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Agonism in divided societies

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Abstract This article considers how reconciliation might be understood as a democratic undertaking. It does so by examining the implications of the debate between theorists of 'deliberative' and 'agonistic' democracy for the practice of democracy in divided societies. I argue that, in taking consensus as a regulative idea, deliberative democracy tends to conflate moral and political community thereby representing conflict as already communal. In contrast, an agonistic theory of democracy provides a critical perspective from which to discern what is at stake in the *politics* of reconciliation since it understands community as a contingent achievement of political action. As such, an agonistic account of democracy suggests the possibility of retrieving the concept of reconciliation from a state-sanctioned project of nation building for a democratic politics centred on the possibilities of self-determination and solidarity among citizens divided by a history of state violence.

Key words reconciliation • democracy • deliberation • agonism
• transitional justice

Reconciliation is 'not yet'; and this 'not-yet' is a risk brought into the present to become constitutive of the experience of the present. As such, it is to be celebrated. Because this 'not yet', this tending into the future imports an awareness that keeps community both attuned to the aspiration of being-in-common and aware of its vulnerability; it thus taps the source of its being,

to the extent that community must be conceived as dynamic, as always in the process of becoming.¹

In societies as diverse as South Africa, Chile and East Timor, reconciliation has been promoted as a measure of transitional justice. Together with practices such as amnesty, criminal trials, reparations, truth commissions, constitution-making and removal of perpetrators/collaborators from public office, reconciliation among 'ordinary citizens' is now widely understood as an essential aspect of democratisation. By publicly accounting for and acknowledging human rights violations perpetrated by a former regime against certain members of a polity for the sake of the good of the whole, it is hoped that moral and political community will be restored between the persecutors (and their beneficiaries) and the persecuted.²

The politics of reconciliation in divided societies therefore brings into relief the limits and possibilities of democracy, both as institution and ethos. In particular, it makes vivid the problem of democratic legitimacy concerning the relation between constituting and constituted powers or how a demos comes to appear on the political scene. For the identity of the demos is precisely what cannot be taken for granted in divided societies but is what democratisation aims to bring about. Divided societies thus provide a hard case in terms of which to consider the explanatory and normative power of contemporary theories of democracy. In a situation of deep distrust between ordinary citizens, for instance, we might have good reason to be sceptical of the transformative potential of political dialogue on which consensus-models of democracy place so much emphasis. Conversely, considering the politics of reconciliation in relation to current debates in democratic theory provides an opportunity to reflect on the democratic potential of the discursive structure reconciliation. In what circumstances might a state-sanctioned project of reconciliation create opportunities for the democratic self-determination? In what circumstances might it foster assimilation and stifling of democratic debate and contestation for the sake of stability and national harmony? In view of these concerns, how might we understand reconciliation as a democratic undertaking?

In a recent article, Paul Muldoon suggests that political reconciliation should be grounded on two discursive principles. The first principle, reciprocity, is associated with deliberative democracy and the Habermasian ideal of intersubjective communication between free and equal persons oriented towards consensus. The second principle, openness, is associated with agonistic democracy and the kind of 'visceral engagement with difference' through the interminable play of politics advocated by William Connolly.³ Muldoon argues that the deliberative moment of reconciliation needs to be affirmed in order to enable principled public judgements about the justness of the existing political order. The agonistic moment of reconciliation needs to be affirmed since the existential encounter with difference has the power to jolt us out of political complacency and to challenge received understandings.

In this paper I explore the implications of the debate between theorists of deliberative and agonistic democracy for how we might conceptualise reconciliation as a political undertaking. While I am sympathetic to Muldoon's suggestion that political reconciliation might require mediating between the agonistic and deliberative moments of democracy, I am not convinced that it is possible to combine these two philosophical frameworks (at least, not without according priority to the claims of one over the other, which would not be a matter of combination but of cooptation). Instead, I will suggest that political reconciliation requires attending to two extraordinary and 'agonistic' moments of the political: the Schmittian moment of intensification in terms of the friend-enemy distinction and the Arendtian moment of initiatory action.

1 Deliberation and agonism

The central claim of deliberative democracy is that collective decisions are more legitimate to the extent that they are the outcome of public reasoning among free and equal persons.⁴ On this view, democracy is not simply about aggregating private preferences according to a particular decision rule in order to ascertain what the will of the majority is. Rather, citizens are called on to justify their policy preferences in terms that all those who will be affected by

a decision might reasonably accept. Citizens should not just boldly assert their own particular interests but should be able to represent their interests in terms of general moral principles to which all can (potentially) agree.

In this context, deliberative democrats emphasise that citizens' preferences should not be treated as pre-political givens. Rather, opinions and preferences are formed through political interaction and, therefore, might be (and sometimes should be) transformed through the course of public deliberation. As such, democratic deliberation is oriented towards achieving consensus even though consensus is, in fact, rarely achieved. In the face of persistent moral disagreement over the best policy, voting and bargaining become necessary in order to reach a collective decision. But that decision will be more legitimate (and therefore more morally binding on the 'losers') to the extent that the perspectives, values and interests of all those affected by a decision have been fairly represented and taken into consideration in arriving at it.

Agonistic democrats, by contrast, draw attention to and affirm the centrality of conflict within democratic politics. While there are significant differences among theorists of agonistic democracy, what they share is a principled desire to leave more up to politics in the sense that citizens should be free to contest the terms of public life and the conditions of their political association.⁵ Agonistic democrats' affirmation of the conflictual nature of democratic politics is motivated by a suspicion of attempts to determine in advance what is to count as legitimate political action because this too often becomes a way of coopting radical challenges to the dominant interests within a society. Rather than seeking to determine the basic principles that should govern democratic deliberation, agonistic democrats aim to understand democracy primarily in terms of an ethos which affirms the contingency and openness of political life. Following from this, rather than taking for granted commonality (i.e. the 'fact' of the demos or people) as a precondition for democratic deliberation, they emphasise the extent to which this commonality (the experience of a "we") is a difficult, fragile and contingent achievement of political action.

There is much in deliberative democracy that I would want to hold on to, especially its emphasis on the transformative potential of democratic politics on citizens preferences. Yet the agonistic conception of democracy is important because it provides a critical perspective from which to discern what is at stake in the *politics* of reconciliation.⁶ For this perspective guards against a certain complacency that occludes the political nature of reconciliation by construing it in moral, juridical, therapeutic or religious terms. What is common in metaphors such as 'settling accounts', 'healing nations' and 'restoring community' that are often invoked in reconciliation talk is a presumption of unity as a social good.⁷ The effect of this presumption is to depoliticise the terms in which the unity of the polity is represented. Against this tendency, an agonistic perspective suggests the possibility of retrieving the concept of reconciliation from a state-sanctioned project of national building for a radical democratic politics centred on the possibilities for collective action and solidarity among citizens divided by a history of state violence.

2 Deliberative disagreement

Agonistic democrats argue that 'modern democracy's specificity lies in the recognition and legitimation of conflict and the refusal to suppress it by imposing an authoritarian order'.⁸ This appears to be an uncontentious claim. Yet Chantal Mouffe goes further by insisting that the 'inherently conflictual aspect of pluralism, linked to the dimension of undecidability and the ineradicability of antagonism is precisely what the deliberative democracy model is at pains to erase'.⁹ This is so, she argues, because deliberation privileges consensus as a regulative idea.

However, it is not obvious why acknowledging consensus as the ideal outcome of rational deliberation entails the denial or suppression of conflict.¹⁰ For deliberative democrats readily recognise that consensus is rarely achieved in practice. While consensus is an ideal that actually existing democracies inevitably fail to realise it may nonetheless serve as a critical standard by which to judge the legitimacy of democratic decision-making.

Because they recognise the inevitability of moral pluralism, deliberative democrats do not think that the more democratic a society is, the less moral disagreement there will be. Rather, they make the more modest claim that it is only by presupposing the *possibility* of arriving at a consensus that conflict and disagreement can be brought within a shared horizon of meaning between conflicting parties. It is against the horizon of meaning constituted by the anticipation of a possible consensus that parties are able to make sense of social conflict in order that they can at least continue to pursue fair terms of social cooperation despite their fundamental and persisting moral disagreement (for instance by compromising, bargaining or agreeing to disagree).

This is the main argument of Amy Gutmann and Dennis Thompson's *Democracy and Disagreement*, which is subtitled 'why moral conflict cannot be avoided in politics, and what should be done about it'.¹¹ The fundamental value on which Gutmann and Thompson's theory of deliberative democracy rests is reciprocity. Democratic reciprocity requires citizens to 'seek fair terms of social cooperation for their own sake'.¹² As such, reciprocity requires that citizens should be prepared to 'justify their political views to one another' and 'treat with respect those who make good-faith efforts to engage in this mutual enterprise even when they cannot resolve their disagreements'.¹³

Reciprocity is distinct from two other principles according to which moral disagreement might be dealt with: prudence and impartiality. According to the principle of *prudence*, citizens bargain according to their particular individual or group interests in order to come to an arrangement that satisfies as many interests as possible within present circumstances. Reciprocity demands more than this since it requires that citizens provide not just contingent interest-based reasons but general moral reasons for why those with whom we disagree should accept this particular bargain. In the absence of such moral reasons, as Rawls observes, any *modus vivendi* will be unstable since it is likely to fall apart as soon as the balance of power in society shifts.¹⁴ According to the principle of *impartiality*, citizens should reason only in terms of a universal moral point of view that is independent of their particular perspectives and interests. Reciprocity is not as demanding as impartiality

because it does not require citizens to be altruistic; they are not required to *transcend* their self-interest but only to *represent* their particular claims in terms of general principles that others might reasonably accept.¹⁵

Gutmann and Thompson have argued that their theory of deliberative democracy (and the value of reciprocity on which it relies) provides the most adequate framework in terms of which to justify the work of truth commissions in divided societies because it is 'explicitly designed to deal with ongoing moral controversy'.¹⁶ Truth commissions require moral justification, they argue, since they are often promoted as an alternative to criminal trials. A prudential justification of a truth commission would view it as the outcome of a treaty between contending parties in order to avert or bring to an end violent conflict. If it is not possible to punish the wrongdoers of the former regime (because amnesty was a condition of the peaceful transition to democracy or because they continue to hold positions of power in society or simply because there is not enough evidence to convict them) at least a truth commission can provide official acknowledgement that certain wrongs were perpetrated (e.g. that certain people were 'disappeared' or tortured). As such, a truth commission is settled on as part of a strategic compromise between parties to a conflict (truth in exchange for amnesty). But such a justification, Gutmann and Thompson argue, is inadequate from a democratic point of view because, taken on its own, it fails to provide good reasons for why citizens should value political stability over seeing justice done.¹⁷

Gutmann and Thompson identify two impartialist justifications of truth commissions. The first justification is associated with the (loosely interpreted) idea of restorative justice and the notion that forgiving one's wrongdoers is a higher form of justice than punishing them. When perpetrators acknowledge wrongdoing and express remorse, victims should forgive them in order to restore them to the moral community. This justification is impartialist in that it requires the victim to demonstrate Christ-like love by putting concern for the perpetrator before her own particular interest in seeking retributive justice. The problem with this justification is that it relies on a comprehensive moral doctrine (one based, in particular, in a certain theological tradition) that is not shared by all members of society (and not even by all Christians).

Consequently, while such a compassionate justification of truth commissions might appeal to some members of society (and therefore form part of an overlapping consensus on the desirability of a truth commission), it is, in itself, an insufficient justification in a pluralistic society.¹⁸

The second impartialist justification is associated with establishing the truth (both factual and evaluative) about the past. In accounting for past wrongs, a truth commission provides a basis for establishing a new dispensation founded on the promise 'never again'. The problem with this justification (at least potentially) is that insofar as a truth commission seeks a final verdict about the past it assumes that the facts about the past can be uncovered independently of the social context in which they are discovered. Consequently, it is not able to accommodate the competing historical interpretations that are central to the moral disagreement among members of a divided society.¹⁹

Short of requiring a consensus on public policy or institutional procedures, what deliberative democracy demands is 'an appreciation of principles that set the conditions of political discussion...Recognising that politics cannot be purged of moral conflict, it seeks a common view on how citizens should publicly deliberate when they fundamentally disagree'.²⁰ In the absence of a consensus, democratic reciprocity requires citizens to seek an 'economy of moral disagreement' according to which they justify their political claims on each other by 'seeking a rationale that minimises rejection of the positions they oppose'.²¹ Citizens economise on their moral disagreement by refraining from giving reasons that are based in their own comprehensive doctrine (since it would be unreasonable to expect those who do not share this doctrine to accept these reasons) and by seeking out points of convergence between their own understanding and those with whom they disagree.²²

In this way, the principle of reciprocity is supposed to provide an inclusive perspective that at the same time permits a wide range of reasonable disagreement. When confronted with deliberative disagreement, one can nonetheless continue to respect those with whom one disagrees so long as one recognises that they are sincere and committed to finding fair

terms of social cooperation. As such, the principle of reciprocity provides a model of democratic practice that a truth commission should exemplify in its own proceedings:

...sincere efforts on the part of citizens to offer an account of their political past closely resemble the most basic activities in the kind of democratic politics to which a healthy democracy aspires...The very activity of providing an account that other citizens can be expected to understand as reasonable (even if not right) indicates the willingness of citizens to acknowledge one another's membership in a common democratic enterprise.²³

The requirement that citizens should be committed to establishing fair terms of social cooperation ensures that their conflict remains civil in the transitional state. Insofar as it exemplifies the principle of reciprocity in its own proceedings a truth commission should be able to accommodate fundamental moral disagreement among members of a divided society while contributing to the democratisation of that society.

3 The depoliticising effect of consensus as a regulative idea

Given Gutmann and Thompson's recognition that reasonable pluralism is the inevitable outcome of the free operation of reason among moral equals and that democratic deliberation should primarily be concerned with finding ways of living together with fundamental moral disagreement, what weight is there to Mouffe's claim (above) that deliberative democracy is at pains to erase the conflictual aspect of pluralism? And what are the implications of this claim for understanding reconciliation as a political undertaking in divided societies?

Insofar as Mouffe's argument is plausible, it seems to come down to this: It is a political mistake to model democracy on the ideal of an unconstrained deliberation between free and equal citizens because the anticipated moral consensus in terms of which conflict is made meaningful is always, in fact, *politically* constituted.²⁴ Following from this, it is because deliberative democracy presupposes commonality in terms of an anticipated *moral*

consensus rather than as a *political achievement* that it often fails to recognise the political nature of its own exclusions.²⁵

The claim that any moral consensus is always politically constituted depends on the premise that the separation between morality and ethics (or between procedure and substance) on which deliberative democracy relies is untenable.²⁶ Drawing on Wittgenstein, Mouffe asserts that public reasoning is always reasoning within a particular tradition or discourse. Agreement on procedures or a public conception of justice (and hence what counts as a 'reasonable' claim) is made possible, therefore, only insofar as members of a society already share a common 'form of life'. Fundamental moral disagreement occurs *between* different forms of life in which case there is no shared public morality to appeal to in order to arbitrate the conflict. It is a mistake to understand political conflict only in terms of disagreement between reasonable comprehensive moral doctrines because fundamental political conflict always also involves a conflict between identities.²⁷

When put this way, Mouffe's claim is too bald since 'forms of life' are rarely (if ever) discrete but share certain points of commonality because they are constituted in relation to each other.²⁸ But Mouffe also presents a more subtle form of the argument, which is more plausible. She claims that in a democracy a certain degree of consensus on public reasons is possible but this will always be a 'conflicting consensus' since the basic principles that members of society share are interpreted differently according to the traditions or forms of life in which they are situated.²⁹ Indeed, it is the *contestability* of what Gutmann and Thompson (above) call the 'principles that set the conditions of political discussion' that creates a space for politics between them. For, as William Connolly argues, politics invariably entails an 'ambiguous and relatively open-ended interaction of persons and groups who share a range of concepts but share them imperfectly and incompletely'.³⁰

For instance, most members of a democracy share a commitment to human rights. However, what counts as a human right and what duties they impose on us is vigorously contested. More to the point, 'reconciliation' itself is an essentially contested concept. This is evidenced in debates about what 'true' reconciliation would require. In South Africa, for instance, reconciliation

was interpreted differently by various actors in terms of: a non-racial ideology that promotes unity in the form of the 'rainbow nation'; an inter-communal understanding that would preserve the distinct identities of separate cultures; a religious ideology that demands repentance from wrongdoers; a human rights approach that calls for restoring the rule of law in order to prevent future abuses; and community building that would restore social trust in divided townships. As Brandon Hamber & Hugo van der Merwe discuss, although the various interpretations of reconciliation they identify sometimes co-existed 'quite comfortably' within political institutions and discourses in South Africa, they are, in various ways, incompatible. Consequently, the different meanings assigned to reconciliation often emerged at the 'core of the conflict between different groups'.³¹

Consequently, in any actually existing democracy, the terms in which an anticipated moral consensus among free and equal persons is represented will always be based on a contingent and provisional hegemony of the prevailing tradition within which these terms are conceived.³² It is in this sense, then, that an anticipated moral consensus is always, in fact, politically constituted since it must always be articulated within a determinate political community, a concrete "we" that is constituted in relation to a "them".³³ As Gillian Rose writes, 'Politics begins not when you organise to defend an individual or particular or local interest, but when you organise to further the 'general' interest within which your particular interest may be represented'.³⁴ Yet, deliberative democrats such as Gutmann and Thompson tend to understand politics only in the narrower sense as a conflict between particular interests while seeking to determine in advance (by recourse to the regulative idea of consensus) the general interest in terms of which political conflict should be represented.

Because it *presupposes* commonality in terms of an anticipated moral consensus rather than recognising commonality as a contingent outcome of political interaction, deliberative democracy tends to neglect the political nature of its own exclusions. In particular, the requirement that particular claims should be reasonable may prevent certain objections to a dominant order from being raised in the first place.³⁵ If Mouffe is correct that reasoning

always takes place within a particular tradition, then those members of society who articulate the overlapping moral consensus are likely to sound more reasonable than those who are marginalised by this dominant tradition.³⁶ The requirement that particular claims should be represented in terms of the general principles of public reason may therefore have the effect of silencing certain claims because they appear unreasonable or are simply inexpressible in these terms.³⁷ As Sheldon Wolin puts it, public reason may then appear not so much as a neutral but a 'neutralising principle'.³⁸

To restate this argument in relation to Gutmann and Thompson's theory, insofar as the principle of reciprocity requires citizens to justify their claims in terms that other members of society might reasonably accept it takes for granted a certain reciprocity of interests among individuals in sharing *these particular institutions*. (For, in the absence of such a reciprocity of interests, there would be no basis for shared norms in terms of which to press one's claims). Because they represent political community in terms of the ideal of a moral community of free and equal persons, Gutmann and Thompson are unable to acknowledge the extent to which the exclusion of 'unreasonable' claims from democratic deliberation is an act of power and not simply a moral requirement.³⁹ As such, moral disagreement is contained or civilised only by excluding from serious democratic deliberation those claims that cannot be represented in terms of the dominant political discourse that determines what counts as reasonable.

By contrast, Mouffe insists that 'instead of trying to erase the traces of power and exclusion, democratic politics requires us to bring them to the fore, to make them visible so that they can enter the terrain of contestation'.⁴⁰ When it comes down to it, Mouffe does not dispute the fact that we need some such distinction as that between reasonable/unreasonable in order to enable democratic deliberation. Rather, her point is that because the basis on which this distinction is drawn is always contestable, it can not be a simple moral distinction but must have a political dimension. In Schmittian terms, what is ultimately at stake in how the distinction is drawn is never only a matter of right and wrong but always potentially the distinction between friend

and enemy, which is to say a matter of identity and belonging - of how a “we” comes to appear on the political scene.⁴¹

4 Disciplining irreconcilable conflict: the reasonableness requirement

What are the implications of this critique of deliberative democracy for understanding reconciliation as a political undertaking? Gutmann and Thompson readily acknowledge that the idea of ‘reasonableness’ is, as Stanley Fish puts it, a ‘device of exclusion’ within their theory.⁴² However, they view it as a justifiable moral exclusion rather than a political one: ‘a deliberative perspective does not address people who reject the aim of finding fair terms for social cooperation; it cannot reach those who refuse to press their public claims in terms accessible to their fellow citizens’.⁴³ They insist that it is simply not possible to provide moral reasons without presupposing a shared moral perspective, which necessarily relies on some criteria for distinguishing between reasonable and unreasonable claims.⁴⁴ In fact, they insist, agonistic democrats covertly rely on such a perspective insofar as they take exclusion to be morally wrong even while they deny the availability of an impartial moral perspective that would allow them to make this claim.⁴⁵ Moreover, contrary to Mouffe, they believe it is possible for this distinction to be articulated independently of the relations of power through which identities are constituted.

Indeed, they provide several examples of particular claims that would be unreasonable in post-apartheid South Africa. In the context of the investigative work of the TRC it would be unreasonable, for instance, to defend the old regime since it did not respect all South Africans as free and equal citizens. It would also be unreasonable to deny the implication of many legitimate institutions in the wrongs perpetrated by the apartheid regime since this can be established in terms of publicly verifiable empirical inquiry. Given these constraints, however, one wonders whether it would possible for citizens to provide a coherent account of their political past at all, let alone one

'that other citizens can be expected to understand as reasonable (even if not right)'.⁴⁶

To take an extreme example, how could those implicated in gross violations of human rights from either side of the conflict provide an account of their past without referring to the political justifications (e.g. supreme emergency, just war) that were central to their self-understanding and the legitimization of their actions within the old South Africa but are unreasonable according to the terms of the new dispensation. As Emilio Christodoulidis asks, 'when does a terrorist become a freedom fighter? And does 'terrorist' as self-description need to be endorsed before the process of reconciliation and healing can begin?'.⁴⁷ How can a society come to terms with a history of violent oppression if it precludes from deliberation the kinds of justifications according to which members of that society made sense of their life under the old regime?

In fact, as Scott Veitch discusses, the requirements for amnesty in South Africa - that perpetrators provide full disclosure of the truth and demonstrate that their violent acts were associated with a political objective - drew the amnesty applicants and the law into a political reassessment of the past, one which demanded a confrontation between actors' self understandings then and now. For the amnesty commission had to judge applicants both as individuals who committed isolated crimes and as members of a class who were pursuing political objectives. Being true to the past thus required both making political sense of how wrongs came to be perpetrated as well as the moral judgement that these acts were wrong. By making political sense of past wrongs those social meanings that structured the perpetrator's actions and that make his choice of evil comprehensible come to the fore.⁴⁸

Gutmann and Thompson argue that a virtue of deliberative democracy is that it does not stake the possibility of reconciliation on citizens learning to love their political adversaries through a politics of remorse and forgiveness. Rather, citizens are required only to respect each other, that is, to recognise others as fellow citizens and be 'willing to treat them as such as long as they demonstrate a willingness to reciprocate'.⁴⁹ Yet, as John Dryzek recognises 'mutual acceptance of reasonableness is exactly what is lacking in divided

societies'.⁵⁰ In stipulating a commitment to reciprocity as a precondition for deliberation, Gutmann and Thompson presuppose precisely what a reconciliatory politics aims to bring about.

A commitment to reciprocity cannot be a pre-condition for initiating a politics of reconciliation or else reconciliation would never get off the ground. For what is at stake in the kinds of political conflicts that reconciliation seeks to bring to a close is not simply a matter of conflicting personal preferences but conflicting identities that have been constituted through violent political conflict. As Michael Humphrey observes, 'The injuries of violence are more than just personal wounds, they are used to substantiate social reality, beliefs, values, knowledge and social identity'.⁵¹ Divided societies are characterised by mutually contradictory assertions of identity such that 'one identity can only be validated, or at worst, constituted by a suppression of another'.⁵² In this context, what is most attractive about the deliberative model is that it recognises the potential for political interaction to transform citizens' own self-understandings. By requiring citizens to attach their particular claims to general principles, deliberation requires citizens to transcend a parochial point of view. In the process of articulating their claims in this way, there is a potential that citizens will come to understand their interests and identities in a different way. John Dryzek insists that this requirement of deliberative democracy is indispensable in divided societies.⁵³

Yet because any overlapping moral consensus must be politically articulated, this requirement can also serve to appropriate particular experiences and coopt them in the service of national unity. As Humphrey discusses, in South Africa the fundamental and sometimes ambiguous social distinctions that shaped individuals' experience of political violence were often covered over through the symbolic re-presentation and appropriation of survivors' testimonies in terms of a heroic nationalist narrative, which interpreted suffering as having contributed to bringing about a better society.⁵⁴ The requirement of reasonableness thus presents a problem not just for perpetrators and beneficiaries of the former regime but for victims. Gutmann and Thompson argue that 'victims of injustice should not be expected to economise on their disagreement with perpetrators of injustice unless the

perpetrators of injustice demonstrate a willingness to assume responsibility for their actions'.⁵⁵ This suggests that when the former oppressors *are* willing to assume responsibility for past wrongs then it would be unreasonable for those they oppressed not to seek fair terms of social cooperation with them. But any such imperative to reconcile could only be political rather than moral.⁵⁶

Those who were oppressed under the old regime have good cause for being wary of the demand that they frame their particular claims in terms of a common good that includes their former oppressors. For state violence is inevitably 'accompanied by the claim that the interest of some members of the polity may lawfully be impeded by other members in the interest of the whole.'⁵⁷ To be sure, the common good that public reason relies on is a thin one insofar as it is based on a reciprocity of interests of persons in securing the primary social goods (basic liberties) that enable them to lead their lives according to their particular conception of good. Yet, as Bert van Roermund points out, it is not clear why those who were oppressed *ought* to view those private interests in primary social goods that they have in common with their former oppressors as *shared* interests.⁵⁸ In the context of a divided society, a reciprocity of interests can not be presupposed. Rather, 'to live under the rule of law is to engage the daily effort to find good reasons to do so'.⁵⁹

In sum, the reasonableness requirement may serve to discipline conflict by representing it as already communal. By understanding conflict in terms of a single moral community, deliberative democracy tends to elide the risk of politics: that a conflict may turn out to be *between* two political communities whose interests and values remain irreconcilable. This is the case whether the anticipated moral consensus is conceived thinly (in terms of an overlapping consensus on human rights) or thickly (in terms of establishing a collective memory). As Emilios Christodoulidis discusses, reconciliation is often predicated on the unwarranted assumption that collecting memories through testimony will lead to the establishment of a collective memory.⁶⁰ But assuming that a collective narrative is possible may unduly limit the freedom of citizens to contest the terms of their political association by over-determining the identities that available to be assumed within in the conflict.⁶¹ On the other hand, when reconciliation is construed in terms of a thin moral

consensus on basic human rights, it tends to represent the violence of the past in individualistic terms which fail to address the wider processes of legitimization of political violence which implicate ordinary citizens in state wrongs.⁶² Consequently, it fails to establish grounds for why members of a divided society might want to seek any terms of social cooperation in the first place.

5 Reconciliation and the political

An agonistic account of democracy is important, then, insofar as it draws attention to the *politics* of reconciliation and the fragility and contingency of the community that it aims to bring about. Instead of understanding reconciliation in terms of restoring a relationship between alienated co-members of a moral community, agonistic democracy suggests that the problem of reconciliation, as a *political undertaking*, is how to transform a relation of enmity into one of civic friendship or, as Mouffe puts it, how to ‘transform antagonism into agonism’.⁶³

Underlying Mouffe’s theory of agonistic democracy is a Schmittian account of ‘the political’, which she contrasts to ordinary ‘politics’. Here the political refers to the ‘dimension of antagonism that is inherent in human relations’ or what Schmitt calls ‘the ever-present possibility of the friend-enemy relation’.⁶⁴ As such, the political refers to an extraordinary moment – the potential resort to violence against an enemy – that conditions ordinary politics. Yet violence itself is not political. Rather, the political refers to the *intensification* of association or disassociation between groups that is conditioned by the possibility of violent confrontation.⁶⁵ Such moments of intensification bring the political nature of social life into view. In contrast to ‘the political’, Mouffe takes ordinary ‘politics’ to refer to the ‘ensemble of practices, discourses and institutions which seek to establish a certain order and organize human coexistence in conditions that are always potentially conflictual because they are affected by the dimension of ‘the political’.⁶⁶

For Mouffe then, politics is always concerned with the constitution of a “we” and this “we” is always articulated in contrast to a “them”. What is

distinctive about *democratic* politics is not that it seeks to resolve this inevitable conflict between competing identities. Rather it aims to mediate the conflict in such a way that the other is perceived not as an 'enemy to be destroyed' (or excluded from the political community?) but as an 'adversary', i.e. one with whom we disagree vehemently but whose right to contest the terms of our political association we respect.⁶⁷ Here, the distance between Mouffe and Gutmann and Thompson does not appear so great. For Mouffe surely presupposes a kind of reciprocity with the idea of treating the other as our adversary since this implies the recognition of the other as our moral equal.

However, Mouffe departs from Gutmann and Thompson by insisting that democratic respect is predicated on the recognition that there is no rational resolution to such conflict available. Instead of viewing the possibility of agreement between adversaries in terms of the regulative idea of consensus, Mouffe suggests it would entail a 'radical change in identity' that would be 'more a sort of conversion than a process of rational persuasion'.⁶⁸ Given this, it seems that agonistic respect is less conditional than is demanded by the principle of reciprocity in the deliberative model.

Following Gutmann and Thompson, we need only respect those who are willing to 'press their public claims in terms accessible to their fellow citizens' (cited above). By contrast, agonistic respect is less conditional in the sense that it entails an openness to listen to those who appear to us unreasonable and a willingness to question what counts as reasonable political speech. Such respect is not *unconditional* since we cannot but approach the other in terms of certain presuppositions about the limits of legitimate politics. As such, our encounter with the other is always conditioned by the interpretative framework (or identity) we bring to it. But it is less conditional in that these limits are kept in view for being political, which is to say contestable. Agonistic respect, in this way, refers to a mode of political engagement that, as Connolly puts it, 'exceeds the reach of any fixed code, austere set of procedures, or settled interpretation of moral universals'.⁶⁹ Or, in James Tully's more straightforward language, agonistic respect is based on the principle 'always listen to the other side'.⁷⁰

If agonistic democracy provides a critical perspective from which to understand reconciliation as a political undertaking, deliberative democrats have raised some difficult objections that require a response. First, it is not clear how (or why) citizens come to have the 'agonistic respect' for each other that would ensure that their conflict remains non-violent. As such agonistic democrats are equally vulnerable to questions about how the required attitude of 'agonistic respect' comes about as deliberative democrats are vulnerable to the question about how the requirement of 'reasonableness' is established.⁷¹ This objection entails both an empirical and normative claim. The empirical point is the same one Dryzek (cited above) makes in relation to Gutmann and Thompson – in divided societies, reasonableness is precisely what is lacking. The normative point is that, at least deliberative democrats have legitimating procedures which provide a critical standard in terms of which to regulate political contest while agonistic democrats provide no alternative.

The agonist's response must be to agree with the empirical claim while insisting that the normative claim is mistaken. Reasonableness (or at least respect for the adversary) is precisely what a reconciliatory politics hopes to bring about. However, what counts as reasonable cannot be determined in advance as deliberative democrats suggest but must itself be worked out politically. Acknowledging the empirical claim draws attention to the risk of politics: the ever-present possibility of the friend-enemy relation. But this risk cannot not be avoided but only elided by representing political community in terms of an overlapping moral consensus among reasonable persons.

Second, the kind of vibrant clash of identities that Mouffe advocates may be more likely to harden or reify existing identities than to transform them.⁷² Indeed, Mouffe's assertion that a well functioning democracy is one that is highly politicised might be viewed as naive since it may sometimes be the case that democracy is only possible by taking certain divisive issues off the political agenda.⁷³ This point is well made and I am inclined to agree with Dryzek's 'deliberative' solution to it. However, this solution strikes me as compatible with the agonistic framework I have been defending.

Dryzek argues that in order to process deep conflicts of divided societies we need to differentiate the political sites in which these conflicts may be

played out. In particular, he argues for an uncoupling of the deliberative and decisional moments of democracy, situating deliberation in the public sphere while tying decision to the state. The reason why this separation is desirable is that when deliberative politics are tied to the state, decision tends to overwhelm deliberation because so much is at stake in the struggle for the control of the state: the stakes of the conflict become all or nothing. Deliberation is safest in divided societies within the public sphere that is at a distance from the immediate struggle for control of state power, that is, when the connection between contestation in the public sphere and the contest for sovereign authority is loosened. Deliberation and contest in the public sphere has the function of producing, transforming and challenging the discourses in terms of which conflicts are represented, which may have the effect of making them more or less amenable to resolution.⁷⁴

Third (and finally), there is no obvious place for collective decision making within an agonistic account of democracy. As Dryzek writes, Mouffe 'scorns consensus as a cover for power, but at least consensus implies that decisions can get made. When agonistic pluralism does attend to collective decisions, it is only to point to the need for them to be open to further contestation'.⁷⁵ I think this is the criticism that agonistic democrats are most vulnerable to. This is because they seek to understand democracy not, primarily, in institutional terms but as an ethos that seeks to postpone the moment of decision in order to affirm the openness of political life. If deliberative democrats tend to presuppose commonality as *already there* (as *shared anticipation* of a moral consensus by reasonable persons) in order to get their account of democratic institutions off the ground, agonistic democrats tend to presuppose the existence of institutions whose closure a democratic ethos resists.⁷⁶ Yet, this understanding of democracy as ethos is primarily a weakness when viewed from an institutional perspective.⁷⁷ In contrast, it provides further conceptual resources in terms of which to conceptualise reconciliation as a political undertaking that resists cooptation by modern states as a nation-building project. But against Mouffe, this requires attending also to the Arendtian moment of the political.

6 Reconciliation as potential of political action

Sheldon Wolin draws attention to the Arendtian moment of the political which he takes to be 'an expression of the idea that a free society composed of diversities can nonetheless enjoy moments of commonality when, through public deliberations, collective power is used to promote or protect the well-being of the collectivity'.⁷⁸ Politics, by contrast, 'refers to the legitimised public contestation, primarily by organised and unequal social powers, over access to the resources available to the public authorities of the collectivity'.⁷⁹ As in Mouffe, the political refers to an extraordinary moment that conditions ordinary politics. ('Politics is continuous, ceaseless and endless. In contrast, the political is episodic, rare'.)⁸⁰ On both accounts, the concept of the political refers to a certain potentiality within politics according to which commonality emerges out of difference. In other words, the political refers to a dynamic inherent within political action by which a "we" (and hence the idea of a general interest) comes to be articulated. Yet, on each account this "we" is articulated in a fundamentally different way.

For Wolin, contrary to Mouffe, the political refers not to an intensification in term of the friend-enemy distinction, which resists reconciliation.⁸¹ Rather it refers to the possibility of solidarity emerging spontaneously among individuals engaged in collective (and often revolutionary) action. For Wolin, democracy is not a 'form' of government but a rather 'a project concerned with the political potentialities of ordinary citizens, that is, with their possibilities for becoming political beings through the self-discovery of common concerns and of modes of action for realizing them'.⁸² For Wolin, then, democracy is not a regime but 'a political moment, perhaps *the* political moment, when the political is remembered and recreated'.⁸³ Against Schmitt's realism, this Arendtian moment of the political is surely utopian.

Yet, it is precisely because it draws its energy from the aspiration towards a community that is 'not yet' that a politics of reconciliation is, by definition, a utopian politics. Insofar as it is *political*, reconciliation is concerned with the constitution of a plural "we" in terms of which former enemies might re-cognise past violence and ongoing conflict in the present. However, this "we" is kept in view for being a contingent political possibility.

Understanding reconciliation as a political potentiality in this way is important because, as Christodoulidis writes, it ‘imports an awareness that keeps community both attuned to the aspiration of being-in-common and aware of its vulnerability’ (cited above).

Reconciliation depends on the Arendtian moment of the political because it is a revolutionary moment in which ‘the people’ constitutes itself by taking back power from the state. For, insofar as it is a political undertaking, reconciliation is not about restoring a moral order but initiating a new political order. When conceived in these terms, reconciliation is not about settling accounts but remains as an unsettling experience since it seeks to enact a radical break with the social order that underpinned the violence of the past.

By construing democracy in terms of a mode of being, as an *experience* that can be lost and needs to be recaptured, radical democracy keeps before it an awareness that the “we”, that a reconciliatory politics necessarily presupposes, exists as a potentiality of political action in the present. As such, the invocation of this “we” creates a space for politics by delimiting a horizon against which citizens divided by state wrongs might contest the terms of their political association.⁸⁴ Yet such a reconciliatory politics is always also conditioned by the awareness of the Schmittian moment of the political and the intensifications that resist reconciliation.

Agonistic democracy provides a valuable framework in terms of which to conceptualise political reconciliation precisely because it distinguishes between polity/the political (the “we” that provides the background against which social conflict becomes meaningful) and ordinary politics (the conflicting values and interests that are the basis of public disagreement and conflict). When understood in these terms political reconciliation is predicated on an awareness of the fragility of polity: whereas anticipation of the utopian Arendtian moment of the political establishes a space for a reconciliatory politics that does not over-determine the terms in which it might be enacted, anticipation of the realist Schmittian moment draws attention to the risk of politics (the fact that conflict may turn out to be irreconcilable) and so keeps us attuned to what is politically at stake in the representation of conflict and,

hence, to the ongoing contestability of the identity of a demos, which is always not yet.

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¹ Emiliios Christodoulidis, 'Truth and Reconciliation' as Risks,' *Social and Legal Studies* 9, no. 2 (2000): 198.

² Previous versions of this paper were presented at workshops on *Democracy and Reconciliation* at Monash University in September 2004 and *Time, Law and Reconciliation* at the University of Cape Town in December 2004. Thanks to participants at these workshops for stimulating discussions and, especially, to Keith Breen and Hans Lindahl for their detailed comments.

³ Paul Muldoon, 'Reconciliation and Political Legitimacy: The Old Australia and the New South Africa,' *Australian Journal of Politics and History* 49, no. 2 (2003): 194-96.

⁴ Seyla Benhabib, 'Toward a Deliberative Model of Democratic Legitimacy,' in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996), Joshua Cohen, 'Deliberation and Democratic Legitimacy,' in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge, MA: MIT Press, 1997), Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Belknap Press of Harvard University Press, 1996).

⁵ William E Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox*, second edition ed. (Minneapolis: University of Minnesota Press, 2002), Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca & London: Cornell University Press, 1993), Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), Sheldon S Wolin, 'Fugitive Democracy,' in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996).

⁶ Christodoulidis, 'Truth and Reconciliation' as Risks., Aletta J Norval, 'Memory, Identity and the (Im)Possibility of Reconciliation: The Work of the Truth and Reconciliation Commission in South Africa,' *Constellations* 5, no. 2 (1998), Colin Perrin and Scott Veitch, 'The Promise of Reconciliation,' *Law, Text, Culture* 4, no. 1 (1998), Andrew Schaap, *Political Reconciliation* (London: Routledge, 2005).

⁷ Scott Veitch, 'Pro Patria Mori: Law, Reconciliation and the Nation,' in *Courting Death: The Law of Mortality*, ed. Desmond Manderson (London: Pluto Press, 1999).

⁸ Chantal Mouffe, 'Deliberative Democracy or Agonistic Pluralism,' *Social Research* 66, no. 3 (1999): 756.

⁹ Ibid.

¹⁰ Monique Deveaux, 'Agonism and Pluralism,' *Philosophy and Social Criticism* 25, no. 4 (1999): 5.

¹¹ Gutmann and Thompson, *Democracy and Disagreement*.

¹² Ibid. 52-53.

¹³ Amy Gutmann and Dennis Thompson, 'The Moral Foundations of Truth Commissions,' in *Truth V. Justice: The Morality of Truth Commissions*, ed. Robert I Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), 36.

¹⁴ John Rawls, *Political Liberalism*, second edition ed. (New York: Columbia University Press, 1996) 146f.

¹⁵ Gutmann and Thompson, *Democracy and Disagreement* 53-63.

¹⁶ Gutmann and Thompson, 'The Moral Foundations of Truth Commissions,' 35.

¹⁷ Ibid., 26-29.

¹⁸ Ibid., 29-33.

¹⁹ Ibid., 33-35.

²⁰ Gutmann and Thompson, *Democracy and Disagreement* 93.

²¹ Gutmann and Thompson, 'The Moral Foundations of Truth Commissions.'

²² Gutmann and Thompson, *Democracy and Disagreement* 85.

²³ Gutmann and Thompson, 'The Moral Foundations of Truth Commissions,' 37-38.

²⁴ Mouffe, *The Democratic Paradox* 32.

²⁵ Ibid. 24-26.

²⁶ Mouffe, 'Deliberative Democracy or Agonistic Pluralism,' 749.

²⁷ At least, this is what I take Mouffe to mean when she says that the obstacles to the realisation of an ideal speech situation are not simply empirical or epistemological but ontological. Ibid.: 751.

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- ²⁸ The identities of coloniser and colonised, for instance, only make sense in relation to each other, a point that is emphasised by Mouffe in her work with Ernesto Laclau. Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy*, Second Edition ed. (London: Verso, 2001) 104. However, as Fred Dallmayr remarks, Mouffe's reliance on Schmitt in her later work leads her astray at times because Schmitt was 'on the whole ignorant of Hegelian dialectics, and especially the notion of dialectical mediation – according to which opposing elements are opposed precisely in virtue of their relationship' Fred Dallmayr, 'Book Review: The Return of the Political by Chantal Mouffe,' *Constellations* 3, no. 1 (1996): 120.
- ²⁹ Mouffe, 'Deliberative Democracy or Agonistic Pluralism,' 750.
- ³⁰ William E Connolly, *The Terms of Political Discourse*, third edition ed. (Oxford: Blackwell, 1993) 6.
- ³¹ Brandon Hamber and Hugo van der Merwe, 'What Is This Thing Called Reconciliation?' (paper presented at the After the Truth and Reconciliation Commission, Goedgedacht Farm, Cape Town, 28 March 1998).
- ³² Laclau and Mouffe, *Hegemony and Socialist Strategy* xviii.
- ³³ Mouffe, 'Deliberative Democracy or Agonistic Pluralism,' 755.
- ³⁴ Gillian Rose, *Mourning Becomes the Law: Philosophy and Representation* (Cambridge: Cambridge University Press, 1996) 4.
- ³⁵ Emiliós Christodoulidis, 'The Objection That Cannot Be Heard: Communication and Legitimacy in the Courtroom,' in *The Trial on Trial: Truth and Due Process*, ed. Anthony Duff et al (Oxford & Portland: Hart Publishing, 2004).
- ³⁶ Sheldon Wolin, 'The Liberal Democratic Divide: On Rawls' *Political Liberalism*,' *Political Theory* 24, no. 1 (1996): 102.
- ³⁷ Stanley Fish, 'Mutual Respect as a Device of Exclusion,' in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo (New York & Oxford: Oxford University Press, 1999). Moreover, as Iris Young discusses, the requirement that claims be *expressed reasonably* may exclude certain modes of political speech such as greeting, rhetoric and story telling. Iris Marion Young, 'Communication and the Other: Beyond Deliberative Democracy,' in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996).
- ³⁸ Wolin, 'The Liberal Democratic Divide: On Rawls' *Political Liberalism*,' 102.
- ³⁹ Fish, 'Mutual Respect as a Device of Exclusion,' 96.
- ⁴⁰ Mouffe, *The Democratic Paradox* 34-35.
- ⁴¹ Ibid. 49.
- ⁴² Fish, 'Mutual Respect as a Device of Exclusion.'
- ⁴³ Gutmann and Thompson, *Democracy and Disagreement* 55.
- ⁴⁴ Amy Gutmann and Dennis Thompson, 'Democratic Disagreement,' in *Deliberative Politics: Essays on Democracy and Disagreement*, ed. Stephen Macedo (New York & Oxford: Oxford University Press, 1999), 257-59.
- ⁴⁵ See also Benhabib, 'Toward a Deliberative Model of Democratic Legitimacy,' 71f.
- ⁴⁶ Gutmann and Thompson, 'The Moral Foundations of Truth Commissions,' 37.
- ⁴⁷ Christodoulidis, 'Truth and Reconciliation' as Risks,' 194-95.
- ⁴⁸ Scott Veitch, 'The Legal Politics of Amnesty,' in *Lette's Law: Justice, Law and Ethics in Reconciliation*, ed. Emiliós Christodoulidis and Scott Veitch (Oxford & Portland: Hart Publishing, 2001), 41f.
- ⁴⁹ Gutmann and Thompson, 'The Moral Foundations of Truth Commissions,' 39.
- ⁵⁰ John Dryzek, 'Deliberative Democracy in Divided Soceities: Alternatives to Agonism and Analgesia,' *Political Theory* 33, no. 2 (2005): 219.
- ⁵¹ Michael Humphrey, 'From Terror to Trauma: Commissioning Truth for National Reconciliation,' *Social Identities* 6, no. 1 (2000): 7.
- ⁵² Dryzek, 'Deliberative Democracy in Divided Soceities: Alternatives to Agonism and Analgesia,' 219.
- ⁵³ For instance, 'a harrowing story of (say) rape and murder in a Bosnian village can be told in terms of the guilt of one ethnic group and violated innocence of another – in which case it is fuel for revenge. But the story can also be told in terms of the violation of basic principles of humanity which apply to all ethnicities, making reconciliation at least conceivable (though of course not easy).' Ibid.: 224.
- ⁵⁴ Humphrey, 'From Terror to Trauma: Commissioning Truth for National Reconciliation,' 24.
- ⁵⁵ Gutmann and Thompson, 'The Moral Foundations of Truth Commissions,' 38.
- ⁵⁶ Young, 'Communication and the Other: Beyond Deliberative Democracy,' 126.

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- ⁵⁷ Roermund's point here is along the lines of Kant's critique of Hobbes' account of the social contract. As Habermas puts it 'the parties who agree on the terms of the contract they are about to conclude must...be capable of assuming the social perspective of the first-person plural, a perspective always already tacitly assumed by Hobbes and his readers but withheld from subjects in the state of nature.' Jurgen Habermas, *Between Fact and Norms*, trans. William Rehg (Cambridge: Polity Press, 1996) 92. I provide an account of how reconciliation is initiated by the *invocation* of a 'we' in 'The time of reconciliation and the space of politics', forthcoming in Scott Veitch & Emiliios Christodoulidis (eds.) *Law, Time and the Politics of Reconciliation*. (Ashgate: London).
- ⁵⁸ Bert van Roermund, 'Rubbing Off and Rubbing On: The Grammar of Reconciliation,' in *Lethe's Law: Justice, Law and Ethics in Reconciliation*, ed. Emiliios Christodoulidis and Scott Veitch (Oxford: Hart Publishing, 2000), 188.
- ⁵⁹ Ibid., 187.
- ⁶⁰ Christodoulidis, 'Truth and Reconciliation' as Risks,' 190-96.
- ⁶¹ Ibid.: 195.
- ⁶² Humphrey, 'From Terror to Trauma: Commissioning Truth for National Reconciliation,' 17-18.
- ⁶³ Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* 178, Mouffe, *The Democratic Paradox* 103.
- ⁶⁴ Mouffe, *The Democratic Paradox* 101, Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 1996) 79.
- ⁶⁵ Schmitt, *The Concept of the Political* 38.
- ⁶⁶ Mouffe, *The Democratic Paradox* 101.
- ⁶⁷ Ibid. 102.
- ⁶⁸ Ibid.
- ⁶⁹ Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* xxx.
- ⁷⁰ James Tully, 'The Agonic Freedom of Citizens,' *Economy and Society* 28, no. 2 (1999): 174.
- ⁷¹ Deveaux, 'Agonism and Pluralism,' 5, Dryzek, 'Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia,' 220-21, Ilan Kapoor, 'Deliberative Democracy or Agonistic Pluralism? The Relevance of the Habermas-Mouffe Debate for Third World Politics,' *Alternatives* 27 (2002): 473.
- ⁷² Deveaux, 'Agonism and Pluralism,' 15, Dryzek, 'Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia,' 221.
- ⁷³ Dryzek, 'Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia,' 222.
- ⁷⁴ Ibid.: 233-35.
- ⁷⁵ Ibid.: 221.
- ⁷⁶ Sheldon S Wolin, 'Norm and Form: The Constitutionalizing of Democracy,' in *Athenian Democracy and the Reconstruction of American Democracy*, ed. J Peter Euben, John R Wallach, and Josiah Ober (Ithaca: Cornell University Press, 1994).
- ⁷⁷ However, it does seem to me that a fundamental difference between deliberative democrats and agonistic democrats is that, to be consistent, the latter are compelled to endorse some form of decisionism in accounting for the role of institutions in political life. On this issue, the recent work of Andreas Kalyvas and Hans Lindahl is persuasive. Andreas Kalyvas, 'From the Act to the Decision: Hannah Arendt and the Question of Decisionism,' *Political Theory* 32, no. 3 (2004), Hans Lindahl, 'Give and Take: Arendt and the *Nomos* of Political Community,' *Philosophy and Social Criticism* (forthcoming).
- ⁷⁸ Wolin, 'Fugitive Democracy,' 31.
- ⁷⁹ Ibid.
- ⁸⁰ Ibid.
- ⁸¹ Johan van der Walt, 'The Time of Reconciliation' (paper presented at the Third Workshop on Time, Law and Reconciliation, University of Glasgow, 17-18 May 2004).
- ⁸² Wolin, 'Fugitive Democracy.'
- ⁸³ Wolin, 'Norm and Form: The Constitutionalizing of Democracy,' 55.
- ⁸⁴ This argument is more developed more fully in Schaap, *Political Reconciliation*.

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