explain.

Relational domination concerns the unequal distribution of resources among actors, leading to some human beings dominating others. The resources in question might be economic, cultural, and political; material and ideational. Injustice, from this perspective, stands in terms of power asymmetries; the appropriate remedy is to equalize power relations via the redistribution of resources. Here liberalism and republicanism are in agreement: liberalism advances the value of equal freedom; republicanism -- freedom in equality.

Yet, the republican unease with the limited emancipatory potential of liberal autonomy (which I discussed earlier) points to a second dimension of domination – namely, domination stemming from the larger framework within which autonomy, equality and inclusion are being sought. We need to ask: equality in what, within what form of life? This in turn prompts us to target the forces that shape this framework – that is, the mechanisms of social reproduction, including the logics of valorization and the logistics of allocation of life-chances. This is the remit of systemic domination: it concerns the very

model of wellbeing within which power is distributed among actors. Here injustice has to do with the production of a generalized social harm beyond the unequal distribution of social advantage and disadvantage; justice would therefore target not the unequal distribution of social status, but the *constitution* of social status itself; not how valued goods (wealth, power, identity recognition) are distributed, but what is being distributed and how it is generated. Often the realm of relational domination is the arena where victims fight other victims (men versus women, rich versus poor), while the perpetrator (in the case at hand – globally integrated capitalism and the ruling elites which make sure it is unbridled) runs free. For instance, feminist struggles for women’s parity with men in the labor market have proven to be a pyrrhic victory, as they did not target the nature of the socio-economic model within which women aspired to parity; they thus overlooked the systemic domination of ever increasing commodification pressures endemic to globally integrated capitalism – harm suffered by men as well. In a word, when focusing on systemic domination, critique and political mobilization are to target the structural sources of social injustice, the very constitutive logic of the system of social relations.

Neoliberal capitalism is effectively hijacking the emancipatory agenda of public protest because this agenda is too narrowly framed in the terms of power asymmetries – notice how everything nowadays is about inequality and exclusion (“Tax the rich”, “The system is against us but we are not against it” – that is, we want a more equal and inclusive system). Systemic forms of injustice (employment insecurity, increased workload) are misframed into relational ones (wealth inequality, exclusion). Tellingly, wealth inequality has

become a concern shared across ideological and class boundaries.<sup>24</sup> Thus, instead of the discussion we urgently need of the massive economic precariousness that global economic competition entails, we are limiting these debates to redistribution. Surely, even if we were all to become economically equal and perfectly included in the machinery of global wealth creation, this will hardly diminish the abuse of human beings, societies and nature as they submit to the productivist imperatives of global capitalism. We need both types of struggle, as well as attention to how they impact each other.

There is now considerable public debate and intensive social protest, but it is exactly within this democratic debate that legitimate social concerns get politicized in a way that makes them compatible with the TINA policy logic. Thus, purported solutions to joblessness and to the inflow of immigrants in Europe is to keep immigrants out, further reduce job security while increasing taxation – in hopes that this will make ‘our’ companies more competitive and eventually spur recruitment.<sup>25</sup> Symptomatic of this is the complete disappearance of calls to ‘alter-mondialisation’ (for a socialist globalization), while we are busy debating the distribution of life chances within our societies (who gets in and what they get), while what is being distributed is already decided by the imperatives of global economic competition. In other words, the problem with the TINA policy logic is not that it precludes public debate and thus stifles both democracy and politics, but that it disables the politicization of social injustice generated by the political economy – disables the translation of this injustice into viable policy alternatives that question the political commitment to competitiveness in the global economy. Instead, these forms of injustice are encoded as belonging to the sphere of relational



injustice and politicized as matters of fair distribution of material and symbolic resources.

### **Conclusion: There Is No Alternative**

I endeavored to discern “a right to politics” in the very constitutive fabric of democracy – in its GNA. My effort was prompted not by a desire to add yet another right to the compendium of rights, but to direct attention to the issue of politicization – the need for radical conflict among competing policy alternatives– conflict that enables us to question, and possibly affect, the parameters of our collective existence. The sickness that has recently afflicted democracy consists in narrowing the space of conflict to matters of distribution of valuables (what I discussed as ‘relational domination’); with this, radical conflict – conflict regarding the nature of the political economy – is evacuated from the realm of the political. These matters are left instead to the economistic logic and expert managerial logistics of TINA. It is in this sense that TINA has violated the right to politics– by hampering our capacity to question systemic domination, to strike at the structural sources of social injustice.

Thus left unquestioned, the policy commitment to competitiveness in the global economy has intensified economic insecurity -- not least via the policies of individual responsabilization and precarious employment that are being implemented even when economies are growing. This generalized insecurity has brought to a halt the experimental dynamics of democracy. Social protest from its ugliest forms (xenophobia) – to its most noble ones (the young jobless

Spanish Indignados) – express a fear of loss of basic livelihood. Both at the voting booth and in street protests, we have witnessed massive mobilizations of fear. This is democracy on the defensive, not having the guts to experiment with alternatives, to break free of its reliance on experts in global economic competition. It is thus that democracy has degenerated from creative experimentation to an anxious search for certainty, re-opening the road to populist autocracies that should have been unthinkable by now.

The best use of the right to politics is as a source of that reckless courage we need to rebel against the hypnotic certainty with which systemic domination eliminates all thinkable alternatives. To exercise the right to politics would then mean to say: “If the system is against us, we are against the system.” To that – There Is No Alternative.

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<sup>1</sup> The protest movement that set off, in May, a mass revolt against austerity policies.

<sup>2</sup> Hall, S. “Cobden Trust Human Rights Day Lecture” (1979), in S. Hall, *Drifting into a Law and Order Society* (Gobden Trust, 1980), p. 5. Wendy Brown has offered recently an elaborate investigation tracing the demise of democracy to neoliberalism in her *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015).

<sup>3</sup> We witnessed the latest iteration of this logic at the recent elections in Britain, when David Cameron, leader of the Conservative party and incumbent Prime Minister, argued that he needs another mandate to implement the austerity policies had initiated : “If there was another way I would take it. But there is no alternative.” (quoted at <http://www.bbc.com/news/correspondents/nickrobinson>).

<sup>4</sup> Habermas, J. “The Political”: The Rational Meaning of a Questionable Inheritance of Political Theology”, in Mendieta E. and Van Antwerpen, J. *The Power of Religion in the Public Sphere*, Columbia University Press, 2010.

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<sup>5</sup> Among the most recent publications, see, for instance the contributions in van Middelaar, L. and Van Parijs, Ph. (eds.), *After the Storm: How to Save Democracy in Europe* (Lanoo Publishers, 2015); Vauchez, A. *Démocratiser l'Europe* (Paris: Seuil, 2014, recently translated to English), and Azmanova A. and Mihai, M. (eds.) *Reclaiming Democracy: Judgment, Responsibility and the Right to Politics*, New York: Routledge, 2015.

<sup>6</sup> Take, for example, the general elections in Britain which just took place (in May 2015)—there was a vibrant debate on a variety of issues, a proper representation of interests by a plurality of parties, and a clear left-right divide between the main competitors (Labour Party's appeals to fighting inequality against the Conservative Party's veneration of free markets); add to this the high electoral mobilization at 66% turn-out – and you have electoral democracy at its best.

<sup>7</sup> I first formulated the idea of a 'right to politics' in a paper presented at the conference "Markets and Morality" on 6 December 2013 at Humboldt-Universität, Berlin. See also the introduction to Azmanova, A. and Mihai, M. *Reclaiming Democracy*.

<sup>8</sup>Horkheimer, M., *Critical Theory*. New York: Seabury Press, 1982. p. 244.

<sup>9</sup> The imperative of competitiveness in the global economy has ensued two sets of policies, known as 'structural adjustment' and 'austerity'. The 'structural adjustment' set contains reforms to product- and labour- markets aiming to increasing companies' competitiveness via raising labour productivity and reducing the burden on employers – ergo reducing employment security, wages and social security coverage. The 'austerity policy' set aims at reducing government budget deficits for the sake of financial stability – ergo the combination of tax increases and spending cuts, mostly by reducing employment in the public sector and cuts to social spending. Both policy sets are claimed, equally by center-left as by center-right incumbents, to be unavoidable in a context of global economic competition – and thus a matter of competent economic management beyond ideological conflicts and partisan politics.

<sup>10</sup>. Telling in this regard is the call of (self-identified) British radical left intellectuals, published in *The Guardian* in the spring of 2014, for "empowerment of everybody" via the state's "giving away power and resources directly to the people".

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(<http://www.theguardian.com/society/2014/mar/23/labour-must-adopt-new-principles>, accessed on 3 April 2015)

<sup>11</sup> See, for instance, James Griffin's account of human rights (Griffin, J. *On Human Rights*. Oxford University Press, 2008).

<sup>12</sup> This is the method Habermas deploys in developing discourse ethics by discerning the necessary conditions (pressupositions) of recursively validated discursive structures, as well as by Seyla Benhabib in her defense of a fundamental right to democracy I discuss later.

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<sup>13</sup> There is another possible story to tell – we might call it a 'generative one' (in distinction to the 'constitutive one'), in which the right to politics precedes historically democracy and enables its birth. This would be the story of what David Rasmussen has named "the emerging domain of the political" in which the right to politics is born by emerges with the openness and uncertainty modernity ensues. (Rasmussen, D. "The Emerging Domain of the Political", *Philosophy and Social Criticism* 38(4-5), pp. 457–466). However, I will not be able to tell this story here.

<sup>14</sup> Thus Jefferson wrote to David Hartley on July 2, 1787 from Paris, adding, "Could the contrary of this be proved, I should conclude either that there is no god, or that he is a malevolent being". (*Source Project* at <http://founders.archives.gov/documents/Jefferson/01-11-02-0441>, accessed on 1 Nov. 2015). The grounding of the trust in democracy on trust in a benevolent god only highlights that endorsing the experimental uncertainty typical of democracy is a matter of sheer faith, not a rational and strategic calculus of most efficient and effective (expert) rule.

<sup>15</sup> Alex de Tocqueville, *Democracy in America*, Vol.1 [1835], New York: Vintage, 1990, p.25.

<sup>16</sup> Especially in the Preface to the second edition of the first *Critique* (1787): Kant, I. *Critique of Pure Reason*, transl. /ed. by P. Guyer and A. Wood, Cambridge: Cambridge University Press, 1997.

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<sup>17</sup> As Wendy Brown once put it, liberal autonomy gives us the illusory freedom of a child whose mother is asking “Will you tidy your room on your own or shall I help you?” (my personal notes from Wendy Brown’s lecture course in political theory, spring 2015).

<sup>18</sup> I address in detail the process of democratic disclosure of the structural routes of social injustice in Azmanova, *The Scandal of Reason: A Critical Theory of Political Judgment* (New York: Columbia University Press, 2012.), esp. Ch 9.

<sup>19</sup> Benhabib, S. “Is There a Human Right to Democracy?”, in C. Corradetti (ed.) *Philosophical Dimensions of Human Rights*. Heidelberg, London, New York: Springer, 2012, pp. 191—213. See also her “Reason-Giving and Rights-Bearing: Constructing the Subject of Rights”, *Constellations*, 20 (1), pp. 38–50.

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<sup>20</sup> Benhabib, “Is There a Human Right to Democracy?”, p.195

<sup>21</sup> Taylor, C. *Sources of the Self*. Cambridge: Cambridge University Press, 1989, p.12.

<sup>22</sup> Arendt, H. *The Origins of Totalitarianism*, New York: Harcourt, Brace and Jovanovich 1968 [1951], p. 177. While Arendt has been reproached for intending the notion of ‘the right to have rights’ as the ‘right to membership in a political community’, I do not believe that such a reduction is implied by the philosophical articulation she offers of this meta-right, even if she discusses it when addressing the injustice of people losing the capacity to exercise their inalienable human rights when denied membership in a community. In other words, the right to have rights opens claims to political membership, but political membership does not exhaust the range of its validity. For Rainer Forst’s concept see his *The Right to Justification: Elements of a Constructivist Theory of Justice*, New York: Columbia University press, 2012.

<sup>23</sup> I introduce this distinction first as “relational vs. structural domination” in Azmanova, A. *The Scandal of Reason*, p. 48; I later adopted the dichotomy ‘relational vs systemic domination’ in Azmanova, A. “Crisis? Capitalism is Doing Very Well. How is Critical Theory?,” *Constellations* 21(3), pp. 351-365. I am grateful to Nancy Fraser for urging me to pursue the further elaboration of this distinction.

<sup>24</sup> See reported data in Noam Scheiber, “2016 Hopefuls and Wealthy Are Aligned on

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Inequality, *The New York Times*, March 29, 2015.

<sup>25</sup> On the compatibility between increased taxation and labor-market flexibility in the neoliberal policy formula see footnote 9.