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# On a radical democratic theory of political protest: potentials and shortcomings

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## ABSTRACT

The increasing number of protest activities urges political and social philosophers to analyze the meaning and function of protest in modern democracy. Its focus on conflictive social relations makes radical democratic theory the most promising approach currently at hand for such an endeavor. It allows us to comprehend today's form of protest as a critique of the current shape of modern democratic order (and not as interest politics or as a struggle for rights). Accordingly, radical democratic theory has established itself in academic discourses and is widely and well received by political activists. Notwithstanding its critical potential, I argue that radical democratic thought is not in a position to conceptually grasp the *differentia specifica* of a democratic order and to sufficiently determine the meaning of protest for democracy. A democratic and social theory of political protest in modern democracies is, therefore, still waiting to be developed.

**KEYWORDS** Political protest; constitutionalism; radical democratic theory; social movements; depoliticization

## Introduction

For several decades, 'depoliticization' and 'post-democracy' have been prominent terms used to portray the state of modern Western democracies. In recent years though, new forms of political protest seem to bear witness to an increased politicization. Its spectrum ranges from anti-austerity protests in Madrid or New York to digital protest (in the form of leaking, hacktivism or virtual sit-ins), refugee protests (such as in Calais) to right-wing protest against an alleged Islamization of Europe (e.g. PEGIDA in Germany). And whenever G8, G20, or multilateral economic organizations meet, transnational protest emerges, for which place names such as Seattle, Genoa or Hamburg have become ciphers. The theoretical inquiry into the relationship between political protest and the state of modern Western democracies will be the subject of my paper. For the increasing number of protest activities

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on the one hand and different ‘disfigurations’ (Urbinati, 2014) of democracy, from populism to new forms of authoritarianism and illiberal democracy, on the other urge political and social philosophers to analyze the meaning and function of protest in modern democracy.

One theoretical approach that is particularly well suited to this endeavor, which has established itself in academic discourses and is also widely received by political activists, is radical democracy theory. It is, therefore, the aim of my subsequent deliberations to work out the potential and deficits of radical democratic theorization of political protest. Radical democratic theory allows us to comprehend today’s form of protest as a critique of the current shape of modern democratic order (and not as interest politics or a struggle for rights). Its focus on conflictive social relations makes it the most promising approach for the theorization of political protest currently at hand. Notwithstanding this potential, however, I argue that radical democratic theory is not in a position to conceptually grasp the *differentia specifica* of a democratic order – especially in contrast to other political order formations – and to sufficiently determine the meaning of political protest for democracy. A democratic and social theory of political protest in modern democracies is still waiting to be developed.

Other theoretical approaches, such as a (liberal) rights-based approach partly engage with complexities of protest today, but their juridical observation scheme narrows protest down to a ‘struggle ... for rights’ (Colliot-Thélène, 2011, p. 208). For them, the political significance of today’s protest movements is to secure acquired rights, to extend the circle of beneficiaries and/or to advance rights ‘in new and unexpected ways’ (Lang, 2017, p. 30).<sup>1</sup> In contrast, the findings of protest and social movement research reveal that much of this protest is not first and foremost concerned with claiming or extending or ensuring rights. Many recent political protest movements aim at radical political change (i.e. also changing the notion of how political change can be accomplished), right up to the revolutionizing of the social, political, and economic order, and the establishment of alternative social life forms (Della Porta, 2015).<sup>2</sup> One might not agree with the content of this fundamental critique. However, radical democratic thought provides a vocabulary to better comprehend the political meaning and significance of these collective practices of (confrontational) contestation, its new organizational forms and the identity construction of many of these new protest movements (see Bassett, 2014; Lorey, 2014).

In the following, I will argue, therefore, that the theory of radical democracy must be considered as a conceptual advancement of democratic theory since it can help us a good deal to capture some specifics of today’s protest and is therefore preferable to other approaches to interpreting political protest. However, the problem with radical democratic theory in determining the function and meaning of political protest in modern democracies is

that it lacks a sense as to what extent the elements of order in modern democracies (courts, rights, institutions etc.) enable and shape the practices of protest. As a result, the normative implications arising from this for an understanding of democracy and democratic order just as much as of protest itself remain opaque.

My thesis consists of two parts, appreciation and criticism, and the structure of my argumentation also reflects this division. In the first part, I argue that despite their fundamental theoretical differences,<sup>3</sup> authors such as Jacques Rancière, Chantal Mouffe, Ernesto Laclau, Sheldon Wolin and Slavoj Žižek have paved the way to a new and different interpretation of 'public, collective actions of non-state bodies, which express objection or criticism, and which are connected to the formulation of a social or political concern' (Rucht & Neidhardt, 2007, p. 631). These innovations have helped democratic theory enlarge and refine its conceptual apparatus. By working out the central components of radical democratic theory, I show how protest in modern democracies can be perceived as a combined critique of the suspension of political practice and participation, as a critique of the cementing of political inequality, and as a critique of juridification, the jargon of functionalism and necessity in political affairs. In the second part, I shall point out the limits of radical democratic theory's terminological and conceptual apparatus to cope with the complex undertaking of thinking through the relationship between protest and modern democracy. This is mainly due to two basic theoretical premises of radical democratic thinking. The first is that both the possibility and the notion of rational processes of understanding in society as a whole have been eradicated from this democratic theory. Its second premise is that democracy has only one form of temporality, the fugitive moment.

## **Radical democracy as a critique of depoliticization**

Although I cannot fully do justice to the complexity of radical democratic thought, its vocabulary and analytical perspective can be used to theorize political protest in a new and illuminating way. To this end, I must work out the components that demarcate the theoretical core of radical democratic theory. Those components are shared by the aforementioned thinkers and justify assigning them to one side in the field of democratic theory, despite their differences in detail. Essentially, these are the commitment to conflictive political action, the assumption of the 'ineradicability of antagonism' (Mouffe, 2005, p. 3) and the analysis of collective, political identities. A closer look at these three theoretical components will provide insights into protest as a key concept in radical democratic thought. From this perspective, the experience of political participation, communality and solidarity marks an inherent element of political protesting. Furthermore, this perspective can

be used to demonstrate that protest can be understood as a political practice that challenges and seeks to overcome existing patterns of inequality. Finally, a radical democratic perspective can help to reveal how the political agenda of protest movements can be understood as a contribution to a counter-hegemonic discourse, exposing political alternatives and the contingency of political decisions.

One possible objection to this radical democratic account might lament that it idealizes political protest and is driven by revolutionary romanticism. I shall address this in detail, but instead of too hastily dispelling the account completely, I would like to propose a revision that allows us to understand it as a fruitful contribution to a critical analysis of patterns of depoliticization in modern democracies.

In the following three subsections, I work in a threefold manner. First, I consider each theoretical component and specify its defining features. Second, I demonstrate how each aspect leads to a unique interpretation of political protest and protest practices. And third, I illustrate how each account of protest can be used to analyze patterns of depoliticization in modern democracies.

### ***Conflictive political action and the experience of political action***

Political action is at the heart of radical democratic thought. However, to properly understand this first theoretical aspect, the favored 'mode' of political action has to be specified. According to many radical democratic thinkers, real or true democratic action is not consensus-oriented but rather aimed against something. 'Real' politics contains a rebellious moment with revolutionary and destructive elements (see, Wolin, 1994, p. 23 or Balibar, 2014, p. 284), as suggested, for example, by Etienne Balibar's phrase of 'democracy by resistance' (2013) or Miguel Abensour's (2012) idea of rebellious democracy. Thus, radical democratic thought understands the 'essence of "the political"' (Mouffe, 2005, p. 8) or the 'essence of politics' (Rancière, 2010, p. 38) as acting against something or someone, in struggle and conflict.

This claim is founded on the conviction that every political order is based on the exclusion and suppression of political alternatives (Mouffe, 2005, p. 18). These 'other suppressed possibilities' are exposed and reactivated by acting against those who represent the political order. This is the first important meaning that radical democratic thought ascribes to political protest: Acts of protest can be considered to be acts of liberation – partially at least. The possibility of organizing the world and regulating political issues in a different way is publicly claimed, against the parameters of a dominant 'existing constellation' (Žižek, 2000, pp. 37 and 199). But these acts are not the acts of individuals. Political protest is a collective political practice where many individuals are involved. A multitude of political arenas are established, and people experience moments of communality and solidarity (Brown, 2015, p. 219). To put it more pertinently, in the tradition

of Hannah Arendt, this is what may even be called the experience of political freedom. In this context, the second meaning of protest in radical democratic thought can be identified. Most of the time, political decision-making takes place in the established channels of liberal democracies. But in rare, 'fugitive moments' when this order gets disrupted, 'individuals from the excluded social strata take on responsibilities, deliberate about goals and choices, and share in decisions that have broad consequences and affect unknown and distant others' (Wolin, 1994, p. 18). Žižek, too, emphasizes these 'moments of democratic enthusiasm,' inherent in political mobilizations, in which we should 'locate the crucial dimension (of the revolutions in Eastern Europe)' that was 'obfuscated by later renormalization' (Žižek 2000, p. 206).

### ***Depoliticization I: the suspension of political practice and participation***

The first step in updating this radical democratic account is to read the experience of political action as a criticism of how politics occurs in modern democracies. One feature of this is the outsourcing of political decision-making to independent, quasi-public and/or private regimes. Politics is transformed into administration, and political disputes are treated as if they are issues that can be dealt with by experts and experienced ministerial civil servants in a calm and deliberate manner. Radical democratic thought criticizes these depoliticizing tendencies within modern democracies, claiming that there can be no democracy on the basis of the suspension of political participation. Political conflicts must be made publicly visible, exposing relationships of domination and exclusion that have merely been declared as being democratic.

Furthermore, these considerations highlight the massive influence of depoliticization on the political culture of modern democracies, especially with regard to the withdrawal of broad classes of mainly young people from the political system (see, for example, Henn & Foard, 2014, p. 361 but also Grasso, 2018). And as empirical studies show, there is a significant proportion of non-voters among those political activists and demonstrators who reject the existing democratic regime because they perceive it as 'alienating, uninterested in the issues which motivate them to behave politically, and unresponsive' (Hay, 2007, p. 26). Many young activists see political protest as a way of bypassing conventional channels of political engagement and not as a struggle for rights. In this manner, radical democratic thought can help us focus on a relationship that falls through the analytical grid of liberal democratic theory: the dialectic of political disaffection and (confrontational) political protest.

Political disaffection, usually noticeable by sinking voter turnout or a decline in the members of established parties, is traditionally explained by the (changed) interests, values and personality profile of an individual of modern capitalist society (Putnam, 2000, pp. 183–286). Radical

democratic thought, however, encourages us to draw a different picture of the culture of political participation. Here, non-participation in the established forms of political involvement (elections, party work, etc.) is interpreted as a form of politics (Hay, 2007, p. 26 but also Flinders, 2012). Disaffection, cynicism and mistrust are ‘the outcome of institutional practices’ (Offe, 2006, p. 23) and animate people to search for alternative forms of political engagement that can redeem the promise of a participatory moment in politics (Buchstein & Jörke, 2003, p. 488) – and do not necessarily lead to political apathy as the approval figures for old (UKIP, FPÖ) and new (AfD, M5S) protest parties as well as right-wing (PEGIDA, Alt-right movement) or left-wing (Occupy, Indignados) protest movements reveal.

Radical democratic criticism thus provokes an alternative account of why established forms of political participation and decision-making in modern democracies face a deep crisis of authority. The problem diagnosis here is that these forms of political decision-making – to turn a quote by Walter Benjamin on its head – allow people at most to receive their rights, but they deprive them of the possibility to express themselves politically (Benjamin, 1981, p. 42). Žižek refers illustratively to this forced disappearance of the expressive dimension of politics. The reason, according to Žižek, why ‘protestors often feel somehow deceived when those in power against whom their protest was addressed simply accept their demand’, can be found in the fact that while the content of protest is realized, the expressiveness as such is not included in the political realignment (Žižek, 2000, p. 204). Thus, the demonstrators gain their rights but stay deprived of their – direct or symbolic – expression. The demand for the consolidation of (the possibility of) the experience of political freedom remains unfulfilled.

Radical democratic analysis draws attention to aspects of modern politics that ignore expressive and creative elements of political exchange and the desire for them, offering in return ‘atomized forms of citizenship’ (Stoker, 2006, p. 11); they point to political rhetoric, language games and political programs that no longer know the politically interested, engaged and active citizen. Here, the advertising campaigns of political parties can be called to mind. They imitate the marketing strategies of the private sector and claim in ‘simplistic terms that we can have it all at no cost’ (Stoker, 2006, p. 2). Furthermore, these deficits are visible in public conflicts in the media, which favor the gesture but suffer from a lack of space for appealing substantial analysis (Meyer & Hinchman, 2002).

### ***Ineradicability of antagonism and the struggle for political equality***

Authors like Mouffe, Rancière, Balibar or Žižek share the conviction of ‘the impossibility of a fully inclusive “rational” consensus’ (Mouffe, 2005, p. 11) in politics. Moreover, a related sentiment conceives of the ‘pluralistic nature of

the world of the social,' where conflicts exist 'for which there can never be a rationalistic solution' (Mouffe, 2005, p. 10). What radical democratic thinkers derive from this (some inspired by Carl Schmitt's work), is the assumption of the 'ineradicable character of antagonism' within the social and political life of modern societies. This is the second component which many radical democratic thinkers have in common. From the perspective of radical democratic thought, there is consensus in modern societies, but this consensus is not rational in the Habermasian sense. Instead, consensus is always an expression of hegemony and inequality. Thus, consensus is not the aim but rather 'the non-existence of politics' (Rancière, 1999, p. 43).

Politics, in contrast, is the genuine form of expressing dissent (Rancière, 2010, p. 38). Any true political conflict questions 'the normal state of things' (Rancière, 1999, p. 43) and, therefore, is marked by a very specific 'discursive structure' (Rancière, 1999, p. 52), which Rancière calls 'dis-agreement' (*La mésentente*). Dis-agreement as the discursive structure of real political conflicts is of such kind that the political elite and the ruling parties do not acknowledge those political agents who question the status quo as legitimate political agents. Rather, these groups, movements, activists, etc. are labeled as 'dreamers,' 'extremists,' 'incorrigibles,' 'hooligans' and so on who just make irrational 'noise' (Rancière, 1999, p. 52). Their status as agents is depoliticized, and their concerns are dismissed as being unworkable, utopian, exaggerated or radical. By questioning the status quo and criticizing the behavior of the ruling political elite, they are portrayed as having seemingly departed from a 'common world of reason and argument' (Rancière, 1999, p. 53). This retaliation is reason enough not to engage with the political elite and discuss conflicting views – both sides see themselves as being in a 'noncommunity' (Rancière, 1999, p. 53).

### ***Depoliticization II: the cementing of political inequality***

What kind of conclusions can we draw from this second component of radical democratic thought for our re-reading of political protest? Political protest can be understood as a practice that contests the existing definition of who is regarded as a 'legitimate political speaker'. With a myriad of different, sometimes fancy, sometimes outlandish, practices of protest, activists seek to redefine *when*, *where*, *how* and *who* may legitimately speak within a political conflict (for a profound empirical analysis of the women's movement see Weldon, 2011). In doing so, the protesters enthrone themselves as new political co-speakers. They can disclose the degree of exclusion inherent in the everyday political procedures of modern democracies, in a new unforeseen way. The democratic-theoretical critique, departing from such a reading of political equality, is closely linked with the above-addressed lack of political experience-making (Balibar, 2004, p. 311). Yet, there the critique is focused on the established forms of politics which deny



the experience of communality and solidarity. Here, the criticism is directed toward the existing patterns of political inequality.

These patterns of political inequality in modern democracies are multifarious. Modern democracies maintain a capitalistic socio-economic basic structure that leads to unequal education opportunities, precariousness, isolation and social alienation in all, but especially in the lower social strata – with the effect that people do not raise their voices (Schäfer, 2012). Besides this socio-economic form of inequality, modern democracies bring forth political inequalities in terms of the disparate representation of interests and groups in the context of public political will-formation. This form of inequality is not so much based on socio-economic factors but on social differences with regard to the organizational capacity of political interests (Olson, 1971), their ability to become a political issue (Thaa, 2016), to sustain a conflict (Offe, 1969) as well as their argumentative and justificatory power (Nullmeier, 2000). All this contributes to a situation of the incongruence of the author and addressee of political decision and generates a feeling of being dominated, which provokes protests in return.

Political protest interrupts this order and its existing patterns of inequality for a ‘fugitive moment’. From a radical democratic perspective, protest, therefore, is the genuine practice of politics. For it does not only challenge the existing balance of power and may seek to establish ‘a new hegemony’ (Mouffe, 2005, p. 52), but it is precisely the form in which ‘those who have no part’ claim their ‘part’ (Rancière, 1999, p. 9) and realize the ‘sole principle’ of politics: equality (Rancière, 1999, p. 31). From a radical democratic perspective, protest is *the* equality-realization-activity.

However, such a perspective on the relationship between protest and order has two crucial implications for the concept of political protest. First, one can only speak of political protest in terms of true politics when a political actor (group, movement, etc.) articulates a fundamental contradiction with the established political order. What qualifies as a fundamental contradiction, however, remains vague and opaque. Is a signature campaign against the construction of wind turbines in one’s own neighborhood, so-called ‘Not-in-my-back-yard-initiatives’, true political protest? Is the publicly expressed protest of flight attendants for better wages real protest or just a ‘harmless ritual’ (Marcuse, 1970, p. 89)? The fact that such questions arise was demonstrated by the debate about the French student protest, *Nuit debout*, which some radical democrats have denied the status of true protest since it did not include those who are really dominated: the underclass (Lagasnerie, 2016).<sup>4</sup> Second, confrontational, disruptive and riotous forms of protest in modern democracies are being re-evaluated and seen as political practices that are not necessarily beyond the boundaries of what is compatible with the idea of democracy. For it is precisely these forms of protest

that express the fundamental contradiction and symbolically break with the established order. However, the limits of confrontation remain unclear.

### ***Political identity, collectivity and counter-hegemonic discourse***

Radical democrats share the assumption that politics is a battleground of socially and politically produced (not pre-political) 'collective identities' (Mouffe, 2005, p. 11). They conclude that the key question of politics is not extending or ensuring individual rights, as is the case in the liberal tradition, but rather to analyze the *type of power relationship* between these social groups, classes or collective identities within society. In return, radical democratic thinkers are convinced that a political movement can be formed only when there is a 'constitutive outside', a 'they' that is confronted by an 'us' (Mouffe, 2005, p. 15). This 'they' can take on different concrete forms. In radical democratic thinking, however, reference is made to the system of rule and its representatives who produce otherness through criminalization, racial segregation,<sup>5</sup> precariousness, exploitation, discourse on normality and so on. Ideally, a collective political identity forms against this type of negation and non-acknowledgment, emerging as a political 'identity' that presents a different, conflicting view of the political, social and economic situation. This opposing account of the status quo enables the unmasking of existing laws as both non-neutral but also as stabilizing of a specific order of domination (Wolin, 1994, p. 24).

### ***Depoliticization III: necessity, functionalism and juridification***

By highlighting the context of political group-forming and narration (Rancière, 2012) as central components of (real) dispute, radical democratic thought opposes two dominant depoliticization practices of modern orders: the juridification of political and social life and the dominance of functionalism. While juridification undermines the foundations for the formation of collective identities, functionalism discredits alternative and critical portrayals of the political and socio-economic status quo.

### ***Juridification***

The formation of a collective political identity is the prerequisite for revealing and contesting the hegemonic character of modern democratic order. From the perspective of radical democratic thinking, law and the juridification of social and political coexistence undermines this prerequisite. The rule by law suggests that the formation of a politically powerful 'we' is not necessary at all. The conflict, translated into law, can now be decided in the interest of all citizens as members of the legal community and integrated into the existing order as the 'reigning idyll' (Rancière, 1999, p. 102) or, polemically speaking, the 'harmony of justice' (Rancière, 1999, p. 63).

Besides, the legal system always translates social and political conflicts into collisions between the fundamental rights of an individual and other legal interests (mostly the fundamental rights claims of others). Neither the political movement nor its political concerns are negotiated by the legal system (courts, system of norms). In court, there is usually only one individual who has to prove that he/she has been violated in one of his/her fundamental rights in order to be heard at all. This triggers isolation in a field that is politically disputed and it undermines the potential for political mobilization. Moreover, this obscures the social and political conflict situation by pretending to pacify conflicting interests by means of the legal system. Accordingly, Rancière argues that juridification and rule by law is 'not so much the submission of the legislative and the executive to the "government of the Bench"' as a declaration of 'no case to answer' for any public manifestation of conflict'(Rancière, 1999, p. 109).

Contrary to the trend toward depoliticization by juridification, political protest movements bring the dispute to the streets and publicly uncover existing social, economic and political injustices that are also secured or brought into force by law.

### ***Functionalism as depoliticization***

As a strategy of depoliticization, functionalism secures the status quo, sets formal criteria and acts both as a filter and supplier for useful political solutions. Functionalism depoliticizes by drastically reducing the number of alternatives and dismissing numerous political programs as useless and non-functional. Specifically, this means that the 'global capitalistic constellation' (Žižek, 2000, p. 199) is ineluctable. One consequence of this is that instead of a publicly visible dispute about (socio-economic, political and ecological) alternatives, economic necessities (that cannot be ignored) take the forefront. A managerial logic prevails in public debates, and central questions of the future are removed from political negotiations (Hay, 2007, p. 86). In most cases, this is done by delegating the relevant issues to expert commissions, standard setting agencies or the transnational cooperation of authorities, such as International Organization of Securities Commissions or the Basel Committee on Banking Supervision. These forms of expertocracy and technocracy transform disputes about political alternatives into discussions about questions of knowledge and insight.

In opposition to these dominant discourse formations, protest argues that 'another world is possible'. This may sound like political romanticism. However, it is crucial to recognize that from a radical democratic theory perspective protest movements strive to change 'the parameters of what is considered "possible" in the existing constellation' (Žižek, 2000, p. 199). Alternative accounts of the status quo and the counter-expertise generated in the course of protest formation challenge the epistemological basic

structure of dominant discourses and, in doing so, establish a counter-hegemonic one. This counter-hegemonic discourse fundamentally disputes everything that has been hitherto portrayed as an important political problem, and problematizes the discursive and material construction of the problem itself. By establishing new and different patterns of thought and cognitive frames, protest movements seek to overcome an 'increasingly narrow range of policy spectrum' (Hay, 2007, p. 56). At the same time, the protest stresses the man-made character of the political constellation and the possibility of arranging things differently. In doing so, protest sheds light on a crucial, often forgotten character of social and political life, namely its contingency.

### **Conflict and order – the two blind spots of radical democratic thought**

Radical democratic thought emphasizes that there is no democracy without an active, rebellious citizenry as well as creative, strong protest movements. Bureaucratization, the juridification of politics, the change of form of parties and political institutions have contributed to the disappointment of the citizens about the political everyday life. One consequence is political apathy among broad social strata; the other consequence is the search for new forms of political expression beyond established channels. The latter insight is the result of updating the central components of radical democratic thought. This perspective allows us to interpret protest as a struggle for experiencing political action (i.e. its creative power, its communality and solidarity), for redefining *when*, *where*, *how* and *who* may legitimately speak in matters of politics, and for establishing a counter-hegemonic discourse. Additionally, it helps to uncover the different strategies and patterns of depoliticization that are operating in modern democracies. Radical democratic thought expands the analytical spectrum of democratic theory, both as a tool to analyze the depoliticization patterns of modern orders and as a vocabulary to decipher current political protest movements.

Notwithstanding these achievements, key questions about the relationship between protest and democracy remain unresolved, both analytically and normatively. In my first criticism, I argue that radical-democratic thinking overemphasizes one central element of democracy, namely the manifestation of conflict, and falls short in properly grasping the second central element in conceptual terms, namely the postulate of understanding between political opponents. Therefore, radical democratic theory interprets the idea of democracy too one-sidedly. Three major problems arise from this for theorizing protest: on the one hand, radical democratic thinking fails to identify the degree and specificity of political responsibility that protest movements bear in a democracy. This responsibility certainly differs from

that of political decision-makers and parties. Nevertheless, even protest movements have a responsibility not to make *democratic-political* disputes impossible. However, there is a lack of criteria in radical democratic thought to distinguish between progressive and regressive forms of political protest. On the other hand, radical democratic theory tends to internalize the political. Politics transforms into a question of faith, where discussion and good reasons seem to play a minor role – or only a purely instrumental one.<sup>6</sup> And thirdly, political activism may be jeopardized by too carelessly and uncritically drawing on radical democratic thought to interpret the present. By overemphasizing the need for confrontation, the engagement with dissenting opinions threatens to degenerate into a mere ritual of self-reassurance and self-stabilization, and the emancipatory political practices within movements are endangered.

My second criticism is that radical democratic thought is not capable of theoretically grasping and naming what political protest owes to the elements of order in a modern democracy. This deficit becomes apparent when law and political order are perceived primarily as a limitation, a moment of domination or hegemony. In contrast to this, I will show that in modern democracies, law also opens up and secures an ‘enabling space’ (Volk, 2015, p. 234) for political protest. The knowledge of and experience with this right to protest as a core component of democracy as a form of social life can also be found in the practices of protest. However, radical democratic thinking loses sight of this, since it suffers from a temporal bias and reduces democratic politics to the fugitive moment of intervention.

## ***Is democracy just conflict?***

### ***Protest without limits?***

Radical democratic thinking has to master a balancing act. On the one hand, it emphasizes conflict, struggle and confrontation as the ‘essence’ or ‘principle’ of politics, with political protest as the genuine form of politics. On the other hand, its authors stress the necessity for a ‘common bond’ (Mouffe, 2005, p. 20) or a ‘shared “common”’ (Rancière, 2010, p. 36) over and above the trenches of conflict. The problem that arises is to ‘transform equality in war [...] that exists in the moment of riots, street battles or general strikes [...] into political freedom’ (Rancière, 1999, p. 13). Or by posing the question as to ‘how the dimension of antagonism can be “tamed”, thanks to the establishment of institutions and practices, through which the potential antagonism can be played out in an agonistic way’ (Mouffe, 2005, pp. 20–21).

If we take a closer look at who or what seems to endanger or prevent the transformation of antagonism into agonistic politics, then radical democratic thinking refers exclusively to the shortcomings of the political and legal order. Accordingly, they warn against a lack of ‘agonistic legitimate political channels

for dissenting voices' (Mouffe, 2005, p. 21) and a political order that shields itself from 'all the breaking and entering perpetrated by egalitarian logic' and stubbornly adheres to 'its natural logic' (Rancière, 2010, p. 31). Wherever there is no institutional opening for alternative ideas, where no political participation is safeguarded, where demonstrations are forbidden, the press is maybe censored, or criticism is criminalized, the conflict threatens to escalate. In this context, Slavoj Žižek speaks of the transformation of political conflicts into 'ultra-politics' (Žižek, 2000, p. 190). He describes ultra-politics as the attempt to 'to depoliticize the conflict by heightening it to its extreme [...]'. In the worst case, protest groups then become paramilitary units, terror cells or terrorist organizations. In this manner, politics become reformulated into '[...] a war between "Us" and "Them", our Enemy' (Žižek, 2000, p. 190). In order to prevent this, institutions must be created that allow for agonistic public sphere and a politics of contestation (Wingenbach, 2011, p. 93).

At first glance, this explanatory approach may sound plausible and it probably goes some way in explaining protest, particularly for cases in autocratic regimes. However, for democratic orders, it is plausible only to a certain degree because political rights are guaranteed there to different extents and at different levels, that allow and enable dissent, contestation and so on. If we consider the most recent forms of escalation of political conflicts – such as the shooting of steel bullets at police forces in Hamburg during the protests against the last G-20 summit,<sup>7</sup> the series of arson attacks on refugee shelters or even political assassinations – it seems to be insufficient to explain the relapse into antagonism simply by pointing to ossified political institutions.

An 'agonistic democracy' (Wenman, 2013) can also be made impossible by radicalized ideologies and identities. When activists are convinced to be in a battle against 'infidels', or if political opponents are called 'betrayers of the people', and refugees are labeled as 'hostile invaders', there is a danger that one will quickly run out of political alternatives and the use of violence will appear to be an *ultima ratio*. This configuration of political discourse follows Schmitt's friend–enemy distinction, according to which political confrontations are not concerned with compromise, a joint shaping of the present, or conflictive coexistence but rather aim 'to preserve one's own form of existence' (Schmitt, 2007 [1932], p. 27), which is now threatened with negation due to the otherness of the (supposedly) foreign (migrants, Islam) or the internal enemy ('leftwing lying press', multicultural cosmopolitan utopians). The consequence is a climate of enmity within the democratic-political public sphere. Here, however, the radical collective identity has become a consequence of an extreme world view and thus leads to the disappearance of alternatives – and not the other way around.

This perspective on the problem of ultra-politics has consequences for the conceptual development of a democratic theory. If the vantage point of

radical democratic thought is indeed the transformation from antagonism to agonistic politics, then it must also *take a critical position toward the emergence, form and content of political protest movements*. Theoretical thinking must not be content with criticizing the structure and institutions of the political order. Instead, it must also engage in a critical analysis of organizational form, contestation practices, identity formation (diagnostic, prognostic, etc.) and frames of protest movements, indicating which ways of identity formation may endanger the democratic struggle. This is missing in radical democratic theories so far. Within the framework of the theory, radical democratic thinking neglects to clarify the question of what political responsibility political protest movements may have, in order to not make the democratic dispute impossible for their part (which is not the same as publicly demanding them from these movements as well). The rise of right-wing populism and religious fundamentalist protest movements underline the importance and urgency of clarifying this question and reflecting on what distinguishes emancipatory forms of protest from regressive forms.

### ***The internalization of the political and the threat of self-immunization***

This deficiency, however, is not caused by chance: it has theoretical and conceptual reasons. Radical democratic thinking has more or less given up the democratic postulate that one should exchange and discuss with the political opponent, and therefore no longer insists on adherence to the postulate on the level of theory.

The reason why radical democratic theory has abandoned this postulate is directly related to the fact that large parts of the authors are convinced that agreement in the realm of politics is 'more a sort of conversion than a process of rational persuasion' (Mouffe, 2000, p. 102). The theoretical consequences of such a conviction are far-reaching in the sense that they turn politics into a question of faith, a question of one's inner attitude: Are you for us or against us? This *internalization of the political* leads, strangely, to disdain for serious political debate, dispute and controversy that was once the starting point – for what should one seriously argue about if everything is a matter of belief? Other people do not need to be convinced, but rather must convert. In the worst case, the other fraction or the other person do not simply support a political position which I do not share, but is even internally corrupted. Radical democratic thought thus contains a theory building block that finally undermines the conditions of the possibility to realize their own normative postulates for the society as a whole, such as the experience of political participation or equality.

Considering the fact that many activists and protest movements today receive, adapt and relate radical democratic thinking to their own needs for action (see, e.g. Douzinas, 2016; White, 2016), the theoretical inconsistency takes on a new dimension. For activist political practice, this theoretical building

block of radical democratic thinking – this internalization of the political and the rejection of discourse and debate with the political opponent – could be problematic inasmuch as it might encourage the formation of political entities with fixed and hardened identities that have nothing to say to each other. The confrontation is then transfigured as the only moment of the movement and communication-oriented interaction with political opponents is no longer part of the political repertoire. The danger then is that the protest movement may sooner or later lose a good part of its emancipatory content. For what reason? Without exchange, confusion and discomfort, discursive practices within the protest movement tend to develop and cement an absolute opposition to the political establishment. Agonism threatens to become a friend-foe relationship. It undermines the reflexive democratic practices within protest movements; the discussion and debate turns into applied ideology; it is dominated by platitudes, stereotypes and ‘half-knowledge’ that serve the purpose of self-reassurance, rather than contributing to the formation of the power of political judgment; legitimate objections, compromises or alternative proposals of the opposite side are unheard of. Democratic disputes and debate then become not only unnecessary but also impossible. Instead of contributing to public discourse and political awareness building through protest, it is far more likely that the public will witness the escalation of the conflict – without significant political results.

### ***Protest and the ‘democratic experience’***

My second objection is closely related to this criticism. It states that radical democratic thinking has no theoretical grasp of what political protest – its organization, its protest practices, the emotional and affective constitution of activists and so on – owes to the ‘democratic experience’ (Lefort, 1986, p. 20). Democracy is not just a regime but also a social form of life which is shaped by democratic constitutionalism, the guarantee of fundamental political rights, rule of law, the history of social movements and political protest, etc. The new authoritarianism, populism and the democratic regression that accompanies it these days (Müller, 2016) and which has led to the abolition of numerous legal guarantees and structures – such as the restructuring of the legal system in Poland or Hungary, for example – show just how fragile the pillars of democracy as a social form of life are. (My argument, however, should not be misunderstood as an apology of the status quo, but is primarily committed to a thorough theorization of protest in modern democracies.)

This lack of differentiation in radical democratic thinking becomes apparent when one considers that law is only perceived as a limitation of creative political action. Radical democrats tend to interpret law merely as an expression of hegemony and as means of domination.<sup>8</sup> For example, Wolin argues



that 'a constitution in setting limits to politics sets limits as well to democracy, constituting it in ways compatible with and legitimating of the dominant power groups in the society' (Wolin, 1994, p. 14). Due to this perspective on law, radical democratic theorists argue for the 'interruption of order' (Laclau, 1996, p. 62), plea for a 'negative relationship to the laws of the world' (Badiou, 2008, p. 1878) or argue for the 'necessity to suspend the neutral space of Law' (Žižek, 2000, p. 222).

I consider this assessment of law and political order to be mistaken and not convincing, for it does not take account of the enabling dimension of every democratic constitutional order which cannot simply be identified with hegemony or 'limitation'. Democratic constitutionalism consists of two parts, the organization of political ruling and the consolidation of domination on the one side but also the constitutionalization of critique of domination and ruling on the other (see, Möller, 2015, p. 26). Marx characterizes this tension as the 'collision between the constitution and the legislature', as the 'contradiction in the concept of the constitution' (Marx, 1970 [1843]). Accordingly, one crucial feature of democratic law and constitutional order is that it also preserves a durable and reliable political context in which democratic-political struggle and dispute can happen, occur and be experienced (Markell, 2006, p. 12).

In this sense, the law safeguards parts of the conditions that allow for critique, protest and an active citizenry: it enables the 'democratic experience'. One crucial aspect of this democratic experience is the knowledge that protest in democracies does not necessarily need to be a great heroic deed or a matter of life and death. This, however, is precisely what protest is in dictatorships, authoritarian and even totalitarian regimes, which answer protest with violence and terror. This may sound banal, but it is reflected in the whole organization of political protest. Accordingly, the establishment of a protest camp on Tahir Square in Egypt under former President Mubarak means something completely different in every respect, as if activists were building a camp on the Puerta del Sol in Madrid or in Zuccotti Park in New York. In the first case, it is the instituting of democratic politics as such; a revolutionary aura is immediately attached to the protest; the activists are under extreme emotional pressure up to the point of fear of death. The organization of the protest is a high-risk affair that must be planned in secret (see, e.g. Kricheli, Livne, & Magaloni, 2011; Tufekci & Wilson, 2012). In the second case, the protest movement exercises the right to freedom of assembly. In modern democracies, demonstrations are usually even registered with administrative authority. However, spontaneous demonstrations are also legal these days. Protest camps may also be set up and are often covered by the right to freedom of assembly. The knowledge of the right to protest as an element of a living democratic culture is also evident in the very concrete practices of the activists (– which does not mean that there is

no policing, obstruction or criminalization of protest. The opposite is true.). The calls for demonstrations are public and not clandestine practices. The corresponding groups and activists can meet without fear, network and plan joint actions. Certainly, there is also a tendency in modern western democracies to illegalize certain protest activities, to deny them the right to freedom of demonstration or to impose very strict restrictions on it, and to police the protest. But still, in many modern democracies, living political activism belongs to the essence of entire social milieus, not just the classical leftist social milieu. Accordingly, at the end of the 1990s, Meyer and Tarrow (1998) described modern Western society as a 'social movement society', in which people, by means of protest, seek to change dominant normative and cultural codes by gaining recognition for new identities (see, Polletta & Jasper, 2001, p. 284). Some protests are sometimes colorful spectacles, sometimes even carnivalesque events.

Michael Greven, therefore, speaks of the 'possibility to politicize' (Greven, 2010, p. 68), guaranteed in and by a democratic constitutional order as its distinctive feature. The possibility to politicize is the other side of the coin of a constitution in modern democracies, and it reveals the fact that a democratic constitutional order can neither be simply identified with hegemony and the organization and consolidation of ruling nor is it plausible to reduce law to its restrictive and imperative account. Rather, we also need to acknowledge the enabling dimension of a democratic constitution as *conditio sine qua non* for experiencing political action and vivid, post-heroic protest. Within democracies, law also establishes a space in which political conflicts can be expressed and dealt with, where conflictive plurality might appear. Some authors in line with key components of radical democratic thought may concede this, but they have yet failed to conceptually grasp the enabling dimension of democratic constitutionalism and reconcile it with their critical approach. As a result, there is the deficit that this thinking cannot perceive the difference between protests in and against the political order of modern democracies on the one hand and protests against authoritarian regimes on the other.

This lack of theoretical awareness and the widespread disregard of the enabling character of democratic constitutionalism originate mainly in the temporal bias on which radical democratic thinking is based. By temporal bias, I mean that democracy and politics are reduced to one point in time, to the fugitive, fleeting political moment of action, the 'caesura' (Abensour, 2010, p. 114). According to radical democratic thought, 'true' politics takes place in the here and now, *hic et nunc*: '[T]he moment of intervention is the moment of politics' (Honig, 1991, p. 111). The disdain for the law, constitution and political order as the opposite of politics and democracy is closely connected with this temporal bias, insofar as the disdain for the law is an

expression of the disdain for the past, previous decisions and the previous age as a normative reference point.

However, in modern democracies, many things are opposed to the current moment. For example, the legal guarantees formulated in the past. Or the moral-political responsibility toward the victims of one's national history of violence which might contradict the mood that currently prevails in a country. The resulting conflict is also a conflict between different temporalities. And the free and democratic substance of a polity is characterized precisely by the fact that it does not simply disregard these different temporalities for the sake of a single moment. Pierre Rosanvallon therefore rightly speaks of the 'pluralization of the temporalities of democracy' as a normative postulate (Rosanvallon, 2006, p. 206). In a democracy, he states, 'our time-consciousness needs to be vigilant in the case of memory, lengthy in constitutionalism, variable for diverse institutions, and short in opinion-formation; and all these have in turn to be mutually adjusted' (Rosanvallon, 2006, p. 207).

If we agree with the argument that different temporalities collide with each other in a democracy and that these different temporalities must be considered in a balanced manner, it soon becomes clear that the glorification of the moment of intervention and disruption as the sole and true moment of democratic politics is less convincing – since it ignores the complexities of the relation between time and politics in modern democracies. Comprehensive theorization of the relationship between protest and the democratic order that is yet to come must not ignore this complexity.

## Conclusion

Radical democratic thought opens up new perspectives on interpreting non-institutionalized collective practices of contestation in modern democracies. In doing so, it refines the conceptual apparatus of democratic theory. One of its central achievements has been to change the normative grid for the analysis of confrontational, disruptive and riotous forms of protest in particular.

Especially during the heydays of deliberative democratic theory, these radical forms of protest were considered normatively questionable political actions. They were comprehensible perhaps from a sociological point of view, but ultimately, they were not justifiable due to its 'excessive' and 'disproportionate' character. Radical democratic thought, instead, delivers a theoretical vocabulary that allows us to interpret these practices of protest too as struggles for equality, participation and an alternative account of the status quo, and to understand it as a contribution toward the politicization of modern democracies.

At the same time, however, our analysis unfolds that radical democratic thought does not come up with an answer as to where the limits of practices of confrontation lie, and on which ground to distinguish between emancipatory

forms of protest and non-emancipatory ones. This is just one of the reasons why radical democratic thought is only partially well equipped to determine the meaning of political protest in and for modern democracies. Another reason is that radical democratic thought fails to reconcile the tension between the organization of political domination and the constitutionalization of its critique inherent to modern democratic constitutions. This tension, however, is not only constitutive for modern democracies but also for any theoretical attempt to determine the meaning of protest in it. In contrast to other political regimes, a democratic order is based on abstract normative principles and ideals such as equality, freedom, solidarity, justice, security, personal development, contingency and alternativity of political decision-making as well as the right to dissent. To the degree to which a democratic-constitutional order is based on these abstract principles, it enters into promises that are meant to be realized within its framework. It is a distinctive feature, therefore, of political protest in modern democracies to reclaim these promises and to interpret these principles in new and different ways in the course of political conflict and confrontation. A democratic theory of political protest in modern democracies, still yet to be written, needs to consider these complexities.

## Notes

1. Some authors are very critical of the new forms of protest. Not only because they believe them to be largely unpolitical spectacles (for G20, Gibson, 2008). Rather, they have criticized the new protest movements such as Occupy or Indignados for being purely situational and reactive, sticking merely to 'negative politics' (Rosanvallon, 2008, p. 182).
2. For example, anti-austerity protest movements (Occupy, Indignados, etc.) criticize the neoliberalization of modern democracies which is blamed for its excluding and isolation triggering character which, in turn, should be overcome on all levels of social life. For this reason, the activists not only established a general assembly for matters of political organization but also libraries, medical utilities, food supply, etc. according to the principle of mutual assistance and collective self-management (Graeber, 2012, p. 31ff).
3. One of many differences is the perception of populism. Whereas for Ernesto Laclau (2005) populism is a form of construction of the political, which is based on invoking the subalterns against those in power, Michael Hardt and Antonio Negri (2017, p.23) reject populism as being based on a conception of leadership that disenfranchises the multitude.
4. In a similar way, Chantal Mouffe (2013) has criticized the Occupy movement as naïve and as politically unsustainable activism, because it withdraws from any institutionalized forms of politics and the forming of political alliances with trade unions, parties, etc.
5. For a profound account of the Black Lives Matters movement against systematic racial (police) violence, see Hooker (2016).
6. The counterpart would be a hyperrationalism, as represented by Rainer Forst, and for whom 'power is noumenal or intellectual in nature' (Forst, 2017, p. 63).

7. At the same time, with a view to violence at the G-20 summit in Hamburg, the police violence must not go unmentioned; its martial appearance and the dubious, ultimately failed strategy of tackling even minimal violations of official demonstration requirements by activists.
8. For an important exception, see Loick (2017).

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