Re-thinking Democracy in Resistance: A Theoretical Approach to Social movements, Collective Action, Social Transformation and Political Subjects.

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For Sisney, Júpiter and Io.

Acknowledgments

Abstract

This work intends to focus on social movements as the core of political action under the current political conditions. Democracy is understood as the action of transformation toward emancipation and inclusion, not just as a set of institutions or legal standards. I try to go beyond the defense of a specific institutional design or propose new institutional designs. My goal is to highlight the role of communicative dissent and the appearance in the public sphere of the real experiences of injustice to construct a participatory model of democracy that complements and serves as a critique of traditional republican and liberal visions of consensus and rational deliberation. I also try to give to the idea of political participation the concrete historical content from the experience of injustice as the source of social transformation. I suggest that democracy should be understood as a constant process of resistance and conflict for the normative field of justification of social order and the exercise of political power.

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No eran mártires ni héroes

Solo fueron a luchar

Con la rabia de los pobres

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Introduction

> *"A comfortable, smooth, reasonable, democratic unfreedom prevails in advanced industrial civilization, a token of technical progress."*
>
> Marcuse, *One-Dimensional Man*

I. Re-thinking Democracy: Moving Beyond the Hegemonic Political Thought?

From the 1990s, the representative liberal form of political organization became the model *par excellence* of democracy. Election of representatives, independent courts, and the existence of a constitution to protect the citizens' Human Rights, at least on paper, were the requirements for a state to be entitled as "democratic". This being so, the last 20 years have seen a "democratic boom" in the world, with the tyrannies or dictatorships of a few states as a sad exception. We had reached the end of history by overcoming the dispute between ideologies (Fukuyama, 1992).

However, given the recent economic and political crisis, the return of Marx and Social Critical Theory in the academic debate has made out of the question of the real meaning of democracy a new source for political research and discussion. If periodic elections, rules, and referees for conflict resolution were sufficient conditions for democracy, then the theoretical and political debates should have ended and we should focus our efforts on the materialization of democracy where it is needed, on the complete fulfillment of the promises of the modern political project. However, current critical analysis has shown that contemporary regimes are far from reaching the normative and political values that emerge from the concept of democracy. The liberal representative democracy has generated a form of political apathy by limiting the idea of political action to periodic participation in public

elections. The lack of interest and participation in public affairs -largely generated by misinformation promoted by the mass media serving the interests of a few (Castells, 2009)- has created an accountability gap between the ruled and the rulers. The reduction of public services and benefits that a state owes to its citizens, favored the emergence of powerful economic interests in the public sphere, which have a greater influence on legislation and public affairs through the practice of lobbies than any other group of citizens. The institutional framework of legislative and political production has left this space for the exclusive use of experts (judges, political advisors, etc.). If we have to name the existing system of government of most states, names like plutocracy or bureaucracy would be much more accurate than democracy since the *demos* rarely exercise the *Kratos*, that is, people rarely have the power and seldom govern (Crouch, 2007; Rancière, 1999).

In this political context, political theorists usually respond to this kind of problems with proposals that include designing new political institutions, transforming existing ones, creating abstract notions of justice and participation under ideal conditions, or the formulation of the political content that all democratic constitutions should have. These approaches focus on what can be called *democratic institutionalism* or *institutionalist engineering* (Dagnino, 1998, p. 47), and make the historical mistake of forgetting the sources of the political and institutional achievements (human rights, protection of people's dignity, inclusion, and protection of minorities, etc.) that have been obtained so far. They did not emerge from nowhere; they are not the result of the goodwill of the rulers nor the theoretical breakthroughs of scholars. Social forces and groups that appear in the political sphere and trigger forces of social transformation, for better or worse, are usually left out of political considerations or have little theoretical attention. The usual theoretical approaches to these movements merely express their role within specific historical moments. With few exceptions, the normative role of the demands of these groups in the public sphere and its relationship with social and political transformation has been rarely analyzed as a central aspect of democracy. The political and theoretical value of the resistance and actions of the oppressed groups has been underestimated or simply dismissed.

In consequence, the dismissal of the social struggles and the agonistic character of politics has led to the theoretical understanding of democracy as an institutional promise to be achieved somewhere in the future whilst the social mobilizations of the multiple social groups that constitute the contemporary societies are seen either as destabilizing forces, as symptoms of democratic crisis, or as mere secondary actors with little to no effect on the political decision-making procedures.[1] From the hegemonic theoretical perspective, democracy as an institutional promise has many ideological consequences that not only affect the theoretical reflections and directions that all theoreticians must follow but also affects the daily political practices and social representations of the political space of interaction.

On the one hand, political theory has assumed several political axioms that are conceived as given and affect the academic field of research as well as the scientific credibility of some perspectives. Without making an exhaustive presentation of the current presuppositions in political theory, the following axioms represent a summarized list of these well-anchored ideas that reflect the directions and objectives of most of the contemporary political theories (Geuss, 2008, p. 8). First, is the idea that the political institutions are the most important aspect of politics if not the only one. From there comes the idea that critical political theory should focus on the unfulfilled promises of the institutions and why they have not been achieved yet, disclosing through the theoretical and normative analysis of the obstacles to the fulfillment of the modern project of freedom and equality. Second, the normative reflections lead to the idea that the normative principles can be abstracted and detached from particular contexts, having in this way a freestanding and independent value that can be applied generally and hypothetically to all political situations.[2] Finally, and in close relation to the

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[1] This general understanding of the social mobilizations can be applied to all groups that appear in the political field. On the one hand, the theoretical representation of social movements as simply secondary actors or exceptional forms of action denies the active role they actually have in the struggles for rights, emancipation and inclusion. On the other hand, this same form of denial applies to the social groups that openly oppose democratic values, like Neo-Nazis and Neo-fascist groups, presenting them as "rare exceptions" especially in the European countries and the USA. In this sense the underestimation of the social groups is a double edged sword because it not only makes invisible the real struggles for emancipation, it also makes invisible the dangerous and real presence of anti-democratic, racist and totalitarian groups, spreading the false believe that fascism was defeated at the end of the World War II and it does not represent a threat nowadays.

[2] The philosophical work of John Rawls has become a benchmark for the normative analysis in political theory. Even though his popularity has declined in the past years, ideas like the rationality of consensus, the negation

two previous ideas, theoreticians usually assume that the role of political theory is to provide new normative and conceptual criteria to understand and re-direct the necessary political transformations to solve the current social problems (Archila, 2001, p. 33). All these ideas are based on the modern legacy of universal reason and the desirability of deliberation and non-coercive consensus.

On the other hand, the daily social representations of politics also reflect the hegemonic character of the so-far-established axioms. First, it is worth mentioning that the general public outside the political theory or academic field often represents politics as the activities that professional politicians do by organizing themselves as political parties, competing in elections, and exercising the acquired public power through representative institutions. That means that politics is usually conceived as a field of expertise where some officeholders perform their work and the political actors are only the political parties and the politicians. From there follows the widespread idea that the principal and only political roles of the ordinary people are to vote or to be a member of a political party. Finally, the idea that the elected, professional politicians have the moral duty to fulfill the promises they made and their performance should be evaluated by the ordinary people following such electoral promises creates a narrower notion of accountability that usually depicts the citizens as passive spectators that applaud or condemn the work of politicians.

Both aspects of politics, the theoretical and the "practical", are heavily intertwined because the theory is constructed within real and concrete practical contexts and practical politics always refers to theoretical frameworks to justify particular political positions and established norms of action. In this sense, the consequences of the dismissal of the social groups have been mainly the invisibilization of the real conditions of oppression, inequality, and exclusion, as well as the social struggles that constitute the political field for action. For that reason, social movements have been taken as almost non-existent both in the traditional theory and in practice,[3] because politics has been defined in a purely institutional form of

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of particular conditions as relevant aspects of justice and the possibility of constructing abstract principles that can be applied everywhere, are still guiding most of the theoretical frameworks for social and political research.

[3] At the best, social movements and social mobilizations have been understood as subsidiary to politics. They have been mainly relegated to sociology and cultural studies because, due to the hegemonic theoretical

organization and administration, the political subjects are only seen if they act within the institutional procedures and social transformation processes are only addressed if they represent a new institutional set. Social mobilizations and groups are often treated as if they were non-political, useless, or unnecessary for democracy, while the World Economic Forum annual meetings, for example, are taken as true politics, where the "real" political action occurs.

The theoretical and practical context briefly described above triggers the research questions of this work: What is the real value of democracy as an institutional promise?[4] It is possible to construct a conceptual approach to democracy that addresses the social mobilizations as enactments of freedom and equality? Do the subaltern and oppressed groups have something to say on the normative level or should they wait for the fulfillment of the promises made by the institutions? What are the roles of the social movements and their actions in the construction of normative frameworks for politics and the social transformation processes? Can we find democracy in the real contexts of power-laden politics or should it be conceived as a hypothetical future state?

The interest in answering these questions has its sources in both the practical and theoretical understandings of politics. Thus, this work attempts to contribute to the theoretical debate by addressing the established presuppositions in a philosophical and theoretical discussion in order to re-think our conceptual representations of politics, political subjects, social transformation, and democracy. The objective of constructing this discussion is to bring analytical and critical reflections on the actions of social groups into the theoretical definitions of democracy and democratic practices. From there comes the meta-theoretical

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approaches, they do not constitute real political actors unless they create a political party or have the real capacity to obtain public offices. In this sense, political theory and political philosophy have not paid enough attention to the social groups and their struggles, focusing on the construction of hypothetical normative criteria and ideal institutional models. In contrast, political science, history, cultural studies and sociology have presented the value of the social movements through different approaches that can extent our current understanding of politics and democracy in political theory and philosophy.

[4] It is interesting to notice that the democratic project of the modernity, that has been more or less successful in Europe and North America, depended greatly on colonial subjugation and exploitation of the rest of the world, rest of the world that happens to be nowadays the "underdeveloped" Third World (Mignolo, 2007; Escobar, 1995).

objective of arguing in favor of an "impure" political theory that instead of focusing on abstract and ideal constructions, should focus its reflections on the real political contexts, where instead of horizontality, freedom, and equality we find struggles for them and opposition to them (Rancière, 1999; Geuss, 2008). Hence the defense of immanent normative structures that exist and develop themselves within the communicative practices and struggles of the social nets of interaction, rejecting the idea of freestanding and context-independent normative criteria to develop a critical analysis of politics.

In addition to the theoretical background, this work attempts to echo the emancipatory social struggles at the theoretical level. This work assumes that political theories are always value-charged and therefore cannot have aseptic and objective neutrality. Politics not only means a conflict over the power positions, but it also implies an effort to redefine the justificatory structures of the hegemonic status quo and in consequence, the theoretical positions and perspectives on politics should be understood as partisan instead of impartial (Touraine, 1981). The position taken by the theoretical effort of this work is that of the emancipatory social movements that resist and oppose different forms of exclusion, oppression, and exploitation.

Accordingly, this work attempts to combine theoretical approaches to the contemporary debates on democracy with real political concerns about the relevance of social mobilizations in the long-term struggles for emancipation. The thesis exposed and defended in these pages argues that the emancipatory social movements represent the embodiment of democracy through their public performances and acts of resistance. Hence the idea of democracy in movement because instead of an institutional notion of democracy as a hypothetical and static status quo, this work proposes the idea of democracy as a never-ending, moving process of struggle against the also always moving forms of domination. By doing this, this work attempts to shed light on the social struggles that have remained underestimated in the hegemonic approaches to democracy in contemporary political theory. The general theoretical framework in which the thesis here exposed can be placed is that of radical democracy and agonistic politics (Mouffe, 2013). The radical democratic political theory rejects in general the idea that the liberal-representative form of government is the final stage

of social organization and puts the action of the oppressed groups as central to any concept of democracy. Following this argumentative line, this work attempts to make a case in favor of the social groups that are not represented, not taken into account and negated in politics.

II. Structure of the Work.

The methodological approach of this work is mainly theoretical, therefore the focus is on the conceptual discussion with different political theories and conceptual constructions that have been used to justify and criticize the current status quo. However, as has been said above, this work tries also to take a political commitment and moral stand in favor of the social movements and social groups that struggle for emancipation and challenge the hegemonic normative frameworks. For this reason, the first chapter of this work is entitled *Demos in Movement: Social Movements and Political Theory*, therein I present some general perspectives on the history of social movement theories. Thereafter, I focus on Latin American and Colombian contexts to clarify some of the historical recurrences of social mobilizations in the region. This is not, nonetheless, a case study or an empirical explanation of a particular movement or a particular problem in Colombia. Since the main interest of this work is theoretical, I assume the contextualization of the theoretical reflections as a form to place in a concrete and material space the discussions that will follow. This approach would allow me to argue in favor of some of the ideas that I will present in the following chapters. After the brief history of Colombian institutions and social mobilizations, I try to offer a multivocal definition of the concept of social movement, a task that results problematic because there is not just a singular definition of what a social movement is but several definitions often marked by the political ideology of the theory in question. In consequence, I discuss different theoretical and sociological definitions in the works of social thinkers like Tilly, Tarrow, Touraine, and Melucci, defending the idea of the social movements as always open processes of subjectivity and identity construction that can differ from context to context.

This will allow me to suggest that social movements cannot be conceived either as useless forms of action or as idealized subjects of salvation. The social aspect of the movements

makes them always subject to the contingency of a limited and real stage of performance that determines not only their goals and objectives but also their possibilities for action and the resources available for achieving their goals. In other words, we should think of social movements as "impure" actors that move in real conditions marked by power structures and social hierarchies. The first chapter concludes with a reflection on the normative criteria that could help us distinguish between emancipatory social movements and reactionary social movements.

Thereafter comes the second chapter, in which I discuss three theoretical approaches to the notion of politics that posit action as their central aspect. I start with Hannah Arendt's idea of political action as a frail and contingent human activity. I follow up with Habermas' concept of communicative action and communicative power and finally, I address the notion presented by Rancière of politics as an act of disruption. With this focus on politics as action, I expect to argue in favor of the idea of politics in movement. The objective of this conceptual construction is to bring to the theoretical attention the public performances of the social movements as essentially political, and not just some actors that are subsidiary to politics. I take the notions of contingency and frailty from Arendt as constitutive to politics. From Habermas, I follow his idea that suggests that politics is not only about power positions and the control of the means of production but also about the communicative processes that construct normative structures for the justification or the institutional forms of political organization. From Rancière I take his idea of disruption and dissent as constitutive of the political action, trying to go beyond the notion of politics as only possible in a consensus-based form of action. In this theoretical framework, I reconstruct a notion of politics that would allow a richer understanding of the social movements and their actions as political. Politics in movement is understood as multiple processes, always open-ended of struggle not only for power positions but also over the meanings and social representations of normative principles like freedom and equality in which the dissent towards the hegemonic structures of legitimation creates the conditions for the re-definition of the social representations of what is politically and socially just. That means that politics in movement implies the

existence of a multiplicity of social actors in conflict over the normative frameworks for justification and negation of the hegemonic status quo.

Accordingly, chapter three explores the concept of the political subject, taking as a fundamental task of any critical theory the reflections on the notion of the subject of emancipation. I approach the problem first by discussing the notion of people as an abstract conglomerate of citizens, detached from their particular and material conditions, whose only legitimate political goal can be the common good or the general interest that comes from the formation of the general will or a general opinion. Those ideas can be explored in the modern theories of the social contract of Hobbes, Rousseau, and Rawls, which are still present explicitly or implicitly in contemporary debates on democracy. From there I approach Michael Hardt and Antonio Negri's concept of the multitude as a network of resistance in the age of the global empire. I argue that even if they succeed by presenting the idea of a multiplicity of subjectivities in action, they still face the problem of idealizing the political subjectivities as a promise to be constructed upon the basis of common interests and consensus among the different groups that constitute the multitude.

In contrast to this perspective, I take Paolo Virno's theoretical elaboration on the concept. In his view, the multitude should be understood as a premise for politics, instead of something to be achieved or created. In this sense, the multitude is an already existing, ambivalent multiplicity of subjectivities that represent either domination or final emancipation. Through his notion of the processes of individuation, the multitude appears as an always-moving process of identity and group construction based on the material contexts that determine the motives for action. I conclude chapter three with the idea of the multitude as a multiplicity of subjectivities always moving, never static, in different stages of conflict and with different interests at stake. Linking this idea with the notion of politics in movement, I argue that there are no chosen or ideal subjects for political action, rather we have multiple subjectivities that interact within the given nets of communication, and with their struggles, they bring not only the hegemonic normative structures for political and moral evaluation but also new understandings, definitions, and challenges to the justification principles of the status quo. As with the idea of politics in movement, I believe that the notion of the multitude as the

multiplicity of subjectivities moving through different social struggles could give the needed relevance to social movements as political actors in contemporary political theory and the debates on democracy.

Chapter four explores the idea of social transformation because the idea of democracy as an institutional promise always has some directions to follow in order to achieve the needed social change. In this sense, I discuss what I call institutionalist developmentalism, the perspective that posits the solution to social problems in the form of the creation of better or new institutional sets. I believe this approach is based on the illusion of stability that ignores the constant presence of social struggles in the political spaces for interaction. From there, I discuss the social evolutionary theories on social change, mainly through the works of Habermas and Brunkhorst. There I suggest that despite the recognition of the relevance of the communicative processes in the construction of normative structures and their role in social change, the argument in favor of the idea of progress as a linear development from simple societies to more complex lies in a heavily Eurocentric understanding of politics, having as a consequence a strong paternalistic approach to the so-called Third World societies. In contrast to these approaches, I present Alain Touraine's concept of society as a conflictual production of itself through the struggles of the social groups over the cultural field. This idea would allow me to defend the arguments previously made in favor of social movements because it includes the active role of the social actors in the transformation of society, it also takes into account the conflictive characteristic of politics and includes the struggles over the understanding of the normative principles as a key feature of social change. Through this discussion, I expect to present the relevance of social struggles in the long-term processes of social transformation.

The final chapter links the three concepts so far discussed into the notion of democracy in movement. To defend the idea of democracy as an act of resistance, I follow the methodology used throughout this work and engage myself in a conceptual discussion with two notions of democracy. First, I discuss the idea of deliberative democracy and as I argue there, I suggest that despite the value of the idea of an active citizen role in democratic politics, deliberative approaches to democracy end up ignoring the structural hierarchies and power divisions that

would make impossible a reasonable consensus through deliberation. This perspective also neglects the social conflicts that constitute political action and deems them as external problems to be solved. Second, and in contrast to deliberative democracy, I approach Mouffe's concept of radical democracy. While she includes the social struggles as a core aspect of agonistic politics, she ends up however giving more relevance to the institutional effects of the struggles than to the struggles themselves, giving in this sense a greater role to political parties and professional politicians than to the social groups.

For this reason, I attempt to defend a non-ideal notion of democracy as the existing and multiple forms of the enactment of resistance and struggle for emancipation. To distinguish the emancipatory struggles from the oppressive movements, I suggest taking into account the normative principles they mobilize through their actions. Therefore, I take the idea of normative principles as linguistic tools that only make sense within a particular and materially determined struggle, under the clear influence of Wittgenstein's concept of linguistic games, in an attempt to defend the idea that we should not look for democracy in abstract theories but in concrete struggles. In the end, I conclude that the critical value of democracy as a theoretical tool to address our contemporary societies does not lie in the institutional promises of a distant future but in the existing multiplicity of struggles and forms of resistance. After all, democracy has been always moving on the streets.

III. Democracy in Movement: A Theoretical Disclaimer.

As the aforementioned structure shows, I try to argue in favor of a democratic political theory that takes seriously the actions of social movements. I begin with the contextualization of the problem by addressing the existence of the social movements and their role in the political and social contexts for action. Therefrom, the second chapter explores the idea that social movements act outside politics, and in consequence, they constitute cultural phenomena at best instead of political agents, an approach that this work rejects in favor of a political understanding of social mobilizations. In the third chapter, I discuss the notion that the political actor has to be constructed upon the notions of consensus and the common good, trying to show that particular needs and interests, like those expressed by social movements,

can be considered a valid platform for political action, making the social movements political subjects that act politically. Chapter four focuses on the idea that social mobilizations are useless because they do not bring any form of social transformation. Assuming the idea of social reproduction through conflict, I argue that social mobilization can be conceived as a transformation agent as long as we think about the social processes in the long-term run of the social struggles, rejecting the illusion of stability that has been defended by developmentalism and institutionalism. In chapter five I link the previous concepts discussed in the idea of democracy in movement. There I argue that democracy can be understood as a constant, always-moving, process of resistance whose actors, the emancipatory social movements, enact through their political manifestations and demonstrations. This idea, however, should not be understood within the traditional approaches to democracy. First I do not propose that we should get rid of the existing institutions, I rather highlight the idea that the institutions represent real power structures and that the social mobilizations exist within them as forms of enacting democracy. Second, I do not say that more mobilizations mean more democracy, I suggest that within the existing power relations, emancipatory social movements represent a performative act of emancipation and inclusion that has to be taken into account in the contemporary debates on democracy.

This work however is not an empirical case study, it represents a theoretical effort to justify the inclusion of the social struggles for emancipation and the social groups that perform them as relevant aspects in the contemporary debates on the understanding of democracy. This work does not propose final solutions of rational institutional designs to achieve. Taking politics as an impure and contingent human activity implies that there cannot be a final solution. In consequence, the reader will not find an answer to the questions of what to do or what should democracy look like. In contrast, this work takes seriously the real efforts of the different social groups to change their particular conditions, taking them as able political actors, capable of fighting against the conditions that oppress them; instead of thinking of the social groups as unable, passive subjects waiting for the directions of the professional politicians and political theoreticians. The present work should be understood then as a theoretical effort to discuss the hegemonic representations of democracy and as a political

positioning in favor of the social groups that risk so much with their public appearance and struggles for inclusion and emancipation and yet have received so little recognition in the philosophical and political academic discussions.

Chapter I

Demos in Movement: Social Movements and Political Theory

"[...] I affirm that those who condemn these dissensions between the nobles and the commons, condemn what was the prime cause of Rome becoming free; and give more heed to the tumult and uproar wherewith these dissensions were attended, than to the good results which followed from them; not reflecting that while in every republic there are two conflicting factions, that of the people and that of the nobles, it is in this conflict that all laws favorable to freedom have their origin, as may readily be seen to have been the case in Rome."

Machiavelli, *Discourses on the First Decade of Titus Livius*

"Nur um der Hoffnungslosen willen ist uns die Hoffnung gegeben."

Benjamin (in Marcuse, *The One-Dimensional Man*)

In October 2019, a group of students started to protest against the rise in the price of subway tickets in the Chilean capital city, Santiago. In the beginning, young students started the protests by not paying for the tickets by the evasion of the subway's turnstiles, and even destroying some of them. The Chilean President, Sebastián Piñera, quickly gave up on the price rise and said that he was "humbly listening to the voice of the people" (Paúl, 2019). However, protests became riots and different social groups went on the streets to manifest their discontent with the neoliberal regime. The protesters gathered in different cities around the country and demanded more substantial social changes that have been promised by the

old political and institutionalized elite since the end of Pinochet's Dictatorship. Their slogan was "¡Chile despertó!" (Chile has awakened) (Taub, 2019).

The precarization of life in the so-called "Latin America's oasis" created by the neoliberal policies and the poor transition from the military dictatorship to "democracy" triggered massive protests and social discontent, aiming mainly to change the political and economic structures that have been in rule since the 1990s (Kaiser, 2020). The inequality was largely extended mainly because of Milton Friedman's and his Chicago Boys' neoliberal experiments in Chile in the context of the *coup* back in 1973. The economic boom that has been presented as an example to other Latin American countries relegated most of the Chilean population to poverty and precarious conditions (Paúl, 2019; Taub, 2019; Kaiser, 2020). The neoliberal experiment of the military dictatorship created also a corrupted elite backed by the military and police forces, who in turn have complete impunity to repress any social unrest by violent means. Finally, the education system in Chile that has privileged the private business model over inclusion and universality, added to the retirement private funds, created the perfect conditions for the public demonstrations and public demands for social change.

These forms of actions are not strange to the Latin American context: Bolivia, Colombia, Mexico, Argentina, and Venezuela are just some recent examples of social mobilization triggered by social discontent and, despite the differences among these situations, it can be easily concluded that the Chilean case is not the exception in the developing countries. However, this assumption cannot be sustained if we take into account the first-world countries' mobilizations, which occur as part of the social dynamics even in "well-ordered societies" (Rawls, 2001). Notwithstanding the particularities of each situation, it can be noticed that social groups and social actors rely on collective forms of contentious action to present their demands and claims in the public sphere within already established and institutionalized democratic frameworks. In other words, the "democratic world" has not been able to fully rationalize the social struggles and contradictions by institutional and procedural mechanisms for decision-making.

One example can be found in the Hamburg protests of 2017 against the G-20 summit. What was initially understood as a form of protest against Donald Trump by the media, was in reality a larger form of collective action that included many different topics from climate change and global warming to poverty and social inequality in the world, which means that even when the social protests are simplified by the mainstream media, the logic behind the social discontent is usually more complex than the institutional politics and the traditional political theory are willing to admit (BBC, 2017). The violence and riots that happened in Hamburg were quickly dismissed as "acts of radicalism" of extremist political groups (DW, 2018). Nevertheless, the days of violence experienced in Hamburg were not just simply the absence of politics or a symptom of something that was not working right. It was rather the expression of discontent that can be framed within the logic of neoliberal policies around the world, and therefore, it can also be linked to other forms of discontent and collective action in other countries like Chile.

We should then ask ourselves, in the field of political theory, about the possible relevance of these forms of collective action and their relation to democracy, if there is any, to identify the current political situations that affect the normative expectations of the democratic forms of participation and decision-making. Nevertheless, traditional political theory has been reluctant to recognize the political aspects of social mobilizations and public demonstrations due mainly to the so-called "return" of political philosophy in the 70s, that privileged the construction of abstract subjects and the proposal of ideal models as the methodology and aim of political theory, dismissing the social as a field for political conflicts (Rancière, 1999; Geuss, 2008). In contrast, social theory and sociology have approached this issue from different perspectives and have constructed the main theoretical framework to understand collective actions and social movements. The problem, however, lies in the separation that the social theories make between the social space and the political-institutional framework as the space for political action (Archila Neira, 2018; Melucci, 1989). In consequence, social theory has been explaining the how, why, and what of social movements and leaving aside the political aspects by focusing on cultural or identitarian features (Foweraker, 1995). The

question asked here is: can we combine social and political theory to approach the current problems of liberal democratic theory? (Kreide, 2015).

This chapter will approach this question by revisiting some perspectives on social movements theory (I). Thereafter, I will present some theoretical perspectives on social movements in Colombia and Latin America (II). However, in social movements theory, it is usual to put different groups in the same basket: neo-nazis, conservative groups, LGBTQI, workers, etc., are simply labeled as "social movements" due to the lack of normative criteria to make distinctions. That makes it necessary to distinguish between the different forms of social mobilization in what I call emancipatory social movements and reactionary social movements. The criteria here presented are not definitive but can work as a starting point to avoid the simplification and homogenization of social mobilizations and groups (III). Finally, I will present some conclusions (IV).

I. Social Theory and Social Movements.

Since the late 60s, social movements theories have been describing the multiple forms of mobilization and demonstrations that different groups performed in different contexts: Civil Rights Movements in the USA, May of the 68, workers' strikes, catholic groups, feminist demands, among others appeared both in the Western and Eastern hemispheres of the Cold War world. They were received by the enthusiasts as the advent of social transformation and by the skeptics as either a mere symptom of capitalist societies or as a challenge that jeopardized the liberal and institutional democracy (Melucci, 1989; della Porta & Diani, 2006; Foweraker, 1995; Archila Neira, 2018). Therefore, the social movements' scholars have focused their research on four main topics to clarify and describe these particular social phenomena (della Porta & Diani, 2006, p. 5). First, social movement theories have tried to link collective action with social and structural transformation. The answers to this problem led us mainly to two different positions. On the one hand, there are those perspectives that affirm that social movements are an event, something that occurs momentarily, and in consequence, they are unable to create the grounds for the structural transformation of society. On the other hand, social movements have been linked to long-term transformation

processes regarding the symbolic and linguistic social representations of the just and unjust and triggering structural procedures of social change.

The second main topic that guides the reflections on social movements is related to the construction of the 'collective we' that constitutes the basis for social and collective action in the processes of contestation. This has become particularly important in the feminist and queer theories and the post-colonial approaches to political action (Medina, 2013; Castro-Gómez, 2019). The cultural, social, and economic fields of construction of the subject for political action are the main interest for the processes that lead a particular social group into political mobilization. On the cultural aspect, it is assumed that shared spaces of identity construction -religion, gender, political sympathies, ethnic belonging, etc.- constitute the main reason for the formation of social movements and social mobilization in contemporary societies and that it is the key aspect of the so-called new social movements (Dagnino, 1998; Melucci, 1989, Archila Neira, 2018; Foweraker, 1995). The social and economic fields are useful in explaining the interests behind the grouping of heterogeneous actors to participate and act towards a common goal. Post-Marxist theorists tend to privilege these fields as the basis for the interpretation of social mobilizations (Laclau, 2007). Despite the different approaches and perspectives, behind them lies the presupposition that the construction of the 'collective we' determines the identification of a situation as problematic and creates the reasons that trigger social discontent and social mobilization.

The third topic is engaged with the explanation of the risks and opportunities that social movements face when they mobilize (Tarrow, 2011). Mobilization needs organization and resources and it implies as well risks when facing the police forces and state repression (Melucci, 1989; della Porta, 2015). What is at stake affects the types of solidarity that a movement can create in society and can help the development of networks for collective action (Tarrow, 2011; Tilly, 2008; Touraine, 1981). The dangers of violence also affect the possibilities for mobilization and the willingness of the participants to take part in the different forms of political action performed by the social movements (Tilly, 2003).

Finally, the fourth topic that has been analyzed in the social movement theories is related to the chances of success and the impact they have on the political arena. This is a problematic issue because most of the approaches assume a narrower notion of politics, that limits it to the institutional frameworks and procedures of the contemporary rule of law and the representative model of democracy, meaning that social movements are usually appraised regarding their capacity to influence the procedural decision-making in the partisan system of the contemporary representative democracies. Besides this problem, political analysis is often affected by ideal presuppositions of social change or epic narratives of revolution and emancipation, leaving the mobilizations in a precarious situation among the democracy theories in a political sense. If political theory needs social theory, then social theory needs a wider approach to politics to create a relationship between democracy and certain social movements and their demands (Melucci, 1989; Dagnino, 1998, Foweraker, 1995; Hardt & Negri, 2017).

This affirmation can be understood if we take a look at the more extended approximations of social movements in social theory. In the first half of the twentieth century, functionalism in social theory depicted social movements as the expression of the failed efforts to integrate particular social groups into the social system. The processes of modernization, according to Parsons and Smelser for instance, increased the gap between the winners and the losers of the capitalist system of production, generating dysfunctional groups among the whole social system of interaction (Archila Neira, 20018, p. 38-39; della Porta & Diani, 2006, p. 7). The rapid processes of social transformation triggered by the modernization of the system of production created discontent and since these groups are not integrated within the system, then their actions are external to the functions of society. With this approach, the idea of collective action as the expression of marginalized groups that cannot function within the social system became a paradigm for the explanation of social mobilization and social movements. Peripheric, marginalized groups and groups of discontent were the main forms to refer to social movements. The problem of these dysfunctional groups and their actions could be quickly resolved by integrating them into the logic of the functions of the system. The promises of the welfare state that would reduce the inequality gap, the integration of

ethnic minorities, the institutional guarantee of equal rights in constitutional democracies, etc., were the integration strategies that would help to diminish or even eliminate the dysfunctionality that affected these groups of marginalized people. In general, the main goal of the constitutional and liberal model of democracy is to solve social contradictions through social integration.

There are at least three remarks that can be done to this perspective. First, the "statist" perspective on politics affects the perception of the political role of social movements (Dagnino, 1998, p. 36). That means that the political system functions alongside other systems but is independent and autopoietic. In practice, politics is what happens in the institutional framework of rules and procedures for decision-making. This narrow notion of politics cannot include social forms of protest as political forms of action, only as external problems that should be solved by the system. This leads to the second remark: political action can only be performed within the representative and partisan system of the liberal democracies, including its welfare state version. Given that the social movements are usually autonomous groups that do not necessarily depend on the partisan organization or a particular party,[5] they are considered non-political or peripheral and external to politics, something that belongs only to civil society and its dynamics. Finally, the third remark has to be done regarding the promises of constitutional democracy that tend to ignore the social conflicts and social struggles as constitutive elements of politics. The model of constitutional democracy was supposed to be the procedural mechanism to solve social contradictions through the neutrality and rationality of the rule of law. However, the conflicts created by the real conditions of subordination and production remained untouched, giving a hollow sense to the goals of integration (Laclau & Mouffe, 2001; Mouffe, 2009; Rancière, 1999; Meyer, 2011).

In response to the neutral field assumed by the constitutional models of democracy, Marxism and Marxist scholars still relied on social conflict as the main motor of history. The basic

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[5] The autonomy of the social movements does not mean that they do not have any relationship to the institutional system. It means that their actions do not depend on partisan organization or are only aiming to the constitution of a new party or competing for the public offices (Melucci, 1989; Foweraker, 1995).

contradiction in society is the class struggle. Therefore, the proletarians should unite themselves by developing class consciousness to trigger the social transformation of society as a whole. As Tarrow says:

> People will engage in collective action, they (the Marxist scholars) thought, when their social class comes into fully developed contradiction with its antagonists. In the case of the proletariat, this meant when capitalism forced it into large-scale factories, where it lost ownership of its tools but developed the resources to act collectively. (2011, p. 16)

Marxist scholars and activists tried to foster the development of the class-consciousness in the context of the class contradictions created by capitalism. What follows from there was the intention to monopolize social mobilization and protest through the local Socialist Party. The proletariat as the chosen subject for the transformation of the social structures of production became the agent of history and the revolution the '*Endziel*' of social mobilization, offering then a unified subject-to-be for the representation of the theoretical analysis of the social conflicts. Three problems can be highlighted from this perspective. First, some social movement scholars argue that the over-emphasis on the economic aspects leave aside other forms of struggle,[6] like gender or cultural conflicts, in complex societies. After May of 1968, many social theorists became aware that social conflicts are not necessarily triggered by the proletarian class consciousness and that many social groups were created from the middle-class and cultural groups that escaped the orthodox Marxist analysis. Peace movements, feminist groups, and LGBTQI collectives, among others, began to rise in the context of more diverse social contradictions (Touraine, 1993, p. 271; Archila Neira, 2018, p. 41). The social conditions in post-industrial capitalism and the welfare state spawned different kinds of demands that could not be taken into account by the 'political vanguard' represented in the Communist parties all over the world and therefore could not be translated into political and revolutionary action (Foweraker, 1995; Tarrow, 2011; della porta & Diani, 2006; Marcuse, 2002).

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[6] *Cf.* Chapter II of this work.

In the second place, the political subject of revolution has been always depicted as a unitary subject,[7] at least in orthodox Marxism (Touraine, 1982, p. 6; Rancière, 1999; Laclau & Mouffe, 2001; Archila Neira, 2018). The idea of a unified social class, organized through the party, that was able to transform society was the creed that moved most of the Marxist approaches to social movements. The emergence of the so-called new social movements by the end of the 60s made it clear to post-structuralist and post-Marxist scholars that the social movements should be understood as multiple processes of subjectification instead of the creation of a single political actor for social transformation (Touraine, 1993, p. 278; Hagemann, Leinius & Vey, 2019, p. 21). The diversity of social movements and their demands changed the discourse to the idea of the multitude (Hardt & Negri, 2004; 2009), networks and structures of solidarity (Tarrow, 2011; Tilly, 2003; 2013), or collective action (Melucci, 1989; Medina, 2013; 2020). This change in the perspective allowed a broader understanding and inclusion of social movements into the political and social analysis by moving beyond the limits of class analysis and party leadership that constituted the main approach to social conflicts. Besides, the perspective of the multiple actors instead of the single actor of orthodox Marxism allowed the extension of the critical analysis of society by linking different forms of exclusion with exploitation like colonialism, racism, and sexism.

Finally, the conception of the unified subject for social transformation leads to a notion of social change as a whole,[8] which means that society has to change as a totality, leaving aside the symbolic challenges and micro-transformations triggered by social mobilization (Melucci, 1989; Medina, 2013; Dagnino, 1998). The idea of a final moment of reconciliation or the total emancipation of mankind from the structures of exploitation has been the main focus of the orthodox Marxist theories on social change and social mobilization and, as a consequence of this emphasis, other forms of struggle and change have been ignored. This can be applied particularly to the symbolic and communicative achievements of the social movements in so far as to deny any political success from feminist or gender movements. This perspective has been criticized with the idea of meliorism, for instance, meaning that

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[7] *Cf.* Chapter III of this work.
[8] *Cf.* Chapter IV of this work.

social movements are making things better for particular groups in particular contexts (Medina, 2013, p. 13). In addition to this, social movements have been usually disregarded as useless because in most cases they do not obtain access to political institutions nor organize themselves as a political party, which in the institutionalized model of democracy generally means the lack of political power. In summary, some Marxist perspectives on social movements share the idea of a society freed from social conflict as the best possible outcome for any revolutionary political action.

Social movement theories moved then from orthodox Marxism since the end of the 60s. This departure created a new set of perspectives on social movements. As della Porta and Diani argue:

> Often departing from a Marxist background, scholars associated with the so-called "new social movements" approach made a decisive contribution to the development of the discussion of these issues by reflecting upon the innovation in the forms and contents of contemporary movements. Scholars of new movements agreed that conflict among the industrial classes is of decreasing relevance, and similarly that representation of movements as largely homogeneous subjects is no longer feasible. However, there were differences of emphasis in relation to the possibility of identifying the new central conflict which would characterize the model of the emerging society, defined at times as "postindustrial," "postFordist," "technocratic," or "programmed." (2006, p. 8)

In this sense, the new social movements' approach tries to overcome the main issues identified with orthodox Marxism. First, social movements cannot be understood as a unified subject represented by the party or the class. The idea of the 'Multitude' became relevant in the different meanings that the scholars developed in the analysis of social conflict and social struggles (Virno, 2004; 2007; 2008; Hardt & Negri, 2004; 2017). Society as a multiplicity of actors in constant transformation and construction created the space for the inclusion of different social movements based on gender or cultural issues, as well as the relationships among multiple actors in many forms of social networks (Tarrow, 2011). The proletariat as

the main subject of change was disgregated into different actors struggling for different reasons and at different levels by introducing the idea of society as a social movement (Touraine, 1993) or the subject of social transformation as an empty signifier (Laclau, 2007). The problem of the unitary form of the political subject for social transformation is taken from Gramsci's perspective on the hegemonic bloc and subaltern classes – as a plurality. For Gramsci, only the ruling class could be organized as a unity in the form of the state, while the subaltern classes, by definition, have never unified themselves (Gramsci, 2013, p. 438). What follows from this theoretical ground is that social movements cannot be taken as a unity, as long as they represent the interests of the subaltern groups.

In the second place, new social movements scholars tried to move the focus from the economic struggles to other forms of conflict, extending the scope for the understanding of political resistance. Culture, gender, and epistemic aspects of social life were introduced to widen the possibilities for struggle. Inspired mainly by Gramsci's approach to political conflict, the new social movement's theories assume that the struggle in power relationships necessarily involves a struggle over the cultural field and normative understandings of social life (Dagnino, 1998, p. 43). Therefore, social movements should be understood as the effort of a collective actor for acquiring the cultural and normative tools to oppose an adversary (Touraine, 1993, p. 277). As a consequence, the manifold social struggles involve also a communicative conflict over the epistemic conditions for the representation of social relationships (Fricker, 2007), making the social subject a message in itself, a communicative code that challenges the dominant codes by the collective action of dissent (Melucci, 1989, p. 60).

Finally, new social movements' theories assume politics as something that is not necessarily embedded or limited to institutional or procedural decision-making. By extending the notion of the subject to a multitude and by widening the contexts for social conflict, new social movements' scholars created the social and political tools for the notion of social transformation as an always ongoing project instead of a single revolutionary push towards final emancipation (Medina, 2013, p. 3-4). This idea allows us to understand democracy beyond the merely procedural and electoral processes, introducing the idea of democratic

politics and social change as a constant form of resistance against multiple forms of injustice (Young, 1990).

However, there are at least three main critiques that can be done to these perspectives on social movements. First, by focusing on cultural aspects, some poststructuralist approaches end up underestimating the economic relations created by the late-capitalist production relationships. This problem leads to the invisibilization or even negation of some of the current problems in the globalized society of production like the domestic service in the industrialized countries, which is often offered as cheap labor by women migrating from the Third World countries or the emotional and biological exploitation of the women in the Third World countries by same-gender couples from the First World through the practice of surrogate wombs, for example. The lack of understanding of the economic conditions in globalized capitalism that generate different forms of injustice and exploitation cannot be assessed by purely cultural or identitarian approaches to social movements and social struggles (Spivak, 1994). Secondly, and a critique commonly coming from liberal political theory, is that the idea of multitude and politics as a struggle over the meanings and epistemic conditions for the representation of society and communication cannot offer an institutional model for the solution of the social conflicts. Therefore, the question "How does it look at the end?" cannot be properly answered from the new social movements perspectives, which leads to a lack of credibility in the context of democracy theories and political theory debates. Finally, it is very common to find the lack of normative criteria to discriminate among the multiple social movements in some of the new social movements' approaches, putting together different kinds of groups as if they were the same in terms of social and collective action. Other approaches, due to the lack of normative criteria, end up idealizing some groups with a very romantic idea of collective action and resistance (Della Porta, 2015).

To re-think democracy as a constant form of resistance, it becomes necessary to revisit our ideas of what are social movements, how we understand politics and political action, who is the subject of politics, and what we mean by social transformation. Following this order of ideas, we can take a performative approach to democracy that could help us to critically address the contemporary problems of the representative models of democracy.

II. Social Movements and Resistance in Latin America.

It is common to assume that social movements are phenomena related to the crisis, as aforementioned in the previous section. As a consequence, nowadays there is a shared presupposition of the Third World as the locus for social movements. The assumed stability of the democratic procedures in the First World has generated a perception of the social movements that left them as an exception in the industrialized democracies around the world. Meanwhile, the political and institutional conditions in Latin America were expected to be the proper field for the development of social movements and actions of resistance on the part of the multiple collectivities that constitute the public sphere. Many scholars have already proved that social movements are not only a part of the so-called developing democracies, and in fact, they have been a constant phenomenon in the European and North American modern political history and not a mere exception in recent times (Tarrow, 2011; Foweraker, 1995; della Porta & Diani, 2006; della Porta, 2015; Tilly, 2013; 2003). However, the Latin American experience indeed has put in the spotlight the different forms of collective action and therefore it is worth taking a short look into Latin American and Colombian perspectives on social mobilization.

The visibility of the social contradictions in a not-so-long history of the Latin American national states has made it easier for scholars of social movements and collective action to use it as an explanatory field for their approaches. As failed states, developing states, or pre-industrialized societies, Latin American countries offer a manifold of possibilities to argue in favor of or against the main theoretical perspectives on social mobilization and social conflict. From symptomatic conditions of unjust societies to the cultural appropriation of subaltern minorities, Latin America is a common field for the study and analysis of social mobilizations (Archila Neira, 2018). The social conditions of poverty, the lack of access to water or electricity, political violence, political corruption, stagnant economies, and racial exclusion of minorities are just some of the well-known social problems in Latin America. To approach a general reconstruction of this situation, it is necessary to talk about three historical moments in the region: first, the colonization and exploitation by the Spanish Empire from the 16th to the 19th century; second, the liberal reforms and the republican

regimes that originated in the first part of the 19th century as the result of different independence movements; third, the neo-liberal reforms and international intervention in the region for the exploitation of its natural resources in the hands of multinational companies. These three different moments in Latin American history created and perpetuated the political and social conditions so attractive for the scholars of the social movements (Favela Gavia & Guillén, 2009, p. 36).

The conquest of the territory by the Spanish Empire began in the 16th century and thereafter the colonization process continued with the political and social stabilization of the new territories of the Spanish Crown by the 17th century. After the subjugation of the pre-Columbian cultures, the territory was divided into four different viceroyalties to administrate and control the new land, the government was in charge of the Spanish nobility and public officials (Safford & Palacios, 2002, p. 37). The exploitation of natural resources, mainly gold and silver mines, was carried out by African enslaved people and free indigenous workers.[9] The consequences of the European colony were, besides the cultural mixing and the extension of the Castilian language in the region, the normalization of the racial and social hierarchies that would have an impact later on the distribution of the land and wealth after the independence in the 19th century. At the top of the society were the Europeans (people born in the Spanish peninsula) with access to the highest positions in the feudal system of organization. Then came the white Americans (people born in America from European couples). The middle position was for the mixed people (children of white and indigenous people or white and African people). After them, the indigenous people were situated, and at the bottom the enslaved African people.

These hierarchies have still an impact on the existing inequalities in Latin America, making the ruling elite mainly white and the indigenous and African Latinamerican the most

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[9] The indigenous peoples were enslaved at the beginning of the conquest but after the complaints of catholic priests like Bartolomé de las Casas on the mistreatment the indigenous people were suffering on the hands of the European conquistadores, the Spanish Crown decided to forbid this practice and the indigenous peoples were recognized as subjects of the Spanish Empire and most of the worst work in the mines was carried out by African enslaved people, who came to the new land mainly by Dutch, British and Portuguese human trafficking (Safford & Palacios, 2002).

excluded and poor, creating an ongoing contradiction between rich and poor as well as a racial contradiction between whites and non-whites (Bondia García & Ramiro Muñoz, 2011; Favela Gavia & Guillén, 2009). In the Colombian context, this can be seen currently in the poor conditions of rural zones inhabited by African-Colombian and indigenous peoples. Many of the social mobilizations in the country have been triggered by claims from these ethnic minorities, following different levels of repression -both state and paramilitary repression. It is not rare that most of the victims of the Colombian armed conflict and poverty are people from these communities as a legacy of the colonial period (González González, 2014; Comisión de Estudios Sobre la Violencia, 2009). While the 1991 Colombian Political Constitution gave on paper different rights and institutional forms of inclusion to the ethnic minorities, in practice, most of the autonomy and political participation of the indigenous people and African Colombians has been achieved by contentious collective action (Jurado Castaño, 2021; González Piñeros, 2006; Pardo, 2001).

The formal institutionalization of democracy and republican regimes in Latin America after the independence of the Spanish Crown brought the liberal discourse of universal rights, equality, and freedom for all. In the history of Western democracies, Latin America plays a major role than it is usually recognized because the new-born states in the three first decades of the 19th century can be considered as the first real institutionalized republics of the world, before most of the European states that conserved the authoritarian and monarchical structures until 1918 (López-Alves, 2003). It is important to recognize the role of Latin America because the social conflicts and problems of the region are usually disregarded as consequences of pre-modern conditions or poor modernization. However, Latin America offers modern political institutions since the early 19th century and the following processes of state construction were based mainly on modern and republican principles that are recognized nowadays as the basis of representative democracy (López-Alves, 2011). However, in practice, the Latin American countries remained highly hierarchical and the promises of equality and freedom for all became a simple justificatory argument of the new political structures that did not affect the social and economic conditions of the vast majority of the people. The situation remained particularly bad for the rural populations and ethnic

minorities. The liberal and republican reforms of the 19th century created a particular contradiction in the region: on the one hand, democratic and formal institutions and procedures; on the other hand, a reality of oppression and exploitation in the hands of the ruling elites (Safford & Palacios, 2002; López-Alves, 2003).

The extended conditions of precariousness combined with the existing institutions and political parties in the established formal democracies created new forms of social mobilization that did not demand a total institutional change, but the guarantee of the already and formally recognized rights by the constitutions. While the elite groups, mainly composed of the "criollos" or white Americans, were satisfied with the existing hierarchical structures of the times of the colony and with the pure formalism of the democratic institutions, the grassroots groups have been fighting for the implementation and materiality of the democratic rights (Jurado Castaño, 2021).

Colombia has not been the exception to these forms of collective action that occur within the institutionalized procedures of representative democracy. Besides the aforementioned cases of ethnic minorities in Colombia, there are at least three other groups that have been mobilizing and demanding the real implementation of rights already consigned in the Political Constitution. First, the peasants' and farmers' movements have been demanding the redistribution of the land and fighting back against free trade agreements imposed by First World countries that affect them primarily. The ownership of the land is mainly concentrated in the hands of the wealthy elite, making the peasants and farmers one of the poorest social groups in the country. The free trade agreements have brought products from countries like the United States or Canada -often subsidized and therefore cheaper- making the market hostile to the peasants' production (Celis González, 2018). Second, the students' and teachers' movements have always resisted the attempts to privatize the education system, trying to maintain the public and institutional guarantees for the right to education (González, 2019; Archila Neira et al., 2019). Finally, diverse sectors of workers have been always fighting and resisting the precarization of labor. From health workers (doctors, nurses, etc.) to transport and factory workers have been mobilizing to defend the rights consigned on the Constitution (Archila Neira, 2018; Archila Neira et al., 2019).

The current stage in Latin America shows a working, at least formally, institutional framework for liberal-representative democracy in which existing constitutions recognize human rights, free elections, multiple political parties, and political participation of the citizens in the decision-making through institutionalized mechanisms. On the paper, Latin American states are much better in terms of general democratic organization than other developing countries. However, the material conditions show another situation in the practice. In general, the neoliberal policies that have affected the region since the 1970s, have maintained and increased the social-economic gap that hinders the possibilities for real democratic practices, creating a contradiction between modern democratic institutions and constitutions, and real democratic conditions for the participation of different social groups in the political and public spheres (Brown, 2015). The colonial legacy of inequality, poor industrial development, and racial structures of oppression and exploitation, were never addressed in an effective form by the republican institutions since the 19th century. Thus, when the neoliberal experiments reached the region in the last decades of the twentieth century, the already poor groups had greater obstacles to their political participation. The neoliberal policies have maintained the economic elite in power,[10] and as a consequence, the formal conditions for democracy have been always in the political interests of the privileged groups. The material conditions for democracy are, however, another story (Chase, 2002; Dagnino, 1998; Escobar, 1995).

The existing contradiction between formal democracy and material exclusion has been tolerated by the international community since the 1950s, particularly after the Cuban Revolution of 1958. In this sense, while the industrialized countries have condemned the violence and inequality in Latin America; at the same time, they have been benefiting from the exploitation of natural resources and the cheap labor of the region, especially in Western Europe and North America. The neoliberal logic and economic interests of multinational companies backed by the First World countries' political power have been the main reasons for the silence of the "civilized and democratic countries" in the face of mass poverty, brutal

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[10] It is worth mentioning that despite the fact that developing countries experience this situation in a more visible form, it is not strange for the First World democracies (Brown, 2015; Crouch, 2004).

military dictatorships, deprivation, and oppression of ethnic minorities and gender groups. The global capitalism that benefits the "well-ordered" societies is one of the main reasons for the current situation in Latin America. As a consequence, many of the social conflicts in the region have been directed toward the presence and actions of multinational companies or the signing of free trade agreements that result in harm to the local farmers and indigenous communities. For example, the Water Wars in Cochabamba, Bolivia in 2000; the social and humanitarian situation of the indigenous peoples in Colombia, Chile, Argentina, and Paraguay due to the exploitation of natural resources like oil or natural gas by multinational companies; the rising of the EZLN (Ejército Zapatista de Liberación Nacional) in Chiapas, México; and the farmers and peasants movements like La Via Campesina or the MST (Movemento sem Terra) in Brazil (Chase, 2002; Favela Gavia & Guillén, 2009; Celis González, 2018). Therefore, it would be a mistake to understand Latin American social movements as purely ethnic or cultural because they usually combine identitarian bases of solidarity to demand civil and political rights or to introduce particular social issues to the political agenda. This condition leads them to interact with the political institutions without being necessarily mediated by political parties but either as isolated groups that act outside the representative mechanisms for political decision-making (Foweraker, 1995; González Piñeros, 2006; Castro-Gómez, 2019).

Another remark that should be done regarding the Latin American social movements is that they do not represent a single class in the struggle. As mentioned before, many of the social movements in the region have an identitarian basis of solidarity and mobilization (Tarrow, 2011) but they appear and act politically within and against institutionalized politics. The consequence is a mixture of different networks for interaction, cooperation, and conflict that combine rural and urban movements, cultural and social demands, and of course, different social classes in a myriad of subaltern classes (Gramsci, 2013). What should be noticed here is that Latin American processes of mobilization and resistance are more complex than is usually depicted.

However, social mobilization in the region has not only seen social movements. Other social groups that have appeared in the public space had shared the stage with political parties and

armed groups since the 1960s, creating a heterogeneous social network for cooperation and conflict. This is particularly true for the Colombian case, in which the 60 years old civil war has created a multifaceted stage for demanding and fighting against exclusion, oppression, and exploitation (González González, 2014; Comisión de Estudios Sobre la Violencia, 2009). In Colombia, the social network for interaction has included the collective action of social movements but also armed groups and within this interaction, there have been movements acting without the mediation of political parties or other groups but at the same time, these groups have been victims or sometimes allies of other social actors (Celis González, 2018).

Take for instance the CRIC (Consejo Regional Indígena del Cauca), an indigenous organization that has been mobilizing since 1971 with particular demands for the indigenous communities of the Cauca region in Colombia. This group is one of the most visible social movements in Colombia because they have been present in most of the conjunctures between the promises of formal democracy and the reality of oppression, exclusion, and exploitation in the last decades (González Piñeros, 2006). However, this is not the only group that acted in the public sphere, there was also an armed indigenous group with no clear connections to the CRIC that acted in the name of the indigenous people. That group was the Comando Quintín Lame, who acted in confrontation with the Colombian institutions and defense of indigenous rights (Peñaranda Supelano, 2015, p. 28-29). What results interesting about this group is that, despite the expectations of the Colombian Left at the time, the CRIC and Comando Quintín Lame never represented a unified bloc of struggles but different repertoires and forms of organization that converge in the identitarian aspect as a form to demark themselves and as the basis for their action more than their sole reason to mobilize (Peñaranda Supelano, 2015, p. 38-39). This turns our attention again to the simplification of labeling the indigenous movements as purely identitarian as it was aforementioned.

The limitation of the approach to the Latin American social movements comes from a depoliticization of their demands and a descriptive notion of social movements in which anything can be placed. The next section will explore a normative approach to the concept of social movements and resistance that tries to demarcate at least two forms of mobilization

as well as presenting them as active political subjects instead of passive and peripheral agents within the institutionalized politics of the formal and representative democracies.

III. A normative and preliminary approach to the concept of social movements.

As previously mentioned, there are multiple theoretical perspectives on social movements that, depending on the focus, offer different definitions of what social movements are, or at least how should they be understood in social theory. In this section, we are going to explore a couple of these definitions to present a working approach to social movements in a normative sense.

Without a doubt, one of the biggest contributions to the study of social movements has been made by Charles Tilly (2013). His historical reconstruction of the social movements tracing them back to the late eighteenth century, the idea of repertoires of action and cycles of protest, and the political process as a form of collective contentious action constitute valuable conceptual tools for the understanding of social mobilization beyond the limits of traditional theory on social movements (Tilly & Tarrow, 2015). Tilly argues that the social movements as social and political phenomena appeared in the Western countries after the 1750s as an ensemble of the following elements:

> 1) campaigns of collective claims on target authorities; 2) an array of claim-making performances including special-purpose associations, public meetings, media statements, and demonstrations; and 3) public representations of the cause's worthiness, unity, numbers, and commitment. I am calling that historically specific complex a social movement. (Tilly, 2013, p. 8).

In Tilly's definition of social movements, we can identify three useful elements. In the first place, social movements are not single actors nor can be counted as the sum of particular and individual interests; they are rather a display of collective performances and interactive campaigns within networks of social relationships of alliances, rivalries, enemies, institutional authorities and political parties, as well as a diverse public (Tilly, 2013, p. 13). Second, social movements' performances cannot and should not be reduced to a single form

of action. They display a plural repertoire of interaction and claims that cannot be narrowed to protest. Even though protest is one of the most visible forms of action for social movements, their political and social commitment involves multiple forms of appearing in public and engaging with their social environment. Finally, social movements' social and political display involves the WUNC acronym. The term is used by Tilly to explain how social movements organize their campaigns of action to achieve their goals. They attempt to show the *worthiness* of their demands by including socially recognized actors (like the Church or academic institutions for example), social movements also try to justify their claims by promoting a sober demeanor among the participants. The *unity* of the movement is shown with matching clothes or symbols (for instance the 'green handkerchief' movement in Argentina). Singing and the creation of slogans that every participant and non-participant can understand help to show that there is unity among the group. This feature goes along with the display of *numbers* on the streets, assemblies, or other public forms of gathering and being together. The *commitment* to the cause plays a major role in the repertoires of action of the social movements: going against stronger opponents, marching despite the weather, resistance, and other forms of sacrifice create a public understanding of the commitment to the objectives of the social movement (Tilly, 2013, p. 5).

As a description of general features of the social movements, Tilly's definition is accurate enough to have a representation of the social and historical field of the development of collective action. However, there are at least two problems that should be highlighted with Tilly's approach. First, the link he presents between democracy and social movements, makes them seen as a social actor that only appears under democratic conditions, which means that only in well-established democracies can social movements exist. Tilly understands democracy as having the following characteristics: 1) Regular and categorical relationships between the government and its subjects; 2) Inclusion of most or all subjects; 3) Equal relations and no exclusion of particular groups; 4) Governmental institutions and dispositions depend on the popular election and institutional decision-making procedures; 5) All subjects, including minorities, receive protection by governmental authorities (Tilly, 2013, p. 128). What follows from this definition is that social movements appear as any other social actor

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within the institutionalized framework for political participation. This diminishes the resistance and conflictual aspects of the social movements as long as it normalizes them into the institutional field of politics. However, if we want to take a normative approach to social movements, we should move beyond mere institutionalization and try to grasp their emancipatory aspects to demark them from partisan politics. Little or no democratization does not mean that there are no social movements or social mobilizations and resistance, as Tilly argues (2013, p. 130). On the contrary, social movements have represented a long-standing force of democratization in different countries, even when the odds are against them (Dagnino, 1998; Tarrow, 2011; Hardt & Negri, 2017; Archila Neira, 2018; Touraine, 1981; Medina, 2020).

The second aspect that has to be mentioned regarding Tilly's definition is related to the "WUNC" aspects of social mobilization. The ideas of *worthiness, unity,* and *numbers* may apply to the old forms of mobilization, particularly those of the workers in Europe, but leaves aside new forms of collective action and the development of new repertoires of struggle. Tilly's definition is very similar to the main goals of socialist parties trying to organize the workers for the revolution. However, social movements do not necessarily organize themselves in this fashion. Multiple networks of interaction and the lack of clear hierarchical structures make it very difficult to talk about the WUNC in modern social movements, especially after May of 1968 (Foweraker, 1995; della Porta, 2015; Hardt & Negri, 2017; 2004). One of the main characteristics of social movements is precisely their mobility around the construction of forms of action and the multiplicity of social actors and interests involved in the possible repertoires of action (Tarrow, 2011; della Porta, 2013; 2015).

Tilly's student, Sidney Tarrow, offers his perspective on social movements but introduces different aspects to his definition. He focuses on contentious collective action as the social and political ground to understand social movements. According to Tarrow:

> The irreducible act that lies at the base of all social movements, protests, rebellions, riots, strike waves, and revolutions is *contentious collective action*. Collective action can take many forms – brief or sustained, institutionalized or disruptive, humdrum or

dramatic. Most of it occurs routinely within institutions, on the part of constituted groups acting in the name of goals that would hardly raise an eyebrow. Collective action becomes contentious when it is used by people who lack regular access to representative institutions, who act in the name of new or unaccepted claims, and who behave in ways that fundamentally challenge others or authorities. (2011, p. 7)

This definition has at least three aspects that should be highlighted. In the first place, we have to take into account the idea of *collective* and *contentious* action. As in Tilly's definition, a social movement cannot and should not be reduced to particular actors or singular activists; on the contrary, any action performed by a social movement should be understood as embedded in multiple social relations and networks for interaction. This means that a social movement should always be socially situated in social, cultural, and normative repertoires of action that involve manyfold actors and interests. Social movements have to build and appropriate different networks of interaction and organization to act in the public sphere. They also combine different aspects of social interpretation of the situation like emotions or identities to be able to transform the meanings around them and change the dominant codes of perception. The collective action of social movements represents an attempt to seize and transform the political opportunities around them, which includes the rationalization of the means to act collectively and develop campaigns of contention and cycles of action (Tarrow, 2011, p. 120).

However, the contentious aspect of collective action is what differentiates social movements from any other form of political action. Contentious action necessarily challenges opponents in the shared spaces of interaction. This approach includes the idea of conflict as the major aspect of social movements' collective action. Contention can be institutionalized or innovative. The former can be understood as the expected challenges and well-known repertoires for action. For instance, a strike or a public demonstration is usually identified as a regular form of action to challenge authorities. However, the institutionalization of the contentious action also means that the opponents, the challenged groups, or authorities, also know how to react to this kind of "ritualized" repertoire of action (Tarrow, 2011, p. 115). But social movements also innovate their forms of action from this interaction with their

opponents, changing their repertoires according to the contexts and available resources (Tarrow, 2011, p. 116-117).

The second aspect that should be mentioned is the lack of regular access to representative institutions. Tarrow's approach allows us to perceive social movements as excluded groups from the institutionalized liberal democracy. This exclusion comes from different sources: economic, ethnic, social, cultural, political, etc. (Young, 1990), affecting several groups in their capacity to participate in the decision-making. However, is not only the access to institutionalized decision-making but also the access to the social power itself, which means, the real possibility of influencing social and political dynamics. In a Neoliberal and postpolitical world (Gallo-Gómez & Jurado-Castaño, 2020), the reduction of the citizen to a simple *homo oeconomicus*, has created the perfect conditions for the commodification of political action, the citizen, and the monopoly over the social and political power in the hands of the economic and global elites (Brown, 2015; Crouch, 2004; Castells, 2018). What follows is that social movements are not necessarily institutional from Tarrows point of view, but they do develop within institutional politics, which means that although they are not organized as a political party, social movements do interact within institutionalized practices for decision-making (Tarrow, 2011, p. 136).

Finally, the third aspect of Tarrow's definition is the kind of claims that social movements present in the public sphere. There are two main characteristics according to Tarrow: new claims and unaccepted claims. The first form of claims involves the creation of new normative dispositions that could be taken as innovative performances in a conflictive competition for the formation of public opinion, this implies creating new social meanings or transforming existing ones. For example, environmental groups introduce new social meanings of nature, animal rights, and human duties with their claims (Tarrow, 2011, p. 143). The second form involves long-term processes of resistance against perduring unjust situations, or at least, against situations that are perceived as unjust by the participants. As a consequence, social movements and their claims constitute more than an instrumental effort to change particular laws. They also represent an epistemic action of creating and transforming social representations and identities through collective contentious actions

(Tarrow, 2011, p. 151-152). In sum, a social movement acts collectively and contentiously by opposing other social actors and authorities. A social movement is usually formed from the outskirts of institutionalized and representative mechanisms of decision-making and they do not only work as instruments to pass new laws or cancel existing dispositions, but they also involve social-learning processes of interaction and framing injustice as it is socially perceived.

However, as in the case of Tilly's approach, Tarrow's attempt to describe social movements lacks normative criteria to make a distinction between them. Therefore, movements like PEGIDA or fundamentalist religious groups cannot be differentiated from students or feminist groups for instance (Tarrow, 2011, p. 260). The social and descriptive definition does not offer the elements to identify a subaltern group and the particularities of their claims and demands. The consequence is that the challenges that a Neo-Nazi mobilization represents to the authorities can be compared to those demands of groups claiming equality or inclusion, which means that in theoretical terms, resisting groups and reactionary groups can be understood following the same definition according to Tarrow. This aspect of Tarrow's approach reduces the critical potential of social movements in so far as it does not introduce clear notions of emancipation to assess political and collective actions.

In contrast, Alain Touraine's work on social movements focuses on the resistance and conflictive aspect of social movements. For Touraine:

> A social movement is both a social conflict and a cultural project. This is true of that of the rulers as well as of the ruled. It always aims at the realization of cultural values at the same time as the victory over a social adversary. A protest struggle is not in itself a social movement; it can be corporate defense, the use of the economic situation on the labor market, or even political pressure. (1993, p. 276)[11]

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[11] [Un mouvement social est à la fois un conflit social et un projet culturel. Cela est vrai de celui des dirigeants comme de celui des dirigés. Il vise toujours à la réalisation de valeurs culturelles en même temps qu'à la victoire sur un adversaire social. Une lutte revendicative n'est pas en elle-même un mouvement social ; elle peut être défense corporative, utilisation de la conjoncture sur le marché du travail, pression politique même.] (Own translation)

For the French sociologist, society should be understood as a complex ensemble of social action and social relations. Capitalism in modern societies establishes a set of relations based on exploitation and colonialism, creating a programmed society through technocratic control of the political and social subjects. However, Touraine does not try to explain conflict by the Marxist terms of class struggle; he rather argues that in the programmed society, social movements should replace the idea of social class because they do not represent a particular field but multiple fields of conflict in modern societies in which resistance and domination cannot be reduced to a particular sphere (Touraine, 1981, p. 6). That is why Touraine assumes the cultural struggle over the hegemonic control of social values is one of the key aspects of social movements. Collective action is then what defines the social subject, as a subject constructed through action, collective action to be more precise because, in a clear critique of the modern individualistic principles of social analysis, the subject cannot be detached from the social relations. The social subject is no more a social class but a social movement that challenges the logic of order of the programmed society, according to Touraine (1993, p. 272). In *The Voice and the Eye*, the author argues:

> I hold that the cultural field, the historicity of a society, represents the stakes in the most important conflicts. Society is conflictual production of itself. The idea of social movement should therefore be preferred to that of conflict. The field of historicity is the ensemble formed by the class actors and by that which is at stake in their struggles, i. e. historicity itself. *The social movement is the organized collective behavior of a class actor struggling against his class adversary for the social control of historicity in a concrete community.* Cultural orientations must never be separated from social conflict; in past societies, this separation could never be avoided. (Touraine, 1981, p. 77)

It is worth noting the following aspects of this definition. In the first place, the "historicity of society" is not represented only by the modes of production and economic relationships. It does not deny them, but it includes the social meanings, interpretations, and values that are in struggle in the construction of society itself. This means that society produces itself through the conflict of the social actors understood as social movements (Touraine, 1981, p.

80). In the second place, the conflict between social actors is not static but dynamic, i. e., the social actors are producing society and themselves through the collective action and social struggle over the field of meaning-making and control of the historicity of society. That is why the social actor should be conceived as a moving actor, a social movement, rather than simply the expression of social contradictions. Action instead of passivity or mere discontent is what defines society in Touraine's terms. Finally, social movements are culturally oriented. This idea could be understood as oriented by normative notions of what is at stake (*enjeu*).[12] The idea of what is at stake is relevant for our purposes because it shows that social movements are not mere protests against the system but are communicatively situated around ideas of the just and the wrong as part of the historicity field.

In conclusion from Touraine's perspective on social movements, we can stress three ideas. First, social movements are socially conflictual behaviors but also cultural and normative oriented, not the mere expression of a particular discontent. Second, collective action can not be reduced to a confrontation with the state institutions or as an action only directed to the conquest of political power or institutional positions of decision-making. Collective action is directed towards a social adversary for the control of the cultural understandings in the social field of interaction. Third, social movements do not necessarily represent a struggle for a better society but a struggle over an alternative conception of society (Touraine, 1981, p. 80).

Despite the extended scope of Touraine's theory, there are at least two remarks that should be noticed here. On the one hand, social contradictions generated by the economic system of production have to be relevant to determine the normative criteria that the social movements follow. Although social movements are indeed social actors and not the mere expression of discontent, the social experience of suffering and the lived wrong is relevant for the construction of a movement's identity as the idea and experience of injustice are also at stake in the social struggles (Renault, 2004; 2008). On the other hand, social transformation is not merely the struggle over an alternative view of society. It is also a long-term process of

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[12] The French word *enjeu*, meaning what someone can win or lose, is usually translated to English and Spanish as what is at stake or what is at risk. The sense of the word could be understod as what are we fighting for, and therefore, social movements should be understood not as mere reactions to the systems but as subjects guided by normative principles.

meaning-creation through the conflict over the cultural field. This is what Habermas proposes as normative and social learning-processes (Habermas, 1979c; 1979d). Communicative production of new meanings is a long-term action in which social movements are necessarily involved if we want to understand their actions as a struggle over the cultural field. The social transformation or the making of a better society should not be left aside when addressing collective action.

Melucci follows this cultural approach in his book *Nomads of the Present* (1989). There he argues for a constant process of challenge that social movements pose to the political institutions, enabling the possibility of moving beyond the apparent neutral and rational decision-making logic of the institutionalized procedures of the rule of law. As with Touraine's theory, Melucci assumes that the social conflict goes beyond the economic contradictions and should be understood as interwoven with the fabric of everyday life. This means that social movements represent symbolic challenges to the dominant codes of reference for everyday life by raising questions beyond the instrumental effectiveness of political and social administration (Melucci, 1989, p. 12-13). The author rejects the traditional perspectives on social movements that understand them either as mere empirical data to be observed and described, being this methodology one of the dominant perspectives on the social and political theory of social movements; or as the chosen historical agents moving towards the final emancipation of the orthodox Marxist tradition. In contrast, Melucci assumes a constructivist approach to social movements in which collective action cannot be explained in terms of class struggle or crisis, but as the role of social actors involved in the production of meanings through communication (Melucci, 1989, p. 20).

The cultural and communicative field of interaction becomes relevant to explain what a social movement is. To differentiate two disruptive forms of action, for instance, the author asks himself about the difference between a bar fight between two groups of drunk people and the protests of a union trade, Melucci defines collective action as a purposeful oriented action:

> This problem cannot be resolved by considering collective action either as an effect
> of structural conditions or as an expression of values and beliefs. Collective action is

rather the product of purposeful orientations developed within a field of opportunities and constraints. Individuals acting collectively *construct* their action by defining in cognitive terms these possibilities and limits, while at the same time interacting with others in order to 'organize' (i.e., to make sense of) their common behaviour. (Melucci, 1989, p. 25-26)

Therefore, collective action is more than an expression of structural conditions or mere discontent of the people, in other words, the social movements are not passive observers who react to the conditions imposed upon them. Three aspects emphasize the active role of social movements as a political subject. First, the idea that collective action is a product of purposeful orientations shows that social movements create action within the framework of objectives and normative expectations. Collective action is not a simple outrage, even though in most cases outraged people act collectively, their leitmotiv is not reduced to the expression of a sentiment of grudge or discontent. Furthermore, the idea of opportunities and constraints should not be taken only in its instrumental sense. In so far as the social conflict occurs in the cultural field, the opportunities and constraints involve also symbolic conditions for collective action that strengthen it or blockade it. That is why the construction of purposeful-oriented action involves social-learning processes over the conditions to act collectively. The second aspect that shows the active agency of social movement refers to their cognitive social role in the meaning-making processes, i.e., a process of socialization that creates new capacities for learning and redefines existing ones so social groups can grasp their situation (Melucci, 1989, p. 47). Finally, acting collectively needs the organization of the means and reasons behind the shared behavior. These three aspects show that social movements' collective action goes beyond the mere play of grievances in the public sphere by passive victims of the system because they are actively involved in the construction of the collective action itself.

Melucci's approach to collective action offers an active role for the social movements in the dynamics of contemporary complex societies. Melucci stresses three dimensions of his definition of social movements that distinguish his approach:

The need to define more precisely a 'social movement' is a case in point. In my view, this concept designates a specific class of collective phenomena which contains three dimensions. First, a social movement is a form of collective action which involves *solidarity*, that is, actor's mutual recognition that they are part of a single social unit. A second characteristic of a social movement is its engagement in *conflict*, and thus in opposition to an adversary who lays claim to the same goods or values. Conflict is analytically distinct from the idea of contradiction as used, for instance, within the Marxist tradition. Conflict presupposes adversaries who struggle for something which they recognize as lying between them. Third, a social movement *breaks the limits of compatibility of a system*. Its actions violate the boundaries or tolerance limits of a system, thereby pushing the system beyond the range of variation that it can tolerate without altering its structure. (Melucci, 1989, p. 29)

Thus, the three main characteristics in Melucci's definition of social movements highlight the active, collective, and conflictual role of social movements. As with the previous definitions aforementioned in this section, social movements' political action implies the construction of group identities that cannot be reduced to ethnic or cultural belongings but do not exclude them. Solidarity means the construction of the self as part of a particular group in multiple social relationships of power with other groups. However, *solidarity* is not some form of final class consciousness that a group must achieve in order to act collectively. It is rather a social and historical process that does not end, that is, a constant process of subjectivity construction (Melucci, 1989, p. 46). The idea of conflict is another recurrent feature of social movements' theories. Conflict becomes the only possibility to think of resistance: the opposition between two or more social groups. When public conflict arises, is when resistance becomes visible as part of the social and political interactions in contemporary complex societies (Melucci, 1989, p. 71). Finally, social movements disrupt the established institutions and the symbolic and communicative status quo. When a social movement mobilizes, they challenge the social networks and structures that lie behind the configuration of the shared social spaces. This means that the social movement's collective action makes visible the power structures that lie behind the rationalization of the rule of law

and the particular conditions of the social groups. The disruption of the apparent neutrality of the political power in liberal democracies is the aspect that should be stressed in Melucci's work.

Melucci argues that the political systems that have been constructed in the liberal tradition of the Western history of democratization are inadequate for representing the multiple forms of conflict inscribed in the power relationships of complex societies. The consequence is the obfuscation of the dichotomy between oppressors and oppressed, blurred in the 'neutrality' of the representative decision-making procedures (Melucci, 1989, p. 73). Therefore, from this perspective, democracy is more than a mere competition for access to government resources and positions in public offices. The idea of symbolic challenges to the dominant codes that have been explored so far creates the theoretical framework for the notion of democracy as a constant form of resistance. Furthermore, the symbolic and communicative challenges posed by social movements to the hegemonic codes create a wider concept of social movements, beyond the traditional conception of an instrumental action to press the institutions or to input particular demands on the institutional system. The political role of social movements cannot be reduced to instrumental performances but has to be recognized in the complexity of the cultural fields of struggle. Melucci warns us about this social and political mistake: "Those observers who stress the lack of efficacy of contemporary forms of collective action not only fail to grasp their symbolic antagonism but also underestimate the political impact of these mobilizations." (Melucci, 1989, p. 88).

In conclusion from this last definition presented here, we can argue that social movements cannot be conceived as a mere expression of discontent. They should be situated in the cultural field that is disputed among different groups. They also reveal the hidden structures of liberal institutional democracy. Therefore, their political role goes beyond the logic of input-output of the decision-making procedures as long as they are creating communicative reason in the long-term processes of social learning. As social movements come from everyday life, the democratization from these very spaces is through collective action. Indeed, representation and decision-making have become part of the complex societies'

political organization. However, political action cannot be reduced to these processes, it also has to include forms of resistance and control of the ruling groups (Melucci, 1989, p. 168).

These four perspectives presented here do not represent the full extent of the theoretical debates around social movements and collective action but help us to grasp some recurrent features that will allow our construction of a social movement concept. Despite the different scopes and limits of the definitions discussed, they have some aspects in common that we can use here for our purposes. In the first place, social movements are not just the sum of individual actions or a mere conglomerate of individuals. Social movements are *collective* subjects involved in a multiplicity of social networks and relationships, this means that we cannot grasp their social and political role by isolating them from their material and contextual conditions. Social movements as social groups should not be idealized or detached from society or existing institutions. Furthermore, these collective subjects are political, not just social or cultural, they participate in the power relationships that constitute the complex systems of political organization and economic production. The group identity is then constantly constructed and permeated by the real and historical conditions that social movements face. Thus, a social movement is a collective and political actor that is always in a process of self-production in material and concrete contexts that makes impossible any form of idealization of the social movements, their action, or their goals. That is the first aspect of our political notion of social movements.

The second aspect of our concept of social movements is that they are involved in *social conflicts*. The collective actions of the social movements as collective subjects cannot be understood outside the existing social contradictions and conflicts that permeate the concrete conditions of complex societies. Since the collective actors are multiple and in constant production of the self, then the kind of conflicts existing in the social shared spaces are also multiple: cultural, political, communicative, identitarian, and economic. This idea of multiple spaces of conflict is important because it cannot be reduced to a class struggle or a simple cultural expression (Castro-Gómez, 2019). Multiple conflicts imply multiple forms of power and multiple forms of resistance that cannot be unified in a single contradiction or the unity of a chosen political subject of transformation. However, it is necessary to give a special

emphasis on the economic aspect in contrast to some cultural approaches that understand social movements as outside the economic structures and relationships of production. These relationships determine the social position of subordination of many groups as shown already in the Marxian and critical studies of society (Marx, 2014; Piketty, 2015; Heinrich, 2014). Neoliberalism is something objective to the collective actors, it affects them as long as the current system of production is based on economic exploitation on a global scale (Brown, 2015; Allen, 2016; Chase, 2002). But communicative production through conflict does not only involve economic contradictions and demands, it also includes other forms of contestation, as has been shown by decolonial and gender studies (Young, 1990; Spivak, 1994; Escobar, 1995; Castro-Gómez, 2019; Butler, 2015). Conflict means challenges and contestation among the different groups that constitute the shared spaces for action. Society is not static, it moves through conflict and opposition and social movements play a major role in the development of contestation in contemporary societies (Tilly&Tarrow, 2015). The second idea is that social movements are in multiple forms of conflict that involve multiple agents and establish different forms of oppression and contestation that challenge the status quo.

The third idea is that contestation and challenge do not only play an instrumental role in collective action. One of the recurrent topics in social movements theory is that collective action plays an instrumental role in the political exchanges among social actors. Its purpose is to put pressure on the decision-making institutions in order to obtain some particular demand. This is partially true regarding the repertoires of action of the social movements. However, this is only the tip of the iceberg. Behind the instrumental aims of collective action lies the symbolic production of society, as has been seen by the aforementioned authors. Social transformation processes and the communicative production of meanings and social representations play a major role in a social movement's collective action. The conditions of injustice do not only involve economic structures but also access to the epistemic tools to understand and interpret the social world (Fricker, 2007). That is why collective action should be grasped in long-term processes of social transformation that involve social learning and communicative disruption. Thus, the third aspect of our notion of social movements is that

they are not a mere instrumental expression of the social groups, they represent challenges to the hegemonic symbolic codes and therefore, their role has communicative intentions and should be seen as resisting and transforming the epistemic (therefore communicative) structures of society (Medina, 2013).

These three aspects of our understanding of social movements –Collective actors y concrete and material situations, power relationships, and conflict, involved in the communicative and symbolic production of society- are in one way or another included in the four perspectives presented so far. However, these aspects could be complemented by adding some normative expectations that could help us distinguish between what we call here *emancipatory social movements* and *reactionary social movements*. These expectations do not define what a social movement is, but how we can assess the kind of demands and actions that they perform. First, the condition of subaltern becomes relevant but 'subaltern' here does not mean a passive situation where the subaltern agent reacts to the oppression of the dominant. The subaltern actors are agents and producers of society in their own right (Spivak, 1994; Peñaranda Supelano, 2015). The subaltern condition implies rather that there are power relationships in which dominant groups exercise their social, political, and communicative power over other groups (Young, 1990). The ones at the top and those below them, it is a simple relationship that is generally overlooked in the theoretical formulation of democracy in the hegemonic liberal framework of political theory that presupposes a horizontal field of interaction in complex societies.

Since the subaltern condition should always be socially situated, then there are at least two aspects that allow us to identify the subaltern groups. In the first place, we have historical structures: there are particular historical conditions for certain groups that have relegated them to the bottom of the social hierarchies. One example of how these historical conditions work to address a social movement could be Black Lives Matter in the United States. African-American communities have been since colonial times, oppressed and excluded from social and political participation. We could add many other groups: ethnic minorities, LGBTQI, women, and so forth. However, the idea is not to make a sufficient list, it is rather to show that not all social groups that mobilize are the same: it is not the same to belong to the Ku

Klux Klan as a white supremacist, as to be part of Black Live Matters. The subaltern condition is made visible by the latter while the former pretends to maintain the historical conditions of oppression and exclusion of a particular group. In the second place, the economic structures of production determine the social hierarchies and social positions. It is the opposition between the rich and the poor (Rancière, 1999), and between the oppressors (Untedrücker) and the oppressed (Unterdrückte) (Marx & Engels, 2012). Cultural perspectives on social movements usually leave this aspect aside, however, it plays a major role in so far as the production structures and relations establish the shared spaces for interaction and the real social power that a group can exercise. In contemporary global capitalism, the economic structures are applied to the entire world, creating objective global conditions for life itself and political participation (Benhabib, 2012). Of course, these two aspects are not sufficient nor mutually exclusive, nonetheless, they represent two simple conditions to distinguish between emancipatory and reactionary social movements.

The subaltern condition comes with the need to assess the kind of demands that are made in the public sphere. If the power relationships and social hierarchies determine the group's conditions as hegemonic or subaltern, then the kind of demands and struggles expressed in the shared spaces for communication constitute the normative criteria. Emancipation and equality work here as the two elements that could guide our analysis of social movements. Emancipation implies the claim to escape or dissolve a particular condition of oppression, Equality refers to the kind of claims that demand inclusion into social processes (economic, cultural, etc.). This is a very simple definition because it allows us to grasp the relationship between the particularity of each group and the universality of the normative demands (Castro-Gómez, 2019).[13] What follows is that emancipatory social movements do not only try to solve the specific conditions they experience, but they also have concrete normative expectations framed in the universality of emancipation and equality. As well as with the previous aspect, the conceptual construction is not very complicated but it means that we cannot and should not put all social movements in the same bag as if LGBTQI collectives and Neo-Nazi groups were the same, as it often occurs with the supposed neutral descriptions

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[13] *Cf.* Chapter IV of this work.

from social theory. Normative criteria are political elements that necessarily push us towards taking a position in the multiple social conflicts of contemporary societies.

Therefore, the emancipatory social movements should be understood as resisting groups that keep the normative expectations of democracy –emancipation and equality- in movement under the current depoliticization and mere instrumentalization of politics of the representative frameworks of institutionalized democracies. The notion of resistance can be very broad but we follow this definition as a working tool to approach the idea of social movements as emancipatory subjects of resistance:

> […] we will use for the case that concerns us a broad definition of resistance understood as any action of a subordinate group destined to reject the demands of a dominant group, or directed to advance its demands, and that can be developed by the mobilization of social actors or by non-collaboration, and by political, legal, economic, or cultural means. It is a general definition, that could be problematic, but it has several advantages: it focuses on the material basis of relationships and struggles between subordinate and dominant groups; it can be applied to both individual and collective actions; it does not exclude forms of ideological resistance that challenge the dominant vision and demand new standards of justice and equity; and, finally, it focuses on the intentions rather than the consequences. (Peñaranda Supelano, 2015, p. 45).[14]

As mentioned by Peñaranda Supelano, this definition does not pretend to be exhaustive and it could have its problems. However, it includes all the aspects that have been related to social movements in this chapter's exposition. Collective action, challenges to the dominant status

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[14] [… emplearemos para el caso que nos ocupa una definición amplia de resistencia entendida como cualquier acción de un grupo subordinado destinada a rechazar las exigencias de un grupo dominante, o dirigida a hacer avanzar sus propias demandas, y que puede desarrollarse por la movilización propia de los actores sociales o por la no colaboración, y por medios políticos, jurídicos, económicos o culturales. Se trata de una definición general, no exenta de problemas, pero que tiene varias ventajas: se centra en la base material de las relaciones y las luchas entre grupos subordinados y dominantes; puede aplicarse tanto a actos individuales como colectivos; no excluye formas de resistencia ideológica que desafían la visión dominante y reclaman nuevos estándares de justicia y equidad; y, por último, se enfoca en las intenciones más que en las consecuencias.] (Own translation)

quo, symbolic production of society and the conflicts among subordinated-subaltern and dominant groups appear to be the core of this notion of resistance. What follows from this statement is that emancipatory social movements keep democracy in movement toward emancipation and equality in the concrete practices of their particular struggles. Without emancipatory social movements, democracy would be just a bureaucratic procedure that would quickly degenerate into diverse forms of despotism.

IV. Conclusions: Rethinking democracy as resistance in movement.

As it has been argued, social movements have been analyzed as social phenomena by different theories that focus on the why, how, and what of the social groups and their repertoires of action. However, the problem lies in the political aspects that are associated with the different forms of collective action, their impact on the political institutions, and the normative criteria to assess multiple groups that are involved in conflicts in contemporary societies. This problem can be explained, on the one hand, due to the hegemony of theoretical frameworks from the liberal and representative model of democracy that presupposes a neutral and fully rationalized field for decision-making and conflict-solving. On the other hand, social theory has focused too much on the social and cultural aspects of social movements, relegating them to mere expressions of cultural conflicts or social discontent.

The general reconstruction of the theoretical debate on social movements presented in the first section focused on three major approaches to the problem. It was argued that functionalism tends to dismiss social movements as external elements or dysfunctional groups that have to be integrated into the social systems. Orthodox Marxism, in contrast, either ended up idealizing social movements or dismissing them for being unable to trigger the revolution that would bring the final emancipation of mankind. Finally, poststructuralist and new social movements' theories offer a wider approach to social movements but they generally leave aside the economic structures of production as objective elements to be included in the political and social analysis of the different forms of social action.

These main perspectives have played also an important role in Latin American studies. The colonial legacy of racism, exploitation, and oppression of the Latin American states has been

assumed as the particular field of social movement theories. The postcolonial experience has to be linked to global capitalism that deepens the social and political problems of the region with the silent consent of the so-called democratic powers. Coloniality and global capitalism create a particular condition for the social movements in Latin America, making them cultural, social, and political at the same time, in contrast to what is usually thought from social and political theory.

After reviewing the perspectives of four classical authors (Tilly, Tarrow, Touraine, Melucci), we offered a reconstruction of what could define a social movement: 1) A collective actor involved in a constant process of self-production that has to be socially and materially situated; 2) Social movements as a political subject have to be understood as involved in multiple forms of conflict and power relationships that determine their opportunities and the risks they take. A social movement should never be detached from the material conditions of production; 3) Social movements are not a simple tool to press the institutions for decision-making, they are political actors in their own right and play a major communicative role that challenges the dominant codes that trigger the long-term processes of social transformation; 4) It is necessary to distinguish between emancipatory and reactionary social movements. The first element proposed here is the historical and material condition of being a subaltern. Not all social groups are equal; 5) Emancipatory social movements are guided by ideas of emancipation and equality, even though there are particular contents to the particular demands of each social actor, emancipatory social movements have also universal normative expectations.

Understanding social movements in this way will help us to see democracy beyond the institutionalized -and monopolized- decision-making procedures. Re-thinking democracy in terms of resistance implies then the approach to some features that are usually included within the theories of democracy. Therefore, the next chapters will explore from a philosophical and theoretical point of view the notions of political action, political subjects, social transformation, and democracy. The main objective of this work is to show that democracy should never be reduced to a static institutional set of procedures and that in fact,

democracy has been moving on the streets, always resisting the multiple attempts to eliminate the expectations for emancipation and equality. The demos are always moving and resisting.

Chapter II

Politics in Movement: Thinking Politics in the Impurity of the Human Affairs

"For in every action what is primarily intended by the doer, whether he acts from natural necessity or out of free will, is the disclosure of his own image. Hence it comes about that every doer, in so far as he does, takes delight in doing…"

Dante (in Arendt, *The Human Condition*)

In 2013 began a series of mobilizations that were organized and performed by farmers and workers of the rural zones, especially the zone of Catatumbo in Colombia. These mobilizations were known as the *Paro Nacional Agrario* (Agrarian National Strike). The groups that called for the general strike were heterogeneous and included civil organizations, workers' unions, farmers' and peasants' organizations, and also indigenous and African-Colombian groups. The background of the strike was given by the free trade agreements between the USA and Colombian governments back in 2011 (González, 2019, p. 34). The decreasing living conditions of the rural farmers and the political violence they suffered at the hands of different armed actors were the triggers for the social mobilizations that lasted almost a year and were continued in 2014 due to the lack of response from the Colombian government, mainly due to the lack of recognition by the state officeholders of the general strike by labeling it as non-existent (Wallace, 2013).

The protesting groups were demanding the declaration of the Catatumbo region as a Rural Peasant Reserve Zone;[15] the creation of a funding plan for the rural peasant reserve zones; to cease the forced eradication of the coca plantations and a substitution plan for the coca farmers; a subsidy up to 500 U.S Dollars for the farmers; the improvement of the roads; to cease the state policies on the mining plans for the region; and the protection of the human rights (González, 2019, p. 31). These demands were not met by Colombian government

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[15] A Rural Peasant Reserve Zone is an especially designated area to foster the agrarian and rural economy by imposing limits to the extractive policies of multinationals and big companies aswell as the financial interests of the financial coroporations (Sales, 2013).

officials and would become the link between the past rural social movements and the newly emerging ones in alliance with other social sectors. Behind the demands, there are not only economic intentions. There are also political attempts to constitute the rural peasants' zones of the country as autonomous political units capable of negotiating with the state institutions in order to face the misrecognition and the negations of the historically subaltern and oppressed groups that constitute the Colombian rural zones (Celis González, 2018, p. 113-114). Facing this situation, one may ask: are the general strikes and mobilizations of the farmers and peasants in Colombia a form of politics? How can we include them in a theoretical approach to democratic politics? Why did they not attempt to act within the institutional and "democratic" set of the Colombian state? To answer these questions, we have to move beyond the liberal and traditional understandings of professional politics.

Today one of the common assumptions that we make when we are talking about politics is that it represents a professional field of work where the *politicians* act regarding government issues. Politics is then, the art or science of governance, and this activity is carried out by a professional elite or experts that rule over a society or a group. Therefore, the examples we use to explain what politics is, are always related to *public* officeholders and their actions in the *public* sphere, which is understood as the space that concerns us all and is formed by institutions like the parliament or the presidency of a state. Kings, presidents, congress members, and parliamentarians come to our minds as soon as we hear the word politics. Since all these occupations imply, in one way or another, the idea of the ruling, we use to relate politics to power over others because if there is someone who rules, there is necessarily someone who obeys or someone who is ruled. One cannot rule over anyone. Although we relate politics to power and rule, we are also able to distinguish *political* rule from other forms of dominance like parenthood or even regular hierarchies at the workplace. The parents or the CEO of a company are not *politicians*, even though they rule over other people (their children or the company workers). In summary, the average definition of politics could be understood as the capacity (art or science) of someone to rule (to act) over others in a public manner (acting within the public institutions) which could be translated to the exercise of legitimate power over a population through the state's institutional set (Weber, 2011).

The simplicity of this definition allows us, nonetheless, to see conceptual categories that have been present in political theory and political philosophy since Plato. Dichotomies like public and private, rulers and ruled have been in the history of Western political thought but that does not mean that their meaning has been always the same. From ancient Greece and Rome to our modern states, these ideas have been revisited over and over again, giving birth in this process to multiple forms of understanding the political power, the justified exercise of domination, and the existing social hierarchies. In consequence, politics has not been always understood as a special work realized by a special group –namely the politicians. Furthermore, the average definition presented above is a legacy of the modern age, and therefrom comes our conception of liberal representative democracy (Held, 2006, p. 134). This conception presupposes the distinction between the ones who act –the elected representatives- and the ones who authorize their actions through periodical elections –the citizens, and following the aforementioned example of the peasants' strike in Colombia, one could assume that they should act through the institutional and representative channels to act politically.[16] This modern notion of politics presupposes also the distinction between the public sphere –the place constituted by political institutions- and the private sphere –or the sphere of intimacy and economic relations. In this framework, the citizens participate by supporting one of the different candidates in the elections and the elected officeholders should then safeguard the citizens' rights.[17] That is the more extended idea that people regularly have about politics in today's democratic political systems.

In this chapter, I want to propose a normative concept of politics in movement, that is, as a constant action of resistance. Thus, politics is understood as a struggle over different kinds of demands. In order to challenge and criticize the generally accepted notion of democracy, my proposal presents two interrelated aspects of politics. First, a normative idea of political action based on the demands of those who are *below*, that is, under conditions of oppression and exclusion; second, the idea of a material, non-idealized public sphere where power relations, social hierarchies, and real experiences of suffering constitute a conflictive space

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[16] One of the most clarifying works on representation and authorization can be found in Hobbes' *Leviathan* (1996) Ch. XVI.

[17] These traditional ideas of legitimacy and accountability can be traced back to Locke's work (2005).

for action. In doing so, I attempt to take seriously the *Kratos* (force) of the *Demos* (people) in the interest of grounding a critical concept of democracy. I start with the republican idea of political action in Hannah Arendt's political theory, to show in a normative sense the plurality and natality, meaning to put something in motion, of acting together. However, Arendt's notion of political action lacks materiality because she excludes socio-economic problems from the citizens' praxis of acting together, excluding in consequence large groups of the population from the appearance in public (I). Thereafter, I continue with the Habermasian ideas of the public sphere, public deliberation, communicative power, and public justification. I will argue that despite the normative assets of the notion of political action proposed by the Habermasian linguistic turn, it ends up giving more weight to the rationality of the citizens' participation and the public sphere, leaving aside the social hierarchies and real power relation of complex societies, despite his thematization of the tension between power and reason (Allen, 2012; Olson, 2014) (II). In the third section, I will present Rancière's idea of politics as a disruption of the order, that is a form of dispute or disagreement but taking distance from what I believe is an eventual view of politics in his political thought due mainly to his notion of politics as an exceptional event (III). Finally, I will conclude that if we take into account the ideas of political action and the public sphere as a space to appear before others in the form of contestation, politics as a movement of resistance represents better the idea of democracy than the institutional liberal partisan system (IV).

I. Political Action and the Frailty of Human Affairs

1. The notion of *action*, as Arendt introduces it in *The Human Condition*, is alongside the *labor* and *work*, one of the activities of the *Vita Activa*, which was canceled by the emergence of the social question in the Modern Age (Arendt, 1998, Ch. VI; 2006, Ch. 2). Action became one of the most important features of Arendt's "new republicanism" (Forst, 2014, p. 165) because her idea of politics is based on the activity of *doing* and *speaking* before others, which means that politics and political power are understood as acting together –doing and speaking with and before others. Her perspective is especially useful nowadays because, on the one hand, we can see politics as a frail human business that due to its frailty cannot

guarantee a "perfect solution" for the political issues. On the other hand, her notions of the plurality of the people and political power as *being-together* serve as critical tools to challenge the traditional and liberal definitions of power, politics, and democracy. In this sense, her political thought could be seen as a very helpful insight to think about politics beyond "the banisters" of the current purely institutional conceptions of democracy.

The value of the action in Arendt's thought can be found in her account of it as the central human activity that defines what humanity and being human mean. A human being can be still human without labor or work, but a life without action "[…] has ceased to be a human life because it is no longer lived among men." (Arendt, 1998, p. 176). Deeds and speech constitute the core of being human because through them we appear to others in our equal condition as human beings and the uniqueness of our personal stories. We are equal because, by speaking, we attempt to understand each other.[18] It is our common capacity to speak and achieve different forms of understanding that makes us equal. However, through our deeds, we also appear to others in our uniqueness, '*qua men*' (Arendt, 1998, p. 176), and not as simple objects. Action and speech serve us to insert ourselves into the human world as unique subjects among equals. Arendt argues that both features represent two sides of the same coin: the human condition of natality and plurality. When we act we set something in motion, we bring something new into the space of appearance, which means that to act is to begin something, to put something new in movement. The idea of plurality, in turn, can be seen in the acts of speech through which we disclose ourselves in our distinctness. Therefore, speaking and acting are intrinsically related because through them we reveal ourselves, we appear to others as "who we are", and by doing this, we insert ourselves into the web of human relationships that constitutes the space to be seen and heard (Arendt, 1998, p. 186).

The space, where we appear to others and reveal ourselves as who we are, is constructed by the togetherness of acting and speaking directly to one another (Arendt, 1998, p. 183). This space is called by Arendt the realm of human affairs, the public realm, public business, and

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[18] Arendt's notion of action has a great influence in Habermas' notion of communicative power, as we are going to see in section II (Habermas, 1996, p. 147-151).

the public sphere[19] because one can only disclose its true self in the presence of others. In this sense, the web of human relationships that arises from acting together constitutes the shared space where "men live together" (Arendt, 1998, p. 184). The public sphere opposes the private sphere as in the Greek tradition of the division between *Oikos* and *Agora*, or between the household, where private issues remain hidden (or should remain hidden), and the marketplace as a shared space to discuss issues that affect us all. This distinction is important for many reasons;[20] I will just highlight some of them regarding the purpose of this chapter. First, the opposition between private and public spheres can be still seen in the liberal construction of society despite the emergence of the social question in the modern age (Arendt, 1998, p. 28), *pace* Arendt. Sexual preferences, gender, economic conditions or occupations, race, religious beliefs, etc., belong to the private sphere, to things that should be kept hidden for the sake of privacy or because they are not subject to public discussion. The public sphere, in turn, is the space for the citizens –in the abstract- to appear and put into practice their political rights, and in consequence, we assume that private conditions do not have room in the political realm.[21] This is an assumption of course in the theoretical reconstruction of the liberal democracy, which would not apply in real power relations where private-related issues are the ones that determine politics, for better or worse. In consequence, the citizens act, or ought to act, *for the sake of all*; while a private person does something for her own sake – e. g. the parents for the sake of their own children and the CEO for the sake of the company. All the children and all the companies are out of the political scope when they are doing something as members of a private group (the family or the company).

That leads to the second important idea I would like to stress from Arendt's political theory: the distinction between action (political), labor, and work. From the opposition between both

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[19] Following Arendt, I use these concepts as synonyms through this work because I do think that the public sphere is the space of appearance, but taking distance from Arendt's perspective, it is the space for the appearance of the lived experience of injustice.

[20] *Cf.* Cannovan, 1995; McGowan, 1998; Bernstein, 1991; Habermas, 1983; Passerin d'Entrèves, 2001

[21] The abstract formulation of the liberal political subject, the citizen detached from all particular content, represents an effort to "purify" political theory from the power relations of a given society and at the same time it presents itself as "impartial" where power related conditions do not matter. The best example of the liberal abstraction is the Rawlsian theory of justice (Rawls, 1971), where the "private" conditions of the deliberating parties do not matter for the election of the principles of justice.

spheres of human activities –public and private- comes the distinction between two forms of human activities: while labor and work come out of necessity and utility; action comes out of freedom and spontaneity. That means that while the first two activities are simply means to achieve a goal, be it life itself or a commodity; action represents an end in itself. The *animal laborans* and the *homo faber* are worried about the bodily survival and utility of the works made; but the human being, as an acting being, finds the end of the action in the performance itself; therefore action is *energeia*. Following Aristotle's notion, Arendt says:

> It is this insistence on the living deed and the spoken word as the greatest achievements of which human beings are capable that was conceptualized in Aristotle's notion of *energeia* ("actuality"), with which he designated all activities that do not pursue an end (are *ateleis*) and leave no work behind (no *par' autas erga*), but exhaust their full meaning in the performance itself. (Arendt, 1998, p. 207)

Accordingly, the action is endless in the sense that it implies a constant performance because it is in the performance that that action realizes itself. Two consequences can be derived from this aspect: first, the action does not take into account material conditions like necessity or utility to have value. Its value comes from acting itself. Second, the modern age legacy has confused acting with making, and therefore, since then, political action became a means to achieve a goal, that is, we think the political action in terms of *making* (perfect) institutions as if politics were like making chairs and tables. We focus on the problem of how it should look at the end or how much the result resembles the ideal *blueprint*, instead of thinking about the actuality, the energeia of action (Arendt, 1998, p. 188). Modernity understood the verb *to act* as a synonym for *to achieve*, forgetting in this way the sense of *beginning* through action.

This modern idea led to the notion of politics as *achieving* stability of political institutions and instead of creating a horizontal web of relationships among equals, it accentuated the vertical distinctions between the ones who rule and the ones who passively obey or, in the best cases, between the ones who act and the ones who observe from outside the political game of the rulers as spectators, having the possibility to applaud or condemn their

performance. Under these conditions, the rulers try to monopolize to their benefit the strength of the multitude (Arendt, 1998, p. 190). As a result of her criticism of the modern understanding of politics, Arendt focuses –and in a romantic sense idealizes (Berstein, 1991, p. 277) - on the ancient Greek *polis* (the place where the *polites*, the citizen, acts), and from her definition of polis, we can also see her notion of politics:

> The *polis,* properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space between people living together for this purpose, no matter where they happen to be (…) It is the space of appearance in the widest sense of the word, namely, the space where I appear to others as others appear to me, where men exist not merely like other living or inanimate things but make their appearance explicitly. (Arendt, 1998, p. 198-199)

Arendt continues by defining power as *dynamis*, as the potential character of being together, which means, as it has been said, to appear to others through action and speech (Arendt, 1998, p. 200). Here again, the core aspect of politics and power in her perspective is the idea of acting together and being-together. One can highlight the pragmatic turn in her political theory by pointing out the constructivist approach she uses for the notions of power, the public sphere, and politics. These three concepts do not exist outside of human lives, as objective entities. They are rather constructed by the human praxis, and in this sense, they are surrounded by the web of human relationships that shapes the space of appearance before others. In consequence, they belong to the realm of human affairs and hence, frailty is their main characteristic. Contingency, spontaneity, freedom, unpredictability, and irreversibility are the main features of human affairs instead of necessity, utility, and universalism. Power exists as long as we act together, from the action the space of human relations as a space for appearance is constructed, to act means to put something in motion, but since the action has its end in the performance itself, its outcomes can only be revealed and understood after the action took place. But actions are endless, therefore every action causes another reaction due to the plurality of the actors/actions because when a person acts, her actions enter the shared

space and can affect and be affected by others' actions. In the web of human relations, the smallest act can change a constellation (Arendt, 1998, p. 190).

In Arendt's view, however, this pragmatic conception of politics as praxis was forgotten in the modern age, specifically with the emergence of the social question. As we have seen, Arendt makes a strict division between the private and the public sphere, following an idealized description of the ancient Greek polis. The private sphere represents the space for necessity and utility and consequently is the space for labor and work. It is the household (*oikos*) and its related issues that shape the private sphere. In contrast, the public realm represents the space where equals gather together in their distinctiveness, a space that is constructed through the praxis and lexis (speech) of human beings (Arendt, 1998, p. 24-25). But with the emergence of capitalism and the nation-state in the modern age, the distinction between private and public became blurred, and a third sphere was created that was either public or private: the social realm, or as we call it today the civil society (Arendt, 1998, p. 28-30). Arendt understands society (modern and civil) as a mutual dependence for the sake of biological life. Survival acquires public significance and necessity subjugates freedom and spontaneity (p. 46). Human beings as acting beings are transformed into *animal laborans*, concerned only with the "necessities of the body" (Arendt, 2006: p. 50).

Since then, acting as the public appearance of the plurality that sets something in motion or beginning was traduced as fabrication, eliminating in this way the frailty as an aspect of human affairs. Politics became a form of knowledge: to know how to rule. The ones who knew how to rule, became the elite for decision-making while the rest of the population was relegated to the social realm of private business entrepreneurs and private preferences. Modern representative government and bureaucracy became the rule of no one; however, it does not mean any rule at all. Arendt denounces through this critique, the banishment of the citizens from the public sphere and the destruction of the plurality. The people became a uniformed mob through the idea of the nation and has been since then understood as an abstract unity that supposedly authorizes the government but does not govern. The bureaucratic rule of no one can be seen in Arendt's approach, as the worst of the tyrannies because it prevents the appearance of power as acting together and transforms action as

movement and freedom into *labor* focused on stability, security, and productivity (Arendt, 1998, p. 220-222).[22]

Although Arendt's radical participatory notion of politics, we should not conclude that she is defending a direct form of politics or radical participation. In fact, and due to her fear of the totalitarian experience, Arendt doubts the power of the many (Forst, 2014, p. 174), mainly because of the presence of the material necessities of the real people in capitalist societies. The social realm of the necessities gave birth to a national administration system whose only goal was to satisfy the needs of the people, instead of creating a space for freedom. Following her account of the Greek polis and the American Revolution, she argues that the pre-condition for acting is to have mastered the material necessities of life (Arendt, 1998, p. 30). This is true if we look at the historical forms of participation in the ancient polis and the American colonies of the eighteenth century: white males and property owners were the ones who *appeared* in the political realm; women, slaves, and foreigners were excluded from *acting* and, in consequence, they were banished from the human realm. Despite her recognition of politics as a human frail activity, I believe that Arendt's political approach to the problem of political participation fails due to the exclusion of the material conditions that hinder the participation and appearance in the public sphere, or the real lived experiences of injustice, hence the wretched and the people under social hierarchies of domination do not count as political actors. In the following section, I address this issue from Arendt's account of the French and American revolutions.

2. In her book *On Revolution* (2006), Arendt makes the most radical distinction between the economic or social realm and the political public sphere (Canovan, 1995). When she compares the American and French revolutions, she focuses on the presence of the *social question* in both revolutionary movements and concludes that the success of the American revolutionaries was because the social question "was not present for all practical purposes" (Arendt, 2006, p. 62), granting that the dark presence of slavery was there. In her view, the absence of social and economic problems in the revolutionary efforts allowed the American

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[22] See Brown (2015), where she argues that the neoliberal rationality permeates all aspects of the social life and the economic categories like national economic growth determine the value and legitimacy of a political regime.

revolutionaries to focus on the achievement of freedom as self-government while on the other side of the Atlantic, the French revolutionaries focused on the compassion towards the wretched, and forgot to constitute freedom.[23]

In Arendt's republican sense, freedom means participation in public affairs (Arendt, 2006, p.22), to be admitted into the public sphere to be seen and heard.[24] This definition of freedom leads to the distinction between revolutions, mass hysteria, and coup d'états. A truly revolutionary movement should aim always to the constitution of freedom as self-government –participation in the public sphere. In contrast, mass hysteria and coup d'états are often satisfied with the change of government, with the change of the ones who are ruling. Therefore, there is a difference between liberation and freedom.

It was liberation instead of freedom that happened in the French Revolution. And the reason for this lies in the massive presence of the poor,[25] of the *malheureux* in the European context. The poverty in the French case led to the appearance of the necessity in the public sphere, and with it, to the surrendering of freedom to the social question:

> Poverty is more than deprivation, it is a constant want and acute misery whose ignominy consists in its dehumanizing force; poverty is abject because it puts men under the absolute dictate of their bodies, that is, under the absolute dictate of necessity as all men know it from their most intimate experience and outside all speculations. It was under the rule of this necessity that the multitude rushed to the assistance of the French Revolution, inspired it, drove it onward, and eventually sent

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[23] Arendt's lack of references to the colonial production system based on slavery is astonishing. The surplus value produced by enslaved working force was probably what allowed the North-American colonists to "constitute freedom" in the first place. Only a group of people liberated from the hard work in the fields could have the time to participate actively in politics (Anderson, 2013; 2016).

[24] The republican content of her notion of freedom as political participation in the government could be seen in this quote: "For political freedom, generally speaking, means the right 'to be a participator in government', or it means nothing." (Arendt, 2006, p. 210). This is important because this definition of freedom allows her to criticize the representative form of government and the limitation of freedom to the negative liberties.

[25] Arendt refers to the *malheureux*, the wretched or poor, as the people who lacked economic sustainability in the French context: people without enough food, clothes, money and social status. It was the lowest rank in the Third State. Here I use wretched and poor meaning both things: material and economic lacking and social status *below* other classes in the social hierarchy.

it to its doom, for this was the multitude of the poor. When they appeared on the scene of politics, necessity appeared with them, and the result was that the power of the old regime became impotent and the new republic was stillborn; freedom had to be surrendered to necessity, to the urgency of life process itself […] It was necessity, the urgent needs of the people, that unleashed the terror and sent the Revolution to its doom. (Arendt, 2006: p. 50)

There are three ideas that I want to highlight in this paragraph. First, freedom and poverty are incompatible. Where poverty reigns and the presence of the poor is massive, there is no room for freedom as self-government because the people are more concerned with daily survival problems than with deliberation in the public sphere. It is not difficult to agree with this idea, and in fact, is one of the common grounds of modern political theory. Rawls, Habermas, Fukuyama, and Sen, among others, are well known for arguing that a necessary prerequisite for the achievement of democracy is precisely the liberation from poverty, in order to establish horizontal conditions for public deliberation and political participation. Poverty becomes a loss of the world, an alienation from the real capacities to create and transform the social world (Luttrell, 2015, p. 6) Therefore, poverty should be seen as an administrative issue, preceding political action because it hinders any form of action.

The second idea refers to the radical division between the economic realm and the political realm. In the liberal tradition, for example, the economy and politics should remain as separate spaces, like different things, even though the constitutions are often based on the right to private property (Hardt & Negri, 2009). In republicanism and social liberalism, the economy should become subject to the constant political control and supervision of the democratic institutions, and here economy and politics appear also like two different things, because, as was mentioned earlier in this chapter, the *economy* belongs to the *oikos*, the household issues; while *politics* belongs to the *polis*, to the public sphere. This widespread idea denies the material and historical relationships between economic power and political power. It fails to see the conflict between economic interests as political issues, and therefore, relies also on the idea of poverty as an administrative or economic matter, that should be solved by the experts.

Finally, the third idea refers to the inability of the poor to participate as political actors. It is deduced from the previous arguments that the poor, the wretched, are not able to participate in the public sphere and their role in society is purely passive: to be the subject of economic administration, waiting passively[26] until they have the material conditions that make them capable of deliberation. These ideas can be found in Arendt's reconstruction of the eighteenth century's revolutions, but they are also the legacy of the political philosophy of the Enlightenment, and therefore, they can be found in most modern political philosophy. This legacy consists in the myth of the good citizen, that is, a rational human being who can make decisions based on rational, deliberated arguments, instead of relying on passions like indignation or outrage. The rational action would guarantee that the forceless force of the better argument prevails in the deliberation process, and in consequence, the "consensus regime" ends up excluding the ones who do not count, the ones who cannot *partake* in the public realm because their incapacity for rational deliberation or imposing a paternalistic position on the subalterns, be they ethnic groups, women or the poor, the myth of the good and rational citizen allows the subjugation until the subalterns are rational enough to act by themselves (Rancière, 2010, p. 39).

However, the rational citizen is far from being abstract in the long process of democratization. The real incarnation of the good citizen at the beginning of the democratic governments was the white male and property owner. Women, the poor and wretched, and the non-white people were considered as not able to make rational decisions, and as a result, their role in the political realm was passive: they were the spectators of the decisions made by the white males with property on their behalf, and they were excluded from the exercise of the political power based on their "inability" for political action. This exclusion can also be seen as the separation between rational argumentation (*logos*) and the simple animal noise (*phoné)* to express pleasure and displeasure (Aristotle, *Politics,* 1253a*).* The rage of the

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[26] It is relevant to note here that Arendt believes that the suffering of the people cannot produce the space of freedom. Suffering is something that is relegated to the private sphere, to the sphere of the household, and in consequence should not be seeing as a matter for public discussion. As she puts it: "Suffering, whose strength and virtue lie in endurance, explodes into rage when it can no longer endure; this rage, to be sure, is powerless to achieve, but it carries with it the momentum of true suffering, whose devastating force is superior and, as it were, more enduring than the raging frenzy of mere frustration." (2006, p. 101)

malheureux is incapable of achieving the public consensus, which is based on *logos* or rational speech, and then, they are unable to act in a political manner (Rancière, 1999)

And that is what Arendt concludes from her analysis of the French Revolution. The poor were indeed an overwhelming force in the development of the Revolution. When she quotes the famous sentence from Louis de Saint-Just, the "Angel of Death" of the Jacobin Terror, *"Les malheureux sont la puissance de la terre",*[27] she argues that the poor are indeed a formidable force, but as their claims are based on the problematic relationship between compassion and rage, the force they have is the "devastating force of misfortune and misery" (Arendt, 2006, p. 102). That devastating power is unable to create and recreate the conditions for freedom. As the naked need is exposed in the public sphere and compassion arises from the ones who do not suffer towards the suffering masses in a futile attempt to unite the rich and the poor in one political body; the wretched become outraged, and their actions are led by vengeance, not by the desire to participate in the public business.

Thus, the poor and wretched are unable to bring the conditions for freedom as self-government because they are concerned only with self-preservation, with the necessities of the body. They are not capable of constituting freedom, as their actions are based on rage and vengeance, they can only bring terror. That is the loss of the social and the political space to appear (Luttrell, 2015, p. 8-9), which can work as a description of the social conditions of the working poor in the current conditions of global capitalism that benefits the First-World countries at the expenses of the deprivation, exploitation, and subordination of the so-called Third World, but becomes a dangerous notion when we conclude with Arendt, that the loss of the world renders the subaltern groups, like the poor, unable to act politically because we end up ignoring the real and existing actions of the subaltern (Deveaux, 2018, p. 701).

Here is where I stand against Hannah Arendt's republicanism. The modern myth of the good citizen excludes from the political action the poor because their material conditions hinder

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[27] The full sentence is: "Les malheureux sont la puissance de la terre; ils ont le droit de parler en maîtres aux gouvernements qui les négligent". Which can be translated as: "The wretched (poor) are the force of the earth; they have the right to speak as masters to the governments that neglect them". (Retrieved from: https://fr.wikiquote.org/wiki/Louis_Antoine_de_Saint-Just)

them from participating in a rational, argumentative sense, in the public sphere. The poor are not political actors because they bring necessity instead of freedom with their actions, and for this reason, the poverty problem should be addressed as an administrative issue, not as a political matter (Arendt, 2006, p. 81). Arendt says: "Nothing, we may say today, could be more obsolete than to attempt to liberate mankind from poverty by political means; nothing could be more futile and more dangerous" (Arendt, 2006, p. 104). Arendt's biggest fear is that the mass of the poor would bring with them the terror that was experienced in the French Revolution, and in Stalin's and Hitler's regimes, where the rage of the poor exposed in the public sphere helped those regimes to commit atrocities in the name of the people in Arendt's view.

In Arendt's perspective, the mass of the wretched is dangerous because it can negate the plurality of opinions and interests by becoming one single will through the unity of suffering. For this reason, she condemns the glorification of the poor, but she ends in the glorification of the ideal citizen and by this, she excludes from the political realm the poverty and the actions undertaken by the poor. They are just passive subjects of managerial steering in the hands of experts, like the financial advisors in the European Central Bank, for example. In this way, the plurality and multiplicity of actions and actors are reduced to the plurality of existing opinions and the plurality of existing individuals who hold these opinions. In my view, despite Arendt's recognition of the plurality of action, she ends up asserting that there can only be one kind of action, performed by one kind of citizen; but within this oneness lies the multiplicity of *heroic citizens* –in its Homeric sense (Arendt, 1998, p. 189), with multiple opinions, therefrom the impossibility of one public opinion and one political subject in her perspective. However, the outraged and wretched are not included in this kind of univocal but multiple notions of action, because they do not participate with the speech but with mere noise coming from their suffering. This also sets the dichotomy between consensus and violence, between politics as reasonable agreement and violence as terror; a dichotomy that can be translated as politics means peaceful deliberation and consensus or it means nothing. In this sense, Arendt would agree with the former Colombian president Juan Manuel Santos when he said, back in 2013 and facing the Agrarian General Strike, that there was a "non-

existent strike" (Wallace, 2013) because, in her view, the mass of peasants protesting cannot act politically because they come from the non-existent social world of the social question due to their material needs.

Nevertheless, I also agree with Arendt's political perspective, and I think that using her own arguments, we can think of the wretched as political actors if we go beyond the modern myth of the good citizen and the idea of politics as a reasonably achieved and stable consensus. First, it is worth highlighting her criticism of compassion as a political tool. Today it is not strange to hear or see multiple calls for "charity" and "solidarity" towards the worst-off parts of the global society, especially the solidarity of the Global North towards the suffering people of the Global South.[28] Compassion creates a false sense of unity between the rich and the poor, or between the ones who do not suffer the cruelty of poverty and those who do (Arendt, 2006, p.70). This empathy is empty because the Global North economic conditions depend greatly on the neoliberal economic structure of exploitation that makes the poor in the Global South even poorer every day. In this sense, compassion transforms poverty and real suffering into a banality because it does not attempt to change the social structures of inequality and exploitation. Instead, it perpetuates the existent structures as long as the charity and compassion for the suffering people need people suffering to make sense. Good deeds and benevolence always need someone who suffers. In addition, compassion also leads to a misrepresentation of political action because, through empathy, we see the poor and the wretched as incapable people, as the objects of our pity and solidarity (Deveaux, 2018). Compassion and solidarity may help some suffering people, but they cannot empower them.

The second idea that I want to highlight from Arendt's political philosophy is her concept of power and political action. Power is understood as 'being-together',[29] in this sense, power

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[28] The idea of solidarity has also justified the colonial and neocolonial enterprises of the rich countries toward the "poor" of the world. Development, progress, and civilization have always justified the extraction of the natural resources and the exploitation of the local population (Spivak, 1999; McCarthy, 2009; Allen, 2016).

[29] "Action, as distinguished from fabrication, is never possible in isolation; to be isolated is to be deprived of the capacity to act. Action and speech need the surrounding presence of others no less than fabrication needs the surrounding presence of nature for its material, and of a world in which to place the finished product." (Arendt, 1998, p. 188). Two ideas can be deduced from this fragment: first, the isolated activity of the individual vote does not constitute political power; second, political action does not take any "material" –institutions or

only exists when people gather together to act in a joint effort (Arendt, 1972). That means that political action comes from the people, and therefore, it is not limited to the institutional representative means of participation. It was noted before, that political action means to appear in the public sphere to be seen and heard, to be part of the decision-making. This appearance in public is spontaneous and can only come *from below*, from the ones who are not being seen or heard. This can be applied to the poor, *pace* Arendt, if we look to John Adams' definition of poverty that she quotes in *On Revolution:*

> The poor man's conscience is clear; yet he is ashamed… He feels himself out of the sight of others, groping in the dark. Mankind takes no notice of him. He rambles and wanders unheeded. In the midst of a crowd, at church, in the market… he is in as much obscurity as he would be in a garret or a cellar. He is not disapproved, censured, or reproached; *he is only not seen…* To be wholly overlooked, and to know it, intolerable. (Arendt, 2006, p. 59).

If the poor are living in the dark, what could be better for them than to appear in the political realm to be seen and heard? In this sense, we should look to the wretched of the world as political actors with the desire to be seen and heard; to express their suffering in public through a multiplicity of actions, that means, not only through reasonable, consensus-oriented deliberation. Through public manifestations, protests, and acts of civil disobedience (e.g. the so-called "economic migrants" who defy the migration laws), the wretched try to be seen and heard by the others, by the ones who benefit -directly or indirectly- from their suffering. But they do not only seek bread and water, they are also contesting the structural forms of exclusion and exploitation through the negation of the status quo, therefore, we should see them as a force of resistance against exclusion and oppression (Hardt & Negri, 2009; Renault, 2004).

That would be thinking politics with Arendt beyond Arendt. Her political theory helps us to overcome the traditional idea of politics that conceives it as a partisan bureaucracy with

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citizens- to make them better and place them in an objective world. Political action exists only in 'being-together'.

periodical elections, officeholder elites, and the opposition between legitimate rulers and ruled as the essence of the political field. She opens up the possibility to think about politics differently: instead of only institutions and their representatives (Arendt, 2006, p. 261), politics means an action undertaken with and before others. As politics occurs only in the frailty of the realm of human affairs, its results cannot be predicted or foreseen. Politics and political theory do not consist in creating a "perfect republic" or ideal "solutions" for social problems. It consists rather of the acting together of the multiple people and through this acting, the construction of the space to appear to others takes form. But Arendt posits boundaries for this kind of action, leaving outside the multitude of the ones who do not count (Rancière, 1999; 2010). In this sense, we should move beyond this exclusion of the worst-off parts and include them in *partaking* in politics. Otherwise, we would be constructing ideal public spheres, without taking into account the real social and power relations that determine in one way or another the political sphere as a stage for the conflict to be displayed through the disclosure of the suffering (Moore, 1978). That means, trying to understand politics in its own *impurity*.

II. Communicative Power and Public Justification: Politics as Reasonable Consensus.

As we have seen, Arendt presents a notion of politics as action and speech in the context of the web of human relationships, an idea that posits politics as a frail, human activity. The stage for human interaction is constructed through the inherent relationship between action and discourse. Her idea of the political sphere is therefore framed in the field of human communication because it is only in the action of communicating something, speaking to others, that we can reach different forms of understanding and agreement. *Praxis* and *logos* give form to the particularity and plurality of the human condition.

This conception of power as *flowing communication* had a great influence on Habermas' concept of deliberative democracy (Benhabib, 1992; Flynn, 2004). His notion of communicative power through which public opinion and the common will as sources of state legitimacy are constructed can be in this sense related to Arendt's political theory (Habermas, 1996, p- 147-151). However, Habermas' main concern is not the foundation of the political

community, as it is in Arendt's perspective, but the legitimization of the exercise of political power through the rational deliberation and conflict resolution of the communicative interchange between citizens. Political power has two interrelated features. On the one hand, there is the communicative power created by the communicative action of the people. That is, the performing of any speech action that raises universal validity claims in an intersubjective process of justification through argumentation to achieve a mutual understanding (*Verständigung*) and bringing out an agreement (*Einverständnis*) based on reciprocal recognition of the validity claims, i.e., a reasonable consensus achieved through unhindered, free deliberation among free and unhindered subjects (Habermas, 1979a, p 2-3).

On the other hand, administrative power is understood as the systemic mechanism for societal integration exercised by the political system, which means the faculty of the state to enforce and enact a law in complex modern societies, or the real capacity to exercise control over the community (Habermas, 1996, p. 39-40). The administrative power alone rests based on strategic action, which is the action based on the instrumental reason or the relation between the appropriated means and a goal to be achieved. For this reason, the political system cannot legitimize itself in an autopoietic sense, or at least not in the constitutional state of the rule of law. Hence the internal and external tensions between *facticity* and *validity*. Modern law presents the internal tensions between the facticity of institutional enforcement of the law and the legitimacy of the law-making processes and at the same time the external tension between the normative validity claims of the law-making and the social facts that intervene from outside the legal system, social facts that come from the exercise of economic and political power (Habermas, 1996, p. 34).[30]

Therefrom the interrelation between communicative and administrative power becomes explicit. If the controlling force of the political system cannot legitimize itself, it needs

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[30] Habermas' deliberative politics could be then seen between normativity and empirical facticity that thematizes the tension between reason and power. I follow here Allen's thesis that Habermas "[…] ultimately forecloses that tension in the direction of a rationality that has been conceptually and methodologically purified of the strategic power relations that pervade social reality" (2012, p. 354). For this reason, I do not attempt to make a complete reconstruction of the Habermasian approach to politics, I rather try to highlight the idealization of modern law and the subsequent exclusion of the reality of social hierarchies in the deliberative politics.

another source of legitimacy. In modern complex societies, social integration comes through the citizens' self-representation as authors of the law, which means that legitimacy cannot be provided by legality alone. Public opinion based on agreements achieved through free and unhindered communicative action –established through the forceless force of the better argument- constitutes the legitimacy basis of the constitutional state in the deliberative approach. In summary, the public opinion created by the circulation of communicative power should be transformed into administrative power as the condition to be a legitimate, non-arbitrary form of coercion. As Habermas says:

> This leads me to propose that we view law as the medium through which communicative power is translated into administrative power. For the transformation of communicative power into administrative has the character of an *empowerment* within the framework of statutory authorization. We can then interpret the idea of the constitutional state in general as the requirement that the administrative system, which steered through the power code, be tied to the lawmaking communicative power and kept free of illegitimate interventions of social power (i.e., of the factual strength of privileged interests to assert themselves) (1996, p. 150).

Habermas' perspective on politics is in this sense a normative-procedural approach to law that can be taken as a legitimate rule. It is procedural because it allows and secures the processes of deliberation and justification as constructing forms of the common will and the public opinion, in other words, the procedural construction of communicative power that is transformed into *employed* administrative power creates legitimate political power (Habermas, 1996, p. 340-341). But it is also normative because not any communicative interchange could be seen as valid, nor any agreement achieved could be understood as legitimate. At this point, the links between his discourse theory and his deliberative politics take the form of the "interpenetration" of the discourse principle and the principle of democracy. The former is defined as follows: "D: Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses" (Habermas, 1996, p. 107). This principle works as an *internal* constitution of the valid forms of argumentation, but it remains neutral on politics and ethics (Habermas, 1996, p. 108-109).

Therefore, its validity has to be externalized through the institutionalization of deliberation in the principle of democracy, which is described as "[…] only those statuses may claim legitimacy that can meet with the assent (*Zustimmung*) of all citizens in a discursive process of legislation that in turn has been legally constituted" (Habermas, 1996, p. 110). With this *liaison,* the communicative praxis of the people and the institutionalized space for legislative-purposed discursive processes come together in the form of deliberative democracy.

This form of democracy is presented as an alternative to the purely formal liberal democracy and the communitarian versions of republicanism (Flynn, 2004, p. 437; Habermas, 2005, p. 239-252), by mixing two main components of both theoretical approaches: individual liberties and popular sovereignty. That is what Habermas calls the *co-originality* of private and public autonomy. The first one refers to basic and equal civil liberties that every individual should have to participate in the public opinion formation processes. It also includes "positive rights" to enable participation in the public sphere and basic socioeconomic rights to safeguard the basic material conditions that allow the citizens to exercise their civil liberties (Habermas, 1996, p. 122-123). The public or political autonomy, in turn, refers to the legitimization processes carried out by the citizens in the public sphere by deliberating and constructing the common will and public opinion. In other words, public autonomy refers to the legitimation-aimed exercise of communicative power. The law is then the one that safeguards individual rights but at the same time, its legitimacy is constituted through the popular sovereignty and the exercise of the public reason. Hence, deliberative politics in the constitutional democratic state takes the citizens as holders of individual civil rights but also as *co-authors* of law because the communicative power is seen as "jurisgenesis", i.e., as the source of law, and should bound the administrative power to the communicative reason of the forceless force of the better argument. It is the rationalization of power through legitimacy that the rationally achieved consensus through deliberation grants to the juridical system of the rule of law.

The co-originality of this kind of autonomy lies, on the one hand, in the fact that without equal civil rights to participate and express oneself, and without the material living conditions that enable the exercise of civil rights, the citizens would not be able to construct the

legitimation force of the communicative power. On the other hand, without this legitimation process, the law would be only legal, but not democratic because its legitimacy source would not be popular sovereignty. In short, without individual civil rights, there could not be legitimate law, only arbitrary imposed dispositions by the rulers; but without legitimate law, there could not be legitimate and constitutional institutions to safeguard basic civil rights. Thus, the procedural approach to deliberative politics has two faces. First, it means the procedural construction of public opinion and common will by intersubjective deliberative actions; second, it means the formal and institutional procedures for law-making. Institutional formal procedures and communicative praxis are intrinsically linked, to say that politics is the word for popular action under rational public conditions for deliberation in the milieu of rational, institutional administration to distinguish the legitimate rule of law from institutionalized domination (Habermas, 1979b, p. 183).

In Habermas' deliberative approach to politics, the formation of public opinion occurs in the public sphere, which is understood as a network for communicating information and points of view, and as in Arendt's theory, the public sphere is reproduced as a social, intersubjectively shared space for a speech situation through the communicative action (Habermas, 1996, p. 360-361; 1989, p. 245-246). However, whereas Arendt makes a radical division between the private and public spheres as two different spaces, the Habermasian account of the public sphere and politics posits them as profoundly embedded in the private life contexts for communicative action, that is, in the lifeworld as a network that allows understanding and agreement between the deliberative parts (Habermas, 1996, p. 356). In this sense, the public sphere draws its impulses from private life histories (Habermas, 1996,p. 366). Nevertheless, despite the close relationship between both spaces, they are not the same. The private refers to the moral and ethical contexts for the reflexive construction of self-consciousness. Family, religion, schools, etc., construct the private space. The public sphere, in turn, is conceived as the institutional and non-institutional spaces to make opinions and arguments visible to others. It is the space for discussion, deliberation, and justification of the own point of view within the procedural structure of rational deliberation that guarantees that there would not be any coercive force in the consensus-oriented communicative action.

It is worth noticing that Habermas' notion of the public and private spheres is normative and descriptive at the same time. He takes into account the development of the public sphere in the political context of modernity by the emergence of the Enlightenment and the liberal civil rights as a response to the hierarchical and traditional states, but he also conceives the modern project as unfinished, therefore as an ongoing process of rationalization of the communicative spaces of the complex societies. Civil society, as a modern construction, connects the private and the public spheres, meaning that there is a re-introduction of the social into politics in the deliberative democracy theory that distinguishes it from "politically neutral" theories like the Rawlsian theory of justice. Habermas says:

> Civil society is composed of those more or less spontaneously emergent association, organizations, and movements that, attuned to how societal problems resonate in the private life spheres, distill and transmit such reactions in amplified form to the public sphere. The core of civil society comprises a network of associations that institutionalizes problem-solving discourses on questions of general interest inside the framework of organized public spheres. (1996, p. 367)

Let me summarize what has been said so far. Deliberative politics is about the legitimation of the exercise of coercive power by the communicative action of the citizens in the form of justification processes of societal control. The justified exercise of coercive power is different from the mere institutionalization of domination as long as the public justificatory discussions occur under the ideal conditions of horizontality, equality, and freedom, that is, under conditions of unhindered and free communicative interchange. That can be seen as the mediation between communicative generated power, as the source of legitimacy, and administrative power, as the exercise of institutional power through law. Therefore, the law can only be legitimate if it is acceptable by all the possible affected under ideal conditions of deliberation, those ideal conditions could only exist within the framework of already existing legitimate institutional conditions that safeguard basic liberties to express the citizens' points of view because rational institutions are the milieu that allows the deliberation processes. This can be understood as the continuation of the modern project to subject crude power to reason, but in this case, to the communicatively generated reason which means that reason

here should be understood as a consensus pragmatically constructed instead of a transcendental entity from which legitimate law could be deduced as in Kant's *Rechtslehre*. In consequence, the ideal conditions for deliberation represent a rational public sphere embedded in a rational private sphere of life histories. From this perspective, only rational public opinion could be seen as a source of legitimacy for the social system.[31]

In his work *The Structural Transformation of the Public Sphere* (1989), Habermas reconstructs the rationalization processes of the public sphere, from the bourgeois liberal state to the constitutional state. In this reconstruction, he makes a differentiation between rational and critical public opinion, as the normative mandate that subjects the exercise of political power to publicity, from the manipulative public opinion as an object molded in connection with the benefit of individuals or groups. As he presents them, both forms of publicity are different and in constant competition in the public sphere (Habermas, 1989, p. 237). The difference between them exists in the legitimation force of the critical debate oriented to consensus formation, that is, the formation of public opinion under ideal conditions of public discussion to subject power to rational publicity (Habermas, 1989, p. 243).

At this point, it becomes clear that the legitimation processes of constitutional democracy in its normative sense can only be realized by rational, enlightened citizens who can use their reason in a public manner. Habermas' depiction of the ideal conditions for deliberation and of the rational public sphere represents a normative conception of democracy. A normative concept that leaves aside the "social power", or the actual strength of privileged interests (Habermas, 1996, p. 150), and sees politics, in its normative sense, in the pure and rational form of rational citizens who are involved in public rational deliberations. Of course, this notion of democratic politics does not represent an empirical description of the factual

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[31] Habermas does not exclude other forms of social steering and exercise of administrative power through instrumental reason. His proposal focuses on a normative concept of political power in which the legitimacy of a given set of rules in the society could be valued with normative criteria. In real societies the communicative and instrumental reason coexist to different extents and the legitimacy could be understood as the extension to which the citizens could conceive themselves as *authors* of the law and as participants in rational discourses (Habermas, 1979b).

democratic regimes, it works rather as a normative "measurement model" to criticize the existing and unjustified (illegitimate) forms of exercise of political power. In fact, in real political regimes, legitimation is a constant issue for discussion because legitimacy as "[…] a political order's worthiness to be recognized" is a contestable validity claim (Habermas, 1979b, p. 178-179). What lies at the bottom of this recognition is the consensus of what could be seen as general interests, for the sake of all, and what not. Hence the central role of the common will and public opinion as communicative forms of social integration.

I have presented so far a simplified summary of what deliberative politics is and it cannot make full justice to the complexity of Habermas' political thought within the framework of discourse theory. However, it can allow me to present some critical reviews on deliberative politics. The critiques I am going to present are not aimed at the theoretical coherence or the systemic logic of discourse theory, which are taken for granted. They rather aim for the critical utility of an idealized conception of politics in a non-ideal reality, in other words, I would like to see if Habermas' notion of politics could be used to denounce the unjust and oppressive conditions of a vertically organized world and how much an idealized notion of politics can say about the real conditions of political interaction (Geuss, 2008).

a) First, it is worth noticing the role of the citizens in deliberative politics. It has been said that the flowing communicative power is the source of legitimacy for the administrative power which only works through instrumental rationality –strategic action- and as a result cannot legitimatize itself. Communicative power, constructed within the ideal conditions of deliberation, can provide normative reasons and criteria for legitimacy. How does it work? Does it represent a radical form of politics as participation in the decision-making? The answer to these questions is no, direct citizens' participation in decision-making is not possible under the current complexities of the constitutional states. What they should aim to do is to have some influence in the decision-making. The procedural approach of deliberative politics "[…] *relieve* the public *of the burden of decision making*, the postponed decisions are reserved for the institutionalized political process" (Habermas, 1996, p. 263). Furthermore: "The political public sphere can fulfill its function of perceiving and thematizing encompassing social problems only insofar as it develops out of the

communication taking place among *those who are potentially affected*" (p. 365). In other words: citizens' political role is to thematize and perceive social problems, to deliberate around them, generating in this process communicative power, from which the decisions made by the political systems can draw their legitimacy.[32] Putting issues on the agenda can follow three different paths. The first path is the inside access model which represents the initiatives of political officeholders that are treated within the political system without any influence from the public. The second is the mobilization model which represents the officeholders' initiatives that require popular support, and in consequence, politicians try to mobilize social sectors to support their proposals (Habermas, 1996, p. 379-380). Those two models are the most common in political practices, and needless to say that they both are models that come from the center of the political system.[33]

Opposed to these models is the third one: the outside initiative model. This form of placing issues on the agenda comes from the peripheries of the political systems. It represents the social problems that social actors display in the public sphere, who in times of perceived crisis assume an active role in politics through protests, demonstrations, and articulation of grievances (Habermas, 1996, p. 380-381). The peripheries have more sensitivity to social problems than the political center, and under *liberal conditions*, i.e. under conditions in which the basic liberties are safeguarded, they can establish a communicative link between the public sphere and the private life spheres. Habermas is well aware that the last decade has shown how the peripheries have been able to put issues on the political agenda like environmental issues, distributive justice problems, war, nuclear race, etc. (Habermas, 1996, p. 381). This form of active outside mobilization is, however, exceptional, it occurs only in certain moments of legitimacy crises and despite its exceptional means for action, Habermas sees them as forms of civil disobedience that appeal to the creation of deliberative spaces in

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[32] "[…] since administrative power is instrumentally rational, the administration must not concern itself with normative reasons or justifications. Rather, it must limit itself to drawing on the pool of normative reasons generated by communicative power and using this to rationalize its decisions." (Allen, 2012, p. 357-358)

[33] I see the relation center-peripheria as a vertical relation between those who are *above* and those who are *below* in the social power hierarchies. In this sense, I would call these models as politics from above, opposed to the politics from below (della Porta, 2013, 2015; Hardt & Negri, 2004, 20009, 2012 and Chapter IV of this work).

order to solve social problems through consensus-oriented action. It is worth adding that the political value of this kind of mobilization lies in the actualization of the normative content of the constitutional democracy against the systemic inertia of the political system (Habermas, 1996, p. 383).

Although this last active form of the citizenry is included in the Habermasian approach to politics, his notion reduces the political relationship between citizens and institutions in the form of a relation between active spectators and actors. The citizens as spectators of the political game, fill the gap between them and the institutions through the feedback they give by the rational construction of the public opinion, by supporting or rejecting their actions, or by pointing out what problems are given in different social contexts. The democratic institutions, if they want to be recognized as such, should act following the demands presented, legitimizing themselves from the rational feedback created by public deliberation. The decision-making processes from above rationalize themselves through the pool of public opinion created from below. The question that arises from this point is: how could the citizens be understood as active actors in democracy if their role is reduced to being feedback suppliers? I believe that the ideal conditions and the procedural rules for public deliberation minimize the critical aspect of citizens under exclusive or oppressive conditions. As in Arendt's theory, citizens are supposed to be already *free* and recognized as equals to act for freedom and inclusion. Thus, under ideal conditions citizens could just sit back, discuss political issues and occasionally point out some social issues that should be addressed by the political system, leaving aside in this process the critical aspect of denouncing the real conditions of injustice through citizens' political action. The problem here is that in political theory we should be able to see citizens as active actors, even under real, non-ideal political conditions of domination and exclusion, and their political action as a demand to be included in the deliberative community. In other words, reflections and analysis on politics should always begin with the *being* and not with the *ought to be*, which means that the actors and their actions have to be always situated within existing contexts of action determined by real power structures. Any attempt to purify a political theory by neglecting the presence of power and social hierarchies ends up making invisible the social conditions of domination and

exploitation as well as the real interests behind the political action of the system and the different social actors (Geuss, 2008, p. 10-13).

b) The second critique I would like to present here refers to the consensus-oriented approach to political action. From a deliberative politics perspective, the social problems that have been shown in the public sphere under rational deliberation processes should be then rationally solved by the administrative power of the political system. As we have seen, the outside initiative, for example, is able to point out the given social problems in specific contexts to influence the decision-making institutional procedures so the officeholders could act following these problems and solve them through legal formal procedures. However, only under liberal public spheres could the flow of communicative power within the framework of constitutional institutions take this path of political movements. Otherwise, under authoritarian public spheres, social movements and political activism would be seen not as civil disobedience but as plebiscitary legitimation or as violence (Habermas, 1996, p. 383). In consequence, only under horizontal conditions and equality between the citizens themselves and between the citizens and the political systems (which can only exist under liberal and constitutional regimes *à la* European experience), the consensus and problem-solving decisions could take place.

This approach presupposes a fictional lifeworld free of power relations and social hierarchies (Honneth, 1991; Allen, 2012). In this sense, democracy *ought to be* constructed on horizontal conditions of equality, but under the material conditions of complex societies power relations and real capacities to influence play a major role in the decision-making (Crouch, 2004). Lobbies, private entrepreneurs, economic groups, and big traditional political parties have more influence on the formal decision-making procedures than peripheral groups of activists. Real social hierarchies make it impossible to achieve rational consensus under procedural and rational deliberation because of the obvious truth that even in Western democracies a powerful businessman has more possibilities to impose his interests, i.e. his arguments have more *weight*, within the lawmaking and decision processes than an ordinary group of citizens concerned with their social problems (Allen, 2012). If democracy is a normative-ideal milieu that serves as a "measurement model" for the real political systems; can we still think of

democracy under real conditions of vertical power relations? Can we see politics as a critique of power instead of just seeing it as a means to legitimize political systems?[34]

Let me take for instance the case of racism in a given society. In this society, the constitution grants equal rights to all citizens. However, there is still a racial division based on the real opportunities for the non-whites to *rationally* deliberate and participate in the consensus-forming processes. That is, racially excluded people do not have the material conditions to make their voice or their arguments heard in the public sphere, therefore, the public opinion and common will formation processes are determined by the arguments of the dominant racial group.[35] As a consequence, the excluded social groups stand up against the exclusion by protesting, demonstrating, and demanding real inclusion among the society of *equals*. From the perspective of deliberative politics, we could say regarding this "hypothetical" situation that a) the public sphere is not rational, hence there is no legitimate rule of law, which means that there are no politics but arbitrary domination and violent resistance; b) the excluded groups disobey in a civic and exceptional manner in times of legitimacy crisis (as if racism, oppression, and exclusion were "exceptional"); or c) the excluded social groups should rationally point out their social problem of being excluded within the political institutions and public sphere.

In this point lies one of the problems of deliberative politics. My insights on this matter are that, since politics is an intersubjective, consensus-oriented communicative action to *legitimize* the political systems through the feedback of communicative power and problem-solving decision-making, any other forms of action that aim to *make illegitimate* a given set

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[34] One of the issues with applied ethics, which is the theoretical effort of constructing an ideal, universal and independent model against which real politics is measured, is that it takes a particular hope -be it global peace or a society without economic inequality- and presents it as the rational option and at the same time as the rational consequence of the right actions. As Geuss points out: "That the prophet claims and genuinely believes that his table of values will bring peace and prosperity to his followers, and even that the followers genuinely believe this and act according to the table of values to the best of their ability, does not ensure that peace and prosperity will in fact follow." (2008, p. 10)

[35] This is very important today from the perspective of critical race theory and postcolonial studies. The role of the subaltern is that she cannot speak and cannot be seen. The structural power relations neglect her capacity to speak before others and therefore she can only be subject of domination and control, not a subject of deliberation. The problem with leaving outside the real conditions of the subalterns is that from there follows the negation of their particular experience of suffering and their particular modes of action (Spivak, 1994).

of institutions and political powers are not included in the notion of politics. Resistance and opposition against forms of exclusion and domination are not aimed at consensus but dissensus. To stand up in public and say "This is not a democracy" is a speech act uttered to show disagreement with a supposed legitimate political system and not to reach an agreement to legitimize it. This narrows politics to an ideal model that serves as an abstract measure of the real political systems, because under ideal conditions all the social hierarchies and power relations are left aside, but in the real lifeworld these conditions determine the *force* of an argument, making the ideal forceless force of the better argument not forceless at all. Officeholders, economic powers, manipulated information, access to mass media, access to education, gender, race, and sexual preferences make a big difference in social groups' capacity to "point out" a social problem in the public sphere (Allen, 2012). By discarding the real social power, deliberative politics' critical content is reduced to the comparison between an ideal institutional model and the material, the non-ideal reality of the exercise of political power.[36] In other words, through this kind of comparison, the critical value of deliberative politics lies in the possibility to differentiate between the legitimate (or more or less legitimate) rule of law and arbitrary impositions, between rationally justified domination and unjustified domination. By focusing on the ideal conditions for the legitimacy of the social system as a whole, which means focusing on the ideal "design" or institutional "blueprint",

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[36] In defense of deliberative politics, it can be said that the struggles for inclusion represent a previous moment for politics, i.e., a pre-condition for the construction of a rational public sphere under equal and horizontal relations where everyone can participate in deliberation processes. That means that deliberative politics as a normative concept should be understood as a goal line, one that we will never reach, that serves to show us how close or how far we are from the ideal situation for politics. Furthermore, the disagreement approaches to politics necessarily presuppose a consensual shared space to dissent. This shared space could be seen as the public acceptance of the right to dissent or as the intersubjective conditions for understanding the validity claims of disagreement. Therefore, politics as dissent does not mean a negation of consensus but an action oriented towards an agreement (Arendt, 1972, p. 88-96; Habermas, 1989, p. 250; 1979b, p. 203-204). My intuition here is that the existence of a shared space for interaction does not necessarily mean consensus. Shared spaces can be ideologically constructed and power relations can be justified without a consensual agreement in the public sphere. The relation between a master and a slave generates a shared space for understanding: the slave can understand and follow the master's orders (This idea will be developed in Chapter V of this work). Political theory should focus on what is the real situation of the slave, what is he saying when he revolts against his masters, what is the slave normatively and communicatively expressing with his resistance and the disclosure of the wrong he suffers, instead of just disregarding the power relations as non-rational, non-legitimate or non-political. A critical political theory should engage itself with denouncing the unjust and real power relations (Horkheimer, 1992) not only setting the ideal conditions for the justification of domination.

deliberative politics became blind to the real experiences of injustice.[37] At the same time, this ideal and rational approach is not able to say much about the real situation because it focuses on the design of an idealized and freestanding model instead of starting from the real and particular conflicts that constitute politics.

c) The final question I would like to remark on here is the idea of the citizens' rationality within the framework of deliberative politics. In Habermas' approach, reason does not represent a transcendental tribunal for truth and rightness, it is a pragmatic construction through communicative actions (Habermas, 1987; Brunkhorst, 2013). The reason is, therefore, a communicative intersubjective construction. The epistemological contributions of the pragmatic linguistic turn are not discussed here. What is interesting is the rationalization of politics and that is what I like to discuss.

In a rational public sphere, political actors are conceived as reasons-giving/reasons-demanding subjects who engage themselves in public deliberations under horizontal and equal conditions to bring out a consensus over the basis of the forceless force of the better argument. These are the ideal conditions to generate communicative power and construct legitimate feedback to legitimize the political system. Due to the co-originality of public and private autonomy, the relation between rational actors- rational public sphere-rational communicative power- rational political institutions takes the logical form of a biconditional "if and only if" between its parts. In consequence, deliberative politics rests on the progressive spread of the Enlightenment to subject the will of power to reason, or its public use.[38] This process is described in his *Structural Change of the Public Sphere*.

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[37] Here it is worth highlighting Arendt's critics on political philosophy. She argues that, since Plato's Republic, political philosophy has tried to eliminate the contingency, frailty and plurality of politics through the formulation of ideal models to "fabricate" the perfect political system or the perfect society. By doing this, the political branch of philosophy replaced action for fabrication, removing in this way politics from the reign of human affairs and turning its back on reality. Political philosophy has been conceived as the epistemological task of finding the ideal conditions to justify the rule over the ruled and to design a blueprint for the justification of domination and command (Arendt, 1998, p. 222-223; 2005, p. 52-53).

[38] This idea can be compared to the circularity of Rousseau's account of legitimate institutions. In his view, only virtuous citizens can make virtuous political institutions, but only under virtuous institutions could virtuous citizens exist. He breaks the circle with the introduction of the figure of the Lawgiver (Rousseau, 2005, Book II, Chapter VII; Kersting, 2002). In Habermas' ideal conditions for deliberative politics, the reciprocity between

Here the normative assets of the deliberative politics are not in the debate –a society ought to be organized in a way that allows equal and horizontal conditions for public deliberation-, but rather the critical capacity of this approach to denounce real conditions of domination and exclusion. The normative theory cannot fill the gap between the ideal conditions for public deliberation and the lived experience of real people (Olson, 2014, p.101).[39] Let me mention three main reasons to justify this statement.

In the first place, the ideal conditions of rational citizens frame the deliberation processes within the reason-giving/reason-demanding activities. Accordingly, a social-political actor engages in the deliberation by asking for reasons and at the same time giving reasons, which implies that the actor should have argumentation skills that allow him to make valid claims in the public sphere. Those skills are normally gained through education and formation processes. Therefore, an actor should educate himself first so he or she can make his or her arguments visible to others in the public realm. Under ideal conditions, it is presupposed that all people have access to the argumentative skill formation processes, but under real social conditions, education remains a privilege of some social groups. Furthermore, in the education systems of contemporary societies, people can be classified into different groups: those without any education, those with basic education, those with graduate studies, etc. Every one of these different levels creates different real capacities for social and public interaction, which becomes even more stratified within the complex framework of labor division and bureaucratic government. In this framework, experts are more likely to have the final word in a deliberation than an ordinary citizen with no or basic education (Olson, 2014, p. 96-97), rendering politics down to the field of experts, or the ones who know how to do (how to act, how to deliberate).[40] This also has as a consequence the idea of "not ready yet"

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communicative power and legitimate political systems is constructed in the form that one cannot exists without the other, hence their co-originality.

[39] Olson's criticism is aimed to Forst's justification theory. However I believe that his critics can also apply to Habermas deliberative politics.

[40] It should be said that Habermas' purposes are not exclusionary. However, the gap between the normative theory and real social hierarchies ends up making distinctions and exclusions in the deliberative practical framework. It universalizes a particular set of values and forms of acting, namely those of the enlightened bourgeoisie and by doing this, it privileges particular class interests, having in consequence problems to challenge class and power relations (Olson, 2014, p. 99). On the critiques and defenses of deliberative democracy *Cf.* Lafont, 2006; Dryzeck, 2000; Smith, 2013.

that has been used to justify the subjugation of non-white social groups or women. These groups have to be first "educated" to be able of being autonomous. Therefore, the first step is always a long –very long- paternalism that will allow African-Americans, Women, and other groups to be as rational as white males before they actually can have a place in the decision-making.

In the second place, the rationality of the forceless force of better argument does not take into account real social hierarchies and different forms of justification in complex societies. However, in real argumentative interactions, social positions and hierarchy levels play a major role in determining what can be considered the *best argument*. For example, if we look at the American Revolution (as Arendt did) the white, property owners males were the ones who controlled the circulation and generation of information. African-Americans, Native Americans, and women were not supposed to participate in the public opinion formation processes, despite the recognition –in the abstract- of the equal nature of human beings. Therefore, it was not a contradiction to defend and fight for freedom and at the same time be a slave owner like Thomas Jefferson (Rorty, 1998). The *acceptable* reasons are modeled by an elite and their arguments are the ones visible to the society. From this critique, it can be said that legitimacy, as an acceptable rule of law, is the acceptance of the social order, where everyone understands their roles and positions and act following them.

Nevertheless, it has to be conceded that the groups that can act in the public sphere have increased over the last two centuries in the development of democratic institutions in the West. But this increase is due more to the struggles and standing up against the *acceptable* arguments than to rationally achieved consensus through the *best* argument. The so far achieved forms of inclusion are related to the challenge of the social order. An example of this could be the LGBTQI slogan: "We are queer, we are here, get used to it". The performative speech act does not intend to generate consensus, it aims rather to the disruption with the accepted values and social hierarchies. The slogan attempts also to make visible a social group that has been neglected by the status quo. It is a contestation, a negative speech act that expresses a lived experience of exclusion. This idea does not imply the *irrationality* of this kind of speech acts, it implies that rationality and reason are not limited to the

consensus-oriented forms of argumentation. To take the pragmatic perspective on politics a step beyond, political theory should be able to take into critical account the multiplicity of rationality and the plurality of political action and actors (Butler, 2015).

Finally, I would like to mention the difference between rational public opinion and mass opinion. The first one refers to the opinion generated through the formal procedures of deliberation under ideal conditions for communicative action and creates a legitimate rule of law. The second one, in contrast, refers to the opinion generated by manipulated information and cultural industry that aims to present particular interests as if they were common. This last form of opinion cannot generate legitimate law because it does not follow the free and unhindered procedures of common will and public opinion formation. Both opinions exist in the public sphere, in consequence, the constitutional state is under an always-going legitimation process through deliberation (Habermas, 1979b, p. 200). The problem lies in the gap between the normative ideal conditions and the real lived experiences. Since Habermas focuses on the normative and cognitive aspects of a free and unhindered public opinion, he does not criticize the role of real domination and power relations in the public opinion formation processes, he argues that they cannot generate "good reasons" to comply with the political system (Habermas, 1979b, p. 203). The critical question here should be: who has the real power to determine what a good reason is? As Marx and Rousseau have shown (Marx & Engels, 2011; Rousseau, 2002; Gallo-Gómez, 2021),[41] the good reasons to obey the law come usually *from above* the hierarchies of power. The upper levels of the social strata are the ones who have enough power to put information and justificatory reasons into motion. The natural superiority of one race or nation, the divine right to rule, or the defense of the natural rights of *all* human beings to own property are just a few examples of how domination has been usually justified by "good reasons" coming from those in power. In consequence,

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[41] "Destitute of valid reasons to justify, and sufficient forces to defend himself; crushing individuals with ease, but with equal ease crushed by banditti; one against all, and unable, on account of mutual jealousies, to unite with his equals against enemies united by the common hopes of pillage; the rich man, thus pressed by necessity, at last conceived the deepest project that ever entered the human mind: this was to employ in his favor the very forces that attacked him, to make allies of his enemies, to inspire them with other maxims, and make them adopt other institutions as favorable to his pretensions, as the law of nature was unfavorable to them." (Rousseau, 2002, p. 162).

the presupposed consensual grounds for communicative action are not based upon equal and horizontal relations in which acceptable reasons to justify the law can be given, but upon already accepted reasons that determine the role and position of each different level of the social hierarchy. That means that the slave is not only born as a slave but is also born in a context where justificatory premises of slavery are taken as good reasons.

In contrast to the justification *from above*, the speech acts and political actions *from below* have come in the form of dissensus, instead of consensus. The disagreement with the accepted justificatory premises of the law comes from the bottom levels of the social hierarchy.[42] Workers, women, non-whites, etc., are the ones who have disrupted the consensus over their places and roles in society, not by simply pointing out the social problem of their exclusion, but through challenging the established good reasons of the systems, making visible their lived experience as an experience of injustice. From this perspective, Politics as a disruptive action of disagreement with the status quo can be differentiated from the administration of government institutions. That is the meaning of politics in Rancière's approach.

III. Politics as Disagreement: The Disruptive Character of Political Action.

In the previous sections, I tried to present critically the notion of politics in Arendt's and Habermas' approaches. Although they have intrinsic and theoretical differences in their political thought, they share the idea that politics cannot be reduced to social steering. In consequence, politics is conceived as the praxis of the citizens aiming for self-government and autonomy. Both authors focus on political action as constitutive of politics. Action is consensus-oriented and takes place in the shared space of human relationships through the appearance before others and making visible the particular arguments and opinions of the citizens through speech. They also share the idea that, with the corresponding differences in their theories, political action takes place within the frame of juridical-mediated relations. In this sense, the law serves to set the boundaries of action and shapes the background for mutual understanding under horizontal conditions of equality and freedom. Law as a changeable set

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[42] *Cf.* Chapter IV of this work.

of norms and rules configures the shared space for interaction and intersubjective construction of the public sphere. In consequence, it can be said that the pragmatic approach to politics from the point of view of action and speech is closely related to institutionalized forms of the exercise of political power. To set something new in motion and the flow of communicative power generated under free and equal conditions defines the desirability or legitimacy of a political system. However, the political concern with the stability and legitimacy of law as the structure for the performance of the political action, both in Habermas' and Arendt's theories, does not exclude the citizens' praxis under conditions of legitimacy crises or the loss of authority of the political institutions. This feature of political action is labeled as civil disobedience and is carried out by the people when they, or a substantial group, do not recognize an institutional regime or a law as desirable or justifiable (Arendt, 1972, p. 49-102; Habermas, 1996, Ch. 8). Therefore, political action takes the form of civil disobedience on rare occasions, which leads to understanding politics mostly as the citizens' praxis within institutional and juridical stability.

In contrast to the exceptionality of civil disobedience in the consensus-oriented notions of politics, the French political thinker Jacques Rancière posits the struggles against the established order as the central aspect of his definition of politics. In his political thought, the political action takes the form of *disagreement* with the distribution of the sensible (*partages du sensible*), i.e., with the established administrative and social order that determines the place that corresponds to every part and everyone in the society. This litigious notion of politics is opposed to the general notions of consensus-oriented approaches. Rancière defines this as follows:

> Politics is generally seen as the set of procedures whereby the aggregation and consent of collectivities is achieved, the organization of powers, the distribution of places and roles, and the systems for legitimizing the distribution. I propose to give this system of legitimization and distribution another name. I propose to call it *the police* (1999, p. 28).

It can be seen in this fragment that the French thinker opposes the idea of a legitimate institutional structure as the space for political action. It is rather a space for *policing* or the space to allocate roles, shares, and charges in the social system. This allocation is justified through the law as the societal mechanism for legitimization and integration in the social order. Nevertheless, it is necessary to clarify that Rancière does not identify *police* with the "state apparatus" as opposed to a subjugated civil society that simply complies with the distribution or partition. In his perspective, *police* refer to the configuration of the perceptible that defines different ways of being, doing, and saying that arise from "the spontaneity of social relations as from the rigidity of state functions" (Rancière, 1999, p. 29). The interesting aspect of his counter-definition of what is generally accepted as politics with the idea of *police* is that it highlights the partition between those who have a part and those who have none in the social order. In consequence, the *police* determine who is visible and who is not in the socio-political system, which means that there is a distribution of who can *take part* in political matters and who cannot, whose voice is heard as *logos* (reason or reasonable argument) and whose is heard as simple noise. Through the distribution of the sensible two categories of people are generated: the seen and the unseen (Rancière, 1999, p. 22-23) as the irreducible components of the essential contradiction in politics, or as Rancière calls it: the fundamental dispute (*litige*) between the rich, the ones with the means to appear before others and speak to others, and the poor, or the ones without the means (which I understand as the real, material conditions for participation) to make themselves visible to others (Rancière, 1995, p. 13).

Although Rancière rejects a historicist approach to the problem of the distribution of the perceptible (Deranty, 2016), some of the examples he uses to explain his concept of *police* may help us to understand it better. In ancient Athens, the division between the rich (*oligoi*), the virtuous (*aristoi*), and the plain people (*demos*) created a situation in which the first two categories had logical discourse while the demos, the ones without wealth or virtue, had only a "phonic" voice (Rancière, 1999, p. 8-9).[43] The partition of the sensible determined who was actually able to *appear* and part-take in the public business. The merchants, traders, women,

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[43] *Cf.* Chapter V of this work.

and slaves were considered as not *equal* and did not have a part in the *polis*. It was also the distribution of the perceptible which determined the division between the plebeians and the patricians in Rome and the institutional stability meant that each class knew its place and its duties and acted in accordance (Rancière, 1999, p. 27). The modern example of this partition in his perspective is the case of the working class, especially in France in the nineteenth century. In this last case, the partition becomes more interesting because the workers shared the same citizenship and abstract right as the bourgeois, however, their place and role in the society were determined by their no-possession. The workers' role and place in society were determined by the necessity of earning a wage to survive, in consequence, they were (are) not equal to the *men of property* (Rancière, 1995, p. 45-46).

Thus, Rancière's concept of politics appears antagonistic to *policing*. In his litigious notion, politics means the disruption of the established order of distribution of places and roles, political action challenges the "natural order" or the "just order" and reconfigures the partition of those who have a part and those who do not. Political action makes visible what has no business being seen and breaks the tangible configuration of the social order by suspending the logic of legitimate domination (Rancière, 1999, p. 29-30; 2010, p. 31-32). Politics resides in the action of the *metoikos* (middle classes) in Ancient Athens when they took part in public business, in the action of the plebeians revolting and addressing the patricians as equals in Ancient Rome, and in the proletarians' action of rejecting the wages and labor conditions by the argument of actually being equal to their employers under the industrial capitalist conditions. Politics is then, the public manifestation of a wrong on the part of those who have no part, a *disagreement* with the *policing* arguments for the justification of the distribution.

Disagreement does not mean misunderstanding or misconstruction. It means rather the conflict between the part of the *speaking* beings and those who are not counted as such.[44]

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[44] The main idea is that the fundamental disagreement is not simply a different point of view on how to do something or to implement a new policy. It is neither a form of competition among different interests. The fundamental disagreement appears when a subaltern group, that is not supposed to participate in politics, take part through the political action of dissent. Taking into account the fundamental disagreement we can think

Master and slave engage every day in communicative exchanges: the first one orders the second one obeys and follows the orders (Aristotle, *Politics*, 1253a). The disagreement occurs when the slave addresses the master as his equal, which means when the slave challenges the social partition that places him as a *not-speaking* being. In consequence, equality has a major role in Rancière's politics. However, equality does not represent a normative aspect of his political theory, in the sense of an ultimate goal or an essence. Equality consists of an assumption to be discerned in the performance of the political action. In the case of the slave and the master, equality does not exist as a structural condition for the communicative interaction, but as an assumption made by the slave that he is equal to his master and therefore they both are *speaking* beings. Hence, equality comes from below, from those who are not counted, when they appear in the public sphere and address the upper positions as equals (Rancière, 1999: p. 33). Equality arises in the form of a dispute, of dissensus.[45]

The political praxis of dissent generates a process of subjectification which means the construction of a political actor through the performance of the disruption of the social order. The proletarian class constitutes themselves as the class of the uncounted by the disclosure of the lived experience of the wrong and by doing so they introduce themselves as the negation of the distribution system, making themselves equal and part of the whole (Rancière, 1999, p. 37). This form of dispute should not be identified with the legal procedures to demand a lack of something (e.g. workers' rights). Lawsuits occur between parts and within an objective partition system. Politics, in contrast, does not have an *a priori* political subject. The subject of the wrong is constructed through the action of disruption itself, it does not exist previously, hence the impossibility to *solve* the disagreement through the systemic forms of integration as we have seen with the functionalist perspectives. The political

politics as a form of contentious political action in terms of communication and from there, we can think democracy as the performance of resistance.

[45] A recent example of this kind of equality from below could be fund in the 15M movement in Spain, better known as the *Indignados*. They claim to be common people who just grew tired of being exploited and neglected by the traditional political parties and the political elites. When they started to protest, the traditional parties argued that they were just a bunch of rioters who knew nothing about politics, field that was exclusive for "the experts". However, the Indignados proved to be able to organize themselves and made public the wrong they were living. (Taibo Arias, 2011; Álvarez et alt., 2011)

subjectification creates a stage for the appearances of the *miscounted* as subjects of the lived experience of the wrong. It interrupts the justified count of the parts of the society and in consequence, creates a new stage for the polemical scenes that constitute the political action.

Politics as disagreement implies also an alternative concept of democracy. Instead of the social order of stable politico-administrative institutions (*policing*), Rancière proposes the disorder of politics. That does not mean an absolute rejection of the political institutions, because as he recognizes, there are better *police* regimes than others, for instance, it is not the same to be born in the Global North as in the Global South. What Rancière means, in my understanding of his work, is that democracy is not a political regime that ought to be achieved. It is rather the action of the political dispute itself, the insertion of the *demos*, of the ones who have no part in the social order. That means that democracy does not simply exist because we label a political regime as such. With his concept of litigious politics, we can criticize the existing status quo, in which the people own the power only on paper but it is exercised only by the "well-born" (Rancière, 1999, p. 74). The political institutions that are usually ascribed to democracy nowadays represent what he calls *Post-democracy* (Meyer, 2011, p. 21-22), which is the government and conceptual legitimization of a political regime after the *demos* (Rancière, 1999, p. 102; 2010, p. 32). In contrast, Rancière thinks of democracy as:

> Democracy is, in general, politics' mode of subjectification if, by politics, we mean something other than the organization of bodies as a community and the management of places, powers, and functions. Democracy is more precisely the name of a singular disruption of this order of distribution of bodies as a community that we proposed to conceptualize in the broader concept of the police. It (democracy) is the name of what comes and interrupts the smooth working of this order through a singular mechanism of subjectification. (1999, p. 99)

The distinction between *police* and *politics* enables Rancière to make also a critical account of political philosophy. In his view, there is a disjunction between philosophy and politics since Plato –following Arendt's critiques on philosophy- because it has always tried to negate

the litigious aspect of politics, limiting the concept to mere administration (Meyer, 2011, p 23; Crouch, 2004, p. 80). With the "return of the political philosophy" in the late twentieth century, there was also a retreat to the "contemplative purity" of conceptual thought, and with it, came an unwillingness to go beyond the usual legitimacy arguments of the liberal democracy (Rancière, 1999, p. VII-VIII). The rationality of the rule of law and the constitutional state as the essence of politics narrowed the understanding of political action to the sole interplay of the state mechanisms of the exercise of domination and social steering. Philosophy has been seen then as the one that "comes to the rescue of the practitioner of politics, science, or art, explaining the reason for his quandary by shedding light on the principle of his practice. Philosophy does not come to anyone's rescue and no one asks it to […]" (Rancière, 1999, p. IX). By the rejection of politics, Rancière argues that political philosophy has created another problem which is the equivalence of what is real and the simulation-idealization of reality as structured in power relations (Rancière, 1999, p. 103).

His meta-theoretical critiques have two sides. On the one hand. Rancière criticizes the liberal and republican approaches to politics through the consensus-oriented notion of political action. These approaches take dissent as non-political, and in this sense as something that has to be "solved" in the deliberative processes. The solution to any dispute within the constitutional frame of the legitimate rule of law, as the result of the consensus, transforms any political action into judicial actions submitted to the courts and the "sages" of the constitutional state. In consequence, the part of those who have no part is "included" in the juridical problem-solving system ruled by the hand of the experts (Rancière, 1999, p. 107-108).

The solution to the disputes reduced to social problems within the inner rationality of the law implies that the constitutional rule of law cannot be unjust, except for the mistakes that can be made by the judges and courts, making an equivalence between the real situations and the rational law system, the facts and laws become equivalent, legitimizing in this way the whole system of administration. In summary, the reduction of the political dispute to a juridical problem-solving situation identifies the legitimate state with the experts' state and politics with the managerial logic of capitalism (Rancière, 1999, p. 113). In addition to this, the

consensus-oriented notions of politics also have a problem because they reduce the multiplicity of the demos to a "proper" or "natural" subject or place for political action (Rancière, 2010: p. 39). Rancière attempts to criticize Arendt's radical distinction between public and private spheres as the stages for the appearance of the citizens, and therefore her "deafness" to the multitude of the poor in her reconstruction of the French Revolution. The idea of subjectification, in contrast, posits politics as the disruptive action of the miscounted as they reveal their lived experience of injustice in different litigious scenes. Rancière's account of the consensus could be understood as the annihilation of politics because the essence of the consensual approaches is not peaceful discussion and rational agreement, but the elimination of disagreement and dispute in the political realm (Rancière, 2010, p. 43).

On the other hand, Rancière also criticizes the Marxian tradition of critical theory, taking distance from Althusser's Marxist structuralism (Deranty, 2010). Rancière's main critique is against the notion of political philosophy as the discloser of the "falseness" of politics. This approach, which he calls *metapolitics*, tries to identify the untruth in the power relations postulating the social as the truth behind the ideological manipulation. In consequence, social theorists and philosophers should proceed through symptomology that detects the signs of falseness or irrationality in society. This ends up in the glorification of the knowledge and the "sages" who have it, making the social theory a science that tells the people why and what they should be struggling (Rancière, 1991, p. 81; 1999). Here again, the class struggle is something to be "solve" by the philosopher or political theorist, instead of being the condition for politics as a disruptive and litigious praxis.

From the two aspects of Rancière's meta-critique, two conclusions on the critical task of political theory and philosophy could be drawn. In the first place, I believe that he is not rejecting in an absolute manner either the constitutional institutions of the current democratic regimes or the constitutional systems based on human rights. As it was noted above, there are different levels of people's well-being in different societies. It is also true that the liberal democracies, at least in the rich countries in Europe and North America at the cost of the freedom and welfare of the rest of the world, have been able to guarantee an acceptable level of living and freedom for their citizens. What Rancière says through his critique of the

consensus-oriented notion of politics and democracy is that critical political theory should always remain suspicious of the supposed rationality, legitimacy, and stability of such kinds of political regimes because they still represent a distribution of roles and places in the society, therefore the justification of the administrative-police system by the equivalence between the rational and the real eliminates the contradictions inherent in the assignment of roles and places. Furthermore, if we take a quick look at Western history, most of the *social progress* made so far has been achieved through the disruption of the established partition system. Workers', women's and LGBTQI rights have been obtained through the struggle of the ones who had no part in the distribution, not through peaceful and rational deliberation.

Protests, strikes, and demonstrations with the respective systemic repression of the *police* systems have been the space for most of the new forms of inclusion and emancipation. Thus, institutional and normative legitimation as the core task of the political theory ignores the fundamental disputes that constitute politics as a struggle and in consequence, Rancière's political thought does not accept universal normative criteria as a component of politics. Accordingly, the critical task of political theory is to take into account the struggles and the litigious actions of those who have no part in the distribution of the sensible.

In the second place, the rejection of the Marxian approach especially in Althusser's lecture does not imply a rejection of the critical denounces of the social injustices as a critical aspect of the political theory. Rancière's main concern is the opposition between *true* and *false* politics or *rational* and *irrational* which implies some sort of privileged position of the social and political theoretician, whose task is to reveal to the people the true forms of emancipation, to *enlighten* them. In his view, politics consists of the praxis of creating the stage to place a wrong, to place a disagreement with the distribution system. That kind of praxis arises from the contingency of social relations and takes different forms, which means that there is either an ultimate form of emancipation and struggle or a natural subject of political action. The struggle does not happen either over particular interests, objects, or social injustices, but over the capacity itself of being heard as an equal speaking being, which can be seen as a struggle over the distribution of the communicative structures. That leads to the exclusion of the social and particular interests of different groups. Hence his notion of critical political thought does

not consist in the reconstruction of the pathologies of social domination, it consists rather in echoing at the conceptual level the disruptive struggles of the dis-identified subjects of the subjectification processes of politics as disagreement (Deranty, 2016, p. 51).

As an attempt to make a critical account of Rancière's approach to politics, and trying to move further his critical perspective, some remarks should be done. First, it is worth highlighting Rancière's rejection of the universal normative principles as useful critical tools for social analysis because he sees them as oppressive forms of normalization, i.e., as the language of the *policing* system. His notion of equality is conceived as a presupposition of any political action understood as a disruption of the assignment of roles and places. That means that equality is not a socio-political goal but a performative assumption that comes into being by the same act of dissenting with the distribution. In this sense, normative expectations held by the people in their struggles for recognition are left aside (Honneth, 1996, 2016; Deranty, 2010; 2016). This leads to the impossibility of any evaluation of the kind of demands that arise from the lived experience of the wrong and gives no room for the motivation that triggers the disruptive struggles of politics. If the part of those who have no part act to dissent from the distribution system and place the wrong they experience on the political stage, they should have some notion of the "right", as opposed to their experienced "wrong", that motivates them to act in a litigious manner (Moore, 1978; Honneth, 2016).

Besides the lack of motivating reasons to dissent due to the rejection of normative principles, Rancière's concept of politics does not take into account the problem of social transformation because he sees the disruptive action of politics as exceptional within the *policing* system (Rancière, 2010, p. 35). In consequence, there is a circle in the process: police-politics-police, politics is a momentary *événement* (event) (Meyer, 2011, p. 27); because when the miscounted are counted as a part of the society, politics cease to exist and the distribution system becomes operative. For example, when the LGBTQI community is recognized as such through the transformation of their demands into legal rights, they stop being miscounted and become a new part of the assignment of places and roles that constitute the *police*. The problem with this conception is that it does not take into account the so far achieved different forms of inclusion and emancipation (e.g. women's and worker's rights)

that allow the people to make value judgments on their particular conditions. The normative criteria play a major role in overcoming the sense of inevitability of the suffering (Moore, 1978); and the social learning processes create the justificatory and motivational grounds for the disruptive action (Habermas, 1979b; Brunkhorst, 2014). However, the circularity of the police-politics-police approach enables us to think about the contingency of politics and its frailty in the Arendtian sense of unpredictability which leads to the understanding of politics as an action in movement and not limiting it to the immobility and stability of the established institutional order.

The second idea that I would like to highlight is related to Rancière's dismissal of the social. The social in his view corresponds to the space of assigned places and roles, that is, to *police*. Since his concept of politics is antagonistic to the *police* system, the social has no space there because his political concept of disruption is the negation of the social. That means that the struggles are not over particular interests or opposition between groups. The object of the political dispute is politics itself, which means: politics is a struggle over the space to appear in dissent. Accordingly, the idea of the wrong has no content, it represents the action of disruption with the system, but it is empty regarding particular demands and interests. For example, in the workers' revolts, politics reside in the assumption of equality they make by performing the act of dissent. Their demands for better wages, better working conditions, etc., are taken into account neither as normative expectations that serve as the basis for action nor as constitutive aspects of the political moment of disruption (Honneth, 2016). In this regard, subjectification processes in politics are conceived as a dis-identification mechanism. Rancière says:

> In particular, "workers" does not designate an already existing collective identity. It is an operator performing an opening. The real workers who construct this subject do it by breaking away from their given identity in the existing system of positions […] It's a matter of affirming an equal capacity to discuss common affairs. It's a matter not only of claiming this capacity but of asserting it by enacting it […] The key point is that they do not act as a group, as the capacity possessed by the group of "the

workers", but as the capacity possessed by those to which the capacity is denied in general. (2016, p. 93)

Rancière's theory rejects a phenomenology of suffering and a hermeneutic of the social experience of suffering (Deranty, 2016, p. 46-47).[46] This rejection leads to the difficulty of making the real struggles of the different emancipatory social movements accountable within his depiction of politics as a provisional moment. Nonetheless, his concept of politics as a praxis of disagreement and disruption of the established order enables the critical aspect of taking into account the lived experience of injustice as a central aspect of political theory and philosophy. If the theoreticians want to take seriously the critical task of echoing the lived experience of injustice, then the presence of the social and its movements should be included in the political reflections, *pace* Rancière.

IV. Conclusion: Politics in Movement.

I have presented so far three theoretical approaches to politics. In doing so, I expect to have exposed their achievements as well as their limitations, trying to combine what I believe are their theoretical accomplishments to sustain a theoretical notion of politics as resistance in motion. In this sense, I will try in what follows to put into dialogue these perspectives.

In the first place, Arendt's concept of political action brings into consideration the natality – to put something in motion-, contingency, and the plurality of politics. In this sense, the ordinary notion of politics as the expert field in which only professional politicians act is challenged by the very idea of action and speech as an appearance before others to be seen and heard. That leads to the understanding of the public sphere as a constructed space through citizens' *movement*. However, her radical distinction between the public and private sphere creates a narrowed notion of what can be considered political and in consequence ends up excluding the demands and claims of the *malheureux*, of the wretched.

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[46] On the cognitive aspects of the experience of injustice see Renault, 2004; Fricker, 2007; Medina, 2013.

In the second place, Habermas' notion of communicative power as the source of legitimacy of administrative power in complex societies introduces the value-judgment capacity of political action through the normative principles of the communicative circulation of arguments and opinions in the public sphere. His notion of political action then combines the republican notion of popular sovereignty with the liberal conception of the need for institutional protection of civil and individual rights. In this sense, his notion of the public sphere represents an institutional and no-institutional space for deliberation. However, his idealization of the conditions for deliberation as a normative model to measure the legitimacy of the political institutions leaves aside the power hierarchies of the social relations that determine the real circulation of information and hence the opinion and will formation.

Finally, Rancière's perspective of politics as disagreement creates a theoretical contrast with the consensus-oriented approaches of Habermas and Arendt. In his view, the distinction between *police* and politics as a critical tool to denounce the distribution of places and roles takes into account the fundamental political dispute between the rich and the poor. Furthermore, his litigious concept of political action as a provisional accident that seldom occurs brings light to the suspicious attitude towards the institutionalized democracy that a critical approach to politics should have. Although his emphasis on the political struggle, his rejection of the normative principles as political expectations from the side of the political actors, and his dismissal of the social aspects of the political struggles lead to the difficulty of taking into account particular interests of the disagreeing social groups as a concrete aspect of the disruptive mobilization.

Thus, politics in movement takes the Arendtian notion of political action as setting something new in motion, to begin something implies the act of *movement*. Movement implies also the plurality of politics because there is a multiplicity of actors *moving* different issues in different manners, attempting to be heard and seen by others. In this sense, this perspective considers that the political resides in the act of mobilization itself, rather than in final goals or real institutional transformation. That means that politics should be seen as contingent actions –free and not conditioned by the achievement of their goals-, whose results cannot be foreseen, hence they should not determine what is political and what is not. Thus, by thinking

of politics as a plural and contingent free action of setting something in motion, this approach tries to go beyond the exclusion of the social actors as political actors. The public manifestation of the suffering of the excluded and dominated social groups shapes the motivational basis for political action. Accordingly, the wretched (*malheureux*) are indeed the force of the earth, because they are the ones who put in movement something new through the destabilization of the supposed legitimate institutional order.

Besides the natality, contingency, and plurality, politics in movement tries to take into account the normative expectations as core aspects of the political resistance (Honneth, 1996, Ch. 8). It starts from the point of view that political action from below –from the peripheries in Habermas' terms- actualizes the normative content of the constitutional state, but it takes distance from the complementary relation between institutions and political action. Instead of the feedback relationship between them, this approach to politics sees it rather as an opposition between the upper levels of the social hierarchies and the bottom levels. It also sees the political action, not only as the possibility of influencing the formal-institutional decision-making process but as the very act of resistance against the forms of social control that create exclusion and domination. Moreover, politics in movement does not conceive civil disobedience as exceptional political means in exceptional cases to face tyrannies, but as the core of politics. Institutional stability could be seen in contrast as the exception to the rule. Since the emergence of modern democratic states, citizens have been mobilizing in the public sphere. Women, workers, ethnical and racial groups, environmental activists, and LGBTQI activists, among others, have been the ones who have been actualizing the normative content of the institutional set through the public disclosure of the wrong suffered. This represents an attempt to go beyond the reduction of legitimate political action to the form of a reason-given process –more fit to academic contexts than to politics (Olson, 2014)- but it recognizes the plurality of actions given the multiplicity of social actors. In consequence, political action is not consensus but dissensus-oriented, which means that instead of looking for rational solutions for the disclosed social problems, politics as a movement conceives political action in the disclosure of injustice itself, that is, a performative concept of politics.

My approach to politics also conceives the public sphere as a shared space but not as a free and rationally constructed stage for deliberation. From this perspective, the public stage is constructed through the dialectical relationship between resistance against different forms of exclusion and domination, and justificatory premises that are accepted or imposed on the exercise of political power. In this conflictive stage, normative criteria for value judgments on action emerge and transform within the shared space of "justified" social hierarchies and accepted power relations. For example, the French bourgeoisie stood up against the "justified" hierarchies and in the process, they challenged the accepted-imposed reasons for the exercise of political power, by doing so, they transformed the normative criteria, creating a new set of "valid arguments" to justify the emerging social strata and power relations. However, with this example, I do not mean that politics rarely occur or that it takes only the form of great revolutionary moments. Politics as a dialectical movement of resistance-domination does not have a final reconciliatory moment between opposites, there is no classless society at the end of the process.

In this sense, the contingency of politics implies that there is no guarantee that any emancipatory movement will succeed or even if it has succeeded it does not mean the end of domination and exclusion. That means that the dialectical confrontation between the legitimation *from above* and resistance *from below* the social structures is a constantly moving process with long-term effects. In this process equality and freedom work as empty universals that take concrete content from the social demands and claims from particular resisting social groups. Equality and Liberty (Balibar, 2014) work as normative principles to make value judgments on the multiplicity of public appearances in the political realm. In this sense, this notion of politics sustains that even when everything could be considered political, not every political action can be considered democratic.

For this reason, politics in movement proposes three normative aspects to have into consideration to making judgments of the political actions of today's social movements. First, the idea of power relations and social structures allows us to distinguish between actions from above and actions from below the social hierarchies. In this sense, the actions of those who are under real conditions of domination and exclusion have the normative character of

resisting and contesting the justificatory premises of social distribution. Women, workers, and African-Americans are just some examples of action coming from below the structures of the partition of the places and roles in society. Second, the idea of the manifestation of a lived experience of injustice leads to the specification of the normative expectations inherent in the struggle. The suffering, caused by the existing forms of oppression and exclusion, generates the expectation in the social actors to stop suffering. Accordingly, politics and political theory should take into account the manifested experiences of the lived wrong as particular normative expectations related to the universal forms of equality and freedom or emancipation and inclusion as the two sides of a dignified human life.

Finally, the normative analysis of the means used to express the lived experience of injustice and to disagree with the distribution of the social system. Since there is a plurality of actors and actions, this approach supposes a plurality of means to carry out the appearance before others as a subject of injustice. However, that should not be seen as if every action is equally democratic. In this sense, there is the moral commitment to reject any action that attempts to eliminate others physically and socially. In this sense, forms of manipulation, subjugation, and violence should not be considered democratic forms of politics because their main objective is the elimination of others. Yet, the contingency of politics takes also into account the fact that a democratic manifestation of the suffering does not always mean a peaceful public demonstration because the idea of the impurity of politics considers the always-present possibility of violence. This is not a prescription or justification of violence, it is just coming to terms with the obvious truth that in a social dispute, the conflict between interests often leads to the use of any means at hand to defend them, meaning that violent repression or violent dissidence could happen (Tarrow, 2011).

However, these three normative principles should not be taken as universal, freestanding, impartial, and independent values that work as criteria to measure real politics. Political discourses and actions are often too complex in the relationships they present and challenge, and the outcomes they produce cannot be understood in the simplistic and dichotomist relation between good against evil. Therefore, politics in movement cannot be reduced to an abstract model. Instead, these principles should be taken as critical tools for the evaluation

of politics and taking a political position within the concrete and historical struggles, i.e., as the theoretical defense of evaluative discourses in politics that are always historically and contextually situated because every single social actor always acts in a determined context with limited resources at its disposal and particular goals in sight.

Let me take for instance the case presented at the beginning of this chapter. The rural peasant workers in Catatumbo could be seen as an example of resistance without a final reconciliatory moment that I tried to present in the previous sections. Rural workers, farmers, and peasants have been always underrepresented in the constitutional institutions of the Colombian state (Celis González, 2018; González, 2019). The exclusion and subordination are expressed in the real conditions of violence and poverty they have to face at the hands of illegal armed groups in the service of big landowners and multinational corporations. The material conditions served here as a historical concrete form to conceive the struggles of the farmers in Colombia. These struggles have been usually thought of in political theory as peripherical and useless actions, as the simple exercise of the constitutional right to protest, or as illegal and terrorist actions because they do not follow the "institutional channels for politics". However, what is at stake behind the actions described above is the disruption of a system that legalized and justified the domination, exploitation, and exclusion of these social groups. Their political action does not only represent politics in movement, they also represent a long-term effort in the transformation of the normative structures by appearing and disclosing the wrong suffered.

To conclude, this idea of politics in movement tries to go beyond the narrowed definition of the "know-how to rule" of the professional officeholders implicit in representative democracies nowadays. That does not mean an absolute rejection of human rights or the constitutional systems, it tries to highlight the idea that even in Western democracies, politics is always moving in the streets in different ways: protests, demonstrations, manifestations, parades, concerts, art galleries, etc., are always there to remind us that politics is not limited to the institutional setting and that despite the achievements of these regimes, demands for emancipation and inclusion are always present in the different forms of resistance against the normalization of the power structures for the distribution of the social places and roles. This

notion of politics also reminds us of the fact that the critiques of power come often from those who are suffering under the power structures, not from the idealization and rationalization of the system of rule. In this sense, politics in movement assume the meta-theoretical position of Jacotot in the *Ignorant Schoolmaster* (Rancière, 1991), which means that the social groups could raise their voices in discontent and dissent without the presence of the political theory telling them what is legitimate and what is not. Therefore, what political theory should focus on is the analysis of the voices of the multitude and echoing their experiences of suffering. The critique comes from those who are to some extent *below* because they are the ones who point out that the emperor is walking naked as the little kid dared to do in Hans Christian Andersen's tale.

Chapter III

Multitude as the Moving Subject of Politics in Movement[47]

"Along with nihilists, we have to recognize that, regardless of how brilliantly and trenchantly we critique it, we are destined to live in this world, not only subject to its powers of domination but also contaminated by its corruptions. Abandon all dreams of political purity and "higher values" that would allow us to remain outside! Such a nihilist recognition, however, should be only a tool, a point of passage toward constructing an alternative project."

Hardt & Negri, *Commonwealth*

After the Final Peace Treaty between the Colombian government and the Marxist guerrilla FARC-EP in 2016, the president at the time, Juan Manuel Santos, called for a plebiscite to obtain legitimacy for the signed treaty following the institutional and constitutional procedures. The main objective of the treaty, discussed between the two parties from 2012 to 2016 in La Habana and with different international observers as well as the presence of the United Nations, was to end a sixty years-long civil war and to establish an institutional and democratic framework to transform the armed conflict into democratic deliberation. After long campaigns in favor and against the treaty, 13% of the registered voters went to the polls giving the final result of 50% against the treaty and 49% in favor (BBC, 2016). For the right-wing political sectors against the treaty, the results were a clear expression of the will of the people, for the left-wing and center sectors that supported the treaty, the number of voters and the narrow result could not be counted as the voice of the people. In the end, both sectors accused each other of populist tactics in the campaigns and misinformation, and the treaty was approved in Congress despite the results and the "expression of the people".

The questions behind this anecdote are: what are the people? Do electoral campaigns and democratic procedures like referendums and plebiscites guarantee the expression of the voice

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[47] A previous version of this chapter was published in Gallo-Gómez, 2017.

of the people? Can the people be represented? Is there a people? In recent years, and in times of electoral procedures in Western democracies, it is common to hear or read in the media about the dangers of populism. Donald Trump in the U.S., Podemos in Spain, Evo Morales in Bolivia, and Geert Wilders in the Netherlands are just some examples of populist politics (The Economist, 2016). Despite the clear differences in their political programs, they all represent somehow, according to the public media, the contemporary turn to populism that jeopardizes the achieved democratic institutions in the Western world. In other words, they represent a threat to the democratic world. Populists come in all sizes and colors. From the left parties like Podemos or Syriza to the conservative right-wing movements like Front National or Alternative für Deutschland, they all seem to be examples of populism.

This triggers a question: what is populism? A very general definition found in *The Cambridge Dictionary* defines *populism* as follows: "Political ideas and activities that are intended to get the support of ordinary people by giving them what they want." (Populism, n.d.) This definition, as thin and general as it may be, is widely shared by *ordinary people* in their *ordinary* lives but not as a definition of what *populism* is, it defines rather what democracy is, or at least, the general perception of what democracy should be.[48] Democratic politics, it is generally thought, is a form of government based on the support of the people to the political programs of different political parties, who in a fair electoral campaign try to win over voters by representing their interests, in other words, democracy is based on the popular support to political parties as long as they represent what they want as the people. However, this does not mean that all the examples mentioned above are democratic, it rather suggests that to face the ongoing political situation, it is necessary to critically address the accepted notions in politics, notions like democracy or the people should be revisited. The critical revisiting of these ideas is especially important when we see, for example, that both populism and democracy share the same etymological roots. Both concepts have the idea of the people at their core (*Populus* in Ancient Latin – *Demos* in

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[48] As a footnote, it is interesting to notice how democracy is conceived now as a neutral administrative function of society, that is, public administration instead of political action and participation of the people in the decision-making.

Ancient Greek both meaning *people*), so why is one of them desirable and the other something to fear?

 It is also worth noting the ideological consequences of the equation between left and right movements as if Podemos in Spain and Front National in France were the same thing. One of these consequences could be the ideological steering of the voters towards the traditional politicians and political parties that openly defend the status quo, which is, of course, the liberal democracy under neoliberal forms of economic production. Another one of these consequences could be to make invisible the impacts of the current economic system on the *ordinary* people, impacts that by the precarization of life have driven the populace in the past years towards the so-called populist movements. Finally, a third consequence could be the delegitimization of the social projects of the left movements that demand equality and emancipation by equating them with openly xenophobic and racist right-wing movements.

Despite the importance of the debate on populism nowadays (Laclau, 2007; Errejón & Mouffe, 2016) in this chapter I leave it aside to focus on the debate about the actuality of the concept of *the people* as the subject of democratic politics and its relevance for the contemporary political theory and the critical approaches to democracy. Following the methodology of the previous chapter, here I also assume that all political theory concepts are subject to contestation to construct a critical theoretical framework that tries to address the political situations we face today. There I contested the notions of politics as a special field for experts where they administrate and exercise the rule over a population within the stability of the political, legitimate institutions and also the idea of politics as a rational action toward consensus and performed by rational and abstract subjects. Instead of a stable, bureaucratic, and institutional status quo, I argued that politics should be understood as a moving plurality of struggles over the normative frameworks for the justification and negation of the status quo. In this notion of politics in movement, democracy lies on the side of the movements that struggle against different forms of oppression and exclusion by disclosing their particular experiences of lived injustice. This implies taking a political

position and trying to defend it instead of aspiring to abstract impartiality over the different positions in struggle (Young, 1990).

Therefore, in this chapter, I try to argue in favor of the notion of the *multitude* as the subject in movement of politics in movement. For doing this, I will begin by introducing the concept of *people*, a notion that at the beginning of philosophical and political modernity and through the theories of the social contract consolidated itself as the subject of politics (I). In the second section, I will revisit the notions of multitude developed by Hardt, Negri, and Virno to present a critical approach to their theories. I will argue then that instead of an idealized notion of multitude, like the one defended by Hardt and Negri, an ambivalent notion of the multiple subjects of the political action involved in social struggles would give a better account of the social conflicts, power relations and social hierarchies of the contemporary societies (II). However, this conflictive ambivalence of the multitude does not necessarily imply normative nihilism or relativism, where all political positions are reduced to the same. To defend a performative notion of democracy as resistance, I will argue that the real experiences of the lived injustice and the public struggle over normative principles determine the democratic character of the resistance movements, which means that in politics, we should take a position through normative assessments of the political and social mobilizations of the multitude (III). Finally, I will present the conclusions of this chapter arguing that a critical political theory should focus on the experiences of injustice to address the concrete impacts of the power relations and social hierarchies of contemporary societies which are revealed by the mobilizations of the different social groups (IV). By doing this, I do not expect to solve any social conflict, like the supposed polarization of the "people" in the Colombian case, nor to offer a big theoretical and abstract system, another big narrative as an ultimate and final goal in politics. I assume that politics, as a human affair, is always contingent, unpredictable and frail –following Arendt's approach. My objective is to contribute to the contemporary political debate, especially in the field of political theory, with wishful thinking on the potentialities of social mobilization.

I. The Concept of People as the Legacy of the Modern Political Theory.

In October 2014, a massive mobilization triggered by the "refugee crisis" took place in Germany. Born in Dresden but quickly extended to other German cities, the supporters of the movement PEGIDA (German acronym for European Patriots Against the Islamization of the West) marched on the streets under the slogan "Wir sind das Volk" ("we are the people") against what they called an ongoing project to turn Europe to Islam and to destroy all the Western values. In the same year, in Greece, the leftist party SYRIZA was the most-voted party in the European Parliament elections. The members of the political party quickly assumed this victory as an opportunity to represent the interests of the Greek people. This use of the concept of people necessarily triggers the question: who are the people?

This is not an easy question to answer because, in the political arena of social struggles, different groups with different political goals and programs claim to be *the people* or truly represent them. This kind of proliferation of *popular movements* creates precisely a strategic use of the social struggles over the normative principles involved in the different social mobilizations. In this struggle, propaganda and mass media play a major role in the sense that through the strategic defense of some forms of political action or discourse, some political movements are presented as defenders of democracy, while others are seen as terrorists, populists, or anti-democratic (Butler, 2015, p. 3). In contrast to the strategic use of the notion of people, which openly determines who the people are according to particular interests, contemporary democracies face the problem of the delimitation of who really can be counted as acting in the name of the people or being the people. This is due mainly to the liberal assumption of an abstract notion of people as a unity which can be seen in the preambles of the constitutions of most Western democracies.[49] For this reason, the liberal account of the social struggles tends to take similar different kinds of political actions, from workers on strike to right-wing demonstrations, the people as one abstract unity makes them all equal in the face of the supposed neutrality of the constitutional regime. The

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[49] The political constitutions of the United States of America, the Federal Republic of Germany and the Republic of Colombia used the terms of people in their preambles. "We the People", "Das Deutsche Volk" or "El Pueblo de Colombia" are all present as the basis of legitimacy of the constitutional order.

constitution as the founding norm of the state and the fundamental law is conceived as the neutral framework within which the people have the right to manifest their own opinions and interests, therefore PEGIDA or Blockoccupy in Germany represents the same people. From the liberal perspective, there is one people but plural interests. In this sense, it is the constitution of a state that should be considered democratic or not democratic, as long as it represents the will of the people, a political constitution could be considered democratic, independently of the different interests in the struggle. From there comes the idea of a unified and open public sphere, in which and within the frame of the legitimate law, all interests can be exposed and discussed.

The strategic use of the people, as well as its rational, liberal abstraction, has some ideological consequences. First, they both tend to the invisibility of power relations and social hierarchies. If a protesting group is presented by social media as simple rioters or acts of vandalism,[50] the motivations behind their actions and the critiques they may express remain silent towards the supposed legitimacy of the status quo. The liberal equation that makes equal all the different social groups also tends to underestimate the real conditions of oppression that some groups suffer under power relations and social hierarchies. In this sense, if all groups have the same constitutional right to express their opinion, the concrete and material conditions of subordination disappear under the supposed "equal access" to the right to protest. Nazis and anti-nazis become the same people under equal and abstract constitutional principles. Therefore, both uses of the notion of people end up denying the existing power structures that determine real access to the institutional mechanism of political participation.

The strategic criminalization and the abstract equation of the different social groups also tend to invisibilize the existence of some social groups within the social structures.

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[50] An example of this can be seen in how the media quickly presented the protests in the Colombian Port of Buenaventura as acts of vandalism and sacking. What began as a massive demonstration of the inhabitants of the city demanding access to clean water and better life conditions, was quickly repressed by the Colombian police forces and then escalated in violent confrontations between protesters and the police. The media presented the violent acts but, in most cases, remain silent about the social conditions that triggered the manifestations, focusing mainly in the riots and violence (El País, 2017).

Immigrants, some working sectors, LGBTQI collectives, and the poor and wretched, among others, have struggled against this negation of existence, which can be seen as a struggle to speak to others as equals (Rancière, 1999). Mainstream mass media seldom mention these kinds of groups in their news reports or they are presented as a rare exception. This strategic negation has two main purposes. First, the justification of the status quo by negating that there are indeed excluded or oppressed social groups in the liberal and democratic societies; second, the justification of the oppressive action of oppressive groups by presenting them as rare exceptions to the legitimacy of the political order. When exclusionary or oppressive situations are revealed, mainly by independent communication media, they are often assumed by mainstream media as minor groups who do not represent the whole of the people. This is especially true for cases of racism or poverty, which are often treated as exceptional cases instead of structural problems within the power structures (Fassin, 2016). From the liberal point of view, the reduction of the political subjects of the political action to a single unity ends up negating the existence of oppressed groups as long as the legitimacy of the political order is determined by the will of the people as a whole, eliminating in this way the conflict and the social contradictions in the unity of the people: there are no social classes or oppressed groups, just a single people with the same rights. In this sense, all the members of the political state should be considered abstract citizens, despite their ethnicity, gender or sexual orientation, social class, etc., making their particular group situations unaccountable in the process of the rational legitimation of the political and social order (Young, 1990, p. 3-4).

Finally, the uses of the notion of people justify the real exclusions of different social groups. The strategic use attempts to present some interests as legitimate ones, while others are presented as illegitimate or illegal. The interests they present as legitimate are often the same interests of the ruling class because the political and economic elites are the ones who usually control the ownership of the mainstream media.[51] From the liberal perspective, the

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[51] As an example of how the media present the information to the general public, it is worth to notice the headlines when they are talking about Venezuelan protesters and when they talk about Colombian protesters. The first are being "assassinated" by the police forces of the tyrannical regime in Venezuela, while in Colombia, the protesters simply "die" in the confrontations with the police (Armirola Ricaurte, 2017). It is also interesting the fact that most of the newspapers and news media report more on Venezuela, where around 26 people died

rational abstraction of the legitimacy of the exercise of political power tends to negate or undermine the real lived experiences of injustice, presenting them as rare occasions in a just and legitimate social structure. A structure that is justified by the abstract rationalization and reduction of the different social groups into the notion of the people who exercise their popular sovereignty, represented in the constitution, by electing officeholders. Therefore, for liberalism, it is not the power relations and social struggles that determine the injustice in a given society, but the unfinished character of the rational project of modernity.[52]

It was precisely the modern political theorists and their rational project for politics that developed and secure the abstract notion of people as the core concept of political theory. As has been already said, the abstraction of the notion has some ideological consequences as well as the strategic use of the concept, giving to the concept of people whatever content and meaning as the times and political waves demand. In other words, it is precisely the abstraction of the notion that allows different political actors and projects to present themselves as the true representatives of the people. This theoretical development can be traced back to the political theory of Thomas Hobbes (Virno, 2004, p. 21) and its impact on today's democratic theories, which understand democracy as people's self-government, can be found in Rousseau's political philosophy (Colliot-Thélène, 2010, p.8-9).

In his *Leviathan*, Hobbes develops the theory of the social contract, in which he argues that the state is one artificial person whose unity and singularity come from the intersubjective pact among individuals in a pre-political situation called the state of nature. In his view,

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in the manifestations, than on the Colombian situation, where around 120 social activists were killed in 14 months. Another example can be found in how media present acts of terrorism. If the attack was committed by Muslims it is clearly a terrorist assault, but if it was a white person who committed the attack, it is an "isolated act". The case of Dylan Roof in 2015 and his racist terrorist attack shows how he was a "man" who murdered nine people, he was never depicted as a terrorist. (Shah, Hanna, Schoichet, Savidge, 2017)

[52] Hardt and Negri define modernity as a power relation in order to criticize the wide accepted notion that assumes that the contemporary socio-political problems are due to the "unfinished" modern project. They say: "One final consequence of defining modernity as a power relation is to undermine any notion of modernity as an unfinished project. If modernity were thought to be a force purely against barbarism and irrationality, then striving to complete modernity could be seen as a necessarily progressive process, a notion shared by Jürgen Habermas and the other social democratic theorists we discussed earlier. When we understand modernity as a power relation, however, completing modernity is merely continuing the same, reproducing domination. More modernity or more complete modernity is not an answer to our problems." (Hardt & Negri, 2009, p. 71)

this pre-political state is so crude and violent (Hobbes, 1996, Ch. XIII) that the individuals will give their natural liberty voluntarily to the artificial person of the state to access the protection of their lives and properties.[53] Hobbes establishes the basis for the contemporary theory of democracy by two means. First, he develops the idea of representation (Hobbes, 1996, Ch. XVI) with the notions of author and actor. In his view, the *multitude* of individuals in the state of nature is the author of the *Commonwealth* because, through the social contract among them, they authorize an artificial person (the sovereign) to act in their name, therefore the sovereign is an artificial person that acts (actor) representing the interests of a multiplicity of individuals, who through the contract permitted him to do whatever is necessary to protect their interests. In this sense, the sovereign power is one person, one single unity despite the number of individuals who constitute it. Hobbes says:

> A multitude of men are made one person when they are by one man, or one person, represented; so that it be done with the consent of every one of that multitude in particular. For it is the unity of the representer, not the unity of the represented, that maketh the person one. And it is the representer that beareth the person, and but one person: and unity cannot otherwise be understood in multitude. (1996, p 101)

The notion of the state as the representative of a plurality of interests is still present in contemporary democracy theories. As it is established in most political constitutions nowadays, it is the assembly of the people who freely delegate and authorize the exercise of political power to their representatives. That is the basis of democratic legitimacy and that is the second modern and democratic aspect that can be found in Hobbes' *Leviathan*, the unity of people in contrast to the multiplicity of the multitude. The multitude cannot be one but many: many voices, many interests, and many wills. Therefore, they belong to the state of nature where every single individual acts for his own sake. However, after the creation of the state, the contracting multitude becomes one single subject, it is now the people. In his work *De Cive*, Hobbes argues that there cannot be actions attributed to the

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[53] The very beginning of modern political theory has the private property as the basic motivation to be subjected to the state powers. The protection of private property becomes then the most important value in the liberal tradition of political thought, its importance is bigger than the freedom or equality. (Hardt & Negri, 2009, p. 3-63).

multitude because it cannot be one single person or body (1983, Ch. VI: Section I). In contrast, it is the people who have rights and are the subjects of the sovereign power, who as an artificial person acts on their behalf. Only after the mutual contract, and the subjection to the sovereign power, the multitude becomes one person with rights and obligations, which means they become the people (Hobbes, 1983). The Hobbesian argument goes from a pre-political, dispersed, and rude multitude to a unified people under the common sovereign power of the state through the social contract:

> A commonwealth is said to be instituted when *a multitude* of men do agree, and covenant, every one with every one, that to whatsoever man, or assembly of men, shall be given by the major part the right to present *the person of them all*, that is to say, to be their representative; every one, as well he that voted for it as he that voted against it, shall authorize all the actions and judgements of that man, or assembly of men, in the same manner as if they were his own, to the end to live peaceably amongst themselves, and be protected against other men. From this institution of a Commonwealth are derived all the rights and faculties of him, or them, on whom the sovereign power is conferred by the consent of the people assembled. (Hobbes, 1996, p. 107)

But if it was Hobbes who established the basis for the representative, liberal democracy through the notions of the state and the people as singular artificial persons, it was Rousseau who created the link between people and sovereignty. In the Hobbesian theory, freedom was conceived as the negative liberties (Hobbes, 1996) and sovereignty was a trait of the ruler, or the rulers, not an inherent condition of the people as such. The people were conceived as the authorizers of the exercise of political power, but after they delegated their natural rule over themselves, they were subjected to the sovereign power they had created.

Rousseau criticizes this notion of sovereignty, and in his *Social Contract*, he develops the idea of popular sovereignty as an inherent condition of the people that cannot be alienated or delegated. He inaugurates the democratic tradition of the people as the only sovereign in the state (Gallo-Gómez, 2021). In contrast to Hobbes, Rousseau's social contract theory argues

that instead of creating an apparatus for the control and exercise of political power, the pact among individuals generates a single will, the general will, which represents the common interests of all the contracting individuals. The subjection contract to a common power represents to Rousseau a senseless proposition because no one can renounce his/her natural freedom since it will mean to renounce to their condition as human beings. For this reason, the main problem in his theory is:

> To find a form of association to defend and protect from all common force, the person and the goods of every one of the associated, and doing so, they join together and do not obey another one but themselves, remaining free as they previously were. (Rousseau, 2002, p. 182).[54]

The Rousseauian answer to this question is precisely the general will, in which each member of the social contract gives themselves completely as *"indivisible parts of the whole"* ["Partie indivisible du tout"] (Rousseau, 2002, p. 183). There are at least two important consequences for contemporary democracy theories. First, the notion of the general will as the representation of the common interests, introduces the notion of the public good as opposed to the private, securing in this way the radical distinction between the public and private spheres, being the former the one where the people as a single body acts, and the later the space for the individuals to pursue their interests as long as they do not oppose the common. In Chapter VII of Book I of the *Social Contract*, Geneva's thinker argues that there are two wills on every member of the state: the particular will as a single individual and the general will as part of the *whole* (de Dijn, 2018). The idea of the whole represents the notion of people as an abstract totality composed of citizens who act as such addressing only the issues regarding their common interests, while their particular conditions and necessities remain in the private sphere. This creates a double relationship in every person. First, as a citizen and member of the sovereign, she has the right to participate in public matters, that is, in the problems and deliberations addressing the common interests. Second, the person is subjected

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[54] [Trouver une forme d'association qui défende et protege de toute la force commune la personne et les biens de chaque associé, et par laquelle chacun s'unissant à tous n'obéisse pourtant qu'à lui-même et reste aussi libre qu'auparavant] (Own translation)

to the sovereign power, which means that as an individual, his/her interests cannot go against the general will because every single person is subjected to the legitimate law that comes from the people as a sovereign totality.

The second consequence I want to highlight from Rousseau's social theory is that the concept of the people does not only acquire its correlative and inherent sovereign power. It also consolidates its characteristical unity, creating the notion of freedom as self-government through this relation between popular sovereignty and a single unified will to represent common interests. As it has been said, through the social contract the people join themselves together to create a single body with a single will (Kersting, 2002, p. 76). The parts of the totality remain, but as subjects of the law that they give to themselves as citizens. Therefore, for a set of laws or a constitution to be considered legitimate, it has to come from the people and represent the popular will. If the people, as a single and abstract unity, obeys only the law that they have proclaimed upon themselves, they remain free since they are obeying not an arbitrary and external force, but their own will manifested in the general will (Kersting, 2002, p. 86).[55] In accordance, to be free, the people should only obey themselves and the law should represent their interests. The problem here is the presupposition that the people can act as a single body, an idea that ends up ignoring the particularities of the *parts of the whole* as well of those who have no part, like women or slaves in previous social forms of organization or the immigrants in the current societies. In summary, Hobbes and Rousseau established the theoretical framework for contemporary political theory: One people, one sovereign, one state, one will, one reason, and one kind of legitimate interest for the public debate.

This legacy can be found in the two most important theories of justice and democracy in the twentieth century. Habermas and Rawls follow the construction of an abstract situation that ignores the real, material, and historical compositions of the population of a given society to justify the fairness, impartiality, or reasonability of their theoretical proposals. In the previous

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[55] Rousseau's republicanism can be compared with Habermas' idea of deliberative democracy that was presented in the first chapter. It can be said that Rousseau inaugurates the tradition of thinking democracy as self-government, a tradition that goes through Kant's republicanism and that can be found nowadays in different approaches to democracy such as those developed by Habermas and Rawls (de Dijn, 2018).

chapter, I argued that Habermas' notion of deliberative democracy and politics as the legitimate flow of communicative power ignores the power relations that determine access to public deliberation. Now let me talk about Rawls, who follows very closely the theories of the social contract.

In his *A Theory of Justice*, Rawls tries to develop further the theories of the social contract by giving them a higher level of abstraction (Rawls, 1971, p. 3). The social contract in his view represents the original agreement between free and rational individuals in an initial, pre-political position of equality that determines the principles of justice of the basic structure that will guide all further agreements and social dispositions (Rawls, 1971, p. 3). Rawls makes use of all of the theoretical elements that give the structure of the previous social contract theories: An initial position where all the contracting parties are equal, an agreement that could be accepted by all involved in the deliberation and the social structuring of the political and economic institutions following the principles agreed by all. However, there are at least two main differences between the social contract theories of modernity and Rwlas' theory of justice. First, Rawls does not aim for the constitution of sovereign power, be it authoritarian, parliamentarian, or republican as in Hobbes, Locke, Rousseau, and Kant. He tries to justify the principles that would serve as just for the basic structure of the society, and hence, would guide all the post-agreement social and political issues (Rawls, 1971, p. 4-6). Second, he carries the level of abstraction of the social contract one step beyond because, contrary to his predecessors, Rawls does not start with a state of nature, where for different reasons all the persons see themselves obliged to make a contract with the others (being the private property the core reason in all the theorist of the social contract). His *original position*, instead of presenting a presupposed human nature that compels the human being to make an agreement, should be seen as a philosophical abstraction to justify the fairness of the chosen principles. In other words, the original position serves as a rational, hypothetical situation to justify the high acceptability of the principles of justice because they do not represent or privilege any particular interest (Rawls, 1971, p. 13-14).

Rawls proposes then an addition to the original position: the veil of ignorance. This concept works as a rational restriction on the reasons that the persons could have when agreeing to

the principles of justice. This means that in the original position, all single parts ignore their particular conditions of wealth, race, gender, social position, or even the natural talents they could have. As Rawls says:

> First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong. (1971, p. 137).

However, the parties in the original position do know that they have particular notions of the good and the good life, but they do not know which ones. They also know that they are part of a society, whatever society it may be, and therefore they are involved in social processes of cooperation. The objective of the veil of ignorance is to assure the impartiality and *fairness* of the procedure to choose the principles of justice of the basic structure. This is clearly a fictional situation, an abstraction of the real conditions through rational thinking in order to justify the acceptability of a given set of principles, showing that they do not privilege particular situations. In the end, the highly acceptable, rational principles of justice serve as a normative measure rule to make evaluations of the organization of real societies, to realize which one is well-ordered and which one is not. This theoretical project is called in one of Rawls' later works a *Realistic Utopian*, a concept that basically means that the liberal constitutional democracy is highly desirable and therefore we should put all our forces to achieve the democratic project of a just society within a just society of peoples as a "practicable political possibility" (Rawls, 2001, p. 7-11).

Here I will not discuss the systemic or theoretical value of the Rawlsian theory, I would like to rather highlight the continuity of the liberal project from Hobbes to our days, and how its

influence has modeled the theoretical framework of democracy. One of the recurrent points I have mentioned so far is the problem of the abstraction of the concept of people. As we have seen, in the theories of the social contract from Hobbes to Rawls, the contracting parties are abstracted from their real social conditions and power hierarchies and they are placed in a fictional, but "rational", starting position in which all are equal, making the agreement in consequence just or legitimate. This fictional equality can be seen in the notion of impartiality, which means that the single parties do not have a privileged starting point or bargaining position. Therefore, the impersonal perspective of *public reason* balances all the interests equally from a point of view detached from any particular or concrete situation. This is what represents the project of the Enlightenment, which through the logic of identity, tries to avoid the particularities and contingencies of the real particular experiences, eliminating the unpredictability from the realm of politics as a human affair (Arendt, 1998).

An abstract notion of people within a stable social structure brings fictional stability to the otherwise conflictive realm of politics. It also masks the universalization of particular points of view, such as the point of view of the property holders, by making them the rational choice for every single rational person, universalization that ends in the justification of the existing power hierarchies of decision-making (Young, 1990, p. 97-98). By reducing the multiplicity of political subjects to a single unity, the liberal tradition in Western thought has constituted a political tendency in which all different situations are the same and all historical wrongs are deleted. The previous enslaved or colonized populations are now somehow equal to the slavers and colonizers, and in the abstract singularity of the people, have the same interests and rights as their former masters. Even though the normative concept of impartiality could serve as a regulatory idea, it also serves as an adverse ideological tool because it normalizes domination through its rationalization. As Geuss argues:

> If the basic assumption of the theory of ideology is at all tenable, namely, that the general power relations embodied in our social structures can exert a distorting influence on the formation of our beliefs and preferences without our being aware of it, then we are not definitely not going to put that kind of influence out of action by asking the agents in the society to *imagine* that they didn't know their position. To

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think otherwise is to believe in magic: imagine you are "impartial" and you will be. In fact doing that will be more likely to reinforce the power of these entrenched prejudices because it will explicitly present them as universal, warranted by reason, etc. (2008, p. 88-89)

In this sense, the reduction of politics to the public space where abstract and rational people address public issues searching for the satisfaction of common interests excludes the social groups who speak in public from their particular and concrete situations. Women, workers, and ethnic groups, among others, are often presented as selfish actors who seek only their particular good, and in consequence, it is not strange to find in different media the conceptual negation of these particular struggles: humanism instead of feminism, "all lives matter" instead of "black lives matter", and so forth. The problem here lies precisely in the negation of the particular experiences of oppression and suffering that some particular groups have lived, making them all the same by the reification of the rational abstraction of the concept of people (Young, 1990, p. 103-104).

The materialization of rational thought in politics has taken the form of contemporary constitutional regimes. A democratic constitution should grant the same rights to all the people. As it has been said before, the rational justification for the exercise of political power since modernity has presented the people as a whole as the authors of the constitutions, making them rulers and ruled at the same time. If we are all equal, the constitutional creed goes, then we all have the same rights. The rights granted by the constitutional regimes are subjective, they belong to individuals and not so often to particular groups, achieving by this individualization the theoretical disintegration of the social groups as political actors because every citizen, as an abstract entity detached from any particular social situation, should fight for his or her rights through the judicial system as an abstract individual, and not as a woman, a worker or an African-American. The negation of the existing oppressed groups is then complete and the justification of the social hierarchies and the status quo becomes democratic by the materialization of the rational abstraction and ends up hiding the asymmetries of the political power and the institutional exercise of domination (Colliot-Thélène, 2010, p. 12-14).

So far I have tried to explain why in the current political situation, almost everything can be conceived as popular or populist, except for the political discourses that instead of addressing particular interests, focus on the liberal-constitutional criteria of a good government. The main problem is the level of abstraction of the notion of the people as a whole, represented by a formal constitution, that does not relate to the real social structures of domination that create multiple subjectivities under different and particular conditions. The modern myth of the people as a single unity gave birth to the strict division between private and public spheres; to the notion of the rational citizen detached from any particular condition; to the supposed inner rationality of the constitutions and the constitutional law; and the liberal representative democracy as the only reasonable possibility worthy of being desired. The big narratives of the unfinished project of modern reason, which started as the justification of the authoritarian regimes and evolved to justify the colonial ambitions of the European powers, right now represent a justification of the status quo through the denial of the particularity of the lived experience of injustice. It also masks who really rules in contemporary democracies, when some groups or communities try to participate in the decision-making in order to defend their interests and denounce a wrong suffered, they are quickly dismissed in the name of the rights and the constitution.[56]

However, this does not mean a rejection of the Enlightenment project and its values. Freedom, equality, and dignity were born as normative principles in the philosophical and political debates of modernity, and even if they were born as particular interests of the bourgeoisie, they have also inspired the struggles of many oppressed groups and formed different institutional forms of government that to some extent and some populations, allowed better lives and better social structures. For this reason, the criticisms of the abstract notions of rights and democracy that come from the abstract notion of people do not imply either any form of moral relativism. Moral reflection should always be a major part of

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[56] A recent example of this situation can be seen in the plebiscite in Colombia on the exploitation of a goldmine in the town of Cajamarca. Following a constitutional tool, the population of the region voted against the exploitation of a local gold mine by the multinational company AngloGold Ashanti. After the local poll results were made public, the cabinet minister of mines and energy quickly dismissed the democratic procedure and said that either way the exploitation rights were going to be given to the multinational company (El Espectador, 2017).

political theory. But, instead of proposing politically neutral schemes on social problems based on abstract and rational moral constructions, the political theory should take the position of the suffering and through the normative reflection should stand against the different forms of oppression (Honneth, 1996). In this sense, the abstract notion of people that the contemporary political theory inherited from modern rationality falls short when addressing the different forms of resistance against domination. We should then replace the concept of people with something that allows us as political theorists to face and echo the real injustices of the different contexts in complex societies. As Iris Marion Young says:

> Normative reflection arises from hearing a cry of suffering or distress or feeling distress oneself. The philosopher is always socially situated, and if the society is divided by oppressions, she either reinforces or struggles against them. With an emancipatory interest, the philosopher apprehends given social circumstances not merely in contemplation but with passion: the given is experienced in relation to desire. (1990, p. 5-6).

But what should we use as the political subject in the normative reflections on democracy? Some authors try to demystify the concept of people by breaking with its rational unity (Arendt, 1998, 2006; Butler, 2015). In consequence, the concept of people is presented as a performative construction through the appearance of the bodies in the public sphere, and therefore, the people instead of representing a single unity represent a multiplicity of bodies enacting the multitude (Butler, 2015, p. 163-164). This is a theoretical advance to face the multiplicity of political action nowadays. The idea of the enactment of popular sovereignty that embodies and determines itself through the public assembly allows us to address the political struggles of those who have been excluded in the practice and negated in the theory.

Despite this theoretical asset of redefining the notion of people, I believe that the losing concept of the modern debate can give us broader access to the experiences of injustice. While Hobbes institutionalized the notion of people, Spinoza presented the notion of *multitudo* in his *Theological-Political Treatise* (2007), where he explained that the *multitudo* cannot be reduced to a single unity and therefore remain free in the multiplicity (Virno, 2004.

p. 22-24). However, as the loser concept in a theoretical debate, the notion of multitude became something to be ruled by the sovereign power. The multiplicity and the differences should become one to escape from the ambiguities and particularities of politics.

In the contemporary debate, the notion of the multitude has reappeared as a critical concept to the abstractions that nullify the power relations and social hierarchies. Political thinkers like Hardt, Negri, Virno, Balibar, and Badiou, among others, have made use of the notion of the multitude in different manners, giving different meanings and goals, because as all the political concepts, the concept of multitude is also subject to theoretical contestation. In the next section, I will address this debate, focusing on the proposals of Hardt, Negri, and Virno. My approach is that we should conceive of the multitude as a multiplicity in conflict due to the power relations and structural asymmetries. In this sense, I try to present a concept of the multitude as a political plurality of subjectivities, always changing and always in movement, to defend a notion of democracy as multiple actions of resistance against the multiple forms of domination, both against the justified and the arbitrary forms of rule, because at the end "[…] democracy is not a characteristic of the government of men, it is not an attribute that distinguishes a kind of government from others, it can be situated only in the relation between the ruled and the rulers." (Colliot-Thélène, 2010, p. 17).[57]

II. Constructing the Multitude.

The political subjects are always transforming themselves according to the structural forms of domination and the distribution of roles and places in societies (Rancière, 1999). Plebeians, nobles, clergy, peasants, workers, and bourgeois are just some of the historical subjects in the development of Western political thought and political regimes. Every one of these examples played a specific role in the different forms of economic production and their place in the society was determined and justified by the normative principles used to legitimize a particular set of distribution and place allocation. The divine right to rule, the

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[57] [la démocratie n'est pas un caractère du gouvernement des hommes, qu'elle n'est pas un attribut qui distingue un tipe de gouvernance par rapport à d'autres, mais ne peut être situé que dans le rapport des gouvernés aux gouvernants.] (Oen translation)

equal natural right to private property, the human rights, and the notion of the citizen as the holder of subjective rights have determined in different eras and political forms of organization the places, duties, and shares of the political subjects (Rancière, 1999). But this distribution is never a stable situation because the forms of production and justification of the status quo that situate every subjectivity in its place, are always contested by the groups that end up below the social hierarchies and power relations.

Slaves, plebeians, peasants, bourgeois, workers, and women, among others, have always challenged the social distributions of roles and powers, as Marx and Engels already said in their *Manifest of the Communist Party* (2012). For this reason and despite the long duration of different political forms of organization, instead of stability, what lies at the core of the historical development is the struggle between the negation and the affirmation of the normative principles of justification of the status quo. This struggle has never been peaceful and reasonable, it has always involved different forms of domination, coercion, violence, oppression, and resistance. The struggles for emancipation and inclusion have always created new subjectivities, transforming the old ones. The dialectical relation between oppression and resistance is the force of social transformation by creating new oppressive and new resisting political subjects.

It is in this dialectical relation between oppression and resistance that the concept of the multitude as a plurality of subjects in conflict obtains its theoretical relevance as a critical tool to address the social forms of injustice. As was stated in the first section of this chapter, the liberal tradition of political thought has always created big narratives following the rationalization of politics. In consequence, both oppression and resistance have been understood as general concepts that can be applied to societies and its population as a whole. In this narrative, oppression often takes the guise of absolute evil, where the oppressor is clearly identified as well as the oppressed. On the one hand, the Nazis, the Apartheid, and some middle eastern regimes like those of Muammar al-Qadaffi or Sadam Hussein are the regular representation of the oppression and their respective population as generally oppressed. However, workers, women, non-whites, or poor people in well-organized societies are not seen as suffering any form of oppression or the Western political regimes as

being oppressive. The regular concept of oppression that reduces it to tyranny tends to make invisible the particular conditions of some social groups that are situated at the bottom of the distribution of shares in the social hierarchy. On the other hand, the notion of resistance is always presented as an absolute counterpart to oppressive regimes. Big revolutions like the French or the American revolutions are always presented as successful forms of resistance and struggle for emancipation, meanwhile, social mobilizations and group activism are undermined and presented as unsuccessful, meaningless, and fruitless. The big narrative of modern rationality ignores the political and social consequences that group activism has brought over time to the current constitutional regimes (Tarrow, 2011, p. 215-216).

To contest this conceptual reduction of the notion of oppression as well as resistance, I follow Iris Marion Young's perspective on the particularities of oppression. She argues that instead of following absolute reductions of the notion of oppression, we should learn from the political developments of the social movements in the 1960s and 1970s decades (Young, 1990, p. 41). Back then and mostly in the "well-organized" societies, the social mobilization of workers, students, African-Americans, and women made public the fact that different social groups were situated under different disadvantaged conditions. These particular experiences were normalized by common practices and justifications of the status quo. For instance, while many scholars and politicians openly denounced the oppression in socialist regimes like the Soviet Union or Cuba, while many opposed the Apartheid in South Africa, just a few were brave enough to denounce the military Juntas (sponsored by the USA) in Latin America or the racial segregation in the USA that triggered the social struggles for civil rights in that country. The generally shared idea was that racism and oppression did not occur in Western societies as a structural problem but as some exceptions (Gines, 2014; Fanon, 2005).[58] However, the social mobilizations showed that oppression can take many forms

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[58] Kathryn Gines does a very interesting critique on Hannah Arendt's political theory and her dismissal of the racial problems in the United States. Just in the preface of her book *Hannah Arendt and the Negro Question*, Gines says: "Unfortunetaly, in spite of her insight and influence, Arendt's writings about anti-Black racial oppression (or the Negro question) in particular often reflect poor judgment and profound misunderstandings. In her sincere attempts to critique, confront, and even save the Western philosophical tradition, she too becomes entangled within it. In that regard, Hannah Arendt might be seen as a case study for the limitations of Western philosophical tradition." (2014, p. XI). I agree with Gines' perception of Arendt's philosophy and the political theory tradition. In the previous chapter I already presented some critiques on her insights on the social question.

within the different groups' experiences, which means that oppression and domination constitute a particular situation of a particular group determined by the power structures and social hierarchies under which a group is shaped (Fricker, 2007).

In this sense, every experience of oppression is singular and can be differentiated from others by the social analysis of the structural power relations that create advantages and hindrances for one group in relation to other groups (Young, 1990, p 39-40). Therefrom follows the idea that there is not a fundamental form of oppression, in contrast to, for example, the approaches that reduce it to the opposition between social classes and purely economic and productive relations in the Marxian tradition. For this reason, there is not a singular privileged group that rules over a singular oppressed group. Instead, and due to the mobility and changing conditions of the political subjects, what we face in the social and political reflections is a multiplicity of power relations that creates in turn a multiplicity of social groups facing different social conditions and experiencing particular forms of privilege and/or oppression, creating in this way a plurality of political actors and subjectivities. In summary, there is not a singular form of power but a multiplicity of power relations which leads to multiple forms of resistance instead of a singular form. A social group or class should not be hypostasized as the only political actor for social change and therefore the different forms of oppression should be seen as intersecting each other (Doetsch-Kidder, 2012; Hill Collins & Bilge, 2016; Crenshaw, Gotanda, Peller & Thomas, 1995).

Young presents five forms of oppression to approach this theoretical debate. Each one of these forms is neither exhaustive nor exclusive, which means that they should be conceived within concrete and material contexts to contribute to the reflections on the social hindrances to the freedom and inclusion of a particular social group. In accordance, every social group should not be abstracted from the real power structures that create it. Young defines the social group as follows:

The entanglement within the modern categories, like the people and popular sovereignty, end up as justifications of the current situations and power structures.

A social group is a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life. Members of a group have a specific affinity with one another because of their similar experience or way of life, which prompts them to associate with one another more than with those not identified with the group, or in a different way. Groups are expression of social relations; a group exists only in relation to at least one other group. Group identification arises, that is, in the encounter and interaction between social collectivities that experience some differences in their way of life and forms of association, even if they also regard themselves as belonging to the same society. (1990, p. 43)

From this definition, we could conclude that instead of a prefixed political subject in the form of a self-conscious oppressed group, there is a plurality of political subjectivities constructed by the social relations that determine the social positions and the power hierarchies. The political subjects are then the result of the social processes and not the starting point, as in the modern social contract theories (Young, 1990, p. 45). The forms of oppression that a social group may suffer to different extents and in different forms are categorized by Young to defend the relational character of the oppressive situations. The first of these forms is exploitation, under such conditions, some social groups are subjected to the control and interests of other groups. The exploited groups are then bound to exercise their productive capacities for the benefit of the exploiting groups. This idea of exploitation is closely related to the Marxian analysis of capitalist production, in which social inequalities are not due only to a failure in the distribution of wealth, but mainly to the appropriation of the surplus value of the labor force of the exploited social groups (Young: 1990, p. 49-50; Marx, 1993, p. 376-377).

Economic exploitation is also related to oppression as a form of marginalization. To be marginalized is to be excluded as a group from the social processes of participation. Immigrants are a good example, but also the social groups involved in menial labor, which is mainly determined by gender, race, and social class attributes of social groups. Cleaning, nursing, and other forms of services are often relegated to some ethnic groups and women. The case of the migrant women from the Global South is a very compelling one because they

have to leave their own children behind just to earn enough money for their survival or education by nursing and babysitting the children of others, especially in the Global North (Kreide, 2015). The marginalized groups are expelled from social interaction by the material deprivation they have to face.

Exploitation and marginalization often lead to the feeling of powerlessness in some social groups. The oppressed social groups experience the lack of possibilities to partake in the decision-making, being in this way relegated to be the passive subjects of the domination and social steering of the privileged groups. The feeling of powerlessness can be also associated with cultural imperialism as a form of oppression, in the sense that the values and world representations of the privileged are universalized and presented as the norm of behavior for all the other groups (Spivak, 1994, 1999). The dominant points of view often undermine other conceptions or experiences of social relations, relegating them to the field of the irrational or even worthless (Fricker, 2007). Therefore, the resistance against these forms of oppression does not involve only a head-on struggle against the oppressive structures and social relations but also implies an overcoming of the negation of the own self, of the own particularities of each experience that have been subsumed into universal categories by the cultural imperialism.[59] The forms of universalization do not come only as philosophical abstractions. They also imply violence as the last face of oppression that Young presents. Violence is not only individual acts but also generalized attacks on some groups based on their group identity. As a form of oppression, violence should be understood as deeply rooted in the power relations and social structures that justify it. It should not be seen as an isolated case. Racism, femicides, and police repression are always attacks that target specific groups and specific forms of group identity.

These categories are not value-neutral in the sense that they cannot be abstracted from the material conditions in which they occur. They work as the criteria to evaluate whether a group

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[59] "The reason being that the colonized intellectual has thrown himself headlong into Western culture. Like adopted children who only stop investigating their new family environment once their psyche has formed a minimum core of reassurance, the colonized intellectual will endeavor to make European culture his own. Not content with knowing Rabelais or Diderot, Shakespeare or Edgar Allan Poe, he will stretch his mind until he identifies with them completely." (Fanon, 2005, p. 156).

is suffering under forms of oppression in their particular circumstances or not. This is an important question for the contemporary debate on democracy because instead of repeating the thesis of constitutional rights as the guardians of justice and freedom, Young's approach allows us to take into account the multiplicity of the conditions of domination that triggered different forms of oppression. In consequence, a plural approach to the notion of freedom implies also a plural approach to the notion of resistance or struggle for emancipation, going beyond the representative and constitutional model of democracy based on supposed impartiality (Young, 1990, p. 64). If we take into account the multiplicity of social subjectivities we can overcome the Manichaean dualism between liberal democracy as the supreme good and tyranny as the supreme evil, realizing that even within the current democratic regimes, oppression and exclusion occur and are reproduced by the power structures and they are not mere exceptions in times of crisis. This plurality of political subjectivities constitutes the notion of the multitude. Despite the different approaches to the concept, one argument is common to them, that is, the multiplicity of the multitude cannot and should not be reduced to a single abstract unity because doing that will mean the loss of the emancipatory characteristic of the struggles of the different groups under conditions of oppression.

Michael Hardt and Antonio Negri introduced the notion of the multitude in contemporary debates as the forces of resistance that oppose the power of the Empire. In their book *Empire* (2001), they present the concept as a theoretical approach to the power dynamics of a globalized world. Empire represents a net of power structures with multiple actors. NGOs, international and supranational institutions, sovereign states, and multinational companies among others create the power networks that shape political relations nowadays. In their view and under the current state of affairs, there is no unilateral power or hegemonic rule from one single actor. Instead, we are facing a multiplicity in the exercise of domination at different levels and to different extents. In these power networks, some groups are more affected by others, and some groups obtain more benefits than others. There cannot be a simple dualism between the oppressed and oppressor under the contemporary political conditions of the Empire. The rule of the Empire is not spatially limited nor situated. Empire has no

boundaries. In this sense, the structures of domination run through the complexity of the network of powers and interests. The concept of Empire also presents itself as ahistorical and universal: nothing was before it and nothing is beyond it (Hardt & Negri, 2001, p. 125).

It is very interesting to see how the constitutional and liberal forms of democracy have been hypostasized to the extent that it is conceived as the real responsible for the emancipation of humankind and the final and ultimate goal of any political organization. In consequence, the Empire rules over every single actor in social life, becoming a form of biopower (Adolphs, 2011, p. 141-161). The last aspect of the Empire to be mentioned here is its commitment to peace. Despite the never-ending wars that are triggered by the power structures, the Empire always aims to the achievement of peace "[…] a perpetual and universal peace outside of history." (Hardt & Negri, 2001, p. XV). Here I would like to change a little the relation that the authors present between Empire and war, and instead, I would like to focus on how these traits of the networks of powers can be extrapolated to the notion of democracy because nowadays, the discourse of the liberal democracy as the unfinished emancipatory project of the modernity somehow reflects these characteristics.

First, it presents itself as a universal form of political organization, abstracted from material conditions, that can be exported and placed everywhere around the world and in different contexts. The bureaucratic administration implies also a distribution of the exercise of the power among different actors: political parties, business lobbies, social actors, judges, and prosecutors, they all have different shares of the cake. Finally, although the clear inequalities and forms of oppression of different groups, the discourses on liberal democracy always defend the inner rationality and universalism of its abstract freedoms and concessions. In other words, what we are facing today in liberal democracies is not a unilateral and hegemonic power that oppresses all of its subjects, instead of within the power structures of the liberal societies lies a plurality of power actors, a multiplicity of *kratos*, that control and have different levels of impact in different social groups. The multiple forms of domination are related to multiple intersecting forms of resistance. The plural subject of these intersecting forms of oppression and struggle for emancipation is the multitude.

It is the multitude as a network of political action and social struggles that stands against the powers of the Empire. Following the political philosophies of Merlau-Ponty, Foucault and Marx mainly, Hardt and Negri present the notion of the multitude as a phenomenological notion that takes the standing point of the bodies in the contemporary complex societies that exercise forms of control over life itself (Lazzarato, 2011; Pieper, 2007). In their perspective, the bodies resist in order to exist and history is determined by biopolitical antagonisms. Since the bodies can only matter in their plural form, the multitude goes beyond the particularities of any social class, moving away from transcendental abstraction by formulating social criticism regarding the lived experience of the bodies (Butler, 2015).

Therefrom comes the relevance for the contemporary debates on the notion of the multitude. The plurality of subjects being together in resistance, like a many-headed hydra that struggles against the forms of control over social life (Hardt & Negri, 2011, p. 41-44), redefines the perception of the power structures and social struggles, moving beyond in this sense from the generally accepted theoretical tradition of one single subject for emancipation. The multitude is then the socially constructed subjectivities by the different forms of interaction in social life. The notion of life here results important, not because it represents a reformulation of the Foucaultian concept of biopower, but also because it includes more subjectivities in the struggle. The idea of the expropriation of the biolabor, which is understood as the forms of immaterial production of knowledge, ideas, images, and feelings based on communicative networks of interaction and affective relationships (Hardt & Negri, 2004, p. 66-67), introduces new approaches in the political theory to the problem of the precarization of life and reproduction of domination and oppression. New subjectivities are created within the power structures.[60] The multitude represents a new physiognomy of social

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[60] One of the achievements of this perspective is precisely to move beyond the orthodox Marxism in the interpretation of the proletariat as the only political subject for social transformation. The distinction between material and immaterial labor and productive and unproductive labor has lead often to undervalue the struggles of other social groups in the capitalist societies (Marx, 1993, p. 305-306). This is especially true for the immaterial forms of production like cleaning or nursing as well as the labor of the peasants who have often presented as unable to achieve the class consciousness required for the emancipatory struggles. In contrast, the concept of multitude includes the different groups that suffer different forms of exploitation and precarization like women, sexual workers, employees, scholars, etc.

struggles, characterized by the articulation of multiple subjectivities in an equal, autonomous, and horizontal interdependence. As they put it:

> The multitude-form is not a magic key that opens all doors, but it does pose a real political problem and posit as the model for addressing it an open set of social singularities that are autonomous and equal, capable together, by articulating their actions on parallel paths in a horizontal network, of transforming society. (Hardt & Negri, 2009, p. 111).

This social network should be differentiated from traditional political subjects. People, the masses, and the working class fall short to represent at the theoretical and practical levels the multiple subjects of emancipation and domination. First, the notion of people as it has been mentioned, represents an abstract unity reduced to a single identity, be it national or constitutional, the people is always one, despite the real differences in the population. In contrast, the multitude is many, composed of a multiplicity of singularities that cannot be reduced to a single body. Second, the notion of the masses represents a uniform and indifferent conglomerate, fading all the differences away. The multitude, in opposition to the uniform masses, represents all the differences and colors acting together but remaining differentiated in their own particularities. Last but not least, the working class has always excluded in one way or another different forms of work. Peasants, domestic laborers, and unemployed people have been left aside in the construction of the revolutionary subject. Facing these forms of exclusion, the multitude manages to include different singularities as long as it is conceived as an open process of construction of political actors (Hardt & Negri, 2004, p. XIV-XV).

The *locus* of the multitude is the common. The common is constructed as an intersubjective, shared space where the circulation of social relations occurs. This space is material and immaterial as well. On the one hand, the affective relations, forms of production, and reproduction of knowledge, images, and ideas represent the immaterial aspects of the common. On the other hand, the material aspects are characterized by the factories, buildings, squares, universities, and other spaces for the reproduction of social life (Hardt &

Negri, 2009, p. 155-156). However, for Hardt and Negri, the common represents both good and bad features. Forms of corrupted common can be seen in the traditional notions of the family, corporation, and nation (Hardt & Negri, 2009, p. 159-160). These three forms of the common under capitalist exploitation of the biolabor, corrupt the social networks of interaction in different ways. The family, for example, serves as a role model for gender normativity, excluding other forms of love and care by the normalization of the patriarchal structure in society.[61] The family also helps to cut other forms of solidarity and altruism by presenting itself as the sole paradigm of relationships (Hardt & Negri, 2009, p. 161). The corporation and its hierarchical structures of production also affect the common because instead of equal and horizontal relationships, the corporation creates power hierarchies that reproduce the forms of exploitation and subordination. It is true that the production in the corporation is achieved through social cooperation among the workers, but this kind of cooperative behavior is corrupted and distorted by the competitive and egotistical characteristics of capitalism. Finally, the nation represents an exclusionary concept that limits the bonds of solidarity within the frontiers or ethnic belonging serving in this way as the motor for racism, and authoritarian and fascist discourses (Hardt & Negri, 2009, p. 163-164).

In these corrupted forms of the common, the multitude should organize themselves and transform into a truly emancipatory plurality of subjectivities. First, the multitude should escape from these distorted versions of the common. By fleeing from family, nation, and corporations, the multitude should be able to construct a new common based on joyful cooperation and love as the weapon to fight evil (Hardt & Negri, 2009, p. 260). Hardt and Negri find these attempts of escapades in the discourses and demonstrations of different social movements. Feminists, LGTBQI activism, anti-globalization protests, workers' strikes, and immigration are seen as the embers of a progressive fire that will transform society as a whole by the autonomous organization of resistance. This is the "making" of the multitude according to their political view that could face the powers of the Empire.

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[61] Even with the recent acceptance of same gender marriage, the family structure is still modelled by the patriarchal heteronormativity (Allen, 2016, p.96-107).

The compelling idea of organizing the resistance has, nonetheless, some problems. The first issue I want to highlight is the preeminence of the modern notion of social conflict that posits it as a problem to be solved instead of the core of politics (Rancière, 1999; Mouffe, 2013; Laclau & Mouffe, 2001). This perspective ends up in the extension of the Manichean character of the struggle between the forces of good and love against the forces of evil and corruption, breaking in this way the multiple characters of the resistance and oppression that they presented as the elements of the current forms of political organization.

That leads me to the second point: Hardt and Negri glorify the multitude as the force of good, leaving aside the contingent character and frailty of political action. For this reason, they believe that we are now facing the *kairos* of the multitude, which means the right time and moment for the transformation of the corrupted forms of the common (Hardt & Negri 2009 p. 165; 2004, p. 357). The multitude stops being a representation of the multiplicity of social struggles and becomes a tool for the organization of the exodus –a biblical reference for escaping corruption and the project of liberation. Although Hardt and Negri recognize the long-term processes of social change and the difficulties inherent in such a project (Hardt & Negri, 2012, p. 101), they suggest that the sporadic actions of the multitude, protests, and demonstrations, are not enough and we should see them as the first step for an all-out transformation project as the constitution of a new society of love, where the social conflicts are reconciled because the revolts and indignation are only the beginning, their disorder should be transformed into a new order (Hardt & Negri, 2009, p 243). That is the reason why Hardt and Negri think that social movements should develop strategies and forms of leadership to have a more significant impact on the transformation of the social order (Hardt & Negri, 2017, p. 20-21).

However, despite the presence of this form of a big narrative of modernity, the notion of the multitude has different advantages for the theoretical debate nowadays. First, it is worth reaffirming the multiple actors of the forms of resistance and domination as the core of contemporary politics, which leads to questioning the status quo and accepting the plurality of political action. Second, the idea that the multitude does not represent a "unified power" but a potentiality allows us to criticize the modern notion of popular sovereignty and its

assumed representation by the state institutions (Hardt & Negri, 2017, p. 28-29). As has been mentioned, the abstract notion of people led to the idealization of constitutional formalism that ended up hiding the real powers in the chair. In contrast, the force of the multitude does not exist within abstract formalisms but in the potentialities of the resistance as an always-open process for emancipation and innovation in politics. This point has been firmly defended by Negri, who argues that the constituent power of the multitude lies in the performativity of the multitude instead of static institutions or absolute concepts of democracy as a representative institutional set (Negri, 2011, p. 39). For Negri, the multitude moves between the negation of the status quo and the innovation of the new forms of organization, but what lies at the core is the mobile characteristic of the plurality of subjectivities opposing the objectified forms of control and domination.

This leads finally to the disruption of the linear notion of progress that we have inherited from modern political theory. Since the multitude does not have an ultimate goal or a final aim in political action, the linear notions of modern progress and social change do not apply to the mobilization of the multitude. For this reason, many scholars and politicians have opted for the negation of the political actions of the multitude, advocating for the traditional electoral game as the only possible form of democracy (Negri, 2011, p. 51). However, the multitude does not want to acquire power, in Negri's view, but to contest the forms of oppression created and reproduced by the institutionalized forms of domination. Despite these theoretical achievements, I believe that Hardt and Negri's notion of multitude still lies in the modern deification of the political subject (Spivak, 1994). Even when they recognize the corrupted forms of social interaction in which the multiple subjectivities are constructed, they propose a general flight from them, as if the political and social groups were able to escape the material conditions that constructed them. In contrast to this version of the multitude as a project to be made and not as the already existing political subjectivities, Paolo Virno proposes an ambivalent notion of the multitude which makes a stronger emphasis on its potential character, contingency, and frailty.

In his *A Grammar of the Multitude* (2004), Virno continues to develop the ideas already present in Hardt and Negri's work, but without relying on the *telos* of the community of love

that they present as the goal of the multitude. The hope in the destruction of capitalist exploitation through the networks of solidarity and love that somehow will create a better new order at the end of the struggles ignores the materiality of the multitude because it is presented as an idealized force to fight evil. In Virno's perspective, the multitude represents the potentialities of the social struggles, however not as a telos-oriented fight, but as a contingent uprising against the authority and forms of control. What follows from this position is that the potentiality of the multitude cannot be reduced to an idealized plurality able to transform the forces of destruction into love and peace. The social struggles and the subjectivities involved in them are not messianic forces to save humanity. As Virno says: "[…] the figure of the multitude is not all 'peaches, cream and honey'(…) The multitude is a *mode of being*, it is *ambivalent*, or, we might say, it contains within itself both loss and salvation, acquiescence and conflict, servility and freedom." (2004, p. 26).

In this sense, Virno presents the notion of the multitude as a tool for the analysis of contemporary societies instead of the holder of salvation. From this perspective, the world and politics cannot be mastered once and for all (Virno, 2004, p. 32) but they remain contingent and unpredictable, as well as the multitude is conceived as a mode of being instead of a project to be made. The idea of the contingency of politics leads to a stronger rejection of the big narratives of modernity as forms of pre-fabricated designs to stabilize the frailty of human affairs. Arendt already criticized this perspective on politics (Arendt, 1998, 2006) and following Virno, one can add to her criticism the idea that the abstract idea of democracy serves as a form of refuge from the always present dangers of the world. Society cannot be understood as a fixed entity of social relations, either the present society or a future social organization yet to be achieved. Therefore, the disorder and disagreement of the multitude cannot be synthesized in pure forms of abstract unities, the multitude can only be conceived in the uncertainties of life.

According to Virno, a pure subject who has escaped from the corruptions of the world we live in cannot be constructed nor expected. This ambivalence can be seen in the space of the multitude. As well as in Hardt and Negri, the common is the locus of the multitude, but in contrast, Virno's notion of the common works as a premise and not as a promise to be fulfilled

after the exodus from its corrupted forms (Hardt & Negri, 2009, p. 102). The multitude finds itself between the public and the private sphere of interaction. The hegemonic liberal tradition has banned the private from the political realm. As we have seen earlier with Arendt, Habermas, and Rawls cases, the particular conditions of existence have no place in the public (political) issues, leading to a radical distinction between what should remain hidden behind a veil of ignorance and what can be discussed as political and rational subjects. This division comes with the differentiation between the state, as the place for public business, and the civil society as the place for private issues. The multitude, being between this traditional separation of the spaces for action, is openly anti-state and therefore is openly anti-people (Virno, 2007, p. 35). That means that the multitude cannot be equated with popular sovereignty because it cannot rule but it opposes the forms of rule:

> Here it is: the risky instability of the human animal –so-called *evil*, in sum- does not imply at all the formation and maintenance of that "supreme empire" that is the sovereignty of the State. On the contrary, "hostile radicalism towards the State" and towards the capitalist means of production, far from taking from granted the innate meekness of our species, can construct its own authentic pedestal in full recognition of the "problematic" temperament of the human animal, which is undefined and potential, (thus, also dangerous). (Virno, 2008, p. 16)

The ambivalent character of the multitude comes from the common as a premise for political subjectivities. That means that the shared space, that lies between the public and private, is pre-individual. Pre-individual here does not mean pre-political but as a set of material conditions previous to the individuation-subjectification processes. Following Marx, Virno argues that the common should be understood as the conditions of the social life processes themselves (Virno, 2007, p. 40). The multitude of many individuals appears precisely in a determined historical and material context, with specific social hierarchies and social determinations of subjectivity. This leads to the notion that the political subject is neither completely private nor completely public. The individual is never completely isolated, it also carries always a share of the pre-individual reality in which it is born. In consequence, the individual, or the political subject, is always unstable, and never an abstracted rational entity,

in other words, the political subjectivities are always in the dialectical relationship between the objective social conditions and the particularities of the subject.

The multitude is composed of the many particularities of the individuals as well as the One of the shared community. The One of the many, as Virno calls it, should not be understood as the reduction of the multiplicity into a single and abstract unity.[62] The One represents the shared social background as the determinant pre-individual factor for the construction of the subjectivity.[63] In this sense, the many do not imply *a posteriori* synthesis or reconciliation in the form of the unity of the community or the state. Instead, the multitude perseveres in their multiplicity without aspiring to the unity of the state, power, and popular sovereignty. The only unity that lies behind the multitude is the shared space of the common that determines the processes of individuation-subjectification (production of subjectivities) as the place where the multiple singularities are produced. In other words, the common as the One exists at the beginning of the social processes of subjectivity production, not at the end, which means that the multitude cannot be conceived as the final product of a social unification project of the different struggles, the multitude constitutes itself as a plurality against a shared horizon of social structures and relationships. In this sense, the multitude represents many singularities against one shared and common stage. The many singularities are not pre-given, they produce themselves through the complexity of the social relations and structures in which they exist, and in consequence, there are no "models" or "blueprints" for the forms these singularities can take, therefrom comes the ambivalent character of the multitude (Virno, 2007, p. 38-39).

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[62] "It would be a mistake, however, to believe that the multitude can dispose of the One as such. The exact opposite is true: the political existence of the "many" in as much as the word "many" presupposes something of a community, is rooted in a homogeneous and shared environment, and stands out against an impersonal background. The One, from which the "many" become a community is certainly not state sovereignty; rather, it is the conglomerate of species-specific faculties (verbal thought, cognitive aptitudes, imagination, the ability to learn, etc.) that the history of big industry has tossed onto center stage, to the point of making those faculties the genuine mainstay of modern production" (Virno, 2008, p. 41).

[63] "Die Einheit, die hinter der Multitude steht, ist hingegen die Sprache, ist der Intellekt als soziales und interpersonales Vermögen, bezieht sich auf Fähigkeiten der Spezies, die alle eigen sind." (Virno, 2007, p. 36) [The unity behind the Multitude, on the other hand, is the language, is the intellect as a social and interpersonal faculty, it refers to the own competences of the species]. (Own translation)

Applying this ambivalent character of the multitude to the notion of social groups, it can be said that a social group cannot be comprehended outside its particular experiences in a shared world. This shared space is what allows the social groups to express their affections and particular experiences to others. Language, as a network for interaction, determines greatly the political action. Feelings, expectations, intentions, idiosyncrasies, and normative evaluations are shared in conflictive forms in the oneness of the community of the many.

Let me summarize what has been said so far. An abstract concept for the political subject has the ideological consequence of hiding the power relations and social structures that produce and reproduce social forms of oppression. The people and popular sovereignty should be then rethought in order to address the political problems we face today. The notion of the multitude is helpful in this sense because it takes into account the multiplicity of the social actors that interact with each other within multiple forms of control, coercion, and domination. Nevertheless, we should avoid the idealization of the multitude as the force of good that battles the forces of evil, as in Hardt and Negri's theoretical perspective. Instead, we should recognize the ambivalent character of the multitude and its potentialities. The multitude as a multiplicity of subjectivities in movement cannot and should not be evaluated based on its achieved or missed goals and objectives (Virno, 2007, p. 46).

Does that mean that we should remain nihilists and accept the fact that nothing is going to change? Does this notion of an ambivalent multitude imply moral relativism? The answer to both questions is no, we should not. Following the communicative paradigm and Virno's perspective on the common, I propose that we should take a political position avoiding abstract impartialities. In doing this, we should assess the particularities of the lived experience of injustice through the analysis of the particular social suffering and the normative principles involved in the political and social struggles. The common is constituted by conflicts among a multiplicity of social groups. These groups bring with them their particular experiences of suffering as well as the shared notion of what is just and unjust. In these processes of struggle, the social groups will justify the status quo or negate it, within these struggles the socio-political subjectivities move.

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III. Social suffering and Normative Principles as the Common Place of the Conflictive Multitude.

So far I have argued that the multitude is a theoretical and critical tool to address contemporary social struggles and political dynamics. Thus, the notion of the multitude has been presented as a plurality of subjectivities that cannot be reduced to a singular unity like the notion of people, and therefore, the notion of power that lies behind the multitude is different from the generally used notion of popular sovereignty. In this sense, an attempt to criticize the structural forms of domination should take into account the material and historical particularities of the social groups. That means, that instead of starting from the formulation of abstract rationalizations of a just society or an ideal political form of government, we should start by focusing on how the power relations and social hierarchies have affected particular groups and how they have reacted to these situations (Geuss, 2008). The particular social conditions of different social groups should then be the core of a critical political theory.

However, the particularity of the social experiences does not imply social or political relativism. The multitude of political subjectivities acts in the space of politics in movement. As was presented in the previous chapter, politics should be understood as an unstable, frail, and contingent human affair whose outcomes cannot be fully rationalized or foreseen. Politics is here understood as a conflictive social action based on dissent instead of the place for a universal rational consensus-oriented action. Therefore, the notion of multitude here presented is conceived in the sense of subjectivities involved in different social and communicative conflicts, not only on the particular interests of the social groups but also a conflict on the normative structures for justification and negation of the status quo (Bourdieu, 2008, p. 30-31). Hence the necessity for taking a political position and defending it without relying on abstract impartialities. In social conflicts, not all the experiences are the same, nor the demands of the different social groups in struggle could be equated as the same (Young, 1990; Renault, 2004). Every conflict should be analyzed within its own concrete conditions

intersecting with each other to stand in favor of those who experience some sort of suffering.[64]

But, how do we take a position without previous theories of a just society? Is there a truth behind the social conditions that allow us to identify the oppressed? Following Virno, I argue that the social subjectivities that constitute the multitude find themselves in a shared position as a pre-individual situation, which means that every particular subjectivity of the multitude is produced within a material and concrete structure that determines the world representations and expectations of the good life or a livable life (Butler, 2015). These situations are constructed through social interactions, social partitions of the sensible (Rancière, 1999), power relations, social hierarchies, and widespread ideas of the just and unjust situations that can be always contested by the multiple actors in the struggle (Renault, 2004, p. 19). These widespread ideas nonetheless, do not represent a consensual and rational situation but a shared space for social interaction that determines the particular representations of the particular situations of the social groups. In this sense, our descriptions and representations of social and political situations always occur within normative frameworks that are socially shared as external conditions that are interwoven with the particular experiences of life.[65] That means that instead of trying to find the rationality behind the irrationality of our world or to address the impure reality by the construction of pure idealizations, we should embrace precisely this impurity of politics from the point of view of the expressions of the particular experiences of oppression and domination. This would imply an effort to fill the gap between the abstract normative principles and the real experiences of injustice.

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[64] For the notion of a contextualist analysis of politics instead of the construction of universal principles, see Allen, 2016, p. 204-203; Young, 1990, p. 97-98; Geuss, 2008, p, 11-13.

[65] The idea of a shared space does not imply a consensual agreement at the basis for the social action, as Habermas assumes (1979a, p. 1). The social shared space is not the outcome of a voluntary deliberative process but the result of historical processes of domination, control and justification of the status quo that gave form to the social reality. In this sense, the social groups make use of the available justificatory ideas as they have been developed in the social struggles, the normative principles do not have a freestanding, impartial position to justify different political commitments, they always are embedded in concrete and historical contexts. Therefore, consensus is understood in this perspective as the ideological reproduction of the social structures for domination, exclusion and exploitation. In contrast, democratic political action represents the performance of resistance by dissenting with the status quo of the accepted social hierarchies and partitions.

The common knowledge, understood as the ordinary and shared representations of particular situations through socially accepted norms, is the locus for the subversion of the dominant normative frameworks and the triggering for the creation of alternative ones. Emmanuel Renault says: "The knowledge of the dominated and the underprivileged has the advantage of offering the possibility of a subversion of the normative framework because it can not be applied to the situations they live in" (2004, p. 29).[66] For example, at the beginning of liberal democracies, private and public liberties were limited to white males with property. The liberal framework was redefined through the struggles of non-whites, the propertyless, and women, among other groups who were not represented by the normative shared values because what they were living was a completely different situation of exclusion and subordination. It is worth noticing however that these struggles have not ended, they are still going on in an attempt to subvert the shared values of the justification of the status quo.

Taking a position in favor of the wretched and oppressed should involve the intersection of the normative principles as justificatory, historically situated tools that can always be contested, the particular conditions of the social groups, and the power relations and social hierarchies that construct these situations. The normative principles are a pre-individual condition of the social groups if the society is understood as a network of communicative actions (Habermas, 1979c, p. 98). Every individual is born and grown under external circumstances of social communication that determine what is conceived as good or bad and therefore involves the creation of expectations and representations of what is due in different circumstances. These principles are not static but changing, they move alongside the social processes of domination and resistance.[67] As justification tools, the normative principles involve struggle, in this sense, the social struggles do not only involve the dispute over material conditions of production but also a struggle for the reasons that justify the situation under which the social conflicts take place. That means that the multitude is always immersed in a communicative dissent, between the affirmation and negation of the status quo.

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[66] ["Le savoir des dominés et des démunis en outre a l'avantage d'offrir la possibilité d'une subversión du cadre normatif dominant parce que ce dernier s'applique mal aux situation qu'ils vivent"]. (Own translation)
[67] *Cf.* Chapter IV of this work

The conflictive nature of the multitude means also that the normative principles do not work simply as consensual and rational ideals. They work in a plurality of manners. They can be imposed as the norm by the ruling powers, they can be redefined in the course of social struggles and they can be invented to negate particular conditions of oppression. The production of normative principles in a society should be not understood as the result of rational consensus achieved by horizontal deliberation but as a conflictive dispute over the norms and values that justify different conditions. For example, not so long ago, homosexuality was conceived as some sort of perversion or deviation and in consequence, the society and social rules of behavior were shaped under this representation of which sexual preferences are justified and which are not. The LGBTQI community has for a long time fought against this normative (normality) set of principles by bringing into the social struggles their particularities and experiences, bringing alongside new forms of understanding the notions of gender equality and homosexuality itself by the justification of their sexuality through the negation of the generally accepted representation of what is due (Butler, 2006, p. 37).

Accordingly, normative principles cannot be abstracted from the societal conditions in which they play their justification role. This idea leads to the notion of the experience of lived injustice as the consciousness of social suffering as an unjustified situation. Here "social suffering" means the experiences of harm that affect the existence of different groups regarding the power relations in which they occur (Renault, 2008, p 66). The perceptions that the social groups have of their own conditions have cognitive content because as demands against the societal justifications of the status quo, they can subvert the accepted values and norms, creating in this way new representations and concepts of what is just and unjust. Therefrom comes the experience of the own situation as unjust. The social groups can first, compare themselves with other social groups. Questions like "Why I cannot be with the person I love" or "Why can the people from this group go to college or have a health care system and I cannot?" forge the feeling of the violation of normative expectations that leads to the indignation and contestation of the justification of the social system that allows such situations. For this reason, the experience of lived injustice is always referential, it implies

the linking-up of a particular situation with a particular cause or set of causes. The perception of the own situation refers always to the valid legislation, social practices, economic forms of production, and political systems that are viewed as the creator of such conditions. Finally, this leads to the idea that the multitude is mainly emotional. The feeling of indignation and outrage runs on the different sides of the struggle. Indignation against the "abnormal" practices or indignation against the set of values that normalize certain behavior or conditions gives form to social struggles (Renault, 2004, p. 46).

Thus, the multitude finds themselves in a shared space of pre-individual normative principles that create social expectations, a space that also involves particular experiences linked with the representations of what is due and the comparisons with the situations of other social groups and structures of power that determine the social positions. In the liberal tradition, and due to rational abstraction as a legitimation mechanism, all political and social claims should be conceived as equal as long as they do not break the laws of the status quo. In consequence, a neo-nazi demonstration against immigrants can be equated to a women's demonstration against sexism in society if they both happen within the constitutional framework of the freedom of speech and respect the rules that model the accepted behavior. In this notion of the multitude, that compels us to take a political position in favor of the oppressed, we should take into account not only the normative principles involved in the struggle or the particular situations of each group, but we should have in mind also the historical development of the power structures that have left some groups with privileged conditions while others have been relegated to underprivileged or subordinated conditions. In this sense, the conflicts of the multitude involve many sides and many positions, but they are not the same. Societies always have a clear set of underprivileged groups. The colonized, exploited, manipulated, oppressed, excluded, and dominated have always opposed the colonizer, exploiter, manipulator, and oppressor (Spivak, 1994). These struggles have always taken many forms and many signifiers. The important issue here is that the social struggles of the multitude can only be addressed in a normative sense as long as we take them within

the concrete and particular conditions in which they occur. Democracy cannot be thought of outside the material conditions of oppression and domination.[68]

Accordingly, the multitude cannot be subsumed into a singular subject nor cannot be idealized in the form of the community of love, as discussed with Hardt and Negri. The power relations and social hierarchies should not be simplified because they implicate a plurality of subjectivities with particular experiences of their own situations. Thus, within the multitude, we can find the affirmation of the status quo through the display of the monopoly over the information by those who benefit from it. We can find those underprivileged who still want to defend and preserve forms of exclusion because they believe that it is what is justified. We can also find those who oppose the system but defend different forms of exclusion and oppression, and finally, in the multitude, some groups struggle for their particular emancipation or just to overcome a particular form of domination and suffering. In this plurality is where the potentiality of the multitude lies, the action and reactions of the multiple subjectivities trigger the dissent processes allowing subverting and transformation of the representations of social life.

The potential nature of the struggles of the multitude is what makes politics a contingent, unforeseeable and frail activity. The action of resistance and struggle for emancipation and inclusion should not be assessed only by the capacity of the impacted social groups to acquire and hold political power. The evaluation of the nature of a group should be assessed in the performative action itself, in the resistance and in the denounces of the suffered harm. Emancipation and inclusion work as normative principles that allow us to take a position in favor of the wretched, but they should never be detached from the particular experiences and

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[68] It has to be mention however, that the relationships between hegemonic and subaltern groups are complex and not reducible to a simple dual opposition. As Tully says: "'Hegemon' and 'subaltern' are multiplex: dispersed across complex, criss-crossing and overlapping fields of unequal and mutually constitutive relationships of interplay. They are not conveniently located in the West and the non-West or the North and South, but within and across these binary categories of colonial geography, dividing subaltern (and hegemonic) societies into complex hegemonic–subaltern classes and ethnicities, and often mobilising local pre-colonisation relationships of imperialism, quasi-imperialism and resistance." (2008, p. 159). Therefore the complexities of the political discourses and their theoretical analysis. What I want to highlight here is that every theoretical approach is partisan, it takes a political position, and from there, the identification of the subaltern and subjugated groups within a given social context can be made using normative principles as critical tools for the assessment of the experiences of suffering.

power relations in which they occur. Therefore, the power of the multitude should be understood as *dynamis,* as a potentiality or moving force, instead of *potestas,* or the acquired and recognized authority of a group or institution. The *potestas* is represented by the concept of popular sovereignty, the legitimacy of constitutional democracies depends precisely on the extent to which the people has and holds the political power, this idea has served however to mask the control of the power in the few hands of the political and corporative elites. In contrast, *dynamis* implies the idea of a never-ending action, whose outcomes cannot be foreseen. The power resides in the moving force of disruption that lies in the multitude, disruption that challenges other forces and is challenged by other forces, hence the conflictive nature of the multitude as the moving plurality of the politics in movement.

IV. Conclusions.

The multitude as the moving subject of the politics in movement can not be created or constructed. As a mode of being, the multitude has been, is, and will be a conflictive plurality of subjectivities where different forces share a space for confrontation and struggle. The multitude is formed but not exhausted by political parties, repressive forces, social movements, gender groups, and social classes, among others that are situated in the commonplace of the particular experiences of life, communication networks, and representations of the social world. These subjectivities cannot be steered towards the community of love simply because they cannot be reduced or idealized. In consequence, the multitude does not represent a big narrative of salvation, the multitude cannot solve once and for all the social conflicts that arise under the political systems of control. For every victory in the struggles for emancipation and inclusion, there are going to be always new forms of oppression and exclusion, making in this sense the multitude an always moving subject whose force lies not in the form of promises but the form of premises. Premises that determine the social situations of many groups and in this sense, determine the possibilities of having a livable life or suffering under the social contempt and ignominy, triggering the social forces of change through the dissent.

However, this does not mean that we should renounce all hope for social emancipation, that we should embrace and accept the world as it is. On the contrary, we should take a position in favor of the wretched, in favor of those who are suffering under different forms of oppression and exclusion, and whose situation has been justified through fancy abstractions and rationalizations. The colonized, oppressed, underprivileged, and excluded exist in a very open and public form (Deveaux, 2018, p. 710). They are not hiding, they are always showing themselves and the situations they have to go through just to survive. It can be scary to go beyond the traditional categories of the political theory that help us find a refuge from the adversities of real politics and the power relations that relegate some groups and privilege a few. But I believe it is a risk we should take as political theorists if we want to seriously address the unbearable conditions of some social groups.

At the end of the last chapter, I referred to Hans Christian Andersen's famous tale *The Emperor's New Clothes*,[69] let me here use it again as a metaphor for the subjectivities in movement and their dynamic force. In his tale, Andersen tells us the story of a vain emperor who liked to spend all his money on dresses. One time a couple of tailors arrived at the castle offering the most magnificent dress, which was not only the most beautiful but also magical: it cannot be seen by those who were stupid or incompetent. The emperor quickly fell for their proposal and spent all the treasures of the kingdom to have such an uncommon dress. After some weeks of work, the emperor sent his ministers, all of them very intelligent and competent people, to see the progress of the dress. They came back with the most magnificent and detailed descriptions of the dress, the truth was however that they could not see anything. When the dress was presented to the king, and when he did not see it, he just lied saying that it was indeed the most beautiful dress, so beautiful that he was going to wear it on a parade through the city. The people gathered together for the parade and when they could not see anything they started to praise the magnificent dress to avoid being called stupid or incompetent. Among them, a brave child yelled: "But he hasn't anything on!". The truth is

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[69] http://www.andersen.sdu.dk/vaerk/hersholt/TheEmperorsNewClothes_e.html

that the tailors were just a couple of scammers that ran away with the kingdom's treasure without making any dress.

There are two learnings that I conclude from this tale. First, the potential character of the multitude allows the presence of those who praise something that is not there as well as the presence of those who are not afraid to yell the uncomfortable facts. There is where the potentiality as the force of the multitude lies: in the possibility of presenting the facts of the oppression and exclusion. Second, the attitude of the townsfolk and the emperor's retinue should remind us of the role of political theory. Constructing big narratives and abstract systems while leaving aside the real experiences of suffering is just to praise something that is not there to go along with the flow, or to not be seen as a fool by peers. In contrast, political theorists should join those who suffer by yelling out loud that contemporary democracy is, in fact, walking naked.

Chapter IV

Society in Movement or the Illusion of Stability[70]

"Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past. The tradition of all the dead generation weighs like a nightmare on the brains of the living."

Marx, *The Eighteenth Brumaire of Louis Bonaparte*

In October 2018, students, professors, and researchers from different universities marched across the main cities in Colombia. They were demanding a bigger budget for the public education system and the end of the students' loan programs Icetex (acronym in Spanish for Colombian Institute of Educational Credit and Technical Studies Abroad) and *Ser pilo paga* (*Being Smart Pays* is a literal translation). Both programs benefit the private universities and put into almost unpayable loans a big part of the young students. The public demonstrations lasted from October to December and were met with violence by the police forces. Some of the leaders of the students' movement received death threats from unknown groups and the courses and lectures at the public universities were completely stopped (El Espectador, 2018). In mid-December, the government yielded to some of the movement's demands by increasing the budget for education and the universities regain normality by the beginning of 2019 after lifting the general strike (Semana, 2018).

Despite the apparent triumph of the movement and the widespread support from civil society, some sectors remained skeptical of the success of the social mobilizations. The main argument used for the pessimistic perspective on the students' movement argued that the mobilization did not change the institutional design that caused the bankruptcy of the public

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[70] A previous version of this chapter was published in Gallo-Gómez, 2021a.

education system in the first place. Despite the increment of the budget, the same neoliberal policies were still there, and they will cause another crisis shortly. This argument makes sense if we look into the periodicity of the public protests and demonstrations held by students and professors' strikes. In the years 2002, 2007, and 2011 different types of protests occur in the context of the budget cuts for the public education system (Semana, 2017). They varied in intensity and extent but aimed at the same goal: the protection of the right to a public education system. Would this mean that the students' movement is a failure? Since they have not changed the political institutions that continue to cause the crisis, is the social protest useless for the social transformation processes? Instead of several movements resisting constantly on the streets, do we need a big leap forward created by a radical transformation of the social and political institutions similar to the great revolutions? Should we conform to the existing institutions and use the institutional mechanisms to participate instead of protesting?

In the previous chapters, I discussed the notions of social movements, politics, and political subjects. I have argued there that politics is a constant struggle performed by a plurality of political actors involved in open and conflictual processes of subjectivity construction and changing political identities. In this chapter, I continue the discussion by revisiting the ideas of development, progress, and social transformation in a general sense, because one of the key features of politics and political theory is to present and defend a specific social project that we should aim at and should work for. In fact, one of the most common ideas present in the political discourse is precisely the necessity of changing the current situation. Political activists, professional politicians, and social scientists speak of the need for social changes in the face of severe problems such as poverty, migration waves, climate change, terrorism, and conditions of capitalist production, among others. In general, the idea of change allows us to see some optimism in the critical demands facing problematic situations: we go from bad situations to better situations, or at least not so worst. However, when we are speaking of social change as a need, one can ask: What needs to be changed? The usual answer to this question would be that the political institutions or the forms and relations of economic production should be the main goal of all the processes of social change. Other answers

would focus on the forms of solidarity and identity among social groups or the constitutional principles that ground the political practices.

Depending on the answers we give to these questions, new ones arise concerning the type of changes we expect, the momentum of the transformation and the focus of the social change processes, and the form one assesses them. In this context, the question of the social changes that are more suited to the democratization processes of contemporary societies arises, and the answer we give to this last question depends in turn on the normative criteria we use to define what democracy is or how we should understand it. Thus, the notion of social change always involves a comparative framework that allows us to establish normative evaluations of previous historical transformations and guide the present and future changes in contemporary societies. That means that the idea of social transformation we engage ourselves in depends also on the political positions we maintain and defend.

It is also important to notice that the ideas of progress and development have played a major role in the construction of the current power structures and social hierarchies, especially when we address the relations –political and epistemic- between the Western and Non-western societies. In the colonial and neo-colonial discourses, progress and civilization have always exemplified the normative frameworks of the colonizers (Spivak, 1999, 2010; McCarthy, 2009). This has led to the idea that the subaltern societies, like the Latin American, must achieve a similar level of development or progress as their European counterparts, having in this way an impact both on the theoretical as well as on the practical level (Escobar, 1995, p. 5). On the theoretical level, Latin American scholars and politicians have repeated many times the old creed that maintains that our socio-political situation of "underdevelopment" depends on the fact that we have not achieved the level of civilization, culture, or even *Bildung* (education, civic formation) of the First World countries and, in consequence, we should engage ourselves to transform us into *more Western* societies.[71] The idea behind this

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[71] In his book *Black Skin, White Masks* (2008)*,* Fanon analyzed the psychological and social conditions of the colonized. He was speaking about the feeling of inferiority that black people have within the colonial relationships, and he shows how in this context the colonized people try to imitate the colonizers, to be like them. This is a fruitless effort because at the end, the colonized will be always treated as an inferior. The idea that the only way to be "human" is to be a "white-human" can be extrapolated to the political situation in Latin

reasoning is that Latin American societies are "not ready yet" for the level of development and institutional democracy –and civilization- that has been achieved by the First World and therefrom comes the need for social transformation.

On the practical level, the discourse on progress and development has led to many decades of trying to adapt the political models of the so-called developed world, sponsored by experts from Europe and the US (Escobar, 1995, p. 53). The ideological outcomes of the colonial ideal of progress have a large impact on our representations of society and politics, making invisible the material conditions of expropriation and exploitation that allow in the first place the "development" of the European and North American countries and denying the potentialities of the local social struggles. Therefore, if we would try to critically address the theoretical problems of democracy and social agency, we should also look at the notions of social transformation that have dominated the political and theoretical discourses.[72] The coloniality of development and progress should be addressed because it is precisely the ideas of modernity, European Enlightenment, and industrialization processes that serve as the measurement model for the differentiation between underdeveloped and developed societies; and the idea of the European modernity cannot be detached from its colonial aspect, from the domination and exploitation of other peoples around the world. Modernity and coloniality are the two faces of the same coin. (Mignolo, 2005; Escobar, 1995).

In this chapter, I aim to address the problem of social change and social transformation from the perspectives of the conventional idea of development and the idea of social evolution. First, I will discuss two notions of institutional development that are intrinsically related to the hegemonic concepts of liberal democracy. These two ideas are represented by Fukuyama's social democratic turn and by the constitutional liberal democracy as the

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America, creating a political and epistemic dependency to the Western normative frameworks, as if they were universal and freestanding from particular contexts and historical-material conditions (Escobar, 1995; Mignolo, 2005).

[72] In the decoloniality and post-coloniality debates, many authors have challenged the idea that there are universal, freestanding or rational concepts for progress and development. In fact those concepts have been used to justify the European colonialism and the subsequent Western imperialism. In this sense, the language of progress and development has been also the language of exploitation and domination because the Western modernity has been idealized to the extent of being the normative principle for the evaluation and measurement of the colonized world (Tully, 2008, p. 127-165; Allen, 2015; Escobar, 1995; Spivak, 1999).

ultimate stage of social organization (I). Then I will present the relationship between social conflict and social change linked to the social-learning processes and normative constraints from Habermas and Brunkhorst's evolutionary perspectives as a philosophical argument to justify the role of social movements in the transformation processes of society (II). Third, I will develop the concept of experience of injustice and the idea of overcoming the feeling of inevitability of injustice by appropriating existing normative constraints or developing new ones through the action of resistance and struggle over the normative frameworks that justify the status quo (III). Finally, I will present the idea of moving society, i.e., a non-static, conflictive reproduction of society, taking into account the public appearance of the experiences of injustice through the demands made by emancipatory social movements by protesting and demonstrating (IV). The main objective is to discuss the idea that affirms that social mobilizations and movements are useless for social change unless they acquire real institutional positions.

In contrast, I will argue that the demands of the social movements have a cognitive content necessary to overcome the hegemonic forms of social self-understanding (Fricker, 2007; Medina, 2013). In this sense, the idea of a conflictive self-reproduction of society would include the contestation of the social groups as a major force for social transformation through their challenges to the normative structures of the justification of the status quo, and not just simply peripheral actors. This will introduce the idea of democracy as action and democratization as an open-ended process of resistance against different forms of domination, oppression, and exclusion (Kreide, 2015).

I. Institutional developmentalism: Social democracy and Constitutionalism as the Ultimate Stages of Social Transformation.

1. Social theorists assume the idea of social change mainly in a descriptive sense, that is, to describe and explain the historical and social conditions that generated major changes in the forms of social organization and collective self-consciousness. But there is also a prescriptive sense, that is, to guide social change towards certain purposes considered valuable (democracy in the liberal sense or a classless society in the communist sense may be two

examples). Therefore, the concept we have of desirable political orders or democracy affects the descriptive approaches to social change, emphasizing different aspects, such as economic development, politico-institutional and socio-cultural contexts of interaction, among others. In this sense, descriptive efforts are linked to the prescriptive objectives, which means that the discourses on progress, development, and social change have a heavy ideological influence that depends in turn on the normative frameworks we use to justify the desirability of the transformation projects; to put it in other words: the discourses on social change are far from being politically neutral. In consequence, the discussion about progress or development does not only imply a debate over the best means to achieve a new (and better) social stage in history, it is mainly a political discussion in the struggle between the affirmation and negation of the status quo.

In this context, Fukuyama presents his notion of development.[73] In his book *Political Order and Political Decay*, he argues that political development is linked to economic development,[74] which in turn generates new forms of institutional order or degenerates into political crisis. From Fukuyama's perspective, political development is defined as:

> […] change over time in political institutions. This is different from shifts in politics or policies: prime ministers, presidents, and legislators may come and go, laws may be modified, but it is the underlying rules by which societies organize themselves that define a political order (2015, p. 23).

The decisive historical factors in the development of democracy in the West are the fast processes of industrialization and economic growth that allowed the development of the

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[73] Development theories focus on economic processes of industrialization, modernization and in some cases, economic liberalization as triggers for social change. Fukuyama's position is suitable as an example as he causally links economic development and political development. On the problem of economic development see Srinivasan, 2000.

[74] One thing cannot go without the other: "These cases suggest that economic development in itself can be the starting point for the shift from a patrimonial state to a modern one. But growth alone provides no guarantee that modern states will emerge. The cases of Greece and Italy show how clientelism can survive into the present, despite high levels of per capita wealth. Newly mobilized social groups like middle-class professionals may or may not support reform of the state; they could just as easily get sucked into the web of clientelistic politics. This is particularly true when economic growth is not based on market-centered entrepreneurship, and when an unreformed state takes the lead in promoting economic development." (Fukuyama, 2015, p. 540)

middle class and, in turn, increased political participation and mobilization through the formation of political parties and the development of representative forms of decision-making (Fukuyama, 2015, p. 410). The reduction of economic inequality and rapid industrialization, in the examples chosen by Fukuyama (Western Europe and The United States mainly), show how the *underlying rules*[75] of the described political systems are developed toward liberal democracy through the construction of more and more horizontal relations of production provided by the commercial and industrial advantages in these countries (Fukuyama, 2015, p. 411).

When comparing the institutional achievements of developed countries with those of underdeveloped countries (e.g. Latin American and African states), Fukuyama argues that the high concentration of capital, the preeminence of some poorly industrialized agricultural economies, and the existence of widespread poverty have hampered the institutionalization of political parties in the developing countries, generating stratified conditions that hinder the process of transition and democratization in the Third World (Fukuyama, 2015, p. 440). Democracy requires political participation and representation, and for this, it is necessary a consolidated middle class, as the developed countries in the West have experienced in their processes of political development toward democracy. However, for the author, in recent years there have been political and economic forces that challenge the institutional stability of Western democracies and their bedrock: the middle class. The idea of political decay that appears in the title of his recent work refers then to the political instability of the institutions through clientelism, judicialization of politics, and the lack of accountability of the representatives. This occurs through the transformation of the conditions of production that have come to dismantle social benefits and in turn, have weakened the middle class. The

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[75] These rules of the political order are defined by the relationship among three elements: a) the state as a centralized system that monopolizes the exercise of legitimate force, b) The rule of law as a set of rules that apply to all and are organized in an independent judiciary body as a constraint to the political power, c) Accountability, meaning the responsibility of the government for the interests of the whole society. These three ideas take different forms throughout history, and of course affect the criteria of legitimacy of the exercise of political power. It should be noted that this criteria are strongly embedded on the modern normative frameworks whose real capabilities to address concrete political issues have been put to test many times in the political practices, especially within the power relations that give form to real social hierarchies and capabilities for action.

emergence of the working poor and the new poor in Western democracies has generated a series of protests and demands on the system. In fact, these public demonstrations are a clear example of modern political decay (Fukuyama, 2015, p. 548).

So far we can see that the idea of development defended by Fukuyama can be included in the liberal mainstream framework. The stability of the representative institutions is the more desirable factor in the political analysis because, through partisan politics and the redistribution of wealth in a welfare system, the immanent social conflicts can be solved, or at least the institutional set can hold them back. This idea of the political-institutional development linked to economic development can also be seen in other theoretical approaches with some argumentative changes, but in general, the main argument behind this form of reasoning is that the social contradictions can be solved through the social-democratic institutional set that Europe experienced in the second half of the twentieth century.[76] These approaches focus on the processes of democratization *from above* (della Porta, 2013; Hardt & Negri 2004, 2012), and lead often to the exclusion of the political action of the social movements and the demands for democratization *from below*.[77] These

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[76] One of the arguments that I have presented in the previous chapters is that the hegemonic liberal approach to politics tends to underestimate or to deny plainly any social role of the social groups that mobilize and make public demands against particular experiences of suffering. One of the most common issues is the negation of the poor or *malheureux*, of the wretched. It has become some sort of axiom that the poor only have needs but no freedom or capacity for political action (Escobar, 1995, p. 8; Foweraker, 1995, p. 58). In consequence, political theorists have argued that the first step to achieve democracy is to eliminate poverty, as the Western countries supposedly did. In contrast to these approaches, I suggest that instead of dreaming about eliminating poverty –but recognizing its normative desirability-, we should learn from the struggles of the social groups within the reality of their material conditions, and that includes the existing reality of poverty (*Cf.* Chapter II).

[77] I understand the distinction between *democracy from above and from below* as the distinction between the sources of political action and social change. Democracy from above refers to the institutional changes towards democracy through the political action of political, economic and academic elites or technocrats in order to overcome situations of exclusion and oppression. In this sense, the citizens who do not belong to the elites are mere spectators of the political transformation. In contrast, democracy from below refers to the actions of the oppressed and excluded groups towards emancipation and inclusion. Therefore, the social groups of the wretched, exploited, excluded and dominated are the central actors (not the only ones) in the political change of the society. However, this distinction should not be understood as a radical division. In real politics, the institutionalized actors often make use of the social groups that emerge from below, while at the same time the social mobilization that come from the bottom of the social hierarchies expect to have some influence in the decision-making camarillas of the representative democracy. In other words, a radical division between state and civil society or between the state actors and social mobilization cannot be established due to the complex relations of the multiple subjectivities in conflict, their interests and their real resources for action. But for theoretical purposes, the distinction between democracy from above and from below can be understood also as the distinction between institutionalism -democracy can only exists within the frame of representative

conventional theoretical approaches conceive the social mobilizations as a symptom of political "decay" and legitimacy crisis that occur only in times of political instability.

This form of political decay is faced precisely by adjusting political institutions so they can bring back stability and political order. Fukuyama's notion of development implies that Western social democracy is the ultimate stage of progress. However, he recognizes that these institutions can have problems, for example, the underdeveloped level of Latin American states or the neoliberalism that has dismantled most of the public services in rich countries.[78] Despite this recognition, Fukuyama's account of social transformation has all the *clichés* of other political theory approaches such as the ones developed by Rawls or Habermas.[79] First, he presents the European social democratic institutional model as a freestanding value that can be universalized to the entire world, becoming in this sense the benchmark to distinguish between "well-established" and "aspiring" democracies, ignoring the international division of labor created by the global capitalism (Spivak, 1994, p. 67). For this reason, it seems as if Europe had achieved some sort of superior historical stage in contrast with the rest of the world, leading to the Eurocentric paternalism that sees the world divided between "full rational adults" and little kids still struggling to become rational, reminding us of the Kantian idea of Enlightenment.[80]

This leads in the second place to a nostalgic romanticism that denounces neoliberalism only because it changed the older status quo of the postwar welfare state. As if forty years ago there was no political instability but order, solidarity, and justice. In third place, Fukuyama's concept of development relegates the participation of social groups and social struggles. This

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institutions and liberal constitutions- and actionalism, which gives priority to the social actors and their actions, in other words, democracy should be understood as the action of resistance.

[78] "If there has been a single problem facing contemporary democracies, either aspiring or well established, it has been centered in their failure to provide the substance of what people want from government: personal security, shared economic growth, and quality basic public services like education, health, and infrastructure that are needed to achieve individual opportunity" (Fukuyama, 2015, p 546)

[79] It is important to notice that, after Fukuyama's book *The End of History and the Last Man* (1992), he has been very unpopular in the academic context. However, his arguments are implicitly shared by many political theory approaches to democracy and Third World "development".

[80] This idea also reminds Rudyard Kiplings' colonial poem *The White Man's Burden*. Now the civilized world of the rich countries has the heavy burden of spreading democracy to the underdeveloped world. (See the full poem: http://www.kiplingsociety.co.uk/poems_burden.htm).

creates the illusion that the "political decay" that the Western countries experience nowadays with the rise of social discontent and social mobilizations is new or exceptional, the illusion that the norm in politics is peace, order, and stability and that social conflicts only appear in times of crisis. The illusory characteristic of this notion of progress and development is not harmless, because it has political consequences like the obfuscation of the concrete conditions of subordination, the idealization of the institutional power, the negation of the struggles of the different subjectivities, and the reproduction of the structures of domination.[81]

Finally, the theoretical framework of this kind of approach to development assumes that the success or failure of the political and economic institutions of a given state depends only on the actions of that state. The assumption of the sovereign control of a state over its own policies ignores all the networks of power and other actors that constantly interfere with the local institutions as it has been already researched by many authors (Held & McGrew, 2008; Held, 2010; Pogge, 1989, 2002; Habermas, 2002, 2006; Crouch, 2004). In this sense, liberal globalization and its neoliberal consequences have been determining the political and economic fate of all the underdeveloped or developing countries, which means that the traditional pillars of the liberal democracy –partisan system, nation-state, and welfare system- have been since a long time ago challenged by the global dynamics of the financial capitalism. Especially by the economic dispositions of supranational and international institutions like the IMF or World Bank on underdeveloped countries (della Porta, 2013, p. 23).

2. Fukuyama´s ideas represent one of the multiple sides of developmentalism in political theory that, as it has been said, links liberal institutions with economic development and political stability and order. Additional to this position, in the last decades, the idea of constitutional democracy as the final stage of political development has supplied the theoretical tools for the justification of the current liberal status quo. A constitution with

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[81] USA and Europe have had constant social mobilizations. Women, workers, students, and immigrants, among others, have been always mobilizing on the streets and other public spaces, being May of 1968 and the Civil Rights Movements just two well-known cases. The performances, repertoires and demands change over time, but they have been there moving. (Tilly, 2008; 2013)

formal recognition and commitment to human rights has been presented as the most important aspect of contemporary democratic regimes and as the peak of the social evolution of Western political institutions. As a result, the political institutions of the underdeveloped part of the world have been looking to introduce the Western constitutional models in the aftermath of World War II as a form of legitimation of the local institutional regimes. In this context of the hegemonic discourse of constitutional democracy, it is worth noting Luigi Ferrajoli's proposal of contemporary constitutionalism that links the content of constitutional law with the democratization processes of development.[82] This means that the idea of progress or social change can be achieved only through the strengthening or transformation of the constitutional norms and their corresponding judicial enforcing institutions.

This has led to the idea of the identification of democracy with constitutionalism, which in turn has introduced the ideas of substantial-democratic legitimacy and formal or procedural legitimacy. The first idea concerns the content of the decisions and the rules for decision-making; the second refers to the procedures and institutions authorized by the Constitution to make such decisions (Ferrajoli, 2014, p. 19). The concept of substantial legitimacy is strongly attached to the idea of human rights and thus to the normative content of the decisions. A political decision that is detrimental to the rights of citizens or some specific group cannot be regarded as legitimate. This concept works as a limit to the power of the majority by setting a system of fundamental principles that are beyond the capacity of the decision of the political majorities or institutions chosen by vote (Dworkin, 2003). Therefore, substantial legitimacy is linked to procedural legitimacy, which refers to how decisions are made because the process of the decision-making (e.g. a parliamentary process) is not the only relevant thing for political analysis, but also the political content of the outcome of the decision-making process.

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[82] Luigi Ferrajoli represents the constitutional model of the Italian tradition. This model has been widely publicized in Spanish-speaking countries, particularly in the law faculties, where political procedures and economic forms of production appeared as subordinated to the constitutional norms, which are deemed as rational, and therefore rationalize the political and economic fields of actions. This of course, ends up overestimating the role of the jurisprudence in the contemporary democratic regimes and underestimating the real power capacities of the different actors in struggle (Habermas, 1996; Dworkin, 1986)

As a result, the political analysis of the "democratic deficits" translates into constitutional deficits. This means that the problems of representation, real decision-making capacities, social and economic inequalities, racism, political exclusion, etc., are either due to the lack of political strength of the constitution and its institutions or to jurisprudence lacunas that allow the intrusion of non-political actors in the decision-making processes. Therefore, they involve a deficit in the protection of human rights and a deficit in substantial legitimacy:

> [...] Finally, it is worth saying, that today we face the crisis of the constitutional paradigm. This crisis is determined essentially by the end of the state's monopoly on the production of the law and the development on a global scale of political powers, but especially economic and financial groups, who are subtracted from the political institutions of representative democracy and the limits and legal links of the rule of law, in both senses of legislative and constitutional law. (Ferrajoli, 2014, p. 22)[83]

A crisis of democracy means a crisis of the law. Therefore, social changes should aim at the extension of constitutional institutions and procedures (p. 22).[84] From this position, the emphasis is again on the process of social change from above, as in the position of political and economic development of Fukuyama. The social struggles and the material conditions that hinder political participation are left aside and they exclude, in one way or another, the people and interest groups from the decision-making. Interestingly, in the point of view of

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[83] [Por último, hay que añadir, desde ahora, que hoy asistimos a la crisis del paradigma constitucional determinada esencialmente por el fin del monopolio estatal de la producción normativa y del desarrollo, a escala global, de los poderes públicos y sobre todo de los económicos y financieros que se sustraen al gobierno de las instituciones políticas de la democracia representativa y a los límites y vínculos jurídicos del estado de derecho, tanto legislativo como constitucional.] (Own translation)

[84] Within this perspective one might include Habermas, who has linked the future of democracy with the extension of the constitutional paradigm in a cosmopolitan sense (Habermas, 2006). However, as he had pointed out, the relationship between the forms of production and the legitimacy of the law should be understood closely related to the communicative action of the citizens (Habermas, 1996). Despite the inclusion of political action in the forms of production of the constitutional law, Habermas still rationalizes the legal and political spaces of action by excluding the power structures that determine the valid content of the constitution itself. In other words, the social-democratic constitutional model that appeared after 1945 is presented as a universal, freestanding and independent principle, detached from the real conditions and struggles that led to the implementation of such institutional model by the Western European countries, as I argued in the second chapter of this work.

both perspectives that I have presented briefly, the processes of social struggle are conceived as mere means to achieve an end.

They represent a previous moment of allegedly real democracy. Social movements and public demonstrations are pre-democratic because they do not represent the real institutional framework of the representative-liberal or constitutional democracy. This leads to a misrepresentation of political action because, in the context of the existing democratic institutions, political action is theoretically limited to the election of representatives or to judicial actions undertaken in the courts by individuals or groups who feel that their rights have been violated within the normative structure established by the constitution.

The appearance of social groups in the public sphere, in the political realm, to be seen and heard is underestimated and the different and plural social struggles are reduced to problems of governance, social steering, or legal issues that must be resolved by judges in courts or the leadership of the politicians in office. The consequence has been the undermining of the social struggles and their role in the processes of social change through the negation of the conflictive conditions of politics (Laclau & Mouffe, 2001). In this sense, the liberal representation of the constitutional system and the related institutions is conceived as neutral and ahistorical as long as they ignore the material conditions of struggle that gave birth to these political models. Constitutionalism and liberal institutionalism are presented therefore as the elixir to all the injustices in the world, hiding the historical origins of constitutionalism as the result of the power-laden social structures and spaces for action and intervention in decision-making.

At this point, it is worth noting the perspective of social transformation presented by Marx and Engels in the *Manifesto of the Communist Party*. It is well known the affirmation of social transformation through the class struggle between oppressors and oppressed.[85] This

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[85] "Die Geschichte aller bisherigen Gesellschaft ist die Geschichte von Klassenkämpfen. Freier und Sklave, Patrizier und Plebejer, Baron und Leibeigener, Zunftbürger und Gesell, kurz, Unterdrücker und Unterdrückte standen in stetem Gegensatz zueinander, führten einen ununterbrochenen, bald versteckten, bald offenen Kampf, einen Kampf, der jedesmal mit einer revolutionären Umgestaltung der ganzen Gesellschaft endete oder mit dem gemeinsamen Untergang der kämpfenden Klassen" (Marx & Engels, 2012, p. 462)

dialectical relationship marked by relations of production presents the political practice of the struggle of the oppressed against oppressive conditions as a situation of constant social transformation, not only as a means to achieve a specific institutional design (Balibar, 2013). Therefore, the idea of resistance to domination and exploitation is central to the conception of social change. This is because after every radical transformation of the socio-economic hierarchies and emancipatory efforts, come new forms of oppression and exploitation. The bourgeoisie managed to dismantle the feudal forms of production, but at the same time: "Die Waffen, womit die Bourgeoisie den Feudalismus zu Boden geschlagen hat, richten sich jetzt gegen die Bourgeoisie selbst." (Marx & Engels, 2012, p. 468). Each new hegemony carries the social conditions of transformation through the creation of new excluded and new oppressed.

Thus, as long as the struggle of social classes exists, social transformations and social changes in the relations of production will not stop. It is the social evolution through the force of contradiction, dissent, and resistance of the oppressed to changing forms of exclusion and domination.[86] However, the social struggles are not only over the means of production. As the concept of politics in movement proposes, the political and social conflicts are also, and mainly, over the normative frameworks as tools for the justification or negation of the status quo. This means that the institutional and constitutional sets of the current liberal tradition did not come through peaceful deliberative processes or the partial fulfillment of the modern and rational project for politics. The actual political models came into existence through the political action of multiple subjectivities of a multitude in constant struggle.[87] The idea of development through the change of the normative structures that the people use to utter value judgments on the political and moral spheres of human action has been presented by the evolutionary perspectives of Habermas and, recently, of Hauke Brunkhorst (Kreide, 2015a,

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[86] However, who are the oppressed? The proletariat? Under the current conditions of production, can we speak of burgeois and proletarians? The central idea of this work is that the forms of domination and resistance have changed and they act in polycentric forms (Hardt & Negri, 2001, 2004, 2012). In this sense, the notion of a multitude of subjectivities in constant struggle over the normative frameworks for the evaluation of the status quo represents a more complex approach to the dynamics between hegemon and subaltern or between oppressors and oppressed groups, as I argued in the previous chapter of this work.

[87] *Cf.* Chapter 3.

p. 1022). These theoretical positions go one step beyond the simplistic constitutional-institutional notion of development because they introduce the role of communicative action, which allows a deeper inclusion of the political actors in the processes of social transformation. However, and as what I see as a shortcoming of these approaches, they still rely strongly on the idea of stabilization through the institutionalization of the normative frameworks that are developed to face evolutionary challenges in times of crisis.

II. Social Evolution and Legal Revolution: The Role of the Normative Frameworks in the Social Transformation Processes.

Alongside the notions of development and progress, the idea of social evolution has become one of the keywords to refer to social changes and transformations of societies over time. The idea of evolution represents the processes of social transformation that lead from simple forms of organization to more complex structures for social interaction and collective representation of the social world. The notion of progress that is embedded in the evolutionary approaches to social change can oscillate between different versions (Kreide, 2015a, p. 1022-1023). First, one can speak about the linear and progressive notion of evolution represented in traditional Marxism which suggests that societies move forward through different stages based on the relations and forms of production. Every new historical stage represents a more complex or advanced form of social organization. In the second place, the Neo-Darwinist approach suggests that the social transformation processes are blind based on social processes of adaptation to changing environments in which some sort of natural selection acts in a non-teleological sense and therefore there is a non-purposive behavior behind the historical changes of human societies (Richerdson & Boyd, 2000, p. 276). In this list, one should add Luhmann's general theory of systems and its approach to social change through autonomous systemic adaptation of the social systems to function properly (Luhmann, 1998, 2005).

Lastly, Habermas' notion of social evolution through social learning processes has to be mentioned. In the following, I will focus on the Habermasian approach for two main reasons. In the first place, Habermas proposes a reconstruction of traditional Marxism in the sense

that the development of the means and technical forms of production are not the only factors that trigger social transformation. The changes in the normative structures play a major role in these processes because they trigger moral and social learning processes. In the second place, Habermas introduces his perspective of social learning processes through communicative action as a form to contest the sociological approaches that focus on the autonomy and autopoiesis of the social systems, in his discussion with Luhmann's theory. These two aspects are important to the idea of social change through social mobilization but remain problematic as I argue in the next subsection.

1. In his early work *Zur Rekonstruktion des historischen Materialismus*,[88] Habermas discusses the Marxian historical materialism to overcome what he finds as its shortcomings: a narrow conception of historical development, the purely objective approach, and its lack of normative grounds (Allen, 2016, p. 45). To do this, Habermas introduces his idea of communicative action –at the time still in development- as a crucial part of social change as an evolutionary process. Social evolution is presented as the developmental dynamics of the normative structures through social learning processes triggered by evolutionary challenges posed by system problems (Habermas, 1979c, p. 98). His proposal of social evolution adds to the Marxian concept of the development of productive forces through the increase in technical knowledge[89] and the moral and practical development of the social forms of self-understanding in the communicative transformation of normative structures. By doing this, Habermas expects to explain the source of evolutionary innovations in the social forms of interaction. In his view, productive forces alone cannot explain the social processes of transformation, they need a communicative structure of normative principles to justify the labor relations and social roles that determine the social cohesion of a given production system (Habermas, 1979d, p. 146). This means that the relations of production cannot trigger

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[88] I use the translation made by Thomas McCarthy in Habermas, 1979c and 1979d.

[89] Perry Anderson noticed that the technical improvements in the forms of production and labor did not by themselves constitute a social advance. The technical improvements like the watermill and the new harvesters developed in the Roman Empire did not affect the social forms of production because they remained isolated in the regions in which they were used (like the Roman Galia). Anderson concludes that the technical advances in production need adequate social relationships that allow the society to perceive them as improvements (Anderson, 2013, p. 77). After Habermas, we can relate the social relationships to communicative interactions and moral-epistemic learning processes based on communication.

by themselves an evolutionary system problem to bring institutional and normative innovations. The modes of production can be adapted to different institutional forms (Habermas, 1979d, p. 143). Therefore, it is necessary to include the idea of moral-practical knowledge and epistemic innovation through communicative action that implies the purpose-oriented consensual action of the participants in the modes of production.[90] Habermas says:

> The introduction of new forms of integration –for example, the replacement of the kinship system with the state- requires knowledge of a moral-practical sort and not technically useful knowledge that can be implemented in rules of instrumental and strategic action. It requires not an expansion of our control over external nature but knowledge that can be embodied in structures of interaction –in a word, an extension of the autonomy of society in relation to our own, internal nature. (1979d, p. 146).

The Habermasian introduction of the communicative action, or the action-oriented to reaching understanding, implies the expression –implicit and explicit- of validity claims over the arguments considered legitimate for the justification of the social forms of organization and production.[91] The inclusion of this form of action results relevant explaining the social transformation process insofar as it highlights the social groups as actors, the social self-understanding of the roles, duties, and rights that social groups have in a given society, and the role of the immanent normative principles that are used in public deliberation. That is the

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[90] Habermas affirms that the instrumental and strategic action developed by the workers in their cooperative work at the factories cannot transform the modes of production by themselves. It should be added another form of action, that is, the consensual action of communication through the validity claims. In this sense, deliberation brings the form of knowledge necessary to trigger the social transformation processes. The moral cognitive content of the communicative action triggers the developmental dynamics of the normative structures (Habermas, 1979d, p 145).

[91] This idea can be related to Althusser's notion that: "The reproduction of labour power requires not only a reproduction of its skills, but also at the same time, a reproduction of its submission to the ruling ideology for the workers, and a reproduction of the ability to manipulate the ruling ideology correctly for the agents of exploitation and repression, so that they, too, will provide for the domination of the ruling class 'in and by words." (As cited in Spivak, 1994, p. 68). The domination of the subaltern groups do not only depends on the monopoly of the means of production but also on the ideological content that normalizes the hegemonic structures of control and coercion. This leads to the exclusion of social groups that are considered as invalid participants in epistemic terms in the deliberation processes (Fricker, 2007; Anderson, 2013).

historically situated discursive structures employed by the social groups to accept or deny specific situations posed by the social system.

What follows from this perspective is relevant for the understanding of democracy as the performance of resistance. In the first place, it is important to mention that according to Habermas, the dialectical relationships in society do not only involve struggles over the means of production. They involve also the struggles over the normative structures of justification, which means that not only do the modes of production change over time, the very set of justification arguments that are considered valid change through the social learning processes triggered by system problems. In other words, when a principle considered valid –e.g. the divine right of the kings to rule- becomes insufficient to legitimate a given social form of organization, it is replaced through a process of problem-solving that involves deliberation and generates argumentative innovations that consolidate the appearance of new forms of social institutions. The presence of validity claims in the communicative action within existing normative structures triggers evolutionary innovations.

In the second place, the evolutionary development of normative structures by the social learning processes of problem-solving transforms also the forms of individual and social identity. As it has been exposed in the previous chapter, an approach to democracy as the action of resistance implies also the idea of a multiplicity of social subjectivities in a constant process of construction through new forms of identification and des-identification. The pragmatic aspect of the social evolution presented by Habermas offers also arguments in favor of this idea. The forms of identity are constructed through the social and communicative relations that exist in a given social system and within a specific normative structure of justification. That means that alongside the normative structures, the social identities and the relation between the subject and the object evolve because the justification principles that allocate roles, duties, and rights transform the self-understanding of the individuals as such and as members of specific social groups (Habermas, 1979c, p 106-108). In this sense, for Habermas:

> The bearers of evolution are rather societies and the acting subjects integrated into them; social evolution can be discerned in those structures that are replaced by more comprehensive structures in accord with a pattern that is to be rationally constructed. In the course of this structure-forming process, societies and individuals, together with their ego and group identities, undergo change. Even if social evolution should point in the direction of unified individuals consciously influencing the course of their own evolution, there would not arise any large-scale subjects, but at most self-established, higher level, intersubjective commonalities (1979d, p. 140).

Social evolution is then understood as the purpose-oriented progress of societies to more complex and abstract forms of social self-understanding and more complex forms of identity through the expansion of the consensus-oriented communicative action and the development of the normative structures by the moral-practical learning processes that work as pacemakers for social transformation. This notion of social transformation implies that the evolutionary processes are different in every society and depend on the problem-solving capacities of each society to the challenges posed by the system. In this sense, one may find an example of the Habermasian idea of social evolution in the historical case of the transition from kinship societies, where the legitimacy of the rule was given by family or tradition, to the modern state where the legitimacy is given by rational arguments within legal institutions that developed procedural forms for the decision-making and the justification of the exercise of the political power (Habermas, 1979d, p. 160). Therefore, following Habermas, it is possible to speak of a multilineal path of development in which different societies developed themselves at different moments and different paces (Allen, 2016, p. 48). That means that there are societies that are better suited to the current forms of problem-solving and societies that are less suited to the existing challenges due to their more simple structures of justification and more traditional and hierarchical procedures of answering the validity claims raised by the social actors.

The better-suited societies are, of course, the modern European nation-states that developed legal-rational forms of legitimation (Weber, 2002, p. 124-125) based on abstract forms of social self-understanding. The emergence of the rule of law allowed the development of

contemporary constitutional democracy, in which the rational-deliberative processes of argumentation constitute the basis for the justification of the exercise of political power. In other words, the evolutionary development of modern and abstract legal structures represents the paradigm of evolution, of progress.

As it has been said, social evolution means the transformation of the normative structures and the forms of identity that determine the social forms of understanding of what is right and wrong, of what is justified and what is not. However, these changes in the structures need to be stabilized through the development of institutional systems that serve as pacemakers for the solution of social conflicts. What this means is that only through institutionalization and rationalization of the communicative action can the changes in the normative structures of societies last long enough to create an evolutionary advantage (Habermas, 1979d, p. 162). For Habermas, the paradigm of a successful institutional process means the development of the (European) constitutional law, insofar as it was able to bind the strategic action to communicative and consensual action based on the intersubjective recognition of the validity claims expressed by the social actors (Habermas, 1979c, p. 118). Rationalization in turn means:

> […] extirpating those relations of force that are inconspicuously set in the very structures of communication and that prevent conscious settlement of conflicts, and consensual regulation of conflicts, by means of intraphysic as well as interpersonal communicative barriers (…) The stages of law and morality, of ego demarcations and world-views, of individual and collective identity formation are stages in this process. Their progress cannot be measured against the choice of correct strategies, but rather against the intersubjectivity of understanding achieved without force, that is, against the expansion of consensual action together with the re-establishment of undistorted communication (Habermas, 1979c, p. 119-120)

As the rational institution of the constitutional law was developed by European modernity, and the deliberative processes for decision-making were established, the normative structures for justification and legitimation based on the horizontality, freedom, and the forceless force

of the better argument were stabilized and constituted in this way the modern paradigm –yet an unfinished project- of constitutional democracy as an evolutionary advantage for the peaceful resolution of the social conflicts. As was discussed in a previous chapter of this work, the exclusion of the power relations and the real forces that stabilize the system of decision-making results in a shortcoming in the evaluation of the political action of the subaltern groups (Allen, 2016, p. 71). The real conditions of unequal power of decision and unequal access to decision-making cannot be abstracted from the dialectical processes that trigger social evolution. Besides the elimination of the real and existing power hierarchies in "advanced" societies, the European modern state sets a Eurocentric paradigm for the evaluation of the social and political conflicts that determine the social transformation processes. That means that the affirmation of the European modern rule of law does not only not recognize as an evolutionary advantage non-western world-views, but also ignores the coloniality of power and the colonial history of the subaltern, less complex societies (Spivak, 1994, 1999). These two aspects create two consequences that I would like to discuss in the following.

In the first place, the rationalization of the communicative action by the exclusion of the real power relationships that exist in the political struggles ends up relegating the actions of the social movements. In the context of the supposed stabilization through the institutionalization of the evolution in the normative structures, the political performances are considered an advantage only if they are able to successfully transform the institutional set for political interaction and social problem-solving. This argument is a recurrent form of exclusion and underestimation of the political action of the social movements and their validity claims because it links any form of social action as political income to the achievement of institutional stability as a political outcome in order to be relevant (Tarrow, 2011, p. 56; della Porta and Diani, 2006, p. 3).[92] For this reason, only the social movements and acts of

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[92] The underestimation of the social mobilizations and movements can be problematic in two senses. On the one hand, it ignores the role of the long-term action of resistance of certain social groups that have achieved in the long run some form of recognition or that have successfully introduced new normative principles to evaluate the legitimacy of a given social order (Tarrow, 2011, p. 220). Some examples can include the workers' rights, the LGTBQI rights or the women's rights, that have been partially included in the social understandings of legitimacy through a yet unfinished process of resistance. On the other hand, the supposed irrelevance or futility

resistance that have achieved some form of institutional power or institutional stability –like the bourgeoisie in the American and French Revolutions of the XVIII century- deserve to be included as evolutionary advances.

Habermas is right when he affirms that the validity claims can only be raised within an existing material-normative structure that determines the intersubjective construction of the social and political forms of self-understanding. That means that the social actors act within a given set of principles, rules for argumentation and action, social expectations, and historically situated notions of the good life and what is right and wrong. However, rationalization as the exclusion of the power relations from the communicative action does not only imply a model for peaceful conflict-solving processes, it also implies an obfuscation of the ideological and hegemonic aspects of the social and communicative interactions within existing normative structures (Gramsci, 2013, p. 318). Institutional stability and procedural rules for the peaceful solution of social conflicts mean the real power to impose them when necessary, which means that behind the appearance of a rational consensus lies the ideological hegemony of the ruling social groups, who have the means and power to determine the social understandings of good and wrong, of rationality and irrationality.

In this sense, what is at stake in the social mobilizations and communicative actions is not a consensus-oriented performance but an act of resistance against established and stable institutional forms that represent the ruling, hegemonic principles, and valid arguments. In other words, behind any form of consensus lies a system of domination based on the power to make decisions, and the communicative action should be then understood as a form of negation of that system. Power relations and social hierarchies should not be excluded from any form of communicative action insofar as they are constitutive to the social forms of interaction and intersubjective construction of society.

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of the social movements have led to the illusion that fascism and racism were defeated and practically disappeared after World War II or they only exist as some exceptions of some extremists. In contrast to this general belief, we can affirm that the social structure that created in the first place the fascist ideology was never dismantled and that fascism and racism were never totally defeated. They only transform their forms of action and discourses to fit the new environments developed in the midst of the constitutional democracy of the postwar period.

In the second place, the European modern state as the evolutionary paradigm ends up reproducing the Eurocentric developmental discourse that has been feeding the colonial and postcolonial policies of the "advanced societies" (Allen, 2016; McCarthy, 2009). As was discussed in the first section of this chapter, the hegemonic character of political and economic liberalism has presented as an irrefutable fact –or axiom in the political theory- that the European constitutional democratic model is not only the most advanced but also the only rational form of social organization. As well as with the developmentalism models, the Eurocentric aspect of Habermas' concept of social evolution posits the European historical model of development as the paradigm for social transformation, presenting implicitly a single path for development.[93] This is not odd in the liberal political theorists after World War II, who saw the defeat of nazi-fascism as the peak of history, the only thing that was left to do was to extend it to the "underdeveloped" parts of the world. This world-view, however, seems to ignore the fact that the development achieved so far by the First World countries was due to the exploitation of the other parts of the world and that the rational procedures to peacefully solve the social conflicts were achieved during the colonial violence (Fanon, 2005, p. 31; Escobar, 1995, p. 6). It also seems to ignore that after almost 70 years of developmental aid to the "underdeveloped" countries, the results have not been the promised land of milk and honey:

> For instead of the kingdom of abundance promised by theorists and politicians in the 1950s, the discourse and strategy of development produced its opposite: massive underdevelopment and impoverishment, untold exploitation and oppression. The debt crisis, the Sahelian famine, increasing poverty, malnutrition, and violence are only the most pathetic signs of the failure of forty years of development. (Escobar, 1995, p. 4)

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[93] "When we consider the resources deployed to achieve the cultural alienation so typical of the colonial period, we realize that nothing was left to chance and that the final aim of colonization was to convince the indigenous population it would save them from darkness. The result was to hammer into the heads of the indigenous population that if the colonist were to leave they would regress into barbarism, degradation, and bestiality." (Fanon, 2005, p. 149)

Notwithstanding the aforementioned shortcomings, Habermas' materialism based on normative structures has a strong critical potential to justify the idea of democracy and democratic transformation as an act of resistance if we move beyond the framework of consensus-oriented action and focus instead on the transformative force of the disagreement that lies behind politics and political actions. First of all, it is worth mentioning that the materialist approach that Habermas presents to the normative structure for communicative interchange and intersubjective action allows us to understand the historical and immanent aspects of any form of action. This idea is important because it follows the critical tradition of the immanent critique and situates the normative principles for social and individual self-understanding within society itself, and not as independent, freestanding values, i.e. as hypothetical principles. The criteria we use to guide our actions and judge them are always situated in the praxis of the social groups and not outside of the social action as abstract and rational orientations.

The communicative praxis and the social world-views determine the expectations and social representations of the just and unjust, of right and wrong as linguistic constructions based on the communicative interchanges of the members of a given society. It is in this field of shared ideas, principles, and world-views that the emancipatory social movements act and resist. However, this idea should not be reduced through the rationalization of a better argument because, as it has been mentioned, it eliminates the material reality of power relations. The communicative actions always take place within existing, hierarchical structures and within existing valid arguments and valid forms of argumentation and that is relevant for the political action of the social groups because their performances take place in real forms of intersubjective relationships and they justify their positions with the very same arguments given by the valid structure. Social actors cannot look outside society and its power structures to find arguments for their struggles or to defend the existing situation.

In this sense, the historically situated communicative action allows us to understand social evolution as a cumulative moral-practical social-learning process with cognitive content. The development of new normative structures does not only mean the replacement of the old ones. It also means the creation of an argumentative structure to justify and negate the

existing status quo with the already existing sets of values and principles that determine what is just and right in politics (Fricker, 2007). The historical and cumulative aspect of the Habermasian notion of social evolution implies that societies conserve successful arguments and principles in the justification processes and validity claims. In other words, the communicative action does not appear in an abstract and ideal situation but within existing structures and sets of "better arguments" successfully developed in the legitimation of the status quo. Once again, the premise is promising, but it loses its critical aspect when the rationalization and idealization of the communicative action invisibilize the existence of the hierarchical relations that determine the outcomes of the deliberative processes (Allen, 2012; Fricker, 2007). Therefore, the cumulative process of the development of moral-practical knowledge should be then understood within the reality of power and oppression, where they make real sense: one cannot justify the struggle against racism outside real racism. If we do that, then the communicative action is not only a consensus-oriented praxis, but it is also a disruptive action of dissenting from the established structures of the status quo.

Finally, the Habermasian notion of social evolution implies a notion of an always-moving society. In his view, the stability of the new normative structures through institutionalization does not mean the end of social evolution. In fact, the new level of moral-practical knowledge brings also new problematic situations: "The dialectic of progress can be seen in the fact that with the acquisition of problem-solving abilities new problem situations come to consciousness." (Habermas, 1979d, p. 164). Despite Habermas' enthusiasm for the modern project of democracy in its constitutional form, this sentence could be understood in the sense of a never-ending process of normative contestation, i.e. a never-ending process of social evolution. If we leave aside the rationalization of the power relations, as in the above-mentioned critical potentialities of Habermas' theory, if we include the hegemonic and ideological conditions that determine the "better" arguments, we could justify the idea of an always-moving society through the dissent with the status quo. As a consequence, the idea of resistance and social mobilization as forms of contestation of the established, hegemonic structures would take form. This is what Brunkhorst has called the negative communicative action, or the action of communicative rejection of the accepted sets of legitimate arguments

and principles within the very same arguments and principles, highlighting in this way a never-ending dialectical process of affirmation and negation of the legitimacy arguments. This notion of evolutionary dialectics is explored in the following subsection.

2. Brunkhorst takes the Habermasian reconstruction of historical materialism to base his own Marxist conception of social change and social evolution through legal revolutions. In his book *Critical Theory of Legal Revolutions*, Brunkhorst argues that: "All great revolutions are legal revolutions that create a new level of normative constraints which are implemented through legal and constitutional norms." (2014, p. 2). In this way, he creates a *liaison* between political action as revolutionary praxis and the evolution of constitutional norms and political institutions. The idea of legal revolutions refers precisely to the negative tension that lies in modern law. That is the tension between domination and emancipation or the dialectics of Enlightenment:[94]

> The overarching thesis of this book is that law that is modern enables both the stabilization of ever new forms of class rule and the continuation of the (legal or illegal) struggle against it, and each time from within the legal-political (or constitutional) system in question. (Brunkhorst, 2014, p. 2).

Every evolutionary transformation brings new forms of domination and exploitation and new forms of resistance. It is this idea of evolution that is appealing to the concept of democracy and democratization as an act of resistance as an always-open process of social change toward emancipation and inclusion. Unlike Darwinist proposals (Richerson & Boyd, 2000) that are based on natural selection as a blind process of cultural and social adaptation, Brunkhorst introduces the notion *of normative constraints* in social evolution to show that while the processes of social transformation do not guarantee the final achievement of an ideal institutional design, they do not act blindly. The development of social conflicts on the normative validity of the principles of justification of the status quo generates guiding

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[94] Rousseau, Kant, and Habermas, among others, have also stressed the dual character of the law. Therefore, the republican tradition has insisted in the idea of autonomy as self-government as a solution to this contradiction. In contrast, the Marxian tradition has insisted in this contradiction as the engine of the movement of history.

principles for action, which are embodied in the evolution of constitutional norms and of the legal and political institutions to enforce the constitution. Social struggles and communicative dissent are the basis of social evolution (Brunkhorst, 2014, p. 14).

However, it is necessary to ask whether these forms of purpose-oriented evolution only develop from the rapid and revolutionary changes, or if the cumulative and incremental adaptation generates also new forms of contentious politics (Tilly, 2013; della Porta, 2015) and not only a systemic adaptation to the forms of domination.[95] It is a question about the possibility of long-term transformation and if the "small-level" demonstrations of discontent performed by social groups can become forms of resistance that transform the collective identities of oppressed groups and develop a sense of moral outrage against the experience of injustice (Moore, 1978). This question is relevant because from the positions of social change toward democracy as an act of resistance, the emphasis is usually made on the great revolutions and the "micro" processes have been neglected or they have received only limited attention. Nevertheless, these "micro" processes have enabled the development of the social forces that have opposed and resisted different forms of domination and exclusion. These processes allow us to see a specific situation as unfair or unjust, in other words, they allow us to reveal the ideological conditions of the hegemonic bloc.[96]

Framed in the Habermasian tradition of the theory of communicative action, Brunkhorst's perspective continues the reconstruction of Marxian historical materialism beyond the economic-based class struggle over the control of the means of production and the technical knowledge that increase the productivity in modern societies (Habermas, 1979c; 1979d). Following Habermas' theory, Brunkhorst includes the system of communication in the social evolution, specifically, normative communication and moral social learning:

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[95] "[…]While *incremental and cumulative change* leads to an ever better *adaptation* of the social system to its environment, *rapid and revolutionary change* leads to new *constraints* on contingent and purpose-oriented adaptation, and in *social* evolution, these constraints are *normative* constraints" (Brunkhorst, 2014, p.1)

[96] Following Brunkhorst, the great revolutions could be summarized as follows: the papal revolution, the protestant revolution, the Atlantic revolutions and the egalitarian revolutions.

What Marx called class struggle always has been, and continues to be, about normative claims which exclude each other reciprocally, so that sometimes right stands against right in an antinomic way, as Marx wrote in *Capital* (…) However, *pace* Marx, class struggles are not just the midwife of the unleashing of all productive forces of society, but also the power engine of normative and moral learning processes which sometimes lead to the revolutionary institutionalization of a new constitutional order. (Brunkhorst, 2014, p. 7)

In this sense, societies are always in the process of evolution. The revolutions and the collective learning processes of society should be seen then as evolutionary processes (Brunkhorst, 2014, p. 9). Marx and Engels have seen this fact as they said in their *Manifesto*, that the history of societies is the history of class struggle, which in a general sense means the struggle between the ones who control the property over the means of production and the ones who only have their labor force. This economical-exploitative relationship of opposition triggers social transformations. Thus, the class struggle is the engine of the evolutionary processes through the schema of the social productive basis vs. superstructure.

According to Brunkhorst: "The problem with Marx is not the schema 'basis vs. superstructure', but his conceptual decision to give the economic system a kind of causal priority over all the other social systems, spheres of value and the whole superstructure." (p. 10).[97] The causal emphasis on the economic struggle leaves aside other social and communicative aspects in the social interaction which take form through public claims on the validity of the political and moral premises that justify the social order of domination and exclusion. This communicative dissent allows us to see the moral role of the normative constraints of the social transformation not only as constraints to the blind natural selection over the adaptation but also as new evolutionary advances that trigger new social

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[97] Habermas argues that in the social evolution, the species not only learn the technical knowledge for the development of the production. The social learning processes can be also ascribed to the moral-practical consciousness (1979d, p. 160).

transformations. These normative constraints are specific to human society (Habermas, 1979d; Brunkhorst, 2014, p. 14).

Social evolution is also triggered by the conflict of *ideal class interests* and not only by *material class interests*. Therefore, "Not every evolutionary change can be explained by the growth of productive forces or the growth of systemic complexity." (Brunkhorst, 2014, p. 35). The ideal class interests work as pacemakers for the social transformation, which means that social evolution is purpose-oriented by the constraints on social selection created by the normative universals. This idea makes it possible to distinguish between evolution as social adaptation through mechanisms of selection, which is also gradual and long-term constructed, and the revolutionary evolution through normative constraints on adaptation, which is rapid and generates "new *constitutional* species". Following Brunkhorst, the normative constraints on adaptation can be understood as the constitutional normative sets that mark the direction of social evolution (Brunkhorst, 2014, p. 43; Kreide, 2015a, p. 1023). Thus, the constitutions can be seen as evolutionary and revolutionary advances, which means that the constitutions have a dialectical relationship between emancipation through revolutionary change and oppression as systemic stabilization through social adaptation. This idea represents both sides of transformation: the Kantian mindset and the managerial mindset.[98] The first one represents the ideals of autonomy and self-government through the law, and the second one represents the law serving the interests of the ruling class (Brunkhorst, 2014, p.47-48).

The dialectic of Enlightenment establishes the social conflict and the social contradictions at the center of social evolution. This conflict is always open because in the revolutionary changes, the new order generates new conditions for freedom and equality, but at the same time creates new forms of exclusion and domination that generate a legitimacy crisis through the decrease of the public acceptance of the justification arguments of the exercise of the political power. I agree with this Marxian idea, but it leads us to the question of why do *great revolutions* occur? Brunkhorst's answer to this question presents a necessary articulation of

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[98] Mindset is understood as the epistemic schema that guides our communicative actions (Brunkhorst, 2014, p. 47)

the sense of injustice with the invention of new normative constraints to lead social transformations. Brunkhorst's main concern is with the universality of the normative constraints against the particularity of the group-based claims towards the political-economic system that they perceive as unjust. On the one hand, we have the universalization of the sense of injustice, making possible the feeling of the violation of one person's rights as a violation of the whole of humanity -e.g. the anti-slavery movements in the nineteenth century (Brunkhorst, 2014, p. 36).

On the other hand, the social groups' struggles against the system represent adjustment and adaptation to the systemic mechanisms of societal integration and control, and this form of evolution is blind to the losers and victims of history because they are subjected to the conditionality of political bargaining between the groups and the system (Brunkhorst, 2014, p. 35). The universality of normative constraints of the rapid and revolutionary changes presents the revolutions as moral events that include those victims insofar as their claims are seen as *unconditional moral claims over validity* that should not be negotiated in the public sphere. This position leads to the over-emphasis on the successful *great* revolutionary processes and, despite the recognition of their importance in the articulation of the sense of injustices, it underestimates[99] the social processes of open dissent and discontent of the different social groups. In short, while Brunkhorst recognizes the negative communicative action and the social conflict as the triggers of the social evolution through the dialectics of Enlightenment, he focuses mainly on the constitutional –and therefore institutional-transformation as an evolutionary advance insofar as the idea of normative constraints remains in the sphere of the constitutional law.

If we want to link together the ideas of social evolution and democratization processes, we should look not only to the normative improvement of the constitutional set of norms but to the outcome of evolutionary processes. We should look also at the processes of resistance as

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[99] As in Habermas' theory, Brunkhorst underestimates the struggles of the social groups in the sense that the normative constitutional outcome seems to represent the moral improvement in an evolutionary sense, rather than the normative claims and demands as political income of the oppressed groups in a society. This means that the performance of resistance, the political action, is a mean to achieve institutional stability through new set of constitutional norms and procedures.

normative political income that shape the moral expectations of the different groups and triggers the mobilization and purpose-oriented political action. In this sense, the negative communicative action, no-saying (White & Farr, 2012), represents a public-symbolic expression of dissent and discontent that confronts the hegemonic structures for public justification through the negation of the status quo. This confrontation transforms the societal perception of the experience of injustice by overcoming the ideological sense of the impossibility of social change (or the inevitability of suffering). The rejection of the valid normative structures leads to the transformation of the social forms of self-understanding, creating in this way new understandings of what is just and unjust through the force of resistance against the established sets of "better arguments". In other words, while consensus represents the established and hegemonic structures for public justification, the negativity of dissent represents the force of social evolution.

The negative communicative action takes into account the power relationships that the consensus-oriented version leaves aside in its effort to rationalize and dissolve social conflicts. The recognition of the contradiction between the Kantian and managerial mindsets in Brunkhorst's reconstruction of the communicative action becomes its great advantage. As we have seen in the two exposed positions on social evolution, Brunkhorst keeps the theoretical advantages of the pragmatic reconstruction of the historical materialism made by Habermas: the conflict over the normative structures of justification; the cumulative character of the moral-practical social learning processes; the triggering of the social evolution by the unresolved problems posed by the systems of domination –or administration-; the dialectics of justification based on social contradictions and the idea of an always moving society amid social-learning processes represent critical potentialities for the justification of the performative notion of democracy as an always moving action of resistance. Yet, Brunkhorst goes one step beyond when he includes the ideas of domination in the institutional sets and the idea of dissent as part of the communicative action.

In the first place, the idea of institutional stability not only as a form of emancipation but also as a form of domination highlights the power structures behind the normative structures considered valid in a given historical context. In this sense, the "normative consensus" brings

also forms of domination that are justified and legitimated by the ruling set of arguments and principles, and as a consequence, institutional stability does not represent a final resolution of the social problems but a new context for the expression and analysis of the social contradictions. The potentiality of the development of this idea lies in the possibility to identify the perseverance of the social mobilization and struggles against different forms of oppression, even within the "well-established" democracies. In the second place, the cognitive content of the negative communicative action, or the negation of the established normative structures, highlights the actions of resistance of the social movements and mobilizations as well as their role in the processes of social transformation. The communicative speech acts of mobilizing groups cannot be reduced to the procedural rules for argumentation under ideal conditions but should be analyzed within the existing contexts for action. In that sense, the negation of a given set of rules performed by a social group should not be underestimated or relegated to a peripheral role in politics. It should be rather highlighted in the social and political relevance it has as a part of the transformation of the normative structures we use in the communicative networks for the intersubjective construction of social self-understandings.[100] In the networks of communicative interchange, one of the most relevant aspects of social mobilization is the social understanding of social suffering. It determines the stability of a given form of domination but also the reasons that ground what is at stake for the political action of the subaltern social groups.

III. Overcoming the Sense of Inevitability. Developing a Sense of Injustice.

If the mobilization of the social groups and their negative communicative action is the transformative force that triggers the social evolutionary processes, we should ask: why do they stand up and mobilize against the political and social system? Why do they feel that the system is unjust? Why do they sometimes just endure the injustice? There have been different

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[100] One of the theoretical advantages of the communicative turn is that it allow us to understand language and political public deliberation in the context of existing uses and principles. Political values can then conceived as tools for justification and negation of the status quo. Instead of freestanding and abstract values, political values are **used** by different actors, in different manners to present their own interests and justify or negate a given set of power relation. In this sense, the normative structures should be seen as a toolbox (Werkzeugkasten), filled with tools (Werkzeuge) with different uses and functions, to justify a form of power and to reject it (Wittgenstein, 1988, §11).

answers to these questions. The increase in the productive forces leads the exploited class to the development of the class-consciousness to stand against the exploitation system (Marx); the increasing complexity of the social systems creates social conflicts, which are focal mechanisms of socio-cultural variation (Luhmann). The moral and legal social learning processes develop new validity claims in the public sphere which through the force of deliberation and the forceless force of the better argument produces new forms of justification (Habermas, Forst, Brunkhorst). And finally the idea of the violation of the tacit social contract's rules that determine the criteria for the communicative construction of the social structure, the division of labor, and the distribution of the wealth (Moore).[101]

Following these perspectives, I want to propose a normative sense of social transformation through social mobilizations that allow us to understand democracy not only as an institutional setting but also as a never-ending process of contestation and resistance to the different forms of oppression and exclusion. My hypothesis is that the social groups become active and mobilize against the systems when they overcome the sense of inevitability of the suffering which makes the different social groups able to see their own experiences as unjust or unjustifiable (Moore, 1978) and they express these feelings of suffering in the public sphere through protests, demonstrations and other public actions to show their discontent. The overcoming of this sense of inevitability comes through the variety of available normative principles to make value judgments on the own social situation. The multiplicity of political subjectivities always in construction and the multiplicity of normative principles available to them for social self-understanding generate also a variety of experiences of suffering and injustice. There is a dialectical relationship between the universality of the validity claims and the particularity of the suffering. That is, the validity claims are universal in the sense that they are expressions of the struggles for emancipation and inclusion as universal abstract ideas, but they express also particular views of suffering in the public sphere, this particularity gives material-historical content to the social struggles that trigger the social evolution.

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[101] *Cf.* della Porta & Diani, 2006, p. 12.

That means, that not all the social claims over the legitimacy of the social rules are the same (e.g. LGBTQI groups' claims and workers' unions' claims). The different groups that constitute the multitude in conflict make claims aiming at the social understanding of their own experiences as a violation of the moral legitimacy of freedom and equality, although, through their own group experiences, that leads to the necessary contextual approach to address critically the particularity of the experiences of injustice (Young, 1990, p. 116). In this way, the social mobilization of social groups transforms the general vision of legitimacy through the negation of the current justificatory premises by presenting their experiences in the public sphere to be seen and heard. This is the always-moving social construction of the normative structures through the critical negativity of the communicative action (White & Farr, 2012; Brunkhorst, 2014). As Donatella della Porta and Mario Diani states:

> When existing systems of meaning do not constitute a sufficient basis for social action, new norms emerge, defining the existing situation as unjust and providing a justification for action (…) Changes in the social structure and in the normative order are interpreted within a process of cultural evolution through which new ideas emerge in the minds of individuals. When traditional norms no longer succeed in providing a satisfactory structure for behavior, the individual is forced to challenge the social order through various forms of non-conformity. A social movement develops when a feeling of dissatisfaction spreads, and insufficiently flexible institutions are unable to respond. (2006, p. 12-13)

This perspective on collective and political action allows us to argue that through the negation of the existing normative values of the status quo, people usually overcome the ideological sense of the inevitability of suffering. In a complex society, a plurality of interests generates social conflicts between different social groups. These conflicts generally arise over different kinds of claims and these kinds of claims use the normative criteria available to justify the demands of the different social groups. The politics of dissent creates a distinction between the winners and the losers of the deliberative –but also bargaining- processes of public justification. Generally, the burst of moral outrage that triggers social transformation comes from the losers' side (Moore, 1978, p. 44). In other words, the subaltern groups in the

complexity of the intersected power relations in a given social system are the ones who, through contestation, challenge the hegemonic normative structure of justification.

The moral outrage of the losers occurs when they feel that their social needs are not being rightly fulfilled, especially in the field of labor division and distribution of income and wealth. These feelings include first, the sense of reversal causation, which means that some groups feel that the situation is going to be worst if something is not done about it. That leads to ideological distortion: the solutions proposed by the hegemonic groups are presented as the inevitable choice as they are good for society as a whole, hiding the fact that they are thought for the benefit of a particular group (Moore, 1978, p. 87).

This triggers the public justification process of asserting and negating the moral judgments expressed by the different positions in conflict (Moor, 1978, p. 9-10). Public justifications and refutations take place in the field of the commonly accepted values and rules, and therefore they make use of the accepted arguments (constitutional, cultural, or religious) to defend or refute the status quo. In this sense, the feeling of suffering comes from the feeling that the usually accepted social rules are not being fulfilled or are being broken somehow by the opposing group, and thus, the sense of social mutuality has been violated.[102]

Three implications should be stressed here from what has been said so far. First, the development of new normative constraints comes from the need to overcome the frustrated efforts of resistance through the usually accepted moral values and normative codes of justification. For example, the transformation of the Christian sense of equal dignity of the human souls before God became equal rights in a secular sense. The secularization served as the ground for the transformation of the theocratic justifications of the social structure and the exercise of power in the context of the seventeenth and eighteenth centuries' bourgeois

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[102] Arendt in her book *On revolution* (2006), shows that the revolutionaries in America and France, were not aiming to transform the status quo at the beginning. They were claiming that the political authorities were not fulfilling their duties as public officers (be it the King or the Parliament) and that the social rules have been broken by them. The revolutionaries were looking for a previous moment where the social rules were working. Of course, at the end they developed new forms of understanding the politics and new moral and normative constraints for the justification of the exercise of the political power. They started the revolution within the framework of the accepted normative constraints, and therefore, they were legal revolutions (Brunkhorst, 2014).

revolutions (Anderson, 2016, p. 412-413). Later, the civil rights movements in the USA used the formal equality in rights promulgated by the liberal constitutions to claim social inclusion in a society racially segregated.

Second, the development of new normative structures should be seen as an evolutionary social learning process that implies a long-term transformation of the understanding of suffering and the normative principles as point-makers of social change, through the negative communicative action of saying "no" in the public sphere. The actions of public dissent remain as validity claims over legitimacy in the social self-understanding even if they have been defeated by other justificatory arguments or repressed by the public authorities (Brunkhorst, 2014).

Finally, this social-learning process as an evolutionary change leads to the confrontation between new forms of oppression and resistance. The overcoming of the sense of injustice by the oppressed through the development of new normative structures that help them see their suffering as unjust and avoidable leads to new forms of justification of the oppression and new ideological distortion of the experiences of injustice which helps, in turn, the existence of periods of compliance with the status quo and relative peace in the society. But it also shows that politics are essentially a conflict between the forms of assertion and the forms of negation of the justification of the exercise of domination and power and the moral and normative constraints that ground them. That means that in politics there are no ideal solutions. Instead, there are never-ending processes of resistance against the ever-renewing forms of oppression through the public manifestation of social discontent, dissent, and suffering. The accumulation of suffering without any social breakthrough in the structures of oppression and exclusion leads often to a great explosion of rage and violent revolutions. As long as there is suffering, there will be social conflict and social transformation (Moore, 1978, p. 499).

This idea of suffering as a normative principle for moral-practical evaluations of the social systems has necessarily a social aspect that implies communicative action. Fear of violent death, starvation, thirst, and hunger, the loss of loved ones, among others are indeed forms

of suffering. However, there is a difference between suffering and social suffering as the experience of injustice. The first form implies the idea of some physical or emotional pain that affects a person. The second form, i.e. the social suffering as the experience of injustice, implies not only the pain that an individual is suffering but also the normative evaluation that the pain comes from the violation of a normative expectation within an accepted normative structure. Social suffering always implies a form of consciousness of the problems for justification of the lived situation, which in turn generates a sense of indignation and outrage that triggers the actions of the social movements. By negating the accepted arguments that try to justify their condition, social movements introduce new forms of social understanding and new normative principles in the conflictive arena of politics (Renault, 2004, p. 35; Tarrow, 2011, p. 222).

The social learning processes of new normative structures that allow new moral and normative assessments over the social structures and lead to new understandings of social needs, allow also seeing the unfulfilled normative expectations as unjust conditions. These social understandings trigger social conflicts, which are at the core of social transformation. But the struggles and bursts of moral outrage do not always mean the transformation of society in a *better* sense. Sometimes (most of the time) they lead to the strengthening of the social conditions of oppression and inequality through the coercion and use of force, but also the strengthening of the ideological apparatus of the groups in power.[103] Therefore, the idea of an always-moving society through the conflict over the normative structures for justification serves as a social and political approach to political theory in the conflictive spaces of hierarchical social relationships.

IV. Society in Movement: Transformation through Conflict and Social Movements.

In previous chapters, politics and political actors have been defined in terms of conflict and social mobilization. One of the key objectives of these definitions is to highlight the

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[103] For example the social steering of moral outrage to other objectives like the Jewish people or the refugees in the times of crisis in the Western World through the control of the mass media and therefore the control over the construction of the public opinion

shortcomings of the hegemonic liberal theory that leaves aside the social hierarchies and power relations in order to justify the consensus as the only form of politics and the institutionalized political actions as the only means to achieve democratic stability. However, this idea of stability is a mere illusion if we take into account the abstract and hypothetical characteristics of liberal theorizations on politics and social transformation (Renault, 2008, p. 25). In consequence, the main objective of this chapter has been so far to show the always ongoing conflict, not only over power positions or over the means of production but also over the normative structures that justify the status quo and the social understandings of the suffering and harm suffered by different social groups. In this sense, the notion of a society in movement can be framed within the sociological perspective of actionalism insofar as it emphasizes the political actions of the multiplicity of social subjectivities in the conflict that resist the efforts of the hegemonic groups to present the status quo as the desirable stability. From this perspective, stability is a synonym for domination and an ideological justification for the exercise of political power.

The aforementioned communicative perspectives on social evolution, allow us to see the relevance of political action in the transformation of society as an always-ongoing process, whose possible outcomes can only be understood in the long-term duration. However, the purpose-oriented action towards consensus eliminates the materiality of the action and the political actors who act within specific structures and historical contexts, i.e. the social actors act within existing power relations, existing hegemonic structures for participation, and with real and limited resources at their disposal (Fricker, 2006, p. 103; 2007, p. 9). Therefore, the idea of a negative communicative action oriented toward dissent brings into account the reality of the conflict over the normative structures, and contexts for actions that determine what is at stake, what are the risks of the social actors, and what they expect with their action, reassuming the immanence of the social critical theory.

In this sense, society as an always-evolving entity through political action means a constant and conflictive reproduction of social networks for interaction and social self-understanding. Society is then a network of actions, actors, and relations embedded in a material and practical context of a conflictive and intersubjective construction of the normative structures

(Touraine, 1981, p. 2). The importance of this approach to the notion of contemporary societies is that it states that there are no external normative structures for the political analysis of social and political institutions. The normative frameworks are constructed through the conflict among different real interests. Thus, to understand social transformation as an always-moving process of evolution[104] we should avoid abstract theorization over meta-social principles. On the contrary, political theory should address the normative principles as always embedded in social struggles over the justification frame, which is never horizontal and power-free but hierarchical and power-laden, making the social and communicative practices marked by different forms of domination (Touraine, 1981, p. 25; Fricker, 2007, p. 27). In this sense, the social and cultural frameworks for interaction change the socially shared values, beliefs, meanings, and worldviews of the social situation (Tarrow, 2011, p. 220-227).

Within the conflictive political framework, we can see the emancipatory social movements as theoretically and politically relevant insofar as they put in motion the resistance against the structures of domination and by doing this they actively participate in the social transformation processes (Touraine, 1993, p. 272). In consequence, the idea of a moving society does not propose a final horizon that we should aim for, a final goal, but the constant movement of the social contradictions, of the changing forms of domination and resistance. Therefore, this notion of society is committed to the notion of a conflictive form of social evolution that always struggles between adaptation and rejection of the established social systems for political and social intersubjective action. The social movements understood as collective actors that struggle for the acquisition and control of the normative tools to oppose an adversary among a multiplicity of power relations play a major role in this theoretical approach to politics and political action (Touraine, 1993, p. 277; Tarrow, 2011, p. 7). Thus, we should evaluate the political actions of the emancipatory social movements in the midst of their actions to challenge the hegemonic understandings of legitimate rule and justice, and

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[104] At this point, it is necessary to clarify that evolution does not have the sense of linear progress as it could be deduced from Habermas and Brunkhorst's perspectives. In contrast, evolution means an always ongoing process of change and mutation whose outcomes cannot be foreseen. The changes that evolution can bring are always context dependent and contingent, and despite the fact that the normative principles guide the political actions, its results can only be appreciated from the historical distance (Arendt, 1998).

not by the political outcomes, understood as institutional change, that they may or may not achieve in the social struggles.

An always-open, always-ongoing process of social transformation in the political context of social conflict and social struggles challenges the idea of a linear, univocal, and progressive form of social evolution through stages in which there are "more advanced" societies than others. This brings into critical reflection the ideological and Eurocentric aspects of the hegemonic idea of institutional stability as the outcome of the political action that works as a normative tool for the justification of the current hegemonic model of society (Kreide, 2015a, p. 1024). The conventional and institutional models of social transformation make invisible the presence of the social conditions that determine the social roles, rights, and duties for the multiplicity of political subjectivities. In contrast to the institutional stability that offers the dominant liberal theory in politics, or the promises of the solution of social problems through the rational forms of conflict solving, the idea of a society in constant movement embraces the existence of the conflict as the core of politics. This implies taking a realistic approach to politics, leaving aside the pure categories of the abstract and hypothetical political theory:

> Humans in modern societies are driven by a perhaps desperate hope that they might find some way of mobilizing their theoretical and empirical knowledge and their evaluative systems so as both to locate themselves and their projects in some larger imaginative structure that makes sense to them, and to guide their actions to bring about what they would find to be satisfactory (or at any rate "less unsatisfactory) outcomes or to improve in some other way the life they live. Furthermore, many modern agents would like it to be the case that the form of orientation which their life has is, if not "true," at least compatible with the best available knowledge, and they would like the principles by which they guide their action to be in some kind of contact with reality, although anyone would be hard put to say precisely what was meant by that. Both the extent to which this hope is present in a certain group and the extent to which it can be realised are empirical matters, although one would have to

be extremely sanguine to expect it to be realised to any significant extent." (Geuss, 2008, p. 42)

As Geuss says, there is an apparent necessity to escape from the chaotic, violent, and most of the time unjust world of politics by creating abstract and hypothetical models where no one is coerced and everybody can participate on an equal level. The reality of politics is quite the contrary, and the idea of a society in movement invites on the political and meta-theoretical level, to take the critical approach of thinking about politics, political subjectivities, and society as they are: always immersed in social struggles. Therefore, instead of promising the land of reconciliation, political theory should address the existing forms of oppression by taking a political position in the existing social struggles, not by negating them as undesirable or peripheral in times of crisis, but by recognizing the central aspect of the conflict in politics.

The question that remains open is if it is possible to link a normative concept of democracy with the notion of a moving society because as it has been said, democracy is currently associated with institutional stability and bureaucratic decision-making processes, where social struggles and political conflict are invisibilized by abstract rationalizations and social movements remain underestimated as political actors. For example, Tilly, who has a political and historical analysis of the social movements, defines democratization as follows:

> By democratization, I mean increases in the breadth and equality of political participation, in binding consultation of a government subject population with respect to state personnel, resources, and policy, and in protection of that population from arbitrary action by governmental agents (2000, p. 95).

From Tilly's historical analysis of the European cases since 1650 (Tilly, 2008; 2013), he concludes that the processes of democratization take place in three interacting spheres: public politics, categorical inequality, and networks of trust. This interaction has become the history of cultural change, the development of the *arts* of politics, and the struggles that lead to the creation of long-term transformation toward democracy (Tilly, 2000, p. 99).

This historical explanation of democratization is accurate enough for the Western context, and its remark on the social struggles is quite valuable. Nevertheless, my main concern here is not a historical explanation of the social change, but the defense of the political action of the people who are under oppressive and exclusive experiences as a form of understanding democracy *vis à vis* the present political crisis and lack of legitimacy of the decision-making in the liberal regimes. Therefore, I will focus on the legitimacy of the political claims and demands on the public sphere as political income of the oppressed and excluded groups of society, seeing the emancipatory social movements' activism and the appearance in the public sphere of their "no-saying" as a radical form of participation nowadays (della Porta, 2015; Crouch, 2004).

The social transformation of the social self-understanding of suffering and injustice through social-learning processes of new normative constraints leads to the increase in social complexity through the extension of the normative constraints of the evolutionary processes. That means that a plurality of experiences of injustice co-exists in the current complex societies and, in turn, leads to a plurality of interests in conflict and different objectives – normative point-makers- of social change. LGBTQI interests, teachers, students, workers, unemployed people, ethnical and religious minorities, bankers, politicians, and political parties, among others, constitute the complex public sphere of social conflict and political interaction in the present societies. This complexity develops also new forms of social solidarity, new forms of group identity, and new forms of rivalry that challenge the general distinctions between the oppressed and the oppressors.

Who are then the oppressed and the oppressors? If the normative criteria of the democratization processes *from below* are the struggles of the people who are *under* conditions of oppression and exclusion, who are they? The workers at the bottom of the social strata? Ethnical minorities? The refugees? The teachers? The students? The good conservative people who see their values being broken by immoral actions? The *entrepreneurs* who see their right to private property violated by the taxes? Neo-Nazi activists fighting against the police on the streets? Even if the answer seems quite obvious, this obviousness comes to the naked eye precisely through the normative constraints we use to

make value judgments on the public demands of the different groups in conflict. Therefore, democratization processes are not neutral, because the political and moral justifications of the validity claims over the decision-making and legitimacy are determined by socio-historical conditions and moral-normative self-understandings. The *Proletarier aller Länder* could not be united easily, given the current conditions of the complex societies.

The complexity and plurality of value judgments over the conditions of suffering create also a plurality of forms of resistance, identity, solidarity, and of course, a plurality of forms of domination (Tarrow, 2011, p. 8-9). The particularity of the understanding of suffering creates forms of group consciousness that go beyond the class consciousness in the classic Marxian sense, which means that the social struggles are not always oriented through an economic-productive point of view (even if this point of view is the most important of all).

The plurality of the forms of protest, demonstration, and resistance implies the need to extend the scope of the forms of social struggle in the current globalizing world. The transformation of the social structures of power and domination through the interconnection of different forms of interaction at different levels: local, regional, and global, has also transformed the forms of resistance. It is the polycentric domination versus the polycentric resistance. This polycentric resistance is expressed, I believe, in the plurality of the emancipatory social movements that stand up against the system. As della Porta puts it:

> Social movements do challenge the power of the state. They do no limit themselves to asking for specific policy changes: relying mainly on protests as a means to put pressure upon decision makers, they challenge the power of the state to impose its monopole on the use of legitimate force. (2013, p.152).

In the times of *Post-democracy* as Crouch calls it (2004); the evolutionary social-learning processes that trigger the social transformation are represented by the popular mobilization through the appearance in the public sphere to say no to the status quo. Therefore, the distinction between the oppressed and the oppressor should be addressed as the qualitative-moral distinction of the claims made by the plurality of political actors in the struggle. It is not as easy as to say "we" and "they" because the particularity of the claims create a plurality

of identities within those groups as well. Nevertheless, the struggle for inclusion and emancipation in its different historical and material senses unifies the oppressed versus the oppressors.

Social movements with the expression of their experiences of injustice and the publicity of the social hindrances with their public claims, constitute the forms of participatory democracy in the age of discontent and distrust of the representative democracy and the political parties- Transformation as democratization starts with the political action of the oppressed.

The idea of a society in constant transformation is not new (Hegel, Marx, Luhmann, Brunkhorst). In general, this idea implies that societies change through the conflict of interests between the dominant and the dominated. This opposition or confrontation can be seen as a process of emancipation and change and/or as a consolidation of the forms of domination and the emergence of new methods of oppression and exploitation. From my position, changing society must also be seen as the sum of small changes brought by the social forces that present their demands in the public sphere, and does not take into account only the great revolutions as moments of foundation and constitution of liberty - evolution as a long-term process. This evolutionary perspective helps us to understand democracy as a constant process of struggle and political resistance to different and ever-changing forms of domination. In this evolutionary sense, there is no final model towards which we struggle and therefore, democracy is not an end point or final goal of the history of humanity. It is rather a normative political process that allows us to deliver moral-value judgments about the emancipatory and inclusive content of the various competing interests. The idea of social change is also present through social movements. And with this idea, I expect to extend the purely institutional approach to democracy. Finally, this evolutionary view holds that society is changing, but this does not mean that it is politically and morally improving.

To conclude, society in movement is an idea that frames itself in the debate between the long-term and short-term perspectives on social transformation. This can be translated to revolution or resistance. This chapter proposes the latter, being the emancipatory struggles

of the different subaltern groups a constant resistance against the always-changing forms of oppression, exclusion, and exploitation.

Chapter V

Democracy in Movement: Conflict and Dissent as the Social Basis for Democracy as Resistance[105]

"All animals are equal but some animals are more equal than others"

George Orwell, *Animal Farm*

At the beginning of 2019, the *Minga*[106] *por la Defensa de la Vida, el Territorio, la Democracia, la Justicia y la Paz* (Minga for the Defense of Life, Territory, Democracy, Justice, and Peace), organized themselves through the *Consejo Regional Indígena del Cauca* -CRIC- (Regional Indigenous Council of Cauca), and they blockaded one of the main national roads in a collective action of protest against the systematic murder of social leaders in Colombia,[107] against the destruction of the environment due to the fracking and mining policies and the National Development Plan of the Colombian Government 2018-2022. Furthermore, the *Minga* was demanding more political participation of the indigenous communities in the decision-making and the continuation of the peace process started in 2016 with the guerrilla Farc-Ep (Vargas, 2019).

In this context, different politicians and public figures –mainly high CEOs from national and multinational companies and economists- gave several public speeches against the indigenous protests and blockades, arguing that those forms of collective action were criminal and illegitimate because they disrupted "the democratic and institutional order."[108]

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[105] Some of the ideas presented in this chapter were published first in Gallo-Gómez & Jurado-Castaño (2020) and in Gallo-Gómez (2021b).

[106] *Minga* is a general association of companions and is used by the native peoples of South America to organize in political and social groups for collective action.

[107] In 2016 around 172 social leaders were killed and in 2017 around 185 were killed in what seems to be a sistematic operation of paramilitary groups in alliance with the Colombian national army and police forces (Ball, Rodríguez, Rozo, 2018).

[108] From these public discourses it si worth to highlight two examples: 1) The governor of the Magdalena (a political and administrative región in Colombia) declared that: "My indigenous are not like those of the *Minga*. My indigenous are smart and good workers"; comparing the native people from Santa Marta with the indigenous groups of the Cauca region (El Espectador, 2019); 2) The president of the Andi (Spanish acronym for National

Despite the negative impact given by the media on these social mobilizations, 2019 was not the first time that the social and political groups of the Cauca region mobilized against what they perceive as unjust, presenting their demands in a contentious performance (Tarrow, 2011, p. 7). The constant presence of this kind of disruption of the "democratic order" has worked as the justification for the repression and excessive use of force against the indigenous in Cauca (Fassin, 2016, Trautmann, 2018).

In the same year in France, allegedly one of the well-organized current democracies, the *Gilets Jaunes* or Yellow Vests were making themselves appear in the headlines of the newspapers around the world by blockading the streets of Paris and fighting back the police repression. The trigger for this French mobilization was Emmanuel Macron's proposal of a new fuel tax. However, this was not an exceptional episode of social discontent or the first time that the French people took to the streets. In March 2016, the social movement *La Nuit Debout* protested mainly in Paris against the neoliberal reform to the working regulations and conditions, making the life of the workers even more precarious (Europe1, 2016). Behind the obvious differences in the demands of the Yellow Vests and the Colombian Minga, lies the similarity between the forms of action and disruption with the supposed democratic order and its institutional "equal" mechanisms for political participation.

One could mention more examples of social mobilizations violent or peaceful, ephemeral or sustained, failed or successful around the world; even in the First World, where democracy is assumed as the place where institutional mechanisms for decision-making have triumphed, these mobilizations happen very often. Under these conditions, we should ask in a theoretical way: how can we understand these forms of collective actions? Are they a symptom that something is not working right in democratic institutions? Do these collective actions represent a threat to the established democracies? Do they constitute a form of political action? We can try to answer these questions from the traditional theory of democracy. From this perspective, the examples mentioned above represent a threat to democracy and its institutions as long as they are assumed as the negation of politics by violent means, putting

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Association of Industries) said that the social movement of the indigenous people in Cauca was "the biggest colective kidnapping of history" trying to criminalize the demonstrations (Caracol Radio, 2019)

at risk the institutional mechanisms for decision-making and the social rules of organized democratic institutions. For this reason, the use of force by the Anti-riot police forces is justified (Trautmann, 2018, p. 27).[109]

This traditional conception of democracy is grounded on a series of theoretical hypotheses that represent some sort of axioms or evident truths. These hypotheses not only created the core of contemporary political theory but have also determined the social representations of politics and the political actors. The first hypothesis assumes politics as the negation of violence or the solution to the existing conflicts. From this idea, we can deduce at least two conceptions of politics. On the one hand, violence is not acceptable as a political tool because political power comes from consensual forms of action (Arendt, 2012, p. 60-61). The rejection of any disruptive action in politics makes it easier to reject the actions of different social groups and movements because they are not acting politically. Therefore politicians and media can label the actions of protest as "collective kidnapping" or criminalize the participants of these forms of mobilization by calling them "accomplices of the worst" (Le Monde, 2019).

On the other hand, the visibilization of conflict is assumed as a symptom of the "democratic crisis" that affects the political institutions for participation and the protection of human rights, being the modern and liberal project of constitutional democracy an unfinished project (Habermas, 1996, p. 384). Thus, the normative concept of politics is characterized by the lack of social conflicts and, if there are any visible struggles, then it is necessary to redirect the institutional mechanisms for decision-making in a way that the conflicts and struggles are resolved and dissolved.

The second theoretical hypothesis is based on the assumptions of political actions. If politics in its normative sense –and practical sense- is seen as the negation and dissolution of social conflicts, then every political action that does not consist of peaceful and institutionalized practices, whose goals are not deliberated processes of conflict resolution is considered as anti-politics. Real political actions are performed within the institutional frameworks and

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[109] *Cf.* Chapter II of this work.

mechanisms for political participation (Ackerman, 1999). The institutionalized version of political action creates, in turn, a biconditional relationship between political income and outcome. That means that there are inseparable connections between the kind of demands that enter the institutional system and the results as part of the system itself. In other words, a petition for a new law by the people through their representatives that regulates some problematic aspects of social life should have also an institutional answer in the form of the new law itself. Therefore, political action is such only if it is performed within the institutions and takes a final institutional form.

Lastly, the third hypothesis of the traditional conception of democracy narrows the notion of political actors to abstract citizens that participate in the decision-making through the representatives of their interests who are usually organized in the form of political parties. The political power of the different actors is measured by the real capacity of the political parties to promote their interests in the decision-making of the institutional framework by electoral competition among parties (Habermas, 1996, p. 331). The narrow perception of the political actors usually means that political theorists do not take many social groups as essentially political unless they are linked to a political party or are seen simply as a part of the electoral pool. Therefore, when we read or hear about the democratic crisis, a well-developed topic in the last years, we usually get a limited notion of politics. For example, the apparent crisis of democracy is often related to the crisis of political representation by the political parties, meaning that the loss of political influence of the traditional parties implies a loss of democracy (Castells, 2018, p. 20; Crouch, 2004, p. 74; Öniş, 2017, p. 26; Daly, 2019, p. 10-11). However, representation has always had its problems, from the very beginning of the political theory, representation has been accused of actually not representing anyone. Rousseau already knew that when he criticized the English parliamentary system in his *Social Contract* (2002, p. 251-252)[110]. Even in the context of the rise of constitutional and liberal democracy in the twentieth century, Arendt noticed the problematic political

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[110] It is well known the Rousseaunian perception of the English representative system: "The English people think they are free, but they are very wrong: they are only free in the course of the election of the members of the Parliament, as soon as their representatives are elected, the people is enslaved, it is nothing." [Le peuple Anglois pense être libre; il se trompe fort, il ne l'est que durant l'élection des membres du Parlement; sitôt qu'ils sont élus, il est esclave, il n'est rien.[(Rousseau, 2002, p. 252) (Own translation).

presuppositions of representation (2006, p. 243-245). In her reconstruction of the revolutionary moment of the United States of America and regarding the institutional setting of the new republic, Arendt points out that:

> [...] the state government and even the administrative machinery of the country were by far too large and unwieldy to permit immediate participation; in all these institutions, it was the delegates of the people rather than the people themselves who constituted the public realm, whereas those who delegated them and who, theoretically, were the source and the seat of power remained forever outside its doors. (2006, p. 243)

These three hypotheses have concrete consequences for the political theory of democracy and its real policies in the current hegemonic institutional design. First, the theoretical approaches to democracy often assume, due to the narrowed notion of politics and political actors, that we are facing a "new" political crisis when most of the current problems have been always there in the context of liberal democracies and are mainly a consequence of the liberal democracy itself (Crouch, 2004; Vormart & Lammert, 2019; Brown, 2015). That assumption has created some sort of liberal nostalgia among political scholars who usually want to go back to a more democratic past, usually found in the Welfare State. Second, the exclusion of the conflict and social contradictions from the analysis scope of democracy leads to the assumption of an existing and shared institutional framework based on equality and freedom for decision-making on the ground of horizontal social relations. This theoretical assumption creates a political obfuscation of the social hierarchies and makes invisible the social networks for interaction among the dominant and subaltern groups, ignoring the real capacity of the latter to participate in the current institutional democracies. The theoretical question that we should ask to criticize these consequences is: Can we think of democracy in the context of social conflict and contradictions?

After discussing the social movements as political actors, the notion of politics, the subject of politics, and social transformation in the previous chapters, this chapter pretends to approach the question of democracy under conflictive conditions by discussing the main

theoretical features of two political perspectives on democracy. In the first place, I will present a critical reconstruction of the deliberative model of democracy, a model that has been very successful in academic debates in Spain, North America, and Latin America since the 90s (I). Thereafter, I will compare the deliberative model with the theoretical perspective of radical democracy that introduced the notion of conflict and antagonism in the political theory debates on democracy (II). In the third section, I will present the idea of fundamental disagreement and democracy as a constant movement of resistance to face the "crisis of liberal democracy" (III). Finally, I will conclude that democracy as a movement of resistance based on a fundamental contradiction between the hegemonic and subaltern groups can help us to understand the nature of the existing and multiple struggles and also would allow the theory of democracy to make visible in a critical manner the demands of the oppressed, excluded and exploited (IV).

I. Democracy and Consensus: Public Deliberation among Free and Equals

After the end of World War II, and the defeat of Nazism and Fascism in Europe, a new political horizon began not only in the Western hemisphere but also in the whole world: the liberal and constitutional democracy as the model for political organization and public administration. This model tried to include all political and social groups in a political system for participation in decision-making. The constitutional model worked as one of the main ideological tools in the context of the Cold War by extending to the whole world the old revolutionary creed of the French Revolution that a people without a (liberal) constitution is not free. The theoretical debates on democracy and political legitimacy created different perspectives on the formal and substantial principles for justification in a well-ordered society.[111]

The model of deliberative democracy, born in the context of the end of the Cold War, has been one of the most successful products of political theory in the last decades of the twentieth century. Inspired by the linguistic and pragmatic turn that influenced social and political theory, and triggered by the fall of the Berlin Wall and the Soviet bloc, this

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[111] *Cf.* Chapter IV of this work

democratic model proposes as the basis for legitimacy the idea that only the norms that could be accepted by all the possible affected by them can be legitimate (Habermas, 1996; Dryzeck, 2002; Lafont, 2006; Cohen & Arato, 1997; Nino, 2003). This normative principle has influenced since the beginning of the deliberative paradigm, the political and theoretical representation of a just and democratic society, creating in this way the social perception of what we think as legitimate politics. In this sense, the idea that the freely achieved consensus among the deliberating parts is the basic principle of democracy:

> Around 1990 the theory of democracy took a definite deliberative turn. Prior to that turn, the democratic ideal was seen mainly in terms of aggregation of preferences or interests into collective decisions through devices such as voting and representation. Under deliberative democracy, the essence of democratic legitimacy should be sought instead in the ability of all individuals subject to a collective decision to engage in authentic deliberation about that decision. These individuals should accept the decision only if it could be justified to them in convincing terms. (Dryzeck, 2002, p. iii)

The main goal of the deliberative turn is to fulfill the procedural expectations on the legitimacy of the decision-making while protecting the legitimate content of the decision with the inclusion of all the possible affected by them. Thus, the ideal of democracy as a form of government by the people and for the people is met through the democratization of deliberation because only this form of decision-making guarantees just and justified results by taking into account the reasoned and reasonable acceptance of all the participants in the deliberative process (Lafont, 2006, p. 4). This procedural principle finds its theoretical roots in two political perspectives developed in the twentieth century: Rawls' idea of justice as fairness and Jürgen Habermas' communicative turn in social theory. The debate and blending of the ideas of these two political philosophers created the basis for the rise of the notion of democracy as a consensus in the 90s.

On the one hand, Rawls' *Theory of Justice*[112] proposes a notion of the principles of justice as agreed by all the participants. These principles offer fair terms for social cooperation in a well-ordered society. Rawls constructs all his theory based on the social contract theories but on a higher level of abstraction: "[…] a theory of justice that generalizes and carries to a higher level of abstraction the traditional conception of the social contract." (Rawls, 1971, p. 3). This higher level of abstraction offered by the Rawlsian theory creates the theoretical criteria to make a radical division between the social, as the real space for societal interactions, and the political theory understood as the conceptual and normative framework for the justification of power relationships. The normative framework foundations are idealizations of the political subjects and the deliberative conditions for the justice principles. The original position as a hypothetical and methodological structure set the conditions for the agreement over the principles of justice among free and equal participants under horizontal relationships:

> A final comment. We shall want to say that certain principles of justice are justified because they would be agreed to in an initial situation of equality. I have emphasized that this original position is purely hypothetical. It is natural to ask why, if this agreement is never actually entered into, we should take any interest in these principles, moral or otherwise. The answer is that the conditions embodied in the description of the original position are ones that we do in fact accept. Or if we do not, then perhaps we can be persuaded to do so by philosophical reflection. (Rawls, 1971, p. 22)

However, the original position cannot be complete without the restrictions on the reasons for the agreement over the principles of justice, that is, the original position is methodologically linked to the veil of ignorance. The veil restricts the reasons of the participants because it hides from them their real social conditions: wealth, gender, race, religion, or even personal

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[112] My intention here is to highlight the idealizations and abstractions of Rawls' theory, I do not pretend to reconstruct his theory in all its aspects. These abstractions and idealizations have the consequence of making obscure the real and material conditions of the multitude, excluding the conditions of domination in the society (*Cf.* Chapter III of this work). By confusing the rational with the real, Rawls' theory ignores the social hierarchies and real possibilities for interaction (Geuss, 2008, p. 88-89).

luck are hidden from the deliberative parts to secure the fairness of the agreement. This is achieved by the elimination of the biased judgments on the principles because, as the participants do not know their advantages and disadvantages, they will try to obtain the greatest profits for themselves, as reasonable individuals, having as a result what is good for all (Rawls, 1971, p. 12-13). Thus, the original position linked to the veil of ignorance assures an *overlapping consensus* over the principles to coordinate social cooperation. Without the higher levels of abstraction and idealization of the deliberative conditions, Rawls' theory of justice and its overlapping consensus would not stand together.

This is precisely my argument here:[113] Rawls created the theoretical framework for the notions of deliberative democracy by focusing on the idealized conditions for deliberation. Most of the theoretical concepts of deliberative democracy have as a starting point the elimination of all the real and unequal conditions of society. The rationality of the agreement is then absolutely dependent on the abstractions from the materiality of exploitation, exclusion, and oppression (Lafont, 2006; Cohen & Arato, 1997; Ackerman, 1999; Dryzeck, 2002; Bohman, 2010; Nino, 2003). The guarantees of the best results from deliberation are shaken as soon as we include the materiality of inequality and social conflicts, in other words, the agreement would not look so rational if we take into account the irrationality of the real power relationships (Allen, 2012).

On the other hand, Habermas' *Theory of Communicative Action* (1987) set the complementary theoretical framework for the deliberative turn in democracy. The Habermasian theory offers the idea of pragmatic conditions for interaction toward mutual understanding. The communicative action creates the political conditions to complement with a sociológical perspective, the purely abstract Rawlsian approach to the overlapping consensus because it takes into consideration the social field for interaction as intersubjective communicative conditions to achieve reasonable understandings. The communicative interactions start from mutual recognition among the participants in the deliberation of the

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[113] In chapter III I highlighted the abstract notion of the people as a political subject without real traits that can be deduced from the Rawlsian theory. Here, I highlight the notion of consensus amon abstract participants as the basis for any legitimate political decision-making process. *Cf.* Chapter III of this work.

validity claims that each part rises in the communicative process. The main goal of the communicative action is reaching an understanding (*Verständigung*) among the parts through an agreement *(Einverständnis)*. Thus, the communicative action toward mutual understanding is based on the assumption that all the parts recognize the validity claims raised by the interlocutors (Habermas, 1979a, p. 3).

In the Habermasian theory, the theorists of deliberative democracy found the epistemic and pragmatic foundations for their political perspective. The links between Habermas and deliberative democracy are explicit when we take a look into the internal and external formulations of the discourse principle: "D: Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses" (Habermas, 1996, p. 107). And the externalization of the discourse principle is formulated as: "[…] only those statuses may claim legitimacy that can meet with the assent (*Zustimmung*) of all citizens in a discursive process of legislation that in turn has been legally constituted" (Habermas, 1996, p. 110).[114]

The deliberative scholars and theorists (Cohen & Arato, 1997; Lafont, 2006; Dryzeck, 2002; Bohman, 2010; Smith, 2015) have taken these two formulations of the Habermasian discourse principle, and following Habermas, they developed a theory of democracy focused on the epistemological, moral and political procedures of deliberation based in the public assent of the decisions taken by the political institutions (Habermas, 1996). Legitimacy and deliberative procedures are then intrinsically linked in deliberative theories of democracy. The justice of the norms and the binding force of the legitimate social norms lie in the achieved consensus over the policies and decisions made in the political institutions.

In this sense, deliberative theories of democracy find their roots in two main aspects from Rawls and Habermas: the idealized conditions for deliberation and the communicative processes of giving and taking reasons to and from the other parts as valid interlocutors. This mixture between Ralwsian rational individualism and Habermasian communicative action

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[114] *Cf.* Chapter II of this work. There I develop a reconstruction of the main ideas of the political action as a communicative action toward understanding in Habermas' theory.

makes the deliberative theories of democracy not purely Rawlsian nor Habermasian. Why is this mixture problematic? Mainly because they try to ignore social considerations on the restrictions to communicative action, that Habermas developed in his theory, and at the same time, they try to establish the Rawlsian notion of self-sufficient individuals in deliberation based on an individualistic conception of the rational and political subject. Almost all approaches to deliberative democracy have the theoretical mixture as its core element: For instance, James Bohman says:

> Defining democracy is made even more difficult by the fact that it should take different forms in different institutions. But as a working definition I offer the following: democracy is that set of institutions by which individuals are *empowered as free and equal* [emphasis added] to form and change the terms of their common life together, including democracy itself. In this sense, democracy is reflexive and consists of procedures by which its rules and practices are made subject to the deliberation of citizens themselves and *no others* [emphasis added). Democracy is thus an ideal of self-determination, in that the terms and boundaries of democracy are made by citizens themselves. (2010, p. 2.)

Cristina Lafont also takes the consent of *free and equal* citizens as the legitimacy criterium for democracy:

> At a minimum, the ideal of democracy entails a commitment to a political decision-making procedure that should secure the voluntary assent of its members (1) to substantively just outcomes (2). However, the democratic ideal suggests a stronger connection between both commitments. it suggests that satisfying the former condition intrinsically contributes to the satisfaction of the latter. For the procedure of making legislative decisions dependent on the voluntary assent of those who must comply with them requires taking the interests of all of them into consideration and thus it contributes at the same time to reaching substantively just decisions, that is, decisions equally in everyone's interest. a government "by the people" intrinsically contributes to the achievement of a government "for the people." (2006, p. 5)

These two examples allow me to highlight two main ideas of the deliberative theory of democracy. In the first place, Lafont and Bohman start from the idea of the possibility of achieving consensus among free and equal citizens. This starting point affects the idea of politics as consensus-oriented. The idealized conditions for deliberation can be seen in the presuppositions of the freedom and equality of the participants and mutual recognition as valid interlocutors, constituting in this way the first theoretical principle of deliberative democracy. In the second place, both authors assume that deliberation secures the justice of the result as long as they have the assent of all the possible affected by the rules and norms. This implies the notion of the rational citizen who can reflect unbiasedly on her conditions and act accordingly in order to satisfy and maximize the general good (Habermas, 1987).

Thus, the theories of deliberative democracy necessarily have to create an ideal model that allows them to secure the possibility of reaching a consensus. This necessity affects the notion of the field of politics and its procedures and also the concept of political actors. Regarding the political field and its procedures, deliberative democracy scholars have to suppose an institutional space under equal and horizontal relationships that includes all the possible worldviews available in a given society. These worldviews are always subject to revision and change through the public procedures of justification and reasons-giving actions of communication. In this process, the forceless force of the better argument guarantees the "best" results in the deliberation (Lafont, 2006, p. 10). The deliberative model for the political processes is almost a copy of the Rawlsian original position with the veil of ignorance because the deliberative democracy theorists have to ignore and exclude the real social conditions of interaction in a given society so they can secure the rational and just outcomes of the deliberation.[115] Legitimacy as the outcome of rational deliberation can only be achieved in a "realm of reasons", where the possible affected by the political decisions can engage in free and equal processes of justification to generate the procedural legitimation of the democratic policies and norms (Forst, 2014, p. 22). Thus, deliberative democracy can

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[115] *Cf.* Chapter II and III of this work

only be legitimate in a world without oppression, exclusion, and exploitation, that is, a world without power relationships (Allen, 2012).

The realm of reason as the field for deliberation gives form, necessarily, to the concept of the political subject that acts in a communicative form. The political subject is depicted as a) a rational being, that is, a subject able to give, ask and understand justifications and arguments in a discursive process; b) a free subject because only the subject that is non-subjected to external wills can be autonomous enough to participate in the processes of political self-determination; c) as a subject equal to the others, which means that all participants have the same inner moral value as political actors and they recognize each other as valid interlocutors in the deliberative processes of decision-making; d) The political deliberating subject is depicted, lastly, as a non-violent actor. Violence and coercion are not admitted in the deliberative space for decision-making, the problem is that the desirability of the forceless force of the better argument ends up being taken for granted (Dryzeck, 2002, p. 2; Smith, 2015, p. 2). The articulation of these four elements creates the democratic political subject as a rational, free, equal, and non-violent actor that can achieve substantially just results through the reasoned assent of the social rules and norms. The deliberative subject achieves then rational consensus as the legitimacy bases for the institutional procedures in a democratic regime (Lafont, 2006, p. 6; Nino, 2003).

The normative and abstract character of the model of deliberative democracy is clear so far. However, this aspect of the deliberative model has become one of the main arguments to defend this approach to politics. In this sense, the defenders of this perspective use generally two main arguments to justify the deliberative models. In the first place, the notion of legitimacy achieved through discursive processes among free, equal, and rational participants works as normative criteria to identify social and political problems in contemporary societies so they can be solved following the normative principles involved in the deliberative model. In this sense, the aforementioned situation of the indigenous collectivities in Colombia could be resolved by including them as free and equal participants in the institutional democratic set. The so-called democratic deficit that liberal democracies are facing nowadays can be solved by the inclusion of subaltern groups, particularly in the

context of the rise of authoritarian and populist political parties (Öniş, 2017, p. 22; Lührmann & Lindberg, 2019).

In the second place, and in close relation with the supposed diagnosis and prognosis potentialities of the deliberative model, the deliberative scholars justify their approach to democratic politics by focusing on the presumed success of the liberal constitutional model in the second half of the twentieth century. The political constitutions and the institutional processes they created for the regulation and administration of political power represent the social consolidation of the participative processes for decision-making (Ackerman, 1999; Nino, 2003; Bohman, 2010), allowing in this way the continuous legitimation of politics through the circulation of the communicative power (Habermas, 2010). Bringing back the previous example of the indigenous peoples in Colombia, a deliberative scholar could take a look at the existing constitution and see that they are already included as equal in rights in the institutional setting. The problem is then, once again, to include them in the real processes for deliberation (Constitución política de Colombia, 1991, art. 13 and art. 96).

These two arguments have been widely used to justify the deliberative model and they have had a greater influence on the social perceptions of politics, creating a situation in which the rational consensus is the only possibility for democratic political actions, isolating the theoretical reflections on politics from the real social conditions of the social hierarchies, and from the real and historical contexts that create inequality and the impossibility to participate for some groups -like the still existing European colonialism and imperialism imposed in the rest of the world. The consequence is the deliberated negation and obfuscation of the social conflict generated by the real and material conditions of inequality and oppression in global capitalism.

Despite the high acceptance and relevance of the deliberative approaches to democracy in the academic and political fields, there has been much criticism in the context of the latest capitalist crisis that put into question many of the achievements of the liberal and constitutional model of democracy that served as the foundations for the deliberative turn in democratic theory (Crouch, 2004; Vormann & Lammert, 2019: Allen, 2012; 2015; Mouffe,

2009; 2013). These critiques are constructed mainly around the idea that I have presented so far of the failure to acknowledge the power relations that determine the real possibilities of different social groups to actively participate in the decision-making processes of democratic institutions. This lack of recognition of the power structures leads to the invisibilization of the subaltern social groups that resist in different forms the exclusion from the political system and the oppression and exploitation they suffer in a justified manner within the theoretical frameworks of liberal democracy. And finally, the narrow aspect of the political action that the deliberative model of democracy presents by focusing on the institutional mechanism for legitimation and decision-making, leaves aside other forms of action like the contentious forms of resistance.

For instance, the high level of the commodification of politics in the current democracies generated by the power of *lobbies* to determine the outcome of decision-making relegates the main actors of the representative democracies: the political parties (Crouch, 2004; Brown, 2015). Thus, the political parties that were understood as intermediaries between the people and the political institutions have become mere instruments of the economic interests of multinational corporations and big companies (Crouch, 2004, p. 75). The real consequence of this intervention of the economic interest is that citizenship and the political rights to act politically within the institutional system become mere commodities to be bought and sold. Nowadays, politics is more focused on marketing than on the deliberation of ideas and the formation of public opinion as a form to intervene in the political processes. Fake news, advertising, and creating an *image* is the new way of doing partisan politics. Those political parties that continue doing politics in the "old" ways of presenting ideas for public deliberation have been generally relegated in the electoral campaigns (Ludwig, 2019, p. 3; Levitsky & Ziblatt, 2018). What comes from these practices is that those exclude from the market end up also excluded from the political arena, being in this way neglected from the institutional setting for decision-making. The excluded citizens become then unable to transform their interests and concerns into political action through the institutional mechanisms for political participation (Crouch, 2004, p. 103). Under the new politics of the

market and the commodification of politics, citizenship, and political participation, deliberation is impossible.

The problem of ignoring the power structures in contemporary societies, besides leaving aside the commodification of politics in the current democratic regimes, is that it makes obscure the real conditions of different social groups for political participation. The theoretical configurations of the public sphere and the shared spaces for intersubjective political action as a "realm of reasons", fair, unbiased, and under equal conditions, end up imposing a real and social veil of ignorance upon the lived situations of marginalization, oppression, and exploitation that many social groups suffer even in the well-ordered and democratic societies (Young, 1990, p. 41). The presuppositions of fairness and impartiality of the deliberative democracy model constructed on the abstract foundations of rational subjects and rational shared spaces, reduce the concrete and existing differences among social groups to an abstract and ideal unity of analysis. This reduction masks the interests of the hegemonic social groups by presenting them as rational and universal, justifying in this way vertical forms and structures for decision-making (Young, 1990, p. 96-97; Held, 2006, p. 146). Therefore, it is not strange that social movements, their protests, and their concrete demands are discarded as political actors because they do not adjust to the ideal conditions presupposed in the inner design and coherence of the deliberative model of democracy (Young, 2001, p. 675).

In contrast to the deliberative model and its paradigm of consensus as the basis for legitimate political outcomes, different theoretical positions have developed alternative approaches that try to make visible the real conditions of domination and oppression that suffer different social groups under the existing power relationships.[116] One of these positions that have become relevant in recent years is the theoretical and critical approaches of *radical democracy* theories (Little & Moya, 2009). This perspective tries to bring back the theory of democracy the social conflicts and contradictions as part of the political that the liberal and

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[116] The Critical Theory of the Frankfurt School, the Post-structuralism, Foucault and the microphysics of power, Marxism and new approaches to Marxism, social theory of contentious politics and post-colonial theories can be named as some of the best critiques to the deliberative and liberal model of democracy.

deliberative approaches neglect. By doing this, the theories of radical democracy have extended the reflections on democracy as a response to the theoretical hegemony of deliberative democracy.

II. Antagonism, conflict and social contradictions: Radicalizing democracy?

After the publishing of *Hegemony and Socialist Strategy* (2001) by Ernesto Laclau and Chantal Mouffe, a new field for the theories of democracy appear. Laclau and Mouffe take into account the social and the antagonism as the core element of the political to radicalize the theoretical debates on democracy. On the one hand, Laclau and Mouffe's approach to democracy pretends to criticize the political liberalism of late capitalism that justifies the power structures in the current market societies. The first thing to highlight from this theoretical position is that they denounce the obfuscation of the social conflict and power relations behind a curtain of impartiality or fairness. On the other hand, Laclau and Mouffe tried to justify an alternative to the traditional leftist politics that focused too much on the creation of a single party to represent the interests of the proletariat and the direction of the revolutionary efforts (2001, p. 176).

For this reason, *Hegemony and Socialist Strategy* can be seen as the starting point for the theoretical reflections around radical democracy or the radicalization of democracy. Radical democracy is then a response to the political theories that promise a final moment of reconciliation. Whilst traditional liberal and left politics rely heavily on freedom through the market or the final revolution of the workers, the radical democracy perspectives conceive the spaces for politics as conflictive, where the social antagonisms take place and configure the social structures for political action (Laclau & Mouffe, 2001, p. 5). Following the arguments expressed in the previous section, I can argue that the radical democracy theory allows wider scope for theoretical reflections on the current social relationships by extending the concept of political action and political actors to other spaces beyond the traditional institutional settings for decision-making, rational deliberation and mere representation through the vote.

Radical democracy has become a plural model with multiple perspectives such as the theories of Ernesto Laclau, Chantal Mouffe, Jacques Rancière, Iris Marion Young, Judith Butler, Nancy Fraser, Michael Hardt, and Antonio Negri, among others. In this section, however, I will not try to present every one of these theories on democracy, I will follow the conceptual structure proposed so far in this work and try to focus on the role of the contingency of political action, the social antagonisms of the multitude and the normative and communicative conflicts that constitute the field of politics in the construction of the concept of democracy in movement and resistance. These ideas aim to criticize the promises of the final reconciliation through peaceful and rational deliberation as the core element of the theories of democracy.

In this sense, from radical democracy's point of view, the democratic processes should be understood as always open and under constant transformation and re-signification according to the multitude of subjectivities in interaction. The democratic rules and procedures are always open to debate because there is no final form of democracy that is valid for all contexts. The idea of a democratic closure, that is, the development of an administrative and political model for decision-making that includes the different interests and social positions that constitute the social spaces for interaction is impossible unless the multitude of subjectivities is reduced to a homogeneous unity.[117] The reconstruction of the idea of pluralism in the reality of social conflicts is one of the main contributions to the theory of democracy. As Mouffe says:

> The typical understanding of pluralism is as follows: we live in a world in which there are indeed many perspectives and values, but due to empirical limitations, we will never be able to adopt them all; however, when put together, they can constitute an harmonious and non-conflictual ensemble. I have shown that this type of perspective, which is dominant in liberal political theory, has to negate the political in its antagonistic dimension in order to thrive. (2013, p. 3)

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[117] *Cf.* Chapter III of this work.

The need to negate social conflicts relies on abstract constructions of the political subject and the political action, presenting the consensus without exclusion among free and equal participants as the source of democratic legitimacy. However, a consensus cannot be achieved without exclusion. The consensus represents mainly the ideological hegemony of the ruling classes:

> Moreover, the pursuit of consensus is also seen as a way of excluding oppositional voices to the dominant perspectives on democracy so that politics does not operate in a suitable inclusive manner. While, indeed, there may well be arguments that are not deemed to be appropriate in democracies (for example, those in favour of racial vilification), the reification of democratic procedures such that any oppositional voice which challenges the structures of democracy is deemed inappropriate is the thin end of a substantial wedge. (Little, 2009, p. 185)[118]

In contrast, material democratic societies and their organizational forms are always permeated by contingency and power relations and, for this reason, every institutional political system should be conceived as a working tool for the hegemonic interests in the social relationships, which implies that every achieved consensus in the context of real social processes and conditions for decision-making (non-abstract conditions of a free subject) represents necessarily a reproduction of the hegemonic structures of social interaction (Mouffe, 2009, p.42; Laclau & Mouffe, 2001, p. 179).

A second idea that can be associated with the perspectives of radical democracy assumes that social conflict, in the form of a multitude of antagonisms, creates and configures the social spaces for interaction. Instead of the realm of reasons for political action and political actors that allows the achievement of consensus with the forceless force of the better argument (Allen, 2012, p. 359); instead of the liberal perspective on the individual aggregation of interests as constitutive of the social spaces, the radical perspectives on democracy, by assuming the reality of the social conflict, take into consideration the different struggles that

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[118] The forms that the politicans and public figures used to refer to the protests of the Minga and the Yellow Vests are good examples of the democratic exclusion of other points of views.

co-exist alongside the democratic institutional settings. These struggles are not seen as problems to solve, even less through rational abstractions (Mouffe, 2009, p. 21). The struggles are what constitute politics as a realm of social antagonisms. Politics understood as the stage of the political, implies then the possibility of struggles – violent or not- among the different positions and interests. This perspective opposes the purely procedural and administrative concept of democracy that has extended around the world since the end of World War II (Rancière, 1999, p. 28). Hence, the reflections on democracy should take into account the power relations that create the real capacities to make claims in the public sphere and the possibilities of different social groups to appear in public to others. That means that a theory of democracy should include the social as the space for the multitude and the conflicts among the different social actors. The multitude of social actors constitutes themselves in the shared space of hierarchies and the normalization of power relations that justify the partition of the political field, with different levels of shares and charges. As I have argued in the previous chapter, the shared communicative spaces end up imposing particular forms of domination in the form of consensus. Mouffe says:

> We could say - this time using Derridean terminology – that the very conditions of possibility of the exercise of democracy constitute simultaneously the conditions of impossibility of democratic legitimacy as envisaged by deliberative democracy. Consensus in a liberal-democratic society is -and always will be- the expression of a hegemony and the crystalization of power relations. The frontier that it establishes between what is and what is not legitimate is a political one, and for that reason it should remain contestable. To deny the existence of such a moment of closure, or to present the frontier as dictated by rationality or morality, is to naturalize what should be perceived as a contingent and temporary hegemonic articulation of 'the people' through a particular regime of inclusion-exclusion. The result of such an operation is to reify the identity of the people by reducing it to one of its many possible forms of identification. (2009, p. 48-49)

The field of the social as a multifaceted net of antagonisms and power relations transforms the notion of the political subject in the theories of radical democracy. The rational individual

acknowledges the others as valid speakers, under equal and free conditions for deliberation that allows for the legitimacy of the better argument in the reasons-giving reasons-demanding processes. The idea of the epistemic, moral, and political aptitude of decision-making through the better argument as the result of rational deliberation is replaced by the multitude of political subjectivities in a constant movement of construction and transformation. Political subjectivities are not conceived in a unilineal and positive form as in the deliberative perspectives. In contrast, the political subjectivities of radical democracy theories are constructed negatively, always in the context of social oppositions and conflicts. This is what I called the multitude in movement in chapter III: a plurality of subjectivities always in a process of transformation and struggle among them. In this conflictive social space, normative criteria like emancipation and inclusion could help political theorists to identify the power hierarchies. For this reason, the moral and epistemic expectations of social groups should always be conceived under real conditions of oppression, exclusion, and exploitation, in which many different actors are involved (Hardt&Negri, 2004; Rancière, 1999; Laclau, 2008; Young, 1990; Spivak, 1994).

In this sense, politics as the field and stage for social contradictions should be defined in the conflictive space of the social, not only in the institutional setting for decision-making and bureaucratic administration (Martin. 2009, p. 94). Given that the theories of radical democracy do not assume an *a priori* political subject, political and state institutions cannot represent completely all the possible affected by the decisions taken in the institutional spaces, the consensus is also impossible to achieve given this multitude. In consequence, democratic politics are not only referred to as the institutional settings for the establishment of public agendas and administrative prerogatives. The space of the multitude is the space of democratic struggles.

This notion of the political subject as a conflictive multitude in a constant process of transformation works as a basis for the idea that the partisan politics of political representation and mediation do not exhaust democracy. Democracy should be understood beyond the political governance of the state establishment because that would allow political theory to include alternative forms of political participation and association in the form of

the social struggles that different social actors perform in the public sphere as the shared space to be seen and heard. Rancière offers a very useful notion of democracy in the context of the radicalization of democracy. As we have seen in a previous chapter,[119] The French thinker makes a distinction between the *police* and the *politique*. The first one refers to the state bureaucracy and the administrative and institutional mechanism for the allocation of rights and duties, that is, for the allocation of social roles that determine the real possibilities for political action and the conditions for social interaction. The second one refers to the dissent and disruption with the established partition and imposition system of the 'legitimate'. The *politique* occurs when the groups that are not supposed to appear in the public sphere, appear. When workers, women, students, and migrants, among others who are usually not represented in the institutional system appear in the public space; there is when democracy is performed (Rancière, 1999, p. 29-30).

Take, for instance, a society with a production system based on slavery, that makes the distinction between the free people and the not-free as *instrumentum vocale* – speaking tools- (Anderson, 2013, p. 17). The division between masters and slaves is the basis upon which the rights and duties of the different social groups are allocated. The system that regulates the rights of the free and the duties and obligations of the slaves is the *police*. But when the slaves refuse to act according to the established system of distribution and partition of the social roles by fleeing, rebelling, or simply not working according to the expectations of the masters is when the *politique* is performed as a moment of dissent with the consensus of the imposed social order (Rancière, p. 32).

However, it is necessary to clarify that not every single act of disruption and dissent can be taken as the enactment of democracy. As long as the starting point is the action of the political subjectivities under real power relations, the enactment of democracy as a moment of dissent and disruption implies an evaluation of the emancipatory content in the actions of the subordinated groups. Freedom and equality are still important normative criteria in the theories of radical democracy in so far as they are taken within the framework of the struggles

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[119] *Cf.* Chapter II of this work

against the hegemonic and naturalized forms of domination, oppression, and exclusion. In this sense, the idea of democracy has a clear performative character of appearing before others to make visible the social conditions of domination, exploitation, and exclusion of the subaltern groups (Butler, 2015, p. 68). Therefore, democracy is understood as a moment of resistance against the changing forms of subjugation and domination. As Laclau and Mouffe say:

> Clearly, when we speak here of the 'political' character of these struggles, we do not do so in the restricted sense of demands which are situated at the level of parties and of the State. What we are referring to is a type of action whose objective is the transformation of a social relation which constructs a subject in a relationship of subordination (...) What we wish to point out is that politics as a practice of creation, reproduction and transformation of social relations cannot be located at a determinate level of the social, as the problem of the political is the problem of the institution of the social, that is, of the definition and articulation of social relations in a field criss-crossed with antagonisms. Our central problem is to identify the discursive conditions for the emergence of a collective action, directed towards struggling against inequalities and challenging relations of subordination (2001, p. 153).

Despite the emphasis that the theories of radical democracy make on the emancipation and inclusion of the subordinated groups, their proposals are generally criticized by the liberal models of democracy, both aggregative and deliberative. The theories of radical democracy are accused of being relativistic because they do not base their proposal on universal principles, which affects the real possibilities of implementing these models in contemporary societies. On the one hand, the theories of radical democracy present contextualistic notions of freedom and equality, which are seen as weak normative criteria to steer the political action of the social groups that end up weakening human rights in real democracies. The post-foundational political theories of radical democracy start by pointing out the constructive and social nature of political freedom and equality, in contrast to the transcendental notions of the liberal tradition that postulate freedom and equality as universal principles that constitute

the conditions for the possibility of democracy.[120] Radical democracy theories rely on the idea of the social processes of construction of meaning for freedom and equality as context-depending signifiers (Laclau, p. 36-37). The critics of radical democracy argue that the absence of strong normative criteria hinders the development of democracy as the institutional regulation of political and social conflicts, which in turn hinders the possibility of overcoming acute social problems such as authoritarian populism, poverty, or discrimination (Marchart, 2007; 2018).

On the other hand, the lack of "definitive solutions" in the theories of radical democracy creates the second core of critiques. The centrality of conflict and antagonism in radical democracy leads to an underestimation of the theoretical contributions of this perspective. In this sense, other perspectives such as the deliberative model of democracy tend to be more attractive and are considered more useful to achieve democracy in Third World countries and the "peacebuilding" processes that many of these societies experience. Taking into account these critiques, can we think of democracy in the context of multiple and conflictive social relations? Or it is mandatory to presuppose transcendental conditions in the Kantian sense to think of the political theory of democracy?

III. Fundamental Disagreement and Crisis of Liberal Democracy.

The idea of the "crisis of democracy" has become a trending topic in contemporary political theory (Crouch, 2004; Vormann & Lambert, 2019; Mounk, 2018; Ludwig, 2019; Lührmann & Lindberg, 2019; Levitsky & Ziblatt, 2018; Castells, 2018; Mair, 2015). The topic took force after the apparent[121] re-emerging of authoritarianism around the world with politicians

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[120] The idea of transcendental principles has been already discussed in previous chapters (*Cf.* Chapter II and III). Transcendental here means, in the Kantian sense, the exposition of a concept as the principle from which the possibility of others ideas can be understood. The original position in Rawls' theory work in this way because it establishes the conditions of possibility for the justicie as fairness. Kant says about the transcendental exposition: "Ich verstehe unter einer transscendentalen Erörterung die Erklärung eines Begriffs als eines Princips, woraus die Möglichkeit anderer synthetischer Erkenntnisse *a priori* eingesehen werden kann." (Kant, *KrV*, B 40 / A 25). In this sense, and following Rawls' theory, freedom and equality are not the result of a deliberative process but the neccesary condition for it. Same thing can be said about the role of the people as a unified political subject or the non-violent, reasonable political action.

[121] It it is apparent because the traditional and liberal theories of democracy assume that the authoritarian forms of politics were defeated or almost disappeared from the political world after World War II. The problem with

such as Donald Trump in the United States or Jair Bolsonaro in Brazil, among others. The rise of authoritarian populism has been seen as a consequence of different aspects. In the first place, people seem to have lost any confidence in the traditional political parties. This lack of trust affects the real capacity of the citizens to translate their concerns into political action in the context of the institutional mechanisms for political participation (Crouch, 2004, p. 103; Mair, 2015, p. 34). In the second place, the more complex relationships in contemporary political systems affect the traditional mechanisms for political participation, making the authoritarian challenges more difficult to deal with (Levitsky & Ziblatt, p. 30-31). In third place, the economic crisis of capitalism affected the perception of the ordinary people of politics and politicians, creating social discontent that promotes the crisis of the liberal, democratic institutions (Mounk, 2018, p. 158). Finally, one can name the idea that the traditional values of liberal democracy have become obsolete in a world where Neoliberal policies create the conditions for economic inequalities and individual selfishness (Levitsky & Way, 2015, p. 48-49).

The question of the crisis of democracy should also be assumed as a consequence of the mercantilization and commodification of politics itself. The conquest that the liberal market did of the fields of politics has led to a de-politicization of the political. Multinational companies and their lobbies, and international economic organizations like the International Monetary Fund or the World Bank have extended the idea that nowadays politics is more a matter of technical administration than a question of power and social conflicts. Unwillingly, the deliberative and consensus paradigm has contributed to the extension of this idea because the focus on rational and reasonable agreements usually leaves outside of politics any consideration of real power conditions and the different forms of subordination.[122] As discussed previously, the abstract notion of "the people" and the elimination of power conditions leads necessarily to ignore the multitude in conflict as a plurality of subjectivities in an ongoing process of construction. The technocratization of politics, or the world of *post-*

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this presupposition of the "victory of democracy" is that is has always ignored the ideological courtain that hides the reality of inequality, coloniality and reality of political power in the global capitalism (Marcuse, 2002).
[122] *Cf.* Chapter II and III of this work.

politics (Zizek, 1999) or *post-democracy* (Crouch, 2004; Rancière, 1999) are the results of the inner practices and mechanisms of liberalism.

In this sense, the promotion of the Neoliberal free market and the liberal creed of the consensus as the basis for legitimate political action have extended the perception of politics as business and managerial technics. Two consequences can be highlighted here. In the first place, the emergence of the so-called *populism* in Western democracies should be located not in external factors but in the hegemonic practices of the liberal model itself (Errejón & Mouffe, 2016; Laclau, 2007; Vormann & Lammert, 2019). In the second place, the hegemonic preeminence of the liberal models of democracy leads to matching together any non-liberal form of political action, as if *Podemos* in Spain were the same as Bolsonaro or Trump (Mounk, 2018). This, of course, has ended up strengthening right-wing authoritarianism and weakening any alternative force (Hardt & Negri, 2004; 2009; 2012; 2017).

The post-democratic liberal world immersed in post-politics becomes then relevant for the political theory of democracy. At first, it seems as if the notion would imply a historical moment beyond democracy. However, the prefix "post" here means the political conditions where political action surpasses the traditional mechanism and subjects and has been monopolized by a set of institutionalized elites (Rancière, 1999, p. 99-100). The technification and commodification of politics create a space destitute for the political. That means, the current liberal democracies have become empty in their decision-making processes and purely formal in the protection of equality and freedom (Meyer, 2011, p. 21-22).

All these aspects conclude with the idea of the crisis of the liberal political paradigm for the theories of democracy. In this context, re-thinking democracy becomes necessary to fight back against the authoritarian trend around the world. However, the critical aim of political theory should not be the defense of the liberal paradigm as if it was the best possible system (Mounk, 2018), but to visibilize the already existing political forces that have been always fighting back and resisting in the context of the ever-changing conditions of domination,

exploitation, oppression, and exclusion: the emancipatory social movements.[123] The theoretical and philosophical defense of these forms of resistance needs a general starting point, not as a condition for democracy, but as a previous situation for the analysis of the political actions of resistance in the context of the existing political institutions and institutionalized mechanisms for political participation in the liberal and representative democracies. This starting point is the fundamental disagreement and social conflict (Rancière, 1999; Marchart, 2007; 2018).

The fundamental disagreement can be understood as the disruption of the established system for the allocation of rights and duties in society that determines who is a valid speaker and who is merely an *instrumentum vocale*, i. e., the fundamental disagreement implies the contestation of the hegemonic consensus over the social roles of the different social groups. Since Aristotle, there has been a clear division between does who count as part of the social system and those who are subordinated: slaves, women, foreigners, and children cannot be included as political actors because they do not have *logos*, they cannot speak (Spivak, 1994). This idea is important because the ability to speak and deliberate on what is just or unjust is what makes a human being:

> It is thus clear that man is a political animal, in a higher degree than bees or other gregarious animals. Nature, according to our theory, makes nothing in vain; and man alone of the animals is furnished with the faculty of language (*logos*). The mere making of sounds (*phoné*) serves to indicate pleasure and pain, and is thus a faculty that belongs to animals in general: their nature enables them to attain the point at which they have perceptions of pleasure and pain, and can signify those perceptions to one another. But language serves to declare what is advantageous and what is the reverse, and it is the peculiarity of man, in comparison with other animals, that he alone possesses a perception of good and evil, of the just and the unjust, and other similar qualities; and it is association in these things which makes a family and a city. (Aristotle, *Politics*, 1253a7)

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[123] *Cf.* Chapter I of this work.

There is a clear division between speaking and not speaking subjects. The reasons can be given by those who speak, while the non-speakers can only make noises of pleasure and pain, they cannot participate in the discussions on the just and unjust. However, what a first glance looks like a distinction between human and non-human animals, is actually a justification for the domination and subordination of certain social groups:

> We may thus conclude that all men who differ from others as much as the body differs from the soul, or an animal from a man (and this is the case with all whose function is bodily service, and who produce their best when they supply such service)—all such are by nature slaves. In their case, as in the other cases just mentioned, it is better to be ruled by a master. Someone is thus a slave by nature if he is capable of becoming the property of another (and for this reason does actually become another's property) and if he participates in reason to the extent of apprehending it in another, though destitute of it himself. Other animals do not apprehend reason but obey their instincts. Even so there is little divergence in the way they are used; both of them (slaves and tame animals) provide bodily assistance in satisfying essential needs. (Aristotle, *Politics*, 1254b16)

The enslaved people are destitute of reason, and because of this, the slaves should be ruled by their masters. As a consequence, the only possible social role for the subordinated slaves is to assist the ruling class as tame animals. This point shows where the radical distinction takes form as the exclusion from the communication community. The argument here is that the idea of deliberation can only work when we ignore the power conditions that excommunicate the subordinated groups from the "realm of reasons". For Aristotle, it is not expected from the enslaved people to be able to argue in a public deliberation over the just and unjust, it is expected from the enslaved people only to obey. This is the naturalization and normalization of the subordination through the existing consensus on the rationality of those who can and cannot take part in the deliberation. The quoted fragments from Aristotle's *Politics* work as an example, but we can extend this notion to women, LGTBQI collectives, ethnical minorities, and other subaltern groups. The question here is how to expect excluded

groups to intervene in the deliberation of democratic processes for decision-making.[124] The abstract inclusion of the excluded does not properly answer this question. On the contrary, it makes invisible the real social distinctions between those who are considered a deliberating part and those who are not. The consequences are the monopolization of political decision-making power, the dehumanization of social groups, and the justification of the use of "legitimate violence" by the forces of order (Rancière, 1999, p. 22-23; Fassin, 2016, p. 150-151; Trautmann, 2018).

The subaltern groups cannot speak, they can only make sounds of pleasure or pain, they have *phoné* but they lack *logos*. That is Spivak's conclusion in her famous essay (Spivak, 1994, p. 104). Not being able to speak does not mean that the subaltern cannot perform communicative actions. It means that they are not socially and politically recognized as valid speakers, they cannot appear in the realm of reasons because they do not have one. The consequence is that the public demands they present are considered mere noise and cannot be counted as valid arguments. Even the universalization of human reason cannot guarantee that the subaltern social groups are being effectively included. That is the reason why the fundamental disagreement works as the starting point for re-thinking democracy because it refers to unequal access to the communicative community and communicative resources (Bourdieu, 1991, p. 50-51). That means that unequal access is not provided by particular limitations on different groups but by a systematic exclusion made legitimate by the idea of rational consensus. Any demand or claim expressed in public by any subaltern social group is easily canceled by the ruling groups through the hegemony of reasonable arguments and democratic procedures.

The fundamental disagreement as the starting point implies taking into account the actions of disruption with the hegemonic consensus in the shared spaces for communication, Therefore, it is also a process of breaking the ideological reproduction of the social structures of domination and the social hierarchies that establish who *speaks* (rational deliberation) and who is just complaining (the irrationality of the *phoné*). This form of disagreement is at the

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[124] Just compare Aristotle's arguments to the public expressions of politicians and spokespeople on the Colombian indigenous movement or the French *Gilets Jaunes* mentioned at the beginning of this chapter.

base of political interaction because it is not a simple misunderstanding or a wrong interpretation of others' arguments. The fundamental disagreement works as the ground for political interaction because the political conflicts start from the absence of recognition of the subaltern as people able to give and demand reasons. The communicative exclusion, justified by the valid arguments of the hegemonic framework, is a central feature of the deliberative processes toward consensus.

In this sense, the fundamental disagreement can be located in the enactment of freedom and equality that subaltern groups perform in the public sphere as the shared normative structures for communication. The interesting feature of the fundamental disagreement is that it no pretends to reduce or subsume any other form of social antagonism. It is coherent with different social struggles and serves as the condition of possibility for emancipation because it does not pretend to be resolved in the final stage of human history but remains as the basic social conflict that determines the possibility of politics. Therefore, politics is conceived fundamentally as a communicative action of resistance against the justified forms of exclusion that enact the normative concepts of freedom and equality by giving them content through particular forms of action that go beyond the liberal and institutional mechanisms for participation.

Upon this base, we can understand and conceive democracy as an always ongoing process of resistance. First, freedom and equality as the normative framework that is filled with content through the materiality of the struggles allow the distinction between emancipatory social movements and reactionary groups. That means that not all actors are necessarily democratic because not all of them enact freedom and equality. Second, not every action of disruption is democratic in itself. The achieved forms of emancipation can be contested, and this is often the case. Any movement that starts from exclusionary premises (for instance racism, chauvinism, and fascism in general) cannot be included as a disruptive form of resistance. Third, the fundamental disagreement does not privilege a single political subject as the force of emancipation. The communicative conflict over the shared normative structures allows for the inclusion of multiple and intersected subjectivities in resistance. Finally, the social processes that are generated from the fundamental disagreement should not be reduced to the

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traditional evaluation of political income and outcome in the context of the existing institutional settings. The fundamental disagreement serves as a social and political ground to analyze the long-term processes of social transformation as long as it conceives the shared spaces for interaction as communicatively mediated and in different forms of power relationships.

Taking into account the normative principles that lie at the core of the theoretical and political understandings of democracy since ancient Athens, freedom, and equality can be found in the actions of disruption that perform different subaltern groups as an enactment of equality (as speaking beings) and as an enactment of freedom (acting themselves instead of depending on third parties, that is the autonomy of the communicative action). If we extend the notion of political action beyond de institutional mechanisms of liberal democracy, then we can make visible at the theoretical level the struggles and normative demands of the subaltern groups. For this reason, democracy as a form of resistance does not work as an institutional model. On the contrary, democracy as a constant movement of resistance takes into account the actions of the subaltern groups in the conflictive multitude of heterogenous subjectivities. As these groups resist and act against the different forms of domination, exclusion, oppression, and exploitation, they put in movement democracy as an always-open process of struggles. Fundamental disagreement and power relations are always present in politics. In this sense, the notion of a final reconciliation of social contradictions is taken in this perspective as an illusion that contributes to the dominating ideology and the reproduction of the existing structures of social power. In a normative sense, democracy can be found as the demands of the subaltern groups that disrupt the normative and communicative valid structures, that means when a social group through its actions in public show that they can speak, they create a moment of equality and freedom that breaks the normality of the status quo.

The fundamental disagreement represents then an act of resistance because it resignifies in a discursive and normative sense the hegemonic structures for communicative action in the social and political world. The fundamental disagreement as a counter-hegemonic act of resistance allows us to see democracy in the political actions of the subaltern groups, beyond

the representative fictions of the liberal and formal legitimacy of decision-making. In this way, the different groups that act in a non-institutional form can be included in the theoretical reflections on democracy, not as mere peripheral actors or as a symptom of the crisis, but as political actors that move democracy.

IV. Conclusions: Democracy as a Constant Movement of Resistance.

In the first section of this chapter, I argued that the model of deliberative democracy is grounded in the notions of impartiality as the condition for reasonable deliberation and non-coercive communicative action. From this base, democratic legitimation is constructed as the relation between the procedural mechanisms for decision-making and the substantial and reasonable content of the agreements achieved under such conditions of impartiality and the absence of coercion. Democratic legitimacy depends then on the free communicative action and the reasonable consensus achieved among the parts (Habermas, 1979, p. 3; Lafont, 2006, p. 20-21). Disagreement is understood as a secondary or even non-existent feature in democracy, which leads to the underestimation of the social struggles that give concrete content to the otherwise abstract ideals of freedom and equality. That means that in the deliberative model of democracy, social struggles and public demands on the part of the subaltern groups do not count as political or democratic actions or are taken as peripheral to the institutional core (Habermas, 1996, p. 383).

In the second section, I presented the idea of radical democracy as a moment of disruption with the hegemonic consensus that justifies the status quo. The social antagonism and disagreements among the interests of the social groups are necessary to understand the emancipatory practices of the subaltern actors in the political field of democratic struggles. This idea allows us to criticize the theoretical presupposition of the liberal and deliberative models because it makes visible the social contradictions that determine the real possibilities for participation or taking part in the decision-making. The theories of radical democracy serve to go beyond the transcendental subject of deliberative democracy, especially in its North-American version, which constitutes a starting free and equal subject as the base and

the aim of democracy: democratic legitimacy needs the consensus of free and equal subjects to achieve the conditions for freedom and equality.

The third section presented the notion of fundamental disagreement as a form to understand the political struggles in the context of democracy in movement. This notion allows us to reflect on the social hierarchies and power-laden relations in society as the starting point for re-thinking democracy. What is implied with the notion of a fundamental disagreement is that we should avoid theoretical constructions that rely on purely formal concepts of freedom and equality that need an abstract, horizontal, and non-existent social context where all the parts of the society are included in the decision-making. The normative interests behind the rationalization of the social fields for political interaction have the negative consequence of making invisible the real forms of oppression, exclusion, and exploitation. Furthermore, they end up reproducing the ideological tools of the status quo that justify the social divisions between the dominating and the subaltern groups. What follows is that the subaltern groups are in a particular situation where they cannot speak (Spivak, 1994; Bourdieu, 1991; Tarrow, 2011; Fricker, 2007). Not being able to speak does not mean that they cannot perform communicative actions and therefore depend on others to speak for them. It means that their subaltern condition leaves them as unacknowledged participants, whose communicative actions do not count as valid arguments in the supposed horizontal and rational deliberation of the institutionalized democracies.

The part of those who have no part in deliberation represents a moment of disruption with the established consensus of what is just and unjust, what is right, and what is wrong by making their claims and voices visible to the shared spaces for communication. One can argue at this point that the form of collective action that lies behind the public performances of social movements depends on an idea of consensus, at least on a form of consensus within the movement itself. However, this form of collective action is taken as concerted action among individuals that share similar conditions of subordination (Renault, 2004; 2008). The real experience of suffering is at the base of the social interaction, not a mutual understanding among the parties. There is not a rational consensus achieved by a rational deliberation oriented toward understanding and agreement in the fundamental disagreement as a starting

point for thinking of democracy. Taking society as a shared space for communication, the disagreement of the subaltern groups is a necessary condition previous to any form of organized and collective action. That means that the social field is the space for conflictive interaction among the multitude of subjectivities in an always ongoing process of self-construction. The non-conformity with the status quo is the first step to acting collectively, then come the concerted forms and repertoires for action (Tarrow, 2011; Tilly, 2013; Tilly & Tarrow, 2015). In this sense, the fundamental communicative action, the base for any act of resistance against injustice, oppression, and exclusion should be located in the social contradictions created by the partitions of the social that determine the roles and places of the social groups. Thus, the basic communicative action of resistance is an act of indignation and disruption. Without the fundamental disagreement, indignation against injustice would not be possible in the established frameworks for social and communicative interaction.

A second argument can be offered to criticize the notion of fundamental disagreement. As long as the communicative action is also social, language should be always understood based on consensus over the linguistic practices that allow the parts in communicative exchanges to understand each other (Habermas, 1979a; 1987). Therefore, any communicative action performed has to be located on a consensual basis or it would not be intelligible for the communicating participants. The question here is how do the participants understand the communicative actions. It has been assumed that the rational and transcendental subject of modern politics can express arguments and reach different forms of understanding following rational rules of deliberation (Lafont, 2006; Dryzeck, 2002), but once again we are facing the modern presupposition of a power-neutral language that negates forms of subordination legitimated by the linguistic forms of communication (Renault, 2008, p. 27).

To respond to this argument we can use the same conception of language as socially situated and mediated. However, and as I have insisted before, the fact that language is socially shared charges it with power relations that determine the forms of expression and communicative performances. That means that language as a human and social practice is necessarily subjected to power categories that affect the participants in communicative exchanges. This form of social power in language allows the dominant groups to control and justify the actions

and worldviews of the subaltern (Fricker, 2007, p. 3; Medina, 2013). What follows from these power-laden conditions in communication is that not all parts have access to the same linguistic resources, not all parts count as valid participants -think of the slaves and women in ancient Greece- and not all parts of communication have the same cognitive conditions. By cognitive conditions I mean the normative communicative tools to understand their situation as just or unjust, which leads to the understanding of the subaltern groups in a condition of a cognitive disadvantage because they cannot interpret some experiences as unjust or fundamentally wrong (Fricker, 2006, p. 97). For example, women experiencing sexual harassment were lacking the linguistic tool to understand and name their particular experience of a wrong suffered. The conduct normalized as "innocent flirting" was hindering them to interpret as an unjust situation what they were living in their everyday contexts. Only after the disruption with the communicative normalization of harmful behavior, by resignifying the meaning of the situation with the introduction of the idea of sexual harassment, the women become able to interpret and understand this particular situation as unjust, and to fight it back (Fricker, 2006, p. 99).

In this sense, the fundamental disagreement is the moment of breaking with the conditions that reproduce the hermeneutical and testimonial injustice that normalizes the cognitive inequalities among participants (Fricker, 2007, p. 8-9). Thus, the communicative action takes a negative, critical form, which allows us to approach the social conditions of power relations and communicative inequality as the point where the subaltern groups start to understand their experiences as unjustifiable and then can fight back these situations. But where is democracy?

Democracy as an always-moving process of resistance is a theoretical approach that tries to make visible the existence of social groups that in different ways mobilize the struggles for inclusion and emancipation. For this reason, democracy in the movement does not imply the proposal of an institutional model. It takes the normative expectations of democracy -freedom, and equality- in their universal and abstract forms and tries to make them concrete by attaching the ideas to the real struggles of subaltern groups in different contexts. That means that democracy in movement as a theoretical perspective avoids the teleological

perspectives of a final situation of reconciliation and assumes politics as an always moving conflict among a multiplicity of also moving subjectivities. Social groups co-exist within institutional frameworks, there are of course better frameworks than others. But as soon as we forget to include the power relations that configure the real conditions for the manifold of the multitude around the world under the global capitalist system, then we start to make invisible their experiences of injustice and we end up constructing political theories on the clouds. The Colombian indigenous groups are a good example of the invisibilization of the situation they live in by rational abstractions of the political institutions and formal principles, but they are also a good example of fighting back by disrupting the supposed democratic institutions.

Does this mean that emancipation cannot be achieved? No, the promise of an ultimate stage of human progress toward freedom and equality cannot be achieved. A final moment or the end of history is a rational illusion. But this does not mean that we should resign ourselves to injustice, tyranny, and exploitation. On the contrary, this idea shows that despite the formalities of institutionalized democracy, real democracy has been always moving on the streets, on the internet, and in many different spaces as a force of disruption with the normalization of the consensual status quo. Democracy has been moving towards unachievable emancipation, democracy has been always a moving force of resistance.

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