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THE AGONISTIC CONSOCIATION

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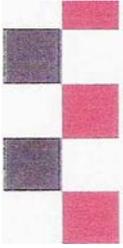
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Difference, Borders, Others

Panel Fourteen: Agonistic versus Deliberative Forms of Democratic Theory

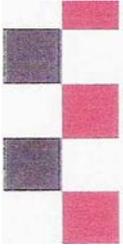
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Both deliberative and agonistic politics are non-majoritarian. Common to these two conceptions of democracy is the idea, maybe, of a “talk-centric” style of decision making, instead of a ‘voting-centric’ style. It is understood here that outcomes should be determined by discursive performances rather than numbers. Contrarily to aggregative and majoritarian theories of democracy, both these conceptions aim at transforming preferences of participants in a ‘qualitative’ way, either by rational conviction or passionate conversion. Theoretically speaking, both these theories could benefit from non-majoritarian consociational institutional settings.

For example, while some deliberative theory advocates (like Dryzek)¹ are rejecting consociational institutions as being ‘elitist’, other advocates instead assume that ‘elements of deliberative politics – such as listening, showing respect, justifying positions in case of dissent, and finding consensual solutions – are embedded in the very structure of consociational democracies’.² Thus, Habermasians, such as Jürg Steiner and his collaborators, are already in the process of applying discourse ethics to existing consociational practices, though for mere convenience and not in the least for the sake of general theoretical answers and justifications of consociational institutions. To my knowledge, only Rawls actually did offer a ‘full-fledged’ deliberative consociational theory, namely through his ideas of Political Liberalism, overlapping consensus, and the Society of Peoples.

Now, my personal intuition here is that consociational democracies (particularly postcolonial patriotic consociations) are best suited for an agonistic politics. The following is my attempt at defining *the agonistic consociation*.



What I call the agonistic state is a non-aggressive yet patriotic, self-determining and self-overcoming state. Following Chantal Mouffe's definition of democratic politics, the agonistic state too may be seen as one that wishes to turn enemy states to adversaries.³

Internally the agonistic state is an arena for participating patriotic citizens who, while promoting a common cultural identity, are open to internal dissensus.

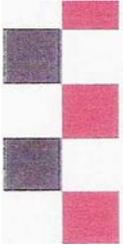
However, contrarily to Mouffe (or what I take to be her point of view), the agonistic state need neither be liberal nor secular (and neither conservative nor theocratic). It could be instead communitarian or a non-aggressive 'decent hierarchy' in Rawlsian meaning, provided only it insures for its citizens or members specifically agonistic rights and duties.

In such (let's call it) a *post-liberal* state, agonistic-democratic rights would be different, not only from conventional liberal-democratic rights of individuals, but even from the minimal 'human rights' granted to a decent nonliberal community members in Rawls's Law of Peoples. Agonistic rights and duties are basically about *individuation* in matters of identity interpretation and cultural meaning; (a) rights to critical *contestation* of monopoly and/or 'herd' restrictions and (b) duties of moral integrity and innovative *competition*.

What is a decent hierarchical society according to Rawls? And, under what circumstances can it provide agonistic rights and duties for its citizens?

Rawls⁴ gives an example of an imaginary decent hierarchical Muslim people whom he names 'Kazanistan'. Kazanistan, he says,

honors and respects human rights, and its basic structure contains a decent consultation hierarchy, thereby giving a substantial political role to its members in making political decisions. [64]



For Rawls,

[...] a decent people must honor the laws of peace; its system of law must be such as to respect human rights and to impose duties and obligations on all persons in its territory. Its system of law must follow a common good idea of justice that takes into account what it sees as the fundamental interests of everyone in society. And, finally, there must be a sincere and not unreasonable belief on the part of judges and other officials that the law is indeed guided by a common good idea of justice. [67]

Rawls's list of human rights is minimal:

Among the human rights are the right to life (to the means of subsistence and security); to liberty (to freedom from slavery, serfdom, and forced occupation, and to a sufficient measure of liberty of conscience to ensure freedom of religion and thought); to property (personal property); and to formal equality as expressed by the rules of natural justice (that is, that similar cases be treated similarly).

Human rights, as thus understood, cannot be rejected as peculiarly liberal or special to the Western tradition. They are not politically parochial. [65]

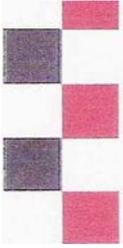
A decent hierarchical society's conception of the person, Rawls says:

[...] does not require acceptance of the liberal idea that persons are citizens first and have equal basic rights as equal citizens. Rather it views persons as responsible and cooperating members of their respective groups. Hence: persons can recognize, understand, and act in accordance with their moral duties and obligations as members of these groups. [66]

Rawls accounts for human rights from two or three perspectives:

One is to view them as belonging to a reasonably just liberal political conception of justice and as a proper subset of the rights and liberties secured to all free and equal citizens in a constitutional liberal democratic regime. The other is to view them as belonging to an associationist social form [...] which sees persons first as members of groups--associations, corporations and estates. As such members, persons have rights and liberties enabling them to meet their duties and obligations and to engage in a decent system of social cooperation. What have come to be called human rights are recognized as necessary conditions of any system of social cooperation. When they are regularly violated, we have command by force, a slave system, and no cooperation of any kind.

These rights do not depend on any particular comprehensive religious doctrine or philosophical doctrine of human nature. The Law of Peoples does not say, for



example, that human beings are moral persons and have equal worth in the eyes of God; or that they have certain moral and intellectual powers that entitle them to these rights. To argue in these ways would involve religious or philosophical doctrines that many decent hierarchical peoples might reject as liberal or democratic, or as in some way distinctive of Western political tradition and prejudicial to other cultures. Still, the Law of Peoples does not deny these doctrines. [68]

So, my suggestion is that this sort of rights and duties may be made even more attractive from the point of view of nonliberal societies, if appealing to *passion* in their respective beliefs and ideals. If not only promoting social cooperation but even some sort of social self-overcoming in conditions of competition with other communities and societies. They may be made so particularly if they, on the one hand, urge to resistance, patriotism and difference in case of hegemony by other communities or societies and, on the other hand, if they promote consociational unity in conditions of plurality and deep social division – similar point has been made by Lijphart in favor of consociation.⁵

In any case, everyday life agonistic states must respond to structures of deeply divided and plural societies. And most of the time the agonistic state must melt in and become some sort of consociation or federation of competing social segments and communities, instead of being a unitary society of competing individuals in the first place.

Thus, a consociation may be said to be agonistic when its institutions provide a *participation arena* for contending patriotic social segments or communities. It is agonistic too when its social segments or communities actually *show patriotism* and loyalty to the institutions of their arena-like consociation, while respectively promoting distinct national projects and cultural meanings. On the other hand, a consociation is merely deliberative if it avoids the 'comprehensive' issues of identity and adopts a 'specific needs' approach, as advocated by Dryzek.



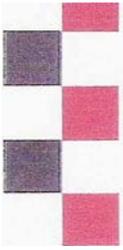
Some remarks for closing: It is not obvious which of Lijphart's consociational criteria (grand coalition, mutual veto, proportionality and segmental autonomy) are more deliberative and which are more agonistic. For example, *mutual veto* and *segmental autonomy* apparently speak for an agonistic politics. But, on the other hand, it is not so clear whether *proportionality* in representation, and which sort of proportionality, does favor deliberation or agonism. This is not clear in particular when proportionality is understood as *parity* or *over and under representation*. And it is not at all clear, lastly, when proportionality is approached in terms of equality of opportunity rather than pure egalitarianism.⁶

With this said, agonistic consociations may present advantages above the conventional consociational democratic ones, advantages such as highly participating citizenry with elites participating at national level and community members at local levels. Also, they may offer participation where both *grand coalitions* and *segmental autonomy* are informed by common patriotic and particular cultural *passion*, instead of being so by 'deliberation' (Rawls) or mere 'bargain' (Lijphart).

Also, if mobilized in this context, messianic belief communities and confessional solidarities may be particularly valuable agonal assets; on the contrary, ethnic and territorial solidarities may rather encourage conventional liberal plurality and 'museumized' entrenchment. Lastly, agonal relationships are more likely in consociational states than federal states and more likely in confessional consociations than ethnic ones.

¹ John S. Dryzek, 'Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia' in *Political Theory*, Vol. 33, No. 2, 218-242 (2005).

² Bächtiger, André, Markus Spörndli, and Jürg Steiner (2002). 'The Consociational Theory and Deliberative Politics. A Conceptual Framework for a Cross-National Analysis' www.ipw.unibe.ch/discourse/article-framework-0010.pdf [written in 2000].



³ According to Chantal Mouffe ('Deliberative Democracy or Agonistic Pluralism', *Institute for Advanced Studies, Vienna December 2000*; users.unimi.it/dikeius/pw_72.pdf , p. 15.):

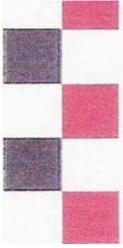
Politics aims at the creation of unity in a context of conflict and diversity; it is always concerned with the creation of an 'us' by the determination of a 'them'. The novelty of democratic politics is not the overcoming of this us/them opposition—which is impossibility—but the different way in which it is established. The crucial issue is to establish this us/them discrimination in a way that is compatible with pluralist democracy.

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 an 'adversary', i.e. somebody whose ideas we combat but whose right to defend those ideas we do not put into question.

⁴ John Rawls, *The Law of Peoples*. Cambridge, Massachusetts: Harvard University Press, 1999

⁵ For example, according to Andreas Wimmer ('Democracy and Ethno-Religious Conflict in Iraq', paper presented at the *Center on Democracy, Development and Rule of Law*, Stanford University, May 5, 2003: pp. 16-17. iis-db.stanford.edu/pubs/20214/wimmer.pdf) 'Iraq lacks a political culture of moderation and compromise that many see as a necessary condition for a power-sharing arrangement to work in a sustainable way'. Hastily dismissing all prospects for an Iraqi consociational democracy, he pays no attention to cultural, nationalist, Islamist, and even sectarian incentives for moderation and compromise. In particular, he failed to taking in the view that the 'perils of cultural fragmentation' amongst which 'a foreign threat' is effective at helping to motivate this sort of collaboration (Arend Lijphart, 'Cultural Diversity and Political Integration', *Canadian Journal of Political Science* IV:1, March 1971, p. 12.). Iraq nationalists — Sunni Arabs and Shi'i Arabs, the Sadrists in particular — have every reason for moderation and compromise in order for them to kick out the invader. And so do Iraq Islamists — probably more than 75% of the country's Shi'a, 50% at least of its Arab Sunna, and up to 25% of Iraqi Kurdistan's political forces.

⁶ Rawls makes clear the point that equality between peoples goes before equality within peoples:



Clearly, I have supposed that the representatives of peoples are to be situated equally, even though the ideas of justice of the decent nonliberal societies they represent allow basic inequalities among their members. (For example, some members may not be granted what I call 'equal liberty of conscience'; see note 2 above.) There is, however, no inconsistency: a people sincerely affirming a nonliberal idea of justice may still reasonably think its society should be treated equally in a reasonably just Law of Peoples. Although full equality may be lacking within a society, equality may be reasonably put forward in making claims against other societies. [70]