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Citizenship, Insurrection, and Recognition: European Critical Theory Before the Biopolitical Threshold: Citizenship; Violence and Civility: On the Limits of Political Philosophy; Recognition or Disagreement: A Critical Encounter on the Politics of Freedom, Equality, and Identify

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Review Essay

Citizenship, Insurrection, and Recognition: European Critical Theory Before the Biopolitical Threshold

Citizenship

Étienne Balibar. Cambridge, UK and Malden, MA: Polity Press, 2015. 145pp.

Violence and Civility. On the Limits of Political Philosophy

Étienne Balibar. New York: Columbia University Press, 2015. 212pp.

Recognition or Disagreement: A Critical Encounter on the Politics of Freedom, Equality, and Identity

Axel Honneth and Jacques Rancière. Edited by Katia Genel and Jean-Philippe Deranty. New York: Columbia University Press, 2016. 240pp.

Miguel Vatter*

Étienne Balibar, Jacques Rancière and Axel Honneth are representative figures of a generation of political theorists who stand under the shooting star of May 1968, the high season of insurrectionary politics in the last half century. The books under review offer a welcome opportunity to consider the lessons they draw from this event and its aftermath at the twilight of their careers. However, taken as a whole these books also reveal the limits of this style of radical democratic theory that only in a very approximate way has registered

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the passing of the baton, which occurred roughly during the same period, between a politics aiming at emancipation and a politics of governmentality or biopolitics.

The two books by Balibar reflect a prolific writing career that has touched on nearly every conceivable topic and author of significance in European political and social theory. Thankfully, these two slim volumes focus their attention on two problems, citizenship and violence, which can be considered to be focal points of his oeuvre in general. In this sense, and in conjunction, the books allow the reader to grasp the main points of Balibar's political thought without needing to wade through the gargantuan collection of essays and lectures which has recently been published in French, much of which has now also been translated into English.¹

Citizenship is an agile little book that showcases one of the best traits of Balibar as a theorist, namely, the panoramic approach he brings to any topic, characterized by an effort to address as many pertinent discourses or perspectives as possible. In this sense, this book serves well as a concise yet not superficial theoretical introduction to the idea of citizenship, both from a historical perspective and in light of many current debates. The main thesis is that the concept of citizenship is torn between two possible meanings, both derivative of the Greek term '*politeia*' which Balibar translates as "constitution of citizenship" and interprets by following Aristotle's definitions of the term (12). On one meaning of the term, '*politeia*' refers to the condition in which citizens "rotate between different positions of power [and] exercise an *aoristos arche*, an indefinite office... which makes them the 'sovereigns' or 'masters' of the community" (13). In this first meaning, citizenship requires democracy. On another meaning of *politeia*, the very rotation of offices denotes a legal constitution which refers to an underlying normative order or *nomos* (13). In this second meaning, citizenship requires a constitutional form of government. Sometimes Balibar speaks of the tension that is constitutive of citizenship in terms of the distinction between a constituent and a constituted power; more often, he speaks of a "dialectic of insurrection and constitution" (37, 55, 117).

At the heart of this dialectic stands another crucial principle employed by Balibar, namely, the idea of *aequa libertas* or, in his own coinage, "equaliberty" (29ff). This principle states that the rights or liberties guaranteed to citizens under a certain constitutional arrangement, viz. constitution, ought to be extended equally to those who are not included in the *politeia* as legal order, but who performatively exercise the *aoristos arche* of citizenship through their demands for universal rights, viz. insurrection (31–33).

One of the main problems with this thesis is that in Balibar the “dialectic” between insurrection and constitution heavily leans on the side of insurrection. As he says at the end of the book: “insurrection... is the active modality of citizenship: the modality that brings it into action” (131). In this sense, one gets the impression that for Balibar citizenship is not merely an artificial status that is unthinkable apart from *nomos* or a substantive normative order, but somehow also denotes a potential that is immanent in the human species. How one is to think this claim is not said. But the priority assigned to insurrection over constitution has one important downside, namely, that it leaves nearly untouched the on-going debate on constituent power started last century by Kelsen and Schmitt, where, contra Balibar, the prevalent standpoint privileges constituted power over constituent power.² The discussion of Kelsen and Schmitt offered in this book (40ff) is much too perfunctory to do justice to the problem of constituent power precisely because what Kelsen and Schmitt, in combination, managed to do was to inscribe the problem and meaning of democracy within constitutionalism, where it has remained ever since then, even in those theorists who seek to criticize them by recovering constituent power in its ‘purity’.³ Put another way, there is in Balibar’s concept of citizenship a failure to capture the revolutionary potential immanent to constitutionalism itself, for Balibar tends to assume that a people is “autonomous,” i.e., capable of giving itself a constitution, independently of constitutional principles and rules.⁴

The second serious problem with Balibar’s reading of *politeia* is the lack of reflection on the problem of what makes something like a “citizen” possible in the first place. As argued by such distinct thinkers as Leo Strauss, Carl Schmitt, Alexandre Kojève, and Michel Foucault—all of whom draw on intuitions derived from Nietzsche—behind and before the possibility of citizenship stands a conception of *nomos* that has pastoral-philosophical origins because it refers to a way of concentrating and distributing in a concrete normative order a population or “herd” in such a way that they develop an “ethics” or a reflexive conduct. Such *nomoi*, of course, do not fall from trees, but are the theologico-political creations of *nomothetes* or lawgivers and to which correspond the idea of a “natural right” or *physikon nomos*, an idea that receives no discussion in this book.⁵

The lack of reflection on the idea of *nomos* affects Balibar’s own appropriation of Arendt’s formula of the “right to have rights” for the sake of developing his notion of insurrectionary citizenship. Like Arendt herself, Balibar seeks to link such a basic right both to the “Rights of Man” or universal human rights and to an idea of constituent power.

However, unlike Arendt, Balibar interprets such a “right to have rights” as a “right to politics” in the sense of “the possibility of not being excluded from the right to fight for one’s rights” (66), or in terms of an “active” idea of citizenship conceived “as a form of participation that already manifests itself in demands for access (or belonging)” (75). This reading of the formula—which prioritizes politics over law—has been quite influential in some recent theorization of human rights (for example, those of James Ingram and Ayten Gündoğdu), but it tends to fatally downplay the ineluctably juridical and systematic dimension of any discourse of rights, including one on the right to have rights, which owes much more, evidently, to the Kantian idea of a single innate right to freedom, to Kelsen’s basic norm, or to Hart’s version of the same idea, than it does to social struggles for political recognition.

Balibar’s way of reading rights as instruments for a struggle for inclusion into citizenship reflects the priority of the problem of exclusion, to which he dedicates the central part of the book. Balibar is aware, of course, that citizenship as a status of “being-in-common” and of inclusion into a community presupposes also the possibility of an “internal exclusion” or conversely reflects “the constitution of an exclusive community” (70). “It is always citizens, ‘knowing’ and ‘imagining’ themselves as such, who exclude from citizenship and who, thus, ‘produce’ non-citizens in such a way as to make it possible for them to represent their own citizenship to themselves as a ‘common’ belonging” (76). If one asks why modern citizenship is constructed as a mechanism that includes in order to exclude, Balibar points to the dualism between Man and Citizen of modern natural right (79–80), where being “human” is not only a guarantee of access to citizenship (as was intended by the Enlightenment) but also permits “the transformation of general anthropological differences (differences of gender, differences of age, differences between normal and pathological, etc.) into principles of exclusion... the transcendental universality of the species and the discriminating and discriminatory functions of anthropological differences are not incompatible; they form two faces of the same discourse” (80). But this claim is more descriptive than explicatory unless one identifies a discourse and a technology that simultaneously politicizes the “natural” human being and deprives it of political power. To explain this phenomenon Foucault, followed more recently by Agamben, develops over thousand pages and more than a decade an analytic of disciplinary and biopower and a genealogy of governmentality centered on the category of “civil society”: Balibar dedicates less than a page to Foucault, and one meagre footnote

to Agamben. It is fair to say that his style of critical theory has not crossed over the biopolitical threshold.

Balibar ends *Citizenship* by confronting his standpoint with Wendy Brown's influential theses on neoliberalism, which are heavily influenced by Foucault's work on governmentality. For Brown, neoliberalism effects the permanent separation of liberalism from democracy, losing entirely the horizon of what Balibar calls the "constitution of citizenship." Balibar is less pessimistic about neoliberalism, which for him merely represents the latest episode of a transhistorical tension and oscillation between insurrection and constitution. On this view, neoliberalism is but a perfected attempt to do away with the conflict and struggle around citizenship "by means of rules that force it to contribute to a consensus, or to 'translate' itself into an exchange of arguments" and that in so doing "exclude anything that, in a given society, carries true political stakes: liberation struggles, emancipatory demands, revolts against injustice and inequality" (92). The impossibility of excluding struggle in this fashion is ultimately why Balibar turns to a theory of violence in order to understand modern politics, as I discuss next.

However, in *Citizenship*, Balibar's thesis is that democracy or insurrection is always "a regime of illegitimate power" (93) precisely because it questions those rules that "legitimate" power. The exemplar of such democratic "illegitimacy" is found in Machiavelli's conception of the people as desiring "not to be dominated" and to the "anarchic" conception of citizenship that it gives rise to (95), and gets expressed in the asymmetric conflict between the poles of insurrection and constitution, which conflict is "endless" and "incessant" because it can never find a definitive constitutional solution or form (99–100). Ultimately, Balibar's response to Brown is entirely neo-Machiavellian, i.e., based on the claim of the productivity of the conflict between demands for no-rule and demands for legitimate rule in any political regime. From this basis there follow Balibar's concluding propositions: that democracy is tied to "events" of insurrection more than to constitutional "forms"; that democracy is about transgressing institutional limits (here Balibar cites Lefort) in order to articulate "new fundamental rights" and establishing the "commons" (124); and, finally, that "democratic inventions" makes for a new "experience of democratic citizenship."⁶

The second book under discussion, *Violence and Civility*, is a reworked and somewhat updated version of a series of lectures that Balibar originally gave about 20 years ago. The theme of the lectures is the relation of politics to violence. Balibar starts from the

general Weberian idea that what distinguishes politics from other activities is the legitimate use of violence. Balibar turns this definition into a paradox of sorts: just as there is no politics if there is no employment of violent means, so too there is no politics unless a form of “anti-violence” is developed. To analyze this knot is the task of the lectures. Balibar begins by sketching two general solutions to the paradox given in the modern tradition of political thought, which consists in employing legitimate violence as a “counter-violence” to illegitimate violence. In the Hobbesian model, counter-violence takes the form of a sovereign exclusion of violence from civil society by threatening those who intend to be violent with an overwhelming form of violence, i.e., the state as Leviathan. In the Hegelian model, instead, the use of violence within politics can become legitimate as long as it is “convertible” into an institutional form, viz. in the form of struggles for recognition. Balibar puts forward two theses: first, he argues that there always remains some aspect of violence that is “inconvertible” by political and social institutions and their counter-violence; second, that there exists a specific conception of “the political” which consists in making possible an “anti-violence” understood as “a whole set of political strategies... that respond to the fact of violence” and which Balibar calls “civility” (65).

According to Balibar, there are two kinds of violence that are not “convertible” by state institutions. The first he calls “ultraobjective violence” and it refers, essentially, to the violence exerted through discourses of racism and directed against those populations that cannot be included into citizenship and are “let die” (69). The second he calls “ultrasubjective violence” because it is tied to violence employed to stabilize a sense of homogeneous and substantive identity under conditions of what we would call today “multiculturalism.” Both “inconvertible” kinds of violence flow into one another. Balibar identifies two sources for this violence that cannot be domesticated by normal political or constitutional means. The first one is associated with state sovereignty “which defines itself as an internal excess over legal power, appears to be inseparable from cruelty because it must always remedy its own defect, whether on the side of the law itself or on that of the people” (80). Sovereignty gives rise to a “demand for preferential violence (against foreigners, nomads, and so on) that allows modern states to compensate for the gradual crumbling of their sovereignty”: perhaps something that today we could identify with Trump’s “Muslim ban” executive orders. They take the form of a “preventive counterviolence” against presumed “internal enemies.”

The other source of ultraobjective violence is colonialism (80). Here Balibar's reasoning becomes quite contorted and confusing since he approaches colonial violence through a quick reading of Marx's first volume of *Capital* and its idea of "structural violence" (83). This "violence" is in evidence, according to Balibar, in the disjunction between the treatment of the worker as a person when selling his or her labor force and the treatment of the worker as a thing once his or her labor force is set in capitalist relations of productions (84). This contradiction, according to Balibar, receives in Marx's discourse at least three different possible resolutions: either the worker's struggle for dignity in the workplace is employed to strengthen and "civilize" capitalism; or it leads to a communist overthrow of capitalist forms of production; or, last and most important for Balibar, the contradiction between person and thing "periodically revives the violent forms of 'primitive accumulation' opposed term for term to institutional regulation; but the form that 'primitive accumulation' typically takes in the history of modern capitalism is colonization, either 'external' or 'internal'" (89–90). It is fairly clear that in his idea of colonial violence Balibar is trying to connect the reification effected by capitalism with the reduction of humanity to "bare life" that occurs in the modern construction of racial, ethnic, and sexual apparatuses (what Agamben calls the "anthropological machine"), but it is likewise obvious that Balibar again avoids adopting and employing precisely the one critical discourse that would permit him to connect these two, namely, the one offered by biopolitics.⁷ Furthermore, it is not at all clear how his notion of colonial violence relates to the ultraobjective violence generated by the excesses of state sovereignty. At one point he quickly refers to Foucault's notion that modern state construction went hand in hand with the development of a thanatopolitical discourse of war between races and classes whose formula was the "defense of society" (76–77), but this fleeting reference is symptomatic of the fact that Balibar's analysis is begging for a biopolitical and thanatopolitical development which never materializes.

The second part of the book is dedicated to sketching the "strategies of civility" or antiviolence that should be employed to deal with the phenomenon of "inconvertible" ultraobjective violence. Balibar wants to develop an idea of civility that is neither Hobbesian nor Hegelian essentially because these models see the problem of violence in an excess of politics over against its regulation either through sovereignty or through institutions of (capitalist) civil society, whereas Balibar argues that only such a surplus of politics (which he calls "civility") can contrast the ultraobjective violence that is generated

by sovereignty and capitalist society. Thus, Balibar proposes a two-step program against the slide into colonialism and racism. First, those legal institutions that articulate the private and the public need to be upheld (97–98) because they make politics possible, but “the contribution of the institution to establishing a space for politics in which the forms of (self) destructive extreme violence are—if only temporarily—ruled out is thus itself conditional... to a second degree of ‘politicity’ at once immanent and heterogenous: the degree, precisely, that I am hypothetically calling ‘civility’” (99). The second step consists in the dynamic of citizenship, namely, in remaining open to “the conflict between the tendency (on the part of a class, a caste, a bureaucracy, or an apparatus) to monopolize power, and the tendency of citizenship as the concrete conquest of freedom and equality” (99). Again, Balibar’s position seems paradoxical: if citizenship in the national, capitalist modern state is complicit in the generation of ultraviolence, then the solution is... more and different citizenship!

Balibar identifies three variants of “civility” or enhanced citizenship, which he calls “the ‘politics’ at heart of politics itself” (106). The first consists in a “return to Hegel... to his doctrine of *Sittlichkeit*” or the “hegemonic strategy” (107); the second consists in the “majoritarian strategy” associated with Marxism as a project of collective emancipation (107); the third consists in a process of “becoming-minoritarian of minorities” and is associated to the names of Deleuze and Guattari (108). Perhaps it is worth spending a moment on the first strategy, the return to Hegel, since it is the same strategy recommended by Honneth, whose theory I discuss next. Balibar seems to think that Hegel’s conception of civility as *Sittlichkeit* offers the possibility of countering biopolitical ultraviolence because it is constitutive of an identification in citizens as members of “secondary communities that are neither ‘natural’ nor ‘political’ but precisely social, offering a kind of affiliation or belonging halfway between constraint and freedom” (111). These communities (family, civil society, state) offer the possibility for the individual to attain its political identity as an “undifferentiated affiliation, egalitarian and universalist” to a state that is no longer absolute but internally differentiated and pluralistic (112). Clearly, Balibar intends this Hegelian strategy of civility through identification to be balanced by Marxist and Deleuzian strategies of “disidentification.” At one point Balibar tantalizing alludes to the connection between Hegelian *Sittlichkeit*, the “tragic” idea of the family found in Hegel’s reading of *Antigone*, and the importance of “normalization” in the Foucaultian sense of the term (114). What Balibar means remains undecipherable,

but I take it he must be referring to the phenomenon that Hegel called the “tragedy of *Sittlichkeit*” as definitive for modern civil society.⁸ Indeed, the last sentence of the book seems to give the last word to tragedy, to an impossible synthesis of identity and difference: “the central question is still that of the concept of identification and its other face, èdisidentification, torn between the diverse modalities of the tragic: as sacrifice (or sacrifice of sacrifice), as heroism without ‘hope’ [Gramsci], or as game of metamorphosis in search of its own rules [Deleuze and Foucault]” (126).

The way in which Balibar understands civility as both a return and a critique of Hegelian *Sittlichkeit*, as both a need for identification (recognition) and disidentification (conflict and disagreement) brings me to the last book under review, *Recognition or Disagreement*, which, as it were, takes these two moments in their purity and stages a non-dialectical confrontation between Honneth and Rancière. Both thinkers agree on only one thing, namely, that they seek to show how rebellion or insurrection is possible (102), so in that sense they stand in agreement with Balibar’s positioning of insurrection as crucial. However, I shall argue that in the end Rancière and Honneth are both more “dialectical” than Balibar in the sense that insurrection is for both of them a possibility that is internal to a constitutional order, not external to it.

Recognition or Disagreement is actually composed of three distinct moments: two introductions by the editors that frame the exchange; the exchange itself; and two texts in which each author presents what is exemplary of their standpoint. The three parts do not make a harmonious whole, but nonetheless their sum makes this a very useful book that serves as a good introduction to the later period in the trajectory of both thinkers, and offers a clear presentation of one of the crucial paradigms in contemporary European political theory, namely, the paradigm of recognition. In general, one can say the following: whereas the introductions are meant to set the stage for the encounter and, thus, seek to frame it as a debate internal to the paradigm of recognition, the actual exchange between Rancière and Honneth stages precisely a lack of recognition and an undialectical opposition between the two standpoints. However, the separate individual essays, if read carefully, do give room for some commonality, but one that has nothing to do with recognition.

The editors of the book try to justify why Rancière and Honneth both belong to the tradition of critical theory. For Katia Genel, critical theory is about employing theory toward the aim of emancipation. In turn, the basic principles under which claims to emancipation can be formulated are those of equality and liberty, represented by Rancière

and Honneth respectively. How these thinkers conceive of each concept is found in their individual essays. But the point of the exchange is to see whether the two principles can be reconciled or not. This is where the second introducer, Jean-Philippe Deranty, comes into the fray with a very long and demanding essay, by far the longest piece of writing in the book.

Deranty defends the strong thesis that “the language of recognition” is the *sine qua non* of critical theory.⁹ Deranty believes he can subsume both positions within a general discourse regarding the struggle for recognition. He claims to have identified a “Rancièrian theory of recognition” (36) which would confirm the “in-principle agreement” between Rancière and Honneth. A paradigmatic case of “*mésentente*” (or dis-agreement) is the plebeian secession from Rome, of which Rancière says that it constitutes “a revolt that is to be identified with the capacity to recognize oneself as a speaking subject and to give oneself a name” (cited on 38). Deranty argues this way of understanding insurrection places Rancière very close to Honneth’s early work on how proletarian class struggles are “struggles for dignity” (38). Referring to Rancière’s own early studies on proletarian struggles in the nineteenth century, Deranty finds a place where Rancière speaks of the worker’s “desire to be recognized,” which Deranty then renders “as a struggle for the recognition of proletarian identity” (38). As can be seen, the textual basis for Deranty’s claim of an “in-principle agreement” between the two authors with respect to recognition is rather slim.

Unlike Honneth, for whom the struggle of recognition is intended to “guarantee the possibility of a good relationship to oneself” (Katia Grenel, 24), Rancière forcefully rejects any such identity as the *telos* of such struggles, and so the question becomes whether such struggles could be properly termed struggles for “recognition” at all. For him, the purpose of the insurrectionary struggle is not the recognition of a proper, non-pathological or distorted identity, but to effect a break or fracture with the given “partition of the sensible,” so as to construct a different “world” in which recognition between the old and the new world is no longer an issue because impossible. Deranty, instead, thinks that for Rancière “the heart of emancipatory politics is the struggle for the recognition of one’s capacity to take part in dissensual, polemical conflicts over specific social objects” (39). In my opinion this misconstrues of Rancière’s position: Rancière is not saying that the plebs want to be included in the Roman patrician order, so as to be able to “legitimately” express their disagreement with such order and thus fight for more equality with the patricians;

rather, for Rancière the plebs are struggling to break from such an order of partition that identifies them as plebeians, and they do so on the basis of an idea of equality of everyone with everyone that is found in no order or partition of the sensible (but for all that is also not a “natural” equality).

The second portion of Deranty’s essay addresses the question of the “subject-concept” at work in Rancière and Honneth, and whether there is a possible bridge between the former’s emphasis on subjectivity as des-identification and the latter’s seemingly opposite emphasis on subjectivity as achieved (recognized) identification. For Deranty, “Rancière’s criticism is immanent to the problem of recognition: grounding the model of recognition in the norms of personal identity makes the very project of recognition politics untenable” (42). Instead, Deranty thinks that in Rancière the struggle for recognition is not a struggle for a “stable identity” but “struggles for a new configuration of the common world in which the particular bodies, voices, sites, objects which so far have been excluded from the realm of collective deliberation become sites and objects for such deliberation” (42). Once again, this seems to fly in the face of Rancière’s point, namely, that the struggle which characterizes dis-agreement or *mésentente* is precisely one that is premised on the non-existence of a “common world” in which “collective deliberation” could meaningfully take place. For Rancière the social world is always split or partitioned, and dis-agreement is not about constructing a non-divided world, as he explains at length in the essay included in the book, but rather more akin to the invention of (parallel) “universes” (see Rancière’s reference to “different universes” in 122 and to the human being as “literary animal” in 143–46).

Interestingly, I think that Deranty’s decision to base the comparison on a discussion of the “subject-concept” again fails him when it comes time to reconstruct Honneth’s standpoint. Deranty claims that for the late Honneth “in order to reach individual aims that realize key dimensions of their autonomy, each social subject has to assume that there are others who share with him similar normative attitude, so that it is only by recognizing one another in that capacity that these interlocked individual goals can be realized” (45). I think this description of recognition misses the point of Honneth’s turn to objective freedom associated with institutions. Deranty gives an instrumental view of such institutions as defining “modes of social behaviour and social roles which, when endorsed by subjects, allow them to engage in the kind of social action that makes possible realization of their goals” (45). But Honneth’s (and Hegel’s) point about objective freedom

is not simply the fact that, given modern capitalist conditions, if I want to satisfy my needs, I need to make money through wages, and thus have to enter the labor market constituted by a series of normative expectations, etc. etc. The point that Honneth seems to be after is closer to what Marx meant by the “real subsumption” of use value with exchange value in advanced capitalism, namely, that what it means for me to “satisfy my needs” is already determined by the fact that I can only produce within a capitalist mode of production. Modes of production, just like Hegelian *Sittlichkeit*, are not the resultant of a social contract between individual wills: natural right is finished on the views of Hegel and Marx. In short, there is no “outside” of institutions for the individual. In so far as Honneth shares this view, this seems to me the most important point of his late work. For Deranty, instead, Honneth’s shift towards an institutional or objective idea of freedom leaves behind his earlier psychological or anthropological understanding of recognition and thus leaves no space for “the phenomenology of social suffering.... The phenomenology of unjust or exploitative or alienating work practices” (47). This may be so, but I think that the more pressing problem for Honneth is whether there is space left for a theory of the legitimacy of institutions other than as medium for individual self-realization. If it is the case, as Deranty argues, that for Honneth justice simply means “the universal ideal condition allowing for the flourishing of each and every person” (60) then Honneth would have fallen below the Rawlsian required threshold of a “political, not metaphysical” conception of justice. I am not clear whether Honneth’s statement that “principles dictate how to recognize one another and, in that sense, they legitimate a certain political order” gets the point of the distinction between principles of legitimacy and principles of justice.

Conversely, Deranty praises Rancière’s later emphasis on “the somatic and the prediscursive” or “the flesh” (53), as well as his “aesthetic” conception of the police as a function of the distribution of bodies in space, because it comes closer to the “phenomenological” approach he advocates. However, it is striking that only in the last two pages (79–80) is there the briefest of mentions of Foucault’s (and Agamben’s) discourses on biopolitics and governmentality, which would seem to be not only the source for Rancière’s notion of police, but also the obvious place to look for the sought after “phenomenological” conception of “flesh” and its relation to power (53ff).

The last part of Deranty’s introductory essay turns on which principle functions best as “foundational norm” for critical theory: autonomy (Honneth) or equality (Rancière). Deranty says that in Honneth the concepts of identity, integrity, autonomy, and freedom as

self-realization all mean the same thing, and that they are in principle distinct from equality. The perfectionist conception of self-realization in Honneth (56), according to Deranty, is “defined by reference to the telos of a state of unhindered individual flourishing resulting from ideal supporting social conditions” (59). On this view, equality refers simply to the “notion that all members of modern societies are equally entitled to freedom” (58) but does not determine the meaning of freedom. Similarly, Honneth criticizes liberal egalitarian conceptions of justice on the grounds that the equal distribution of some relevant good is secondary with respect to justice as “equal access to the conditions of self-realization” which conditions are social and institutional at once (59). Deranty himself criticizes Honneth’s deficit with respect to egalitarianism because it downplays a “social-ontological” idea of redistributive justice understood as “the demand expressed by each and every person that they should receive what they are due and should give to others only what others are due” (63). Here Deranty seems to be appealing to a conception of natural right that is probably irreconcilable with Honneth’s conception of objective viz. institutional freedom.

Deranty’s discussion of equality in Rancière seems to be likewise derived from natural right doctrine insofar as he takes Rancière to uphold an “ontological equality of anyone with anyone... the universal feature of being human” (66) which is frustrated in any given “differential, hierarchical treatment” established by the “order of police” (67, 71). It follows from this reconstruction, that for Rancière what defines politics—as opposed to police—is the struggle “not over a specific form of social injustice, but rather at the second-order level of the capacity of subjects to be heard about that injustice” (51). For Deranty, this emphasis on communication brings Rancière close to the standpoint of Nancy Fraser and Rainer Forst, for the former makes “participatory parity” the “core norm of critical theory” and the latter argues that the “point of justice... is the right of individuals to have their voices count as expressions of reason and is, as a result, their demand to be treated as agents to whom reasons are due” (52). At this point, something must have gone very askew in the interpretation of Rancière’s notion of *mésentente* for Deranty has entirely thrown overboard the radical difference that Rancière assigns to practices of dissensus over those of consensus. It is simply mistaken to claim that “politics in *Disagreement* is a battle of justifications, mainly a battle for what counts as justification and who is entitled to proffer and expect justifications” (54) precisely because such a decision, if it were to be

legitimate, would presuppose the common world and common deliberation that Rancière's theory argues is literally impossible given the existence of politics.

For Rancière, legitimate domination works through the consensus of all those in a social order as to who can (who is capacitated to) do what: this is the "distribution of the sensible" of the order of police. It refers to what above I designated as the conception of "real subsumption" of all aspects of society within a capitalist process because it depends on any given individual really believing that he or she has the capacity assigned to him or her by that social order on pain of not being able to reproduce their own life. This situation is what Rancière calls the "wrong done by all forms of inclusion in terms of identity" (92). For him, politics happens when an individual or a group of individuals realize that they are also endowed with the "capacity of anybody," which is in turn based on the premise that "intelligence is the same in all its operations and it belongs to everybody" (139). Making use of this anonymous capacity is the activity of dissensus or disagreement (139–41).

Now, for Rancière, to make use of the "capacity of anybody" is to "act as artists who make exist in a new configuration what doesn't exist in the present configuration. The key point is that they do not enact it as their capacity... but as the capacity possessed by those to which this capacity is denied in general" (93). I think that Rancière's fundamental point is that dissensus is not external to a given police order because "the society of inequality itself could not work without that capacity. Inequality has to presuppose equality. At the same time, it has to deny it" (93). In other words, the capacity of "self-invention" or "dis-identification" is the only properly social capacity, shared by everyone but recognized by none—that is why every police order, to the extent that it is a social order, depends on it. Precisely because dissensus is, paradoxically, a purely social (not individual) phenomenon, Rancière can say that "a political subject is an invention; an invention has no self... it's the question of the construction of different universes" (122). It is evident that something like Forst's "right to justification," that is, the requirement that the social position of anyone be justified to them in an exchange of mutually acceptable reasons has little to do with the theory of social intelligence defended by Rancière, but falls squarely on the side of consensus-building. However, Balibar's idea of citizenship as an "open office" (*aoristos arche*) capable of being held by "anyone" does come close to Rancière's "presupposition of a competence of those who have no specific competence, a competence that is shared by everybody" (112). But the difference with Balibar is that for Rancière "to the extent that it is political, a social order has to include in some place, in

some respect, this power of those who have no power, this power of those who are not included,” whereas for Balibar social institutions are, so to speak, more exclusionary of this power and thus give way to what he calls the dialectic between insurrection and constitution.

Honneth misunderstands Rancière’s point about the possibility of politics being always already included in any social order of police. That is why he opposes to Rancière his own idea of politics as an “internal struggle for recognition” in which individuals and groups reinterpret the legitimating principles of a given police order from the inside in order to make it more inclusive, in the sense of permitting the self-realization of more people (105, 109). In reality, both give an “internalist” idea of insurrection that is at odds with the natural right interpretation given by Deranty. In Honneth’s essay this comes out explicitly when he defends Hegel’s “objective” idea of freedom, by which he refers to the phenomenon that in modernity “social institutions themselves are now considered as making possible the realization of freedom in the external domain of social action” (161). Honneth turns to Hegel’s institutional idea of freedom to criticize liberal ideas of individual freedom, either as non-interference or as rational self-determination (163), in both cases the other’s freedom functions as an external limit to my freedom. If this were the case, then institutional arrangements could only be instrumental ones, and all social relations the product of contractual relations, which in many ways is the dream that neoliberalism has attempted to realize.

Honneth manages to capture the basic republican idea of Hegel according to which individual freedom is only possibly in a free state because it is only free institutions that ultimately can teach individuals how to be “rationally self-determined” (168). The basic point is that freedom in Hegel is no longer tied to the exercise of the subjective or individual will (and thus no longer tied to the consensus with other subjective wills achieved in the form of contract) but is itself a characteristic of institutions for only within and through “institutionalized practices” is the “kind of self-relation possible” (167) that leads to “an undistorted and complete self-relationship” (110). In this sense, I think that Rancière’s critique of Honneth for being too attached to “identity” misunderstands the Hegelian idea of objective freedom that requires the total self-alienation of the “individual” at least as much as Rancière’s conception of the “capacity of anybody.” But Honneth’s neo-Hegelian point about modern *Sittlichkeit* was already made by Foucault in his studies of liberal governmentality: institutions in modernity are legitimate only to the extent that

they “liberate” or “make free.” Except that Foucault understands this Hegelian point in biopolitical terms: institutions generate this freedom of individuals only in and through security dispositifs and “technologies of self.” Any theory of recognition that does not account for this internal relation between modern freedom and security is falling short of reality.

Ultimately, it is unclear whether Honneth has the nerve to hold onto Hegel’s leading thought in its purity. Towards the end of his essay, he distances himself from the conservative nature of Hegel’s conclusions and claims that it is possible to return to the categories of abstract right and of morality, i.e., to negative forms of liberty, in order to gain “exit” from the very dynamics of *Sittlichkeit* through which individuals gain “voice” (174). This seems to be Honneth’s liberal “bad conscience” speaking, a recalcitrant piece of natural right. Last but not least, Honneth waxes lyrical when he claims that the institutions of *Sittlichkeit* (family, market, state) manage to eliminate all residual “natural” conceptions of freedom from society (171). But this cannot be the case if, as Hegel maintains, the state itself remains in a state of nature with respect to other states. Not to speak of the all too biopolitical determinants of family and market institutions that Hegel was all too aware of (witness his reading of *Antigone*, the problem of colonialism, etc.) and that Marx would exploit systematically in his critique of Hegel.¹⁰ In this sense, Balibar’s however vague gesticulations towards the need to provide a biopolitical reading of *Sittlichkeit* should be warmly taken up by Honneth and other theorists of recognition.

NOTES

1. See Étienne Balibar, *Des universels. Essais et conférences* (Paris: Galilée, 2016); *La proposition de l'égaliberté* (Paris: PUF, 2010), English translation Duke University Press, 2014; *Citoyen sujet et autres essais d'anthropologie politique* (Paris: PUF 2011), English translation, Fordham University Press, 2016.
2. For the debate, see Martin Loughlin and Neil Walker (eds). *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* (Cambridge: Cambridge University Press, 2008).
3. See here Antonio Negri, *Insurgencies: Constituent Power and the Modern State* (Minneapolis: University of Minnesota Press, 1999) and Andreas Kalyvas, *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt and Hannah Arendt* (Cambridge: Cambridge University Press, 2009).

4. For the opposite claim, see now Hauke Brunkhorst, *Critical Theory of Legal Revolutions: Evolutionary Perspectives* (London: Bloomsbury, 2014).
5. See now the interesting indications in Mika Ojakangas, *On the Greek Origins of Biopolitics: A Reinterpretation of the History of Biopower* (London: Routledge, 2016).
6. Given the importance of “Machiavelli and his modern-day interpreters” (123) to his final theoretical standpoint it is a pity that Balibar does not mention any of these scholars who, over the last two decades, have developed this radical democratic reading of Machiavelli, among which are to be found Filippo del Lucchese, John McCormick, Yves Winter and also the present author.
7. For some current examples, see the work by Achille Mbembe on “necropolitics” and *Critique of Black Reason* (Durham, NC: Duke University Press, 2017); Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, NC: Duke University Press, 2014); and also Lisa Lowe, *The Intimacies of Four Continents* (Durham, NC: Duke University Press, 2015).
8. For developments of the Hegelian motif of a “tragedy of civil society” in relation to contemporary political theory I refer to Christoph Menke, *Tragoedie im Sittlichen. Gerechtigkeit und Freiheit nach Hegel* (Frankfurt: Suhrkamp, 1996) and Christoph Menke, *Kritik der Rechte* (Frankfurt: Suhrkamp, 2016); Judith Butler, *Antigone’s Claim* (Columbia: Columbia University Press, 2002); and for a biopolitical reading of Hegel’s motif, I refer to my *The Republic of the Living. Biopolitics and the Critique of Civil Society* (New York: Fordham University Press, 2014).
9. For a critique of this point, see two recent reconstructions of critical theory: Robyn Marasco, *The Highway of Despair: Critical Theory After Hegel* (New York: Columbia University Press, 2015), and Antonio Vazquez-Arroyo, *Political Responsibility. Responding to Predicaments of Power* (New York: Columbia University Press, 2016).
10. See Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism* (New York: Zone Books, 2017) for an impressive combination of Marxist and biopolitical analysis to account for the actual functioning of “family” and “market” in contemporary civil society.