Law and Agonistic Politics


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Law and Agonistic Politics, aims to explore differing theoretical perspectives on politics and law oriented around or against the concept of agon, meaning struggle. The chapters discuss diverse elements of the concept, from analysis of agonistic events or acts, issues of plurality, freedom and democracy, and also the limitations to the agonistic approach. A theory’s value can only be found in its application to, or understanding of actual events and praxis. To understand the value of the collection, the task of this review will be to elaborate and evaluate the arguments found in the essays regarding their value to democratic practise, in particular how these theories speak to real situations of social unrest such as the London riots of 2011.

The edited volume and the subject of this critical review, *Law and Agonistic Politics*, aims to explore differing theoretical perspectives on politics and law oriented around or against the concept of agon, meaning struggle. The chapters do not so much seek to introduce the concept and theories, rather they discuss diverse elements of the concept, from analysis of agonistic events or acts, issues of plurality, freedom and democracy, and also the limitations to the agonistic approach. In this sense the collection of thirteen essays functions as an expansion of a debate regarding the value of an agonistic perspective. The questions posed through this exploration are further framed by a concern with law in relations to politics – what is the effect of legislation in constraining, depoliticising, or enabling the political claims and contestations of the polity? What is the source of power or legitimacy behind these legislat ing acts? Can agonistic democracy truly incorporate struggle, or will it subdue it in the
Theorists of agonism argue that struggle and dissensus are an inevitable part of politics due to the unavoidable state of plurality within political groups. Not only is contest created by the different claims of members something inherent to plural societies, but moreover, it is necessary for a flourishing democracy. Without allowing these contests to be represented democratically, struggle will not disappear but be repressed under hegemonic consensus. Agonists major claim then is that the struggle between people’s competing political claims for justice or equality, is that which allows democracy to work. The agonists’ claim certainly speaks to our contemporary situation given the neo-liberal ideological dominance of Western political parties, but the value of their arguments, and thus the book, must also be judged by what they have to offer in terms of resolution. The task of this review then, will be to elaborate and evaluate the arguments found in the essays regarding their value to democratic practise. To achieve this I will focus on a substantive issue, namely social unrest through the London and UK riots of 2011, and evaluate the arguments forwarded by what they offer to its resolution. However, before we begin I should first elaborate the concept of the agon and the debate around it.

Historically, the origins of the concept of the agon stem from and through Ancient Greece, in more recent times, through Arendt’s notion of ‘politics’ as action, and Nietzsche’s condemnation of metaphysics. While all perspectives focus on praxis, those agonist theories with an Arendtian bent understand struggle as a mode of developing politics, while the more Nietzschian theories are in part, attempts that try to move past the problem of subjective viewpoints imposed as universals by forwarding theories of political praxis.

Where the likes of Habermas sought a grounding for and legitimisation of politics in ‘rational consensus’, agonists argue that this consensus is likely to be formed hierarchically and ideologically, and is perhaps more appropriately termed ‘anticipated’ consensus. Under such a context, struggle is repressed and the substantive issues which drive these contests are excluded from politics, creating situations of inequality, domination and sham democracies. Consensus theories may attempt to get round ideological hegemony to allow differing claims for justice to be heard, but ultimately, for agonists, they create the conditions for such hegemony. Instead what agonists have generally sought to produce is, in Schaap’s words (2009 p.6), ‘a theory of politics that is not a philosophy of right.’ However, the agonists’ search ‘for a criterion for determining which actions, phenomena and institutions are of political provenance’, has also led to the criticism of being ‘modern’ (Thomson, 2009 p.109).
Yet, the above subject is incorporated more through implication in the collection, instead, as noted, the principal form is that of a discussion between the contributing academics and their conceptualisations/critiques. As Schaap (2009 p.1) puts it in the introduction, ‘three strands of agonism (by no means mutually exclusive) emerge ... pragmatic, expressivist and strategic.’ Pragmatic agonism, perhaps best represented by Chantel Mouffe, creates a drive to political participation through framing clear choices as ‘Left and Right’, and neutralizes potentially damaging conflict within the polity by incorporating into democracy means to legitimately articulate competing subjective political claims (antagonism is turned into agonism). The expressivist incorporates similar tactics, but its account forwards that such democratic contest or struggle are performative – shaping the actor through the act, politicising them. Such activity sustains the freedom and plurality of the polity and its subjects, preventing politics and democracy becoming ‘management by consensus’ (van Roermund 2009 p.123). Finally, strategic agonism argues that it offers a means to overcome social exclusion through paying attention to the articulation of inequalities of second-class, or non-citizens, who are subject to the sovereign power, but excluded from the benefits from which that power (supposedly) derives.

What is implied in the short descriptions above is a critique of modern ‘democracies’ as lacking political struggle and consequently as breeders of apathy, false homogeneity, and alienation. As mentioned, this review will evaluate the collection through a substantive topic: that of the riots that erupted across Britain in August 2011. This event seems particularly appropriate because one of the more notable features of these riots was the seemingly arbitrary and greed-oriented nature of the violence. This nature of the riots led many to view the riots as apolitical. Take for example, UK Prime Minister David Cameron who sought to depoliticise the riots by stating that they were nothing more than ‘criminality pure and simple’ (Cameron, 2011). Cameron’s comment serves to further exclude a group already acting in a manner which rejects the legitimacy of the state to rule them. What Cameron failed (or chose not) to understand is that criminality is never simple, nor for that matter are socio-political issues, such as poverty, lack of opportunity, alienation, always articulated politically. Moreover, ‘criminality’ on such a scale would be more accurately described as social unrest. The apparent apolitical nature of the riots should not be taken to mean apolitical origins, rather, that those five days in August revealed a fault-line in the liberal-democratic culture. So do the arguments for and against agonism offer fruitful understandings and means for dealing with such complex issues?
The first chapter forms a continuation of the reader’s introduction to the agonism, while also developing a perspective through Kalyvas’ exploration of its emergence in the Ancient Greek notion of the agōn. For Kalyvas, concept’s origins can be found in the Greeks’ athletic competitions, the idea of struggle to be great. This narcissistic drive became incorporated in democratic praxis and harnessed for the good of the people. But, Kalyvas notes, the Greeks also recognised the need to limit this potentially destructive motive through institutions and legal norms. Citizens acted politically to excel amongst peers, but this was limited by legislation and channelled into the good of the polis.

However, Kalyvas is in disagreement with many contemporary agonists. Postmodern agonists, he argues, have made a fundamental, but flawed, shift in the focus of the agon. The individual is no longer the frame of reference, instead the claims and identity of groups takes centre stage, and the struggle to excel is replaced by a continuous contestation through and over group power-relations. This emphasis on competing claims of groups, Kalyvas argues, is because postmodern agonists are overly optimistic, ignoring the possibility that agonistic relations will polarise and fragment rather than sustain politics and plurality. Rather for Kalyvas, agonism should incorporate rather than ignore the ever present narcissism or lose the drive to excel, while at the same time, as with Mouffe, limit the excesses through political rules and norms. Kalyvas’ pragmatic vision seems then to be something on the lines of liberal democracy today, using representation, checks and balances on power, but allowing the competition for greatness amongst the representatives.

Yet regarding changing democracy or social unrest, particularly the events of August 2011, Kalyvas seems to have little to offer. This is because his argument for employing narcissism and individualistic politics seems to runs particularly close to the one on which our contemporary governments are based. Tony Blair’s seemingly ego-fuelled political career seems case in point. ‘Greatness’, by definition, can only be achieved by a few, implying people will be left relying on the benevolence of influential political actors. While the focus on individual political actors also diminishes the awareness that many injustices are suffered by groups, such as immigrants, and therefore require, and benefit from, group articulation. Furthermore, Kalyvas’ neglect of the need to continuously contest group power-relations creates the conditions for hegemony and further exclusion, for instance the Ancient Greeks’ citizen as a male landowner with a say in their governance, and non-citizen (everyone else). As with the politics of Ancient Greece, in Western democracies, the narcissistic struggle for power is reserved for only those who fit, while the voices of many are potentially excluded (how many of those who rioted have been, or felt included in the democratic procedures of the UK?). With Kalyvas, struggle may be incorporated, but so will the possibilities for developing a hegemonic ‘consensus’.
Unlike Kayvas’ theory of agonistic democracy, van Roermund’s offering forms a critique, examining its limitations. The argument is based around the manner in which a democracy ‘represents the source of legitimate power to itself’ (Schaap, 2009, p.11). Within democracies acts are perceived as legitimate when they are in the name of ‘the people’, yet, van Roermund points out, there is no unitary body corresponding to this name: it is an imagined idea of the society ‘as a bounded whole’ (2009, p. 122). Importantly, the constitution of this body is something assumed in the polity’s creation, not something disputed through democratic politics. The source of legitimate democratic power then, is substantively absent. This points to the unavoidable situation that autocracy must surround democracy. For van Roermund, (2009, p.126) ‘democracy is a way of negotiating authority, not ... abolishing it’, to come to a decision, democratic debate, he argues, must ‘be open and closed, and it cannot be open or closed by debate.’ This necessarily entails that democracy can only function as a decision making process through a prior moment of autocratic, that is undemocratic, authority which defines who is part of the group, who can speak and who cannot. The obvious example is that of the founding of the United States in the Declaration of Independence which defined all men as equals, while also ruling out Native Americans, and Blacks from having a legitimate voice and equal standing. In such cases this autocratic authority is then legitimised post-fact by reference to ‘the people’. The paradox being that ‘the people’ who legitimise this autocratic act were only brought into existence by the autocratic act which delimited ‘the people’. According to van Roermund then, democracy cannot be truly agonistic: ‘contestability ... [cannot] run all the way down’ (Schaap, 2009, p.6). As Lindhal (2009) argues elsewhere in the book, agonistic acts are alegal acts which contest the definition of, as well as the right to define, what counts as legal/illegal. Incorporating such alegal challenges into democracy will only serve to depoliticise such acts, to return to the autocratic moment, through framing them in the legal/illegal binary.

The real agon occurs then in locations behind the scenes of political power, contesting the representation and definition of power – of who belongs, who can make a claim, and what claims? Van Roermund’s critique of agonistic democracy also strikes at liberal-democratic orders. If democracy will always have an autocratic, definitional moment, then we can better understand how groups are excluded politically, and concomitantly, socially and economically. However, while it speaks to exclusion, it is perhaps too simplistic. The notion of exclusion here seems predisposed towards explicit acts such as that of the Declaration of Independence. Such explicit autocratic moments say little to the political exclusions occurring through social and economic processes to those formally defined as equal: the unrest behind the riots is left unconsidered. In other words, the criticism that contestability ‘cannot go all the way down’, while valid, neglects the historical moment in which the West finds itself, that of massive inequality and exclusion within states (Poverty Basics). Moreover, the important point should not be the inevitability of excluding some, but
where and how we draw such a line. The critique van Roermund offers, I believe, does point to a limitation of agonistic democratic organisation, one which any democracy should acknowledge, but does not negate its value.

As with Lindhal and van Roermund, Thomson’s chapter argues that in the act of defining who belongs in the polity, the exclusion of some from is unavoidable. But more than this, the creation of an ‘us and them’ entails new possibilities for co-operation, but also new possibilities for distrust. While van Roermund points towards developing a different understanding of the agon in order to overcome the limitations of agonistic democracy, we perhaps find this most explicitly articulated through Thomson’s use of Heidegger’s polemos.

Thomson argues agonists advocate a new ontology as a ‘new ground for politics’ (Schaap, 2009, p.6): this ontology moves away from metaphysics and the abstract (with the concomitant problems of rational consensus) and focuses on what is immanent to the social and political: an ontology of form which argues that the substance is articulated through contests springing from the subjectivity and particularity of the social context. However, for Thomson, this ontology is a particular one which relies on the assumption that the relation to justice will be one of blindness not insight, and that it can only be worked out through contest. Despite the foundation in praxis then, this ontology remains blind because it relies on ‘certain guiding assumptions which stabilize and regulate the enquiry ... [it is not a] fundamental ontology, or a question into being itself, a question both prior to, and unavailable from, any regional ontology’ (Thompson, 2009, p.110). Thomson’s (2009, p.108) criticism of agonists is that to ‘understand justice as strife is to repudiate the attempt by theoretical reason to divine the harmonious order to which politics ought to approximate.’ Essentially, for Thomson, agonists have remained modernists because their concern with finding a new foundation for politics in praxis has prevented them questioning their own assumptions.

Against this, Thomson (2009, p.111) argues for thinking ‘the difference between Being and any determinate being’, or fundamental ontology and regional ontologies, and acknowledging that one’s relation to justice is neither one of ignorance or truth. Employing Heidegger, Thomson argues that the agonists have never gone beyond Nietzsche’s nihilism, and instead proposes the notion of polemos. Polemos is constituted in relation to Nietzsche’s rejection of metaphysics, but as an overcoming: an acknowledgment of the precarious position of ontologies, but also recognition that this does not necessarily denote the impossibility of truth. To some extent it seems the agonistic moment is incorporated, yet limited. Truth, or what objectively makes justice at that moment, is neither rejected nor accepted, rather one stands in a relation of acknowledged potential ignorance.
What form polemos might take when articulated in real politics is left relatively un-discussed, in this sense it is difficult to understand how these differences between it and agonistic approaches would be realised in substantial form. Thomson argues that at the extremes both ‘consensus and dissensus threaten the destruction of politics’ (Thomson, 2009, p.116), consequently, politics requires that some make decisions for the whole – democracy requires autocracy. In order to limit the threat from consensus and dissensus on decisions made for the whole, Thomson’s call for polemos is for that of deconstructive thinking as a ‘necessary precondition for a thinking of politics which would be open to the future’ (Thomson, 2009, p.116).

Despite my agreement with Thomson’s and van Roermund’s argument, to some extent I am left unsatisfied by them. It could be argued that they would lead to an approach in which visions of the future could be articulated and agreed upon, but then this is something not necessarily negated by the agonists’ argument – that there is contest does not necessitate eternal disagreement. It does not seem that agonistic democracy entails the necessary rejection of consensus, just that no hegemonic authority be allowed to decide this or the terms of debate. These offerings are right to point out that at some point this will entail autocracy, yet this, I feel, is not enough.

To borrow a phrase from van Roermund ‘Philosophy may have all the time in the world, politics has not’ (van Roermund, 2009, p.126). In other words, philosophy can be abstract, in politics one has to act with regards to the particular, subjective context (although this is perhaps not van Roermund’s precise meaning). The notion of exclusion used by the above thinkers leans toward an overly simplistic understanding, perhaps caused by the abstract nature of the arguments, of those explicitly defined as outside the polis: the foreigner. As with van Roermund, those alienated through economic/social/political processes within the polity are not sufficiently accounted for. These thinkers are correct to acknowledge the (at least current) inevitability of autocracy surrounding democracy, but left neglected is the task of reducing the amount of autocracy.

In theoretical terms, I can also agree with Thomson that the assumption that one can never know the truth is flawed, and that it also seems that truth is something we can never definitively know that we know. For practical reasons then, the assumption that one may not know ‘justice’ seems a solid one, for the ever present danger is that what we believe is right/justice/truth, is not, but moreover, that we hold the possibility to make decisions which we can define as better, at particular moments. But in favour of the agonists, it should be acknowledged that ‘justice’ created through praxis is a learning procedure: justice is not something one can simply discern – even deconstructive thinking requires experiences to create knowledge – but is derived through each participant learning of the claims, subjects and context, something the notion of polemos must include. In terms of the reality of politics then, it is not clear to see how this concept
definitely moves beyond agonism. Moreover, one wonders how a hegemony can be transformed into a democracy with deconstructive thinking without articulating a means to create this thought in real subjects through praxis. Such a question helpfully shifts us from an examination of strategic understanding of democracy and agonism, towards the expressivists’ argument which articulates politics as an act which transforms the self.

Expressivism is a moral theory. Its base can be found in the belief that when one expresses something moral (it is wrong to do a), it is not the expression of a truth – a description of things as they are – but an evaluation of a situation. In his chapter, David Owen argues that evaluations are not something simply revealed through the performance of an act, but are constituted and formed through acts: ‘political speech and action is to bind oneself to norms, the nature and extent of which cannot be specified independently or in advance’ (Owen, 2009, p.73). To put this in simpler terms, it is through acting that we create/adjust our understandings of the world, our place in it, and in turn make moral evaluations regarding it, for instance, what constitutes justice. Owen’s expressivism is then performative, signifying that ‘constitutional democratic politics ... [should] be seen as specifying the means through which ... [the] activity of working out the terms of our association and one’s relation to one’s fellow citizen is accomplished’ (Owen, 2009, p.71 emphasis added).

Against the idea that agonism is flawed, because its liberal-democratic origins means the real agon remains un-included (and un-includable) by the system, Owen argues that one cannot distinguish between, as Schaap (2009, p.4) puts it, ‘contest over rules ... [and] contest within those rules’. For Owen, democracy is not simply a ‘vehicle’ to achieve something, but an instrument in the creation of politics and the polity itself. Civil freedom in this context becomes an enabling concept which creates the possibility of challenging discriminatory rules, of acting politically and creating/re-shaping oneself as a political subject. In turn, Owen argues, civil freedom creates the possibility for an engagement of the group’s identity, norms and rules, with itself and those outside. The group’s very identity, what constitutes the inside and outside, is shaped through this process: Who is excluded and included and why? But more, it can also create the bonds that hold the community together, as with Thomson’s argument: the creation through a process of an ‘us and them’ creates new possibilities not only for distrust, but also for cooperation.

The expressivist perception has a lot more to say then, about social unrest and inclusion. People are excluded from engagement with politics through politics, and it is through politics – a means – that they can also be included, to redefine what counts as political and issues of justice; through having a legitimate voice and participating in the shaping and running of their community, individuals become politicised and gain reason to act. In the stale democracies of the
West, the polity’s identity is not static but continually being reproduced through hierarchical discourses propagated through the government, media and so forth. This in turn is linked with the alienation and exclusion some suffer under. The discourse of ‘criminality pure and simple’ serves to continue to exclude those so defined both through their own identity, and the legitimacy of their position to speak and be heard both politically and socially.

Owen then attempts to get past the inevitable exclusion by arguing for politics as a continual process. The autocratic moment can be negotiated by removing asymmetric political power-relations and the hierarchical production of discourses defining who belongs and who can speak. While this is particularly relevant to inner exclusions, it should be noted that this overcoming is limited because the inevitable explicit exclusions enacted (the foreigner) will always mean any claims to justice from the outside, are appeals made to an authority. Despite this, Owen’s argument and task seems appealing. How this task can be achieved can be understood from Frank’s analysis of a particular agonistic moment.

As mentioned, strategic (van Roermund) and expressivist (Owen) perspectives are by no means exclusive. Frank’s analysis of the speeches of the former slave and activist Frederick Douglass, as agonistic moments, highlights how the focus of the above perspectives are elements often found in relation to each other. Frank examines speech acts and how individuals represent themselves, focusing on a conscious agonistic moment – a struggle for inclusion through change. Douglass, Frank argues, employed and revealed contradictions within the identity of the ‘American’ people by staging his claim for justice from the duality of ‘the people’.

This ‘people’ is the same as above: the imagined bounded whole and legitimate source of democratic power, but here it also contains the inner exclusion – the unequal ‘people’, black Americans. For Frank, Douglass’ genius is found in his discursive trick to frame himself as a member of ‘we the people’ as well as the socially and hierarchically determined identity ‘negro’ in order to highlight their contradiction. Perhaps the most revelatory quote is taken from Douglass’ speech *The Meaning of July Fourth for the Negro*:

> We the people – not we the white people – not we, the citizens, or the legal voters, not we the privileged class ... but we the people - the men and women, the human inhabitants of the United States ...
> (Frank quoting Douglass, 2009, p.97)

This intertwinement of the contests *within rules* and contests *over rules* firstly enables Douglass to speak as an American, by calling on their liberal founding principles of inclusion and equality, and gaining the legitimacy to be heard by the (included) people. Secondly, in the same act he also highlights the contradiction that he, as a ‘negro’, is excluded or outside despite these principles. The expressivist element is found in challenging the hierarchical representation of ‘we the
people’, calling on it to change and activating oneself as a political subject. As Owen argues, it is through political acts that the actor and polity creates its identity and rules and thus has the potential to include those outside. This also contains the strategic aspect of the agon: a shift to greater inclusion and equality. However one should note, as with Owen, it remains an appeal from an outsider to an autocratic authority who can accept or reject the claim made.

In line with Frank’s illustration of the intertwinement of strategic and expressivist conceptions, Deranty and Renault forward what I found the most useful elaboration of what agonism can offer to democratic theory and in particular the inner exclusion. In the second chapter, Deranty and Renault discuss exclusions from politics through a critique of Arendt’s expressivist, but reductive, concept of political action and the concomitant subject. Arendt forwards a notion of political action as transformative, both to the self and to the subject’s environment, and is something that fulfils the human subject’s potential. Political participation offers the possibility for developing the self out of limiting social identities and developing something akin to Rousseau’s ‘general will’. However, Deranty and Renault point out, being politicised for Arendt, is a rational level of existence above that of the material and social struggle of individual’s everyday existence – citizens should realise the public good, politics should not be a sphere which the material, subjective struggle for existence enters. While useful in re-appropriating political action as an emancipatory process, Deranty and Renault note that this notion of political action holds to certain ‘aristocratic’ assumptions regarding the freedom of the subject to act. The political subject must be free from the private will or base concerns. This prevents Arendt taking into account groups excluded from politics by anything but the threat of force (explicit exclusions) and understands the subject only from a political perspective.

In contrast to this aristocratic element, Deranty and Renault argue that Arendt’s notion of the expressivist agon cannot transform reductive group identities because it simply perceives them as irrelevant to political action. Instead they propose, one should understand political action as deriving from the very subjectivity of human existence. Political action for Deranty and Renault, like Arendt, is perceived as transformative, but also as reflective action: responding to real economic and social situations. Without this anthropological (rather than political) subject and theory of action, Arendt, they argue, assumes that political action is the solution to problems which can actually inhibit political participation.

For Deranty and Renault, (2009, p.43) political exclusion is much more complex and subtle than Arendt’s account allows: ‘when the political public space is no longer able to represent the different aspects of the social question [to the subject], it appears more and more as a foreign space to those who are stuck in that question.’ Political exclusion then, is also tied in with social and economic processes and exclusions, but fundamentally for Deranty and Renault,
such factors as misery and poverty can act both as obstacles and motivations to political action. It is the articulation of claims to justice deriving from these factors, which provides the motivation to political action, and the development of the self as a political subject. The creation of formal equality as a necessary condition of democracy does not account for the problem that the political system in question may seem alien or oppressive to the subject, nor that the socio-economic system may exclude subjects and groups. Against Arendt, Deranty and Renault argue that democracy does not simply rely on the equality of rational political actors, rather democracy and politics are means to create equality from a situation of inequality through the articulation of justice claims. As Schaap states in the introduction: ‘democratic politics is agonistic because it entails politicization of social inequality’ (Schaap, 2009, p.2).

Deranty and Renault’s conception of agonistic democracy incorporates both strategic and expressivist aspects. But more than this, they offer an understanding of social and political processes of exclusion, both by the self and other, and a compelling argument for agonistic democracy. With regards to the London riots, it suggests that, whichever factor is focused on be it excessive consumerism, poverty, systemic or identity based alienation from politics, those analysing must understand the role of struggle both in its oppression, and in its overcoming. A reason the riots were not politically articulated may stem in part from a form of existential discontent – alienated and politically emasculated subjects. Underpinning Deranty and Renault’s agonistic democracy is an anthropological understanding of the subject and political action: democracy is a cultural phenomenon as well as an institutionalised one. One can be excluded through force and through the related cultural and economic processes, by the self and hierarchically but, they argue, agonistic democracy offers a way to develop out of this.

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For someone relatively new to democratic theory and agonism, the collection of essays presented offered what I found a stimulating and insightful discussion into democracy and issues of exclusion. As someone interested in theory, but mostly in its relevance to real events, I did find some chapters quite dry, and had lost some significance by distancing themselves too much from the subjects to which they referred. Despite this, the deeper theoretical offerings were insightful. The notion of polemos in particular was intriguing, yet it remained too abstract, leaving much of its own potential problems, particularly those relating to praxis, un-discussed. Furthermore, I found myself drawn by the arguments of much of the agonists and the critiques, in particular their relevance to understanding the phenomenon of democracy, the historical position of Western democracy and socio-political culture, and finally as a political means of developing out of it. So what does it offer to this context?
While Kalyvas’ argument seems more an argument for tighter liberal-democratic checks, the critique offered by van Roermund and furthered by Thomson does offer a useful understanding of the limits of agonistic democracy. Yet these critiques tend towards a theoretical purity unavailable in the messy socio-political world. While I found them convincing arguments, their relevance to real and historically contextualised operation of democracy seems partial. What matters in the complex mess of contemporary democratic politics and culture is not the inevitability of drawing the line between us and them, but where and how this line is drawn.

Taking the position represented by Deranty and Renault seems to offer insight into the problem of exclusion and social unrest, and more in the way of articulating the manner in which we can overcome these. From this perspective, the riots were *agonistic*: a symptom of a democratic societal sickness, the oppression and eruption of struggle under neo-liberal hegemonic consensus and its economic consequences, and also the long term political exclusion and finally alienation of many.

The agonists’ task for resolution to the ills of liberal-democracy is, in part, to create a system to politicise discontent: for instance, to legitimise the voices of those who rioted, and turn such social unrest from violence into a claim for justice. It is through enabling the forwarding of contesting claims that a democracy can create fairer inclusion, that those excluded could begin to, and learn to, articulate the political causes behind the violence, both to themselves and the larger polity. Finally, we might note that simply resolving the substantial issues behind the unrest would only create a temporary reprieve until other issues emerged causing something similar. Agonists such as Deranty and Renault forward that any resolution which seeks a level of permanence would require systemic changes to enable those involved to be part of the resolution. Without this the claimants would remain excluded from the political process and would rely on the benevolence of ‘leaders’, of which there seems precious little across the liberal-democratic world.

Law and Agonistic Politics is a useful and timely selection of works given the state of democracy today. The arguments forwarded challenge both simplistic liberal understandings of democracy, and each other. While readers may not find themselves in agreement with all the authors, it is nonetheless an intriguing and worthwhile piece, especially for any involved in democratic theory.

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References


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